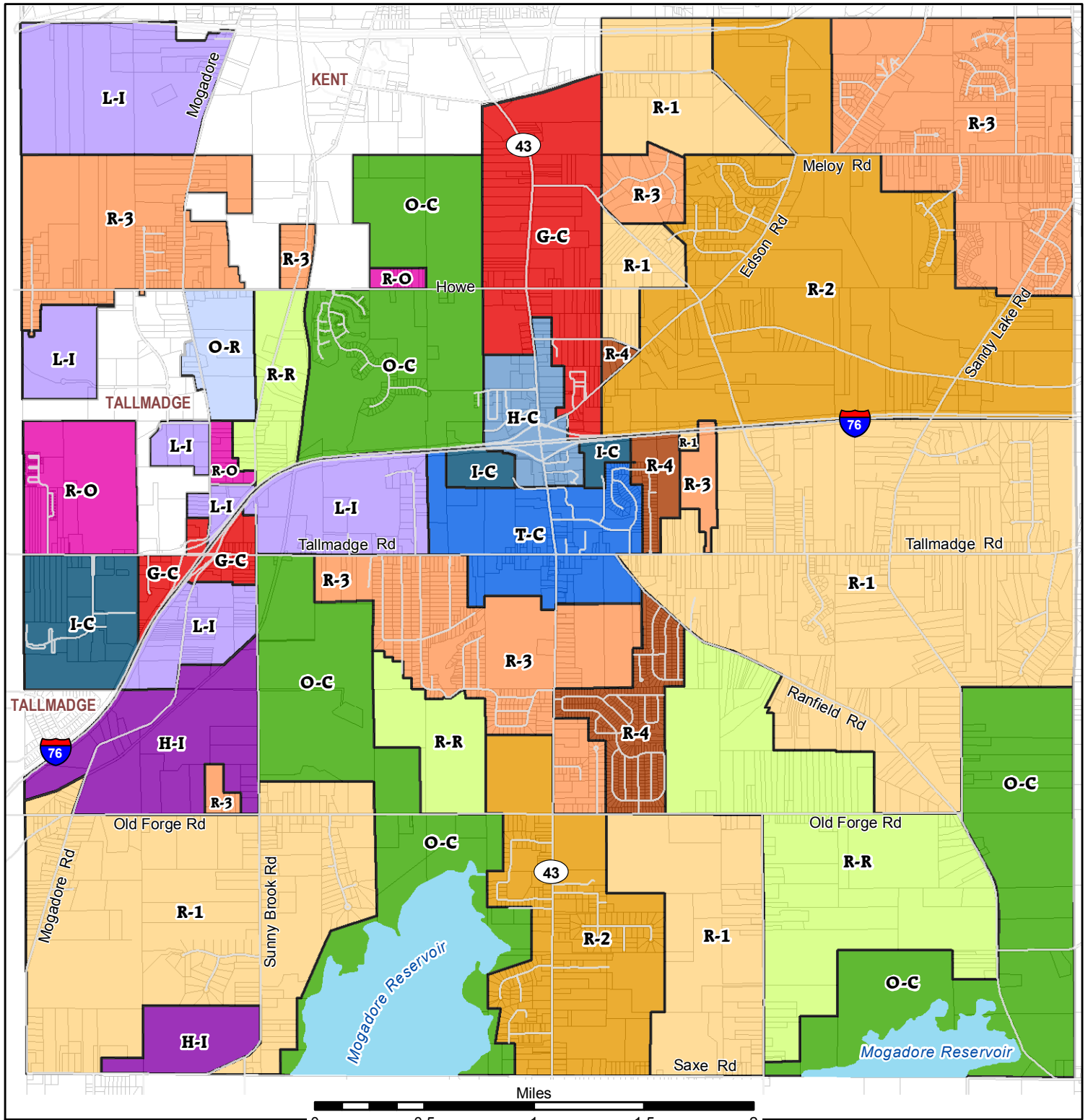


Brimfield Township Zoning Districts - 2016



Residential

- O-C** Open Space Conservation
- R-R** Rural
- R-1** Low Density
- R-2** Medium Density
- R-3** Medium-High Density
- R-4** High Density

Commercial

- G-C** General
- R-O** Residential/Office
- O-R** Office/Research
- H-C** Highway Commercial
- T-C** Town Center
- I-C** Integrated Commercial

Industrial

- L-I** Light
- H-I** Heavy

Map amendment resolutions: #2014-184, #2014-135, #2012-254; #2012-95, #2011-358; #2011-217; #2010-177, #2008-060 through #2008-065; #2006-263; #2006-230; #2016-081.
 Parcels, roads: Portage County GIS, Jan. 2016.



CHAPTER ONE
TITLE, AUTHORIZATION, PURPOSE

Section 100.00 Title

This resolution shall be known, cited and referred to as "The Zoning Resolution of Brimfield Township, Ohio", the "Brimfield Township Zoning Resolution", or the "Zoning Resolution."

Section 101.00 Purpose

The purposes of this Zoning Resolution are:

- A. To promote and protect the public health, safety, and welfare of the Township by regulating the use of buildings, other structures and land for residential, commercial, industrial, public, or other uses;
- B. To regulate the bulk, height, design and location of structures;
- C. To regulate population density;
- D. To divide the land within the Township into districts, according to the use of land and buildings and the intensity of such use, as may be deemed best suited to carry out the purposes of the Township Land Use Plan and this Zoning Resolution; and
- E. To provide procedures for the administration and enforcement of this Zoning Resolution.
- F. To preserve the rural and agricultural aspects of Brimfield Township.

Section 102.00 General Objectives

This Zoning Resolution is intended to achieve the following objectives:

- A. To protect and enhance the character and value of the agricultural, residential, commercial, industrial, institutional and public uses, and insure their orderly and beneficial development in accordance with Township land use policy;
- B. To protect and preserve the historical and cultural resources of the Township;
- C. To provide adequate open spaces for light, air and outdoor uses;
- D. To prevent the overcrowding of the land;
- E. To prevent uncoordinated development;
- F. To minimize congestion in the public streets and to ensure efficient and safe traffic circulation;

- G. To provide for orderly growth and development and to guide the future development of the Township in accordance with the Township Land Use Plan;
- H. To encourage land use patterns that ensure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as development of recreation and other public facilities;
- I. To encourage land use patterns that conserve the natural resources of the Township;
- J. To help safeguard the public against flood damage and to prevent damage to environmentally sensitive areas;
- K. To protect ground water quality;
- L. To guide the future development of the Township so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the development plan of the Township; and,
- M. To accomplish the goals and purposes set forth in each Chapter consistent with the purpose of this Resolution.

Section 103.00 Authorization

This Resolution is authorized by the Constitution and Revised Code of the State of Ohio, Chapter 519.

Section 104.00 Interpretation

The provisions of this Zoning Resolution shall be construed to achieve the purposes and objectives for which they are adopted. In interpreting and applying the provisions of this Zoning Resolution, these provisions shall be held to be the minimum requirements necessary for the promotion of public health, safety and morals. If for any reason any of these requirements are found to be incompatible or inconsistent with another requirement of this Resolution, the provision with the more restrictive requirement shall be deemed applicable.

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of the Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Resolution.

Section 105.00 Compliance

After the effective date of this Zoning Resolution, no buildings, structures, uses of land, or lots of record shall be established, altered, moved, divided or maintained except in accordance with the provisions of this Zoning Resolution. Existing buildings, structures and uses of land that do not comply with the regulations of this Zoning Resolution are illegal or nonconforming pursuant to Chapter 5, Section 520.00 Nonconforming Uses and Structures.

Section 106.00 Repeal of Existing Resolution

The Zoning Resolution for Brimfield Township adopted and made effective on November 30, 1960, and as subsequently amended, together with the Zoning Districts Map that is part of that Zoning Resolution is hereby repealed and amended to read as set forth in this Zoning Resolution.

Section 107.00 Separability

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

Section 108.00 Repealer

All existing Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of the Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 109.00 Effective Date

The effective date of this Zoning Resolution is June 24, 2004 (#2014-2011).

CHAPTER TWO ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

Section 200.00 Administrative Procedures and Enforcement

Section 200.01 Purpose

This chapter sets forth the procedures to be followed in obtaining certificates and other legal administrative approvals under this Resolution.

Section 200.02 Zoning Certificates Required

No land may be “changed in use” without a zoning certificate issued by the Zoning Inspector. No building or other structure shall be erected, moved, added to, demolished, altered, or established without a zoning certificate, issued by the Zoning Inspector. The Township has two types of zoning certificates and application and review procedures for each.

- A. A Zoning Certificate is required if the proposal is for a permitted use/structure. The Zoning Inspector shall proceed to conduct the application and plan review as further described in Section 201.00.
- B. A Conditional Zoning Certificate is required if the proposal is for a conditionally permitted use/structure. The Board of Zoning Appeals shall conduct the application and plan review as detailed in Section 202.00.

Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding approval for an appeal, variance, or conditional use.

Section 200.03 Submission of Application

All applications for a Zoning Certificate or a Conditional Zoning Certificate shall be submitted to the Zoning Inspector. The Zoning Inspector will only accept and act upon an application that is complete and includes the proper application fee as established by the Township Trustees.

Section 200.04 Procedures for Filing an Application

Any application for a Zoning Certificate for any use of land or structure, construction, or alteration that is permitted under this Resolution shall be submitted in accordance with the appropriate procedures as described in this Chapter.

Section 200.05 Change in Use Determination

For the purpose of interpreting the term “change in use” for determination of whether a zoning certificate is required as specified in 200.02, it shall be identified in the following manner:

A. Residential Uses:

The residential use categories are as follows: Single-family, two-family, three-family, multi-family, rooming/boarding house. A change in use status will exist when a residential structure(s) is converted from one use category to another. Such conversion shall be made in conformance with all applicable sections of this Resolution.

B. Commercial, Industrial and other Non-residential Uses:

A “change in use” status will exist when:

1. The previous use of a structure, building, land or portion thereof has ceased and the new or converted use is not the same as that previous use; or
2. The existing use of a structure, building, land or portion thereof is proposed to be converted to a different use.
3. Such conversions shall be made in conformance with all applicable sections of this Resolution.

Section 200.06 Submission to the Director of Transportation

This section applies to all types of zoning certificates and zoning amendments.

As required by Ohio Revised Code, Section 5511.01, before any zoning change or subdivision plat request can be approved and before any type of Zoning Certificate can be issued for a land use or the erection, alteration, or moving of a building can be granted that affects any land within three-hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed, as described in the certification by the Director of the Ohio Department of Transportation (O.D.O.T.), or within a radius of five-hundred (500) feet from the point of intersection of that center line with any public road or highway, the Zoning Inspector shall give written notice to the Director of O.D.O.T. by certified mail.

The Township Zoning Inspector, Zoning Commission, or the Board of Zoning Appeals, shall not proceed to review such request for one hundred twenty days from the date notice is received by the Director or during any extension of time that may be agreed to between the Director and the property owner.

If the Director notifies the Township that he shall proceed to acquire the land, then the responsible zoning authority shall refuse to review the zoning request. However, if the Director notifies the Township that the acquisition is not in the public interest or upon the expiration of the one-hundred-twenty (120) day period or any extension of time agreed upon by the Director, then the local zoning authority shall proceed with the zoning request in accordance with the provisions of this Resolution.

Section 200.07 Inspections of Improvements

The Zoning Inspector shall inspect the layout of all buildings in the field, to determine compliance with the resolution. This shall be done before any excavation of the foundation is completed. A follow-up inspection may be made to ensure proper location of the foundation.

The applicant shall notify the Zoning Inspector when the construction of the foundation is going to be started.

Section 200.08 Certificate of Zoning Compliance

An application for a certificate of Zoning Compliance shall be made upon readiness for use.

The applicant shall notify the Zoning Inspector when the business/building is ready for use. The Zoning Inspector shall conduct a review and determine compliance with the Zoning Resolution. The Zoning Inspector shall sign the Certificate of Zoning Compliance or issue notice of refusal to sign within fourteen (14) days of notification. The Zoning Inspector shall also state in writing the item(s) of noncompliance with the Zoning Resolution. If no action is taken within the fourteen (14) day time period, the applicant can use said premises. A record shall be kept in the office of the Township Clerk.

Section 200.09 Expiration of the Zoning Certificate

- A. If work described in any type of Zoning Certificate, including change of use, has not begun within one year from the date of issuance, the Zoning Certificate shall expire. Expiration dates shall be noted on Zoning Certificates. For projects requiring construction, construction shall be considered begun when excavation and piers or footers of the structure included in the application have been completed.
- B. If the work described in any type of Zoning Certificate has not been substantially completed within two (2) years of the date of issuance, the Zoning Certificate shall expire. Substantially completed requires that at a minimum the following items are completed: finished roof, windows installed, the siding or other exterior finish materials of the principal and accessory buildings/structures and final grade of site.
- C. The reviewing zoning authority (i.e. Zoning Inspector or Board of Zoning Appeals) and the applicant may agree to an extension of time based on reasonable circumstances that precluded the applicant from beginning or substantially completing construction. The circumstances and facts must be submitted to the reviewing zoning authority in writing, along with a schedule for completion of work. Unless otherwise specified in this Resolution, the reviewing zoning authority may grant an extension of time for up to six (6) months before the applicant would need to submit a new application for review. If an extension is granted, the reviewing zoning authority shall notify the affected person(s) in writing of such extension and the time frame for completion of work.
- D. Unfinished construction projects that do not comply with this section and for which no progress is being made, shall be considered to be abandoned and may be declared a nuisance.

Section 200.10 Schedule of Fees, Charges and Expenses

The Township Trustees shall, by Resolution, establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, amendments, appeals, variances, Conditional Zoning Certificates, and other matters pertaining to the administration and enforcement of the Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Clerk of the Trustees and of the Zoning Inspector, and may be altered or amended only by the Township Trustees by Resolution. Until all applicable fees, charges and expenses have been paid in full no action shall be taken on any application or appeal.

Section 200.11 Special Costs

When the Zoning Commission or Board of Zoning Appeals finds it necessary to cause special studies to be made, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.

Section 201.00 Zoning Certificates for Permitted Uses

Section 201.01 Purpose

The purpose of this section is to establish the procedures for plan review, as well as provide general site planning guidelines in order to assure that all the elements required in this Resolution are present in the plan and that the design, location and relationship to one another with the site and with the adjacent properties are appropriate to achieve the intent and goals of this Resolution. These planning guidelines (see Appendix B) are intended to benefit and assist both the developer and the community in the orderly development of Brimfield Township. This review process is not intended to dictate specific tastes and architectural styles, but is intended to make sure that significant design elements are considered within the development.

Section 201.02 Permitted Uses Require a Review by the Zoning Inspector

The Zoning Inspector shall review all submitted applications of permitted uses to determine compliance with the requirements of this Resolution. The review is intended to benefit both the applicant and the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials,
- B. The design, location and relationship of the proposed land use and/or building and structure will not cause any negative impacts to one another, the site, the surrounding properties, and the community.

Section 201.03 Application Requirements

The application shall include the following information:

- A. Applications for zoning certificates shall be submitted on Township Zoning Certificate Application Forms.
- B. The application shall include the following items at a minimum.
 - 1. Name, address and phone number of the applicant and owner.
 - 2. The application shall be signed by the owner.
 - 3. The proposed number of bedrooms, dwelling units, occupants, employees, and/or other uses.
 - 4. Copies of any approvals granted for uses and structures involved which required prior review and approval by the Board of Zoning Appeals.
 - 5. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution, such as:

- a. Sewage disposal permit issued by either the County Health Department, County Water Resources Department or EPA for improvements that require or may increase the volume of sewage disposal.
 - b. Driveway /road culvert permit from the agency or department, such as ODOT, County Engineer, or Township, with the authority to allow access onto the roadway for any proposed driveway.
 - c. Wetlands Disturbance Permit from the agency or department, such as the Army Corps of Engineers or the State of Ohio with the authority to allow the disturbance of any wetland area.
 - d. Proof of compliance with the County's Flood Damage Prevention Regulations if site improvements are to be located within a Flood Hazard Area.
 - e. Water well permit from the County Health Department for wells, or a permit from the County Water Resources indicating a connection with the central water system.
- C. Nine (9) copies of the site plan drawing, drawn to a scale of no less than one hundred (100) feet to the inch and shall be on one or more sheets of 24 x 36 inches or less in size showing the following items:
1. Professional engineer or architect seal on the plans.
 2. General vicinity map
 3. Gross acreage of tract
 4. Property boundary lines and adjacent streets
 5. Zoning classification of the site and intended use.
 6. Contour map showing two (2) foot contour intervals, both existing and proposed shall be required for the following types of developments:
 - a. New construction or relocation of buildings for all development types, except for single-family and two-family dwellings and accompanying accessory buildings and structures.
 - b. Development proposals involving the creation of more than one lot or more than one principal building on one lot (e.g. platted subdivision, condominium developments, multi-family complexes, commercial centers and industrial parks).
 7. Location of existing structures on the site, those proposed to remain and those proposed to be constructed, including dimensions, height, and bulk of the structures.
 8. Traffic (vehicle and pedestrian) and circulation plan of the site and adjacent streets.

9. Delineate traffic flow with directional arrows and indicate the location of directional signs. Clearly show ingress and egress to the site.
10. The location of yards, open space, and parking spaces with the number of parking and loading spaces and dimensions as required by Chapter 6. All handicapped spaces shall be clearly identified.
11. Landscaping plan, in accordance with the requirements of Chapter 8.
12. Location for any signage (proposed and existing to remain) including type of sign, dimensions of sign, size of letters and graphics, description of sign frame materials and colors including supports, in accordance with the requirements of Chapter 7.
13. Location for any lighting (proposed and existing to remain).
14. Locations of any historic buildings and structures. Utilities plan and location of existing utilities and easements.
15. Existing wetlands, ponds, streams, springs, lakes, and the location and direction of all watercourses, existing drainage channels and structures.
16. Location of all areas subject to flooding or storm water overflow.

Section 201.04 Review Procedures for Permitted Uses

- A. The Zoning Inspector may consult with the Zoning Commission, and may consult with any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- B. Within thirty (30) days after the receipt of a completed application, the Zoning Inspector shall issue a Zoning Certificate if such application is in compliance with this Zoning Resolution. If the application does not comply with the requirements of this Resolution, the Zoning Inspector shall give notice of denial, stating the reasons in writing for such denial and cite the sections of this Resolution that the application would violate.
- C. The Zoning Inspector shall return a copy of the submitted plans to the applicant after the Zoning Inspector has marked a copy as “approved” or “disapproved” and the Zoning Inspector shall sign and date a copy. The Zoning Inspector shall retain a copy of the plans similarly marked for the official Township record.
- D. Upon approval, the Zoning Inspector shall issue a copy of the zoning certificate to be posted in a conspicuous place on the subject property, attesting to the fact the activity is in conformance with the provisions of this Resolution.

Section 202.00 Conditional Zoning Certificates

Section 202.01 Purpose

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Towards these ends, it is recognized that this Resolution should provide for a more detailed evaluation of each conditionally permitted use in a specific district with respect to such considerations as location, design, size, methods of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, the issuance of a Conditional Zoning Certificate shall conform to the procedures and requirements of Section 202.02 and subsequent sections of this Resolution.

Section 202.02 Procedures for Filing an Application

Any application for a Conditional Zoning Certificate for any use of land or structure, construction, or alteration conditionally permitted under this Resolution shall be submitted in accordance with the following procedures:

Section 202.03 Application Requirements

A. Applications for Conditional Zoning Certificates shall be submitted to the Zoning Inspector on Township Zoning Certificates Application Forms and shall include the proper application fee.

When the Zoning Inspector has determined that all required items have been submitted with the application, the application, including all required items, shall be transmitted to the chairman of the Board of Zoning Appeals.

B. The application shall include the following items at a minimum.

1. A statement supported by substantiating evidence regarding the requirements listed in Chapter 4 Section 400.10.A and B.
2. Name and address of the owner(s) of record.
3. A list of property owners adjoining and within five-hundred (500) feet of the property lines of the subject property, as they appear on the county auditor's current tax list or treasurers mailing list.
4. Name and address of person and/or firm that prepared the plan(s) for the application.
5. Proposed density of units (for residential development).
6. A schedule for development of the site and buildings. Where the development is proposed in

phases, all phases must be completed within five (5) years of issuance of the conditional zoning certificate. In addition, the proposed improvements of each phase must be completed before work may begin on another phase. Any development not completed within five (5) years shall be subject to resubmission to the conditional permit review process.

7. Any proposed deed restrictions, protective covenants, and other legal instruments or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
8. One (1) copy of current tax map(s) for the subject development property and surrounding area.
9. Project cost estimate.
10. Zoning District of the subject property.
11. Description of existing and proposed use(s).
12. Any other information required by the Board of Zoning Appeals to determine full compliance with the zoning regulations in this Resolution.

C. Plans Required With the Application:

1. Nine (9) copies of architectural plans for the development, showing exterior elevations and building floor plans and proposed exterior materials.
2. Nine (9) copies of the site plan which shall be drawn at a scale of not less than 1" = 100 feet for the development showing the following items:
 - a. General vicinity map at a scale of 1" = 1,000 feet or 1" = 2000 feet and shall show proposed development in relation to existing streets, subdivisions, landmarks and community facilities.
 - b. Property boundary lines.
 - c. Elevation contours at two (2) foot intervals.
 - d. Traffic and circulation plans.
 - e. Adjacent streets and roads, and the widths of the right-of-ways.
 - f. Parking and loading plan including dimensions, locations and numbers of all parking and loading spaces.
 - g. Landscaping plan, including parking lot landscaping.
 - h. Grading and erosion /sediment control, surface drainage/storm water management.

- i. Proposed signage locations, height, dimensions and materials, including signs proposed to be painted on structures.
 - j. All existing structures and uses.
 - k. Utilities plan and location of existing utilities and easements.
 - l. Existing wetlands, ponds, streams, springs, lakes, and the location and direction of all watercourses, existing drainage channels and structures.
 - m. Location of all areas subject to flooding or storm water overflow.
 - n. Wooded areas, areas in agriculture, and any other special natural features other than in item 1.
 - o. Location of any fences, screens, walls or other landscaping features and the design and materials to be used.
 - p. Open spaces proposed, clearly delineated.
 - q. Location, type, and screening details for all waste disposal containers shall be shown.
 - r. Location of all existing and proposed public and private sidewalks, driveways, and paths.
6. A plan showing how storm water and erosion will be managed and controlled on site. The applicant shall utilize “Best Management Practices” in the design and management of storm water and erosion/sediment control systems.
7. All plans required in Item C of this Section shall be prepared by a professional engineer, architect, or surveyor, as applicable and shall have their respective seal on the plans.

D. Special Studies

The Board of Zoning Appeals, may require the applicant to consult with an independent professional, of the applicant’s choice, who is qualified to conduct studies and prepare written reports, if the Board of Zoning Appeals deems the proposed use, may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant and said report shall be furnished to the Board of Zoning Appeals as soon as it is ready.

Section 202.04 Review Procedures for Conditional Zoning Certificate

The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications, in terms of standards established in this Resolution. In addition, the Board of Zoning Appeals shall submit each proposed development to any agency, department, office, public body, commission, consultant or any other entity or person that the Board of Zoning Appeals would

benefit from their expertise in conducting their plan review of the proposed development, such as, but not limited to, the County Engineer, Regional Planning Commission, Soil and Water Conservation District, Health Department, County Water Resources, and/or the Zoning Commission, etc. The comments and recommendations shall be returned in writing to the Board of Zoning Appeals within forty-five (45) days after the receipt by the Board of Zoning Appeals of the completed site plan. Review by the Board of Zoning Appeals shall be completed within sixty (60) days after the date of receipt of the completed site plan. Actions on applications shall be made at the public hearing as required in Section 202.04 subsection B.

A. General Plan Review Standards

In addition to any specific standards for the conditional use noted in Section Chapter 4, Section 400.10, the following general standards shall be incorporated into the design of any conditionally permitted use and its site.

1. Development features shall be located and related so as to minimize the possibility of adverse impacts upon surrounding property and development.
2. The Plan shall show that a proper relationship will exist between thoroughfares, driveways, and parking areas to ensure pedestrian and vehicular safety.
3. The architectural design of buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, materials, and overall character.
4. Building location and placement should be developed with consideration given to minimize removal of trees, existing vegetation, and change of topography. The development shall be integrated into the existing landscape through use of design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
5. On site circulation shall be designed to make possible adequate police and fire protection.
6. The plan shall provide for adequate screening of parking and service areas from surrounding properties by landscaping.
7. The applicant shall utilize Best Management Practices in the design and management of storm water and erosion/sediment control systems. The general standards and policies for the design of sites to manage storm water, erosion and sediment as specified in Chapter 5 shall be followed.

B. Hearing

After adequate review and study of any application, The Zoning Board of Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.

Section 202.05 Issuance of Conditional Zoning Certificates

Only upon conclusion of hearing procedures relative to a particular application may the Zoning Board of Appeals issue a Conditional Zoning Certificate. Action shall be taken on an application within sixty (60) days of the date of submittal of a complete application unless an extension of time is agreed to in writing by the applicant and the Board of Zoning Appeals.

Section 202.06 Reapplication

No application for a Conditional Zoning Certificate which had been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Zoning Board of Appeals.

Section 203.00 Procedures and Requirements for Appeals

Section 203.01 Purpose

The purpose of this Section is to provide the procedures for any aggrieved party or any official of the Township to appeal the decision of the Zoning Inspector or an administrative official. The notice of appeal shall specify the grounds on which the appeal is being taken, including any applicable sections of the Zoning Resolution.

Section 203.02 Procedures for Filing an Appeal Application

An application for an Appeal shall be filed within twenty (20) days of a decision by the Zoning Inspector or administrative official. The application shall be submitted to the Zoning Inspector. Upon receipt of the application, the Zoning Inspector shall transmit it to the Board of Zoning Appeals along with all documents constituting the full record upon which the action appealed from is taken.

Section 203.03 Appeal Application Requirements

The appeal application shall contain, at a minimum, the following information:

- A. Name, address and phone number of applicant(s).
- B. Description or nature of the appeal, including Section number(s) of the Resolution appeal is being requested for.
- C. Narrative statements, maps and/or drawings establishing and substantiating the rationale for the appeal.
- D. Legal description of the property accompanied by a copy of the most current Portage County Tax Map showing the subject property, if applicable.
- E. A fee as established by Resolution of the Township Trustees.

Section 203.04 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall schedule a public hearing to be held within forty-five (45) days after receipt of a completed application as per Sections 203.02 and 203.03.

Section 203.05 Notice of Public Hearing in Newspaper

Before conducting the hearing required in Section 203.04 written notice of such hearing shall be given in one or more newspapers of general circulation in the County 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 appeal.

The Board, at its discretion, may send out further notices to publicize such hearing.

Section 203.06 Notice to Parties in Interest

Before conducting the public hearing required in Section 203.04, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals by first class mail to the parties of interest, at least ten (10) days before the date of the hearing. The notices shall contain the same information as required of notices published in newspapers as specified in Section 203.05. The parties in interest shall include at a minimum, the applicant, the party who's decision is being appealed, and any others who have indicated they wish to be notified of such applications.

Section 203.07 Action by Board of Zoning Appeals

The Board of Zoning Appeals shall take action within a reasonable time, but generally not more than thirty (30) days from the date of the initial public hearing. The Board of Zoning Appeals may continue any hearing. If the time and place of a continued hearing is publicly announced at the public hearing then no further notice of the hearing shall be required.

The decision of the Board of Zoning Appeals shall be announced at the public hearing. A certified copy of the Board of Zoning Appeals' decision, shall be transmitted to the appellant and to the Zoning Inspector. Such decision shall be binding on the Zoning Inspector.

Section 203.08 Appealing Decisions of the Board of Zoning Appeals

Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court of Portage County pursuant to Ohio Revised Code, Chapter 2506. Such appeal shall not stay any enforcement action or proceeding on such decision appealed from, unless and until otherwise ordered by the Common Pleas Court.

Section 204.00 Procedures and Requirements for Variances

Section 204.01 Purpose

The purpose of this Section is to provide the Board of Zoning Appeals with the procedures to authorize in specific cases, variances from the terms of this Resolution. The variances are not be contrary to the public interest, but, owing to special conditions, may be granted when a literal enforcement of this Resolution would result in unnecessary hardship or practical difficulties for the applicant.

Section 204.02 Procedures for Filing a Variance Application

Anyone seeking a minor departure or exception from the strict rule or literal enforcement of these zoning requirements may file an application for a variance request on forms provided by the Township. The application forms and all required supplemental information listed in Section 204.03 shall be filed with the Zoning Inspector. Upon receipt of a complete application, the Zoning Inspector shall transmit it to the Board of Zoning Appeals.

Section 204.03 Variance Application Requirements

The variance application shall contain at least the following information:

- A. Name, address and phone number of applicant(s).
- B. Legal description of the property accompanied by a copy of the most current Portage County Tax Map showing the subject property.
- C. Description or nature of the variance requested.
- D. A fee as established by Resolution of the Township Trustees.
- E. A list of property owners as shown on the most recent tax duplicate whose property is contiguous to or directly across the street from the subject property and the mailing addresses of those property owners.
- F. Narrative statements establishing and substantiating the variance conforms to the standards established in Section 204.05. Before it may grant any variance, the Board of Zoning Appeals shall find by a preponderance of reliable, probative evidence submitted at the hearing(s), and only from such evidence, that the applicable standards set forth in this section are or will be satisfied by the proposed development or use.
- G. Nine (9) copies of any drawings that illustrate the description or nature of the requested variance, drawn at an approximate scale of not less than 1" = 100 feet.

Section 204.04 Review Standards to Govern Decisions of Board of Zoning Appeals

- A. Use Variance

On application for a use variance, the Board of Zoning Appeals shall review the evidence submitted at the hearing in light of the following standards and shall find that:

1. The variance is necessary due to special conditions.
2. A literal enforcement of this Resolution will result in an actual unnecessary hardship to the applicant in the reasonable use of their property.
3. If the use variance is granted, the spirit and intent of this Resolution will be observed and substantial justice done;
4. A granting of the variance will not have an adverse impact on the immediate neighborhood, community land use, or be contrary to the Township's Land Use Plan.
5. That the hardship is not self created.
6. That the property owner did not purchase the property with the knowledge of the zoning restrictions on the use of the property.
7. No use variance shall be granted where the proposed development or use would be contrary to a use prohibited under Chapter 5, Section 505.00 Dangerous/Objectionable/ Prohibited Uses.

B. Area Variance

On application for an area variance, the Board of Zoning Appeals shall review the evidence submitted at the hearing in light of the following standards:

1. Whether the property will yield a reasonable return or whether there can be a 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 adjoining properties suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services.
5. Whether the property owner purchased the property with the knowledge of the zoning restriction.
6. Whether the problem can be solved by some manner other than the granting of the variance.
7. Whether the variance preserves the spirit and intent of the Zoning Resolution and whether substantial justice would be done by the granting of the variance.

Section 204.05 Additional Fees

Any variance request may be subject to additional fees. In the event the Board of Zoning Appeals determines it necessary to call on experts for reports or testimony in the fields of planning, law, engineering, architecture, or similar fields. In such cases, the applicant may be required to provide compensation for the reviews and testimony conducted by the various experts.

Section 204.06 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall schedule a public hearing to be held within forty-five (45) days after receipt of a completed application as per Sections 204.02 and 204.03 for a variance.

Section 204.07 Notice of Public Hearing in Newspaper

Before conducting the hearing required in Section 204.06 written notice of such hearing shall be given in one or more newspapers of general circulation in the County 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 variance.

The Board of Zoning Appeals, at its discretion, may send out further notices to publicize such hearing.

Section 204.08 Notice to Parties in Interest

Before conducting the public hearing required in Section 204.06, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals by first class mail, at least ten (10) days before the date of the hearing to all parties in interest. The notices shall contain the same information as required of notices published in newspapers as specified in Section 204.07. The parties in interest shall include at a minimum, the applicant and any others who have indicated they wish to be notified of such applications.

Section 204.09 Action by Board of Zoning Appeals

The Board of Zoning Appeals shall take action within a reasonable time, but generally not more than thirty (30) days from the date of the initial public hearing. The Board may recess any hearing from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

The decision of the Board of Zoning Appeals shall be announced at the public hearing. A certified copy of the Board's decision shall be transmitted to the applicant and to the Zoning Inspector. If approved, such decision shall be binding on the Zoning Inspector who shall incorporate the terms and conditions of the decision in the Conditional Zoning Certificate issued to the applicant.

Section 204.10 Additional Conditions and Safeguards

The Board may impose such additional, written conditions on the proposed development or use, as it deems necessary to insure that the intent or objectives of this Resolution are and will be observed. Any

violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a violation of this Resolution.

Section 204.11 Appealing Decisions of the Board of Zoning Appeals

Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court of Portage County pursuant to Ohio Revised Code, Chapter 2506. Such appeal shall not stay any enforcement action or proceeding on such decision, unless and until otherwise ordered by the Common Pleas Court.

Section 205.00 Amendments

Section 205.01 Purpose

The purpose of this Section is to provide the Township Trustees and the Zoning Commission with the procedures to amend, supplement, or repeal these regulations and/or the boundaries of any zoning district or the classification of any property.

Section 205.02 Initiation of Zoning Amendment

Amendments to this Resolution may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission;
- B. By adoption of a resolution by the Township Trustees;
- C. By the filing of an application by at least one (1) property owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 205.03 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information:

- A. The name, address and phone number of the applicant;
- B. The nature of the proposed amendment.
- C. A statement of the reason for the proposed amendment.
- D. The present land use(s).
- E. The present Zoning District Classification.
- F. The proposed use(s)
- G. The proposed Zoning District Classification.
- H. A map at a legible scale showing property lines, thoroughfares, existing and proposed zoning district boundary lines, and such other items as the Zoning Inspector may require.
- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. In cases involving the change of zoning for ten (10) or more parcels, a list of property owners and their mailing addresses is not warranted.

- J. A statement indicating how the proposed amendment is not contrary to the Township's Comprehensive/Land Use Plan.
- K. A fee as established by Resolution of the Township Trustees.

Section 205.04 Zoning District Amendment Initiated by the Zoning Commission

Zoning District Amendments initiated by the Zoning Commission shall include all items except A and K of Section 205.03.

Section 205.05 Zoning Text Amendments

Amendments proposing to amend or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall include at least the following information:

- A. The proposed amending resolution;
- B. A statement of the reason(s) for the proposed amendment;
- C. A statement explaining the ways in which the proposed amendment relates to the Township Comprehensive/Land Use Plan;
- D. How the proposed text would result in an improved Zoning Resolution.

Section 205.06 Transmittal to the Zoning Commission

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property within the area proposed to be affected by the proposed amendment, said resolution shall be transmitted to the Zoning Commission together with all documents relative to the amendment proposed.

Section 205.07 Submission to Regional Planning Commission

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one (1) owner or lessee of property within the area proposed to be affected by the proposed amendment, the Zoning Commission shall transmit a copy of such motion, resolution, and all related application materials together with the text and map pertaining to the zoning change to the Portage County Regional Planning Commission. The Regional Planning Commission shall recommend the approval, denial or some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at a public hearing held by the Zoning Commission.

Section 205.08 Public Hearing by the Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Trustees, or the filing of an application for a zoning

amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

Section 205.09 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 205.08, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, 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 (10) days prior to the public hearing, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Trustees for further determination.

Section 205.10 Notice to Property Owners by the Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted. A mailing list shall be created of such property owners as appears on the County Auditor's current tax list and a notice of the hearing shall be mailed to each. The notice shall contain the same information as required of notices published in the newspapers as specified in Section 205.09. The notices shall be delivered by 1st class mail to each property owner(s). The failure to deliver the notices, as provided in this section, shall not invalidate any such amendment.

Section 205.11 Recommendation by the Zoning Commission

Within thirty (30) days after the public hearing required by Section 205.08, the Zoning Commission shall recommend to the Board of Trustees one of the following:

- A. The amendment be granted as requested;
- B. The amendment be granted with modifications;
- C. The amendment be denied.

The written decision of the Zoning Commission shall indicate the specific reasons upon which the recommendation is based, to include the basis for their determination and that the proposed amendment is or is not consistent with the Township Land Use Plan. The Zoning Commission's recommendation to the Board of Trustees shall also include the recommendation provided by the Regional Planning Commission.

Section 205.12 Public Hearing by the Board of Township Trustees

Within thirty (30) days from the receipt of the recommendation from the Zoning Commission, the Board of Trustees shall hold a public hearing. Notice of such hearing shall be given by the Board of Trustees

by at least one (1) publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, 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 (10) days prior to the public hearing, and any other information requested by the Board of Trustees.

Section 205.13 Action by the Board of Trustees

Within twenty (20) days after the public hearing as required by Section 205.12, the Board of Township Trustees shall either:

- A. Adopt the recommendations of the Zoning Commission;
- B. Adopt the recommendations of the Zoning Commission with modifications;
- C. Deny the recommendations of the Zoning Commission.

In the event the Board of Trustees denies or modifies the recommendations of the Commission, the majority vote of the Board of Trustees is required.

Section 205.14 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective within thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment, there is presented to the Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the Zoning Plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Trustees to submit the amendment to the electors of such area, for approval or rejection at a special election to be held on the day of the next primary or general election.

No amendment for which such referendum vote has been requested, shall be put into effect unless a majority of the votes 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.

Section 205.15 Filing of Amendments With County Recorder and Regional Planning Commission

Within five (5) 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 Regional Planning Commission. The failure to file any amendment, 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.

Section 206.00 Enforcement

Section 206.01 Complaints Regarding Violations

The Zoning Inspector is responsible to investigate all violations or complaints of alleged violations of this Resolution. Any person may file a written complaint regarding a violation with the Zoning Inspector. The complaint shall state fully the cause and basis of the violation. The Zoning Inspector shall record the complaint and conduct an investigation within five (5) days of receiving the complaint. If a violation exists, the Zoning Inspector shall take action to resolve the violation as provided for in this Resolution.

Section 206.02 Entry and Inspections of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purposes of enforcing this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner/occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor to secure a valid search warrant or other means prior to entry.

Section 206.03 Notice of Violation

Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, a warning shall be issued and shall serve as notice of a violation. Such notice shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution that are being violated.
- D. State that the violation shall be corrected in a timely manner specified by the Zoning Inspector, depending upon the urgency of the violation up to a maximum of thirty (30) days.

Section 206.04 Service of Notice of a Violation

Service of notice of the violation shall be as follows:

- A. By personal delivery to the person or persons responsible or by leaving the notice at the usual place of residence of the owner with a person of suitable age; or

- B. By certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing, which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided the ordinary mail envelope is not returned by the postal authorities with an endorsement failing to show delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

Section 206.05 Penalties/Fines

- A. No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used and no land shall be used in violation of this Resolution. Each day of continuation of any violation of this Resolution shall be deemed a separate offense.
- B. Whoever violates any provision of this Resolution or the Ohio Revised Code, Section 519.01-519.25, inclusive, shall be fined not more than \$500.00 for each offense.
- C. If there are any violations of this Resolution, the Board of Township Trustees, with the assistance of the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate and/or removal of such unlawful violations, such as but not limited to: location, erection, construction, reconstruction, enlargement, alteration and/or use.

CHAPTER THREE
ZONING DISTRICTS AND REGULATIONS

Section 300.00 Zoning Districts and Regulations

Section 300.01 Purpose

The purpose of this section is to establish regulations promoting the public health, safety, and morals of the community by regulating the location, height, bulk, number of stories, and size of buildings and other structures, including the percentages of lot areas which may be so occupied. This section also establishes setback building lines, sizes of yards and other open space areas, as well as the density of population, the uses of buildings and other structures all in accordance with Section 519.02 of the Ohio Revised Code.

All such regulations shall be uniform for each class or kind of building or other structure or use throughout any zoning district, but the regulations of one zoning district may differ from those in another zoning district.

Section 300.02 Establishment of Zoning Districts

For the purpose of promoting the public health, safety, and morals of the community, Brimfield Township is hereby divided into zoning districts. Each zoning district shall be of such number, area, shape, kind, common unity of purpose, and adaptability of uses that are deemed most suitable to carry out the purpose of this Resolution. Except as otherwise specified in this Resolution, all new noncontiguous districts must consist of a minimum of fifty (50) acres.

For the purpose of this Resolution, the Township of Brimfield is divided into the following districts:

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Section 300.03 Official Zoning Map

These districts so established are bounded and defined as shown on a map entitled “Zoning Districts Map of Brimfield Township, Ohio” and said map with all notations, references and other pertinent material shown thereon, is hereby made a part of this Resolution. A legal copy of this Map is on file with the Clerk of the Township Trustees of Brimfield Township.

Section 300.04 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforementioned zoning districts as shown on the “Zoning Districts Map of Brimfield Township, Ohio”, the following rules shall apply:

A. Where boundaries approximately follow streets, alleys or highways:

Where boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

B. Where boundaries parallel street lines, alley lines or highway right-of-way lines:

Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

C. Where boundaries approximately follow lot lines:

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries, and shall be construed to be boundaries of lots of ownership as shown on the Tax Maps as of the present year.

D. Vacation of public ways:

Whenever any street, alley or other public way is vacated in a manner authorized by Law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

Section 300.05 Application of Regulations

A. No part of a yard or other open space required about any building for the purposes of complying with the provisions of this Resolution shall be included as a part of a yard or other open space similarly required for another building.

Chapter 3

B. No structure shall be erected in any front yard except those, which are an integral part of the offstreet parking facilities as provided in Chapter 6 of this Resolution.

Section 301.00 Open Space Conservation District (O-C)

Section 301.01 Purpose

The purpose of the Open Space Conservation Zoning District is to:

- A. Preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas;
- B. Protect environmentally sensitive areas and the ecological balance of an area;
- C. Conserve natural resources, such as large bodies of water and tracts of treed land; and
- D. Reduce the problems created by development and/or intensive development of areas having excessively high water tables, or high susceptibility to ground water pollution, or which are subject to flooding, or which are topographically unsuited for intensive development.

Section 301.02 Uses

Within the O-C District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

- 1. Single-family dwellings.
- 2. Home Occupations in accordance with the provisions of Section 515.00.
- 3. Accessory buildings and uses incidental to the primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the O-C Zoning District.
- 4. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

- 1. Agritourism Uses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 36.
- 2. Bed and breakfast establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 38.
- 3. Farm Related Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 46.

4. Flag lots, subject to the provisions of Chapter 4 and Section 400.10.B subsection 47.

5. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
6. Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 56.
7. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 54.
8. Public and private golf courses (except miniature golf), riding academies, and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 4, 5, 6, 8, 12, 54.
9. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 7 and 8 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 4, 5, 8, 12, 59.
10. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 301.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: Five (5) acres, exclusive of road right-of-way.
- B. Minimum Frontage on a Street:
 1. Lots with partial or no frontage on a cul-de-sac circle: Three-hundred (300) feet.
 2. Lots with total road frontage on a cul-de-sac circle: One-hundred (100) feet.
- C. Minimum Lot Width at Minimum Building Setback Line for Lots: Three-hundred (300) feet.
- D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.
- E. Minimum Front Yard Depth:
 1. Lots with partial or no frontage on a cul-de-sac circle: One-hundred (100) feet.
 2. Lots with total road frontage on a cul-de-sac circle:

The distance at which a three-hundred (300) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard depth can not be less than one-hundred (100) feet from the road right-of-way.
- F. Minimum Rear Yard Depth: Fifty (50) feet.

G. Minimum Side Yard Width: Twenty-five (25) feet for each side.

H. Maximum Building Height:

1. Main building: Thirty-five (35) feet.
2. Accessory buildings: As specified in Section 510.03.

Section 301.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 301.05 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 301.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 301.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8. **Section 302.00 Rural Residential District (R-R)**

Section 302.01 Purpose:

The purpose of the Rural Residential Zoning District is to accommodate low-density residential development and other compatible uses that typically occupy large open land areas in order to preserve the rural-like features and character of certain portions of the Township. Furthermore, the intent of this district is to discourage concentrated development in and at the periphery of the floodplains and other environmentally sensitive areas of the community where the underground water supply or the soil conditions are inadequate to accommodate higher density.

Section 302.02 Uses

Within the R-R Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Single-family dwellings.

2. Home Occupations in accordance with the provisions of Section 515.00.
3. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the R-R Zoning District.
4. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

1. Agritourism Uses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 36.
2. Animal Hospitals, Veterinary Offices and Clinics, subject to the provisions of Chapter 4 and Section 400.10.B subsection 37.
3. Bed and breakfast establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 38.
4. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
5. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
6. Farm Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 46.
7. Flag lots, subject to the provisions of Chapter 4 and Section 400.10.B subsection 47.
8. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
9. Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 56.
10. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 54.
11. Public and private golf courses (except miniature golf), riding academies, and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 4, 5, 6, 8, 12, 54.
12. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 10 and 11 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 4, 5, 8, 12, 59.

13. Rooming/Boarding Houses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 60.

14. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 302.03 Area, Yard and Height Requirements

A. Minimum Lot Area: Three (3) acres, exclusive of road right-of-way.

B. Minimum Frontage on a Street

1. Lots with partial or no road frontage on a cul-de-sac circle: Two-hundred-fifty (250) feet.

2. Lots with total road frontage on a cul-de-sac circle: One-hundred (100) feet

C. Minimum Lot Width at Minimum Building Setback Line for Lots: Two-hundred-fifty (250) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.

2. Lots with total frontage on a cul-de-sac circle:

The distance at which a two-hundred-fifty (250) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.

F. Minimum Rear Yard Depth: Twenty-five (25) feet.

G. Minimum Side Yard Width: Fifteen (15) feet for each side.

H. Maximum Building Height:

1. Main building: Thirty-five (35) feet.

2. Accessory buildings: As specified in Section 510.03.

Section 302.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 302.05 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 302.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 302.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8. **Section 303.00 Residential District (R-1)**

Section 303.01 Purpose

The purpose of the Residential R-1 Zoning District is to accommodate low-density residential development that will promote the continuation of the predominately rural residential character of the Township.

Section 303.02 Uses

Within the R-1 Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses:

1. Single-family dwellings.
2. Home Occupations in accordance with the provisions of Section 515.00.
3. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the R-1 Zoning District.
4. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

1. Animal Hospitals, Veterinary Offices and Clinics, subject to the provisions of Chapter 4 and Section 400.10.B subsection 37.
2. Bed and breakfast establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 38.

3. Cemeteries subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 9, 40.
4. Churches and their related buildings and other buildings for the purpose of religious worship subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
5. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
6. Flag lots, subject to the provisions of Chapter 4 and Section 400.10.B subsection 47.
7. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
8. Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 56.
9. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 54.
10. Public and private golf courses (except miniature golf), riding academies, and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 4, 5, 6, 8, 12, 54.
11. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 9 and 10 of this subsection),, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 4, 5, 8, 12, 59.
12. Rooming/Boarding Houses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 60.
13. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 303.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: One and one-half (1-1/2) acres, exclusive of road right-of-way.
- B. Minimum Frontage on a Street
 1. Lots with partial or no frontage on a cul-de-sac circle: One-hundred-fifty (150) feet.
 2. Lots with total frontage on a cul-de-sac circle: Sixty (60) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred-fifty (150) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage

E. Minimum Front Yard Setback

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet
2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one-hundred-fifty (150) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.

F. Minimum Rear Yard Depth: Twenty-five (25) feet.

G. Minimum Side Yard Width: Fifteen (15) feet for each side.

H. Maximum Building Height:

1. Main building: Thirty-five (35) feet
2. Accessory buildings: As specified in Section 510.03

Section 303.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 303.05 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 303.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 303.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 304.00 Residential District (R-2)

Section 304.01 Purpose

The purpose of the Residential R-2 Zoning District is to provide for medium density residential development in a semi-suburban character in areas generally adjacent to built-up portions of the community in order to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities and services.

Section 304.02 Uses

Within the R-2 Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses:

1. Single-family dwellings.
2. Home Occupations in accordance with the provisions of Section 515.00.
3. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the R-2 Zoning District.
4. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

1. Animal Hospitals, Veterinary Offices and Clinics, subject to the provisions of Chapter 4 and Section 400.10.B subsection 37.
2. Cemeteries subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 9, 40.
3. Churches and their related buildings and other buildings for the purpose of religious worship subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
4. Congregate Care/Assisted Living Facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 42.
5. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers, subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
6. Funeral Home subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 7, 48.
7. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.

8. Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 56.
9. Public and private elementary schools, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 6, 12, 16, 61.
10. Public and private high schools and institutions of higher education, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 6, 12, 16, 61.
11. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 54.
12. Public and private golf courses (except miniature golf) and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 4, 5, 6, 8, 12, 54.
13. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 9, 10, 11 and 12 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 4, 5, 8, 12, 59.
14. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 304.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: One (1) acre, exclusive of road right-of-way.
- B. Minimum Frontage on a Street:
 1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred-twenty-five (125) feet
 2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.
- C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred-twenty-five (125) feet.
- D. Minimum Rear Yard Width: Fifty (50) percent of required frontage
- E. Minimum Front Yard Setback:
 1. Lots with partial or no road frontage on a cul-de-sac circle: Fifty (50) feet.
 2. Lots with total road frontage on a cul-de-sac circle:

The distance at which a one-hundred-twenty-five (125) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightofway.

F. Minimum Rear Yard Depth: Twenty-five (25) feet.

G. Minimum Side Yard Width: Fifteen (15) feet for each side.

H. Maximum Building Height:

1. Main building: Thirty-five (35) feet
2. Accessory buildings: As specified in Section 510.03

Section 304.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 304.05 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 304.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 304.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8. **Section 305.00 Residential District (R-3)**

Section 305.01 Purpose

The Residential R-3 Zoning District is established to provide for medium-high density residential development in built-up portions of the community and thereby provide for the orderly extension of public facilities by encouraging development to take place in these areas at densities up to two (2) dwelling units per net acre.

Section 305.02 Uses

Within the R-3 Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses:

1. Single-family dwellings.
2. Home Occupations in accordance with the provisions of Section 515.00.
3. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the R-3 Zoning District.
4. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

1. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
2. Conversion of single-family to two-family uses subject to the provisions of Chapter 4 and Section 400.10.B subsections 15, 43.
3. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers, subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
4. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
5. Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 56.
6. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 54.
7. Public and private golf courses (except miniature golf) and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 4, 5, 6, 8, 12, 54.
8. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 6 and 7 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 4, 5, 8, 12, 59.
9. Two-family dwellings, subject to the provisions of Chapter 4 and Section 400.10.B subsections 15, 62.
10. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 305.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: One-half (1/2) acre, exclusive of road right-of-way.
- B. Minimum Frontage on a Street:
 - 1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.
 - 2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.
- C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.
- D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.
- E. Minimum Front Yard Setback:
 - 1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.
 - 2. Lots with total road frontage on a cul-de-sac circle:

The distance at which a one-hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.
- F. Minimum Rear Yard Depth: Twenty-five (25) feet.
- G. Minimum Side Yard Width: Fifteen (15) feet for each side.
- H. Maximum Building Height:
 - 1. Main building: Thirty-five (35) feet.
 - 2. Accessory buildings: As specified in Section 510.03

Section 305.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 305.05 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 305.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 305.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 306.00 Residential District (R-4)

Section 306.01 Purpose

The Residential R-4 Zoning District is established to provide for high-density residential development in built-up portions of the community and thereby provide for the orderly extension of public facilities by encouraging high-density residential development to take place in these areas.

Section 306.02 Uses

Within the R-4 Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Three-family dwellings.
4. Multi-family dwellings up to a total of four (4) dwelling units per net acre.
5. Home Occupations in accordance with the provisions of Section 515.00.
6. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the R-4 Zoning District.
7. Signs as regulated in Chapter 7 of this Resolution.

B. Conditionally Permitted Uses:

1. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
2. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers, subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
3. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
4. Multi-family dwellings up to a total of five (5) dwelling units per acre, subject to the provisions of Chapter 4 and Section 400.10.B subsection 53.

5. Planned Residential Developments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 56.
6. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 54.
7. Publicly owned and/or operated buildings and service facilities (other than those listed in Item 6 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 4, 5, 8, 12, 59.
8. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 306.03 Area, Yard and Height Requirements

A. Minimum Lot Area:

1. Single-family dwelling: Ten-thousand-eight-hundred-ninety (10,890) square feet, exclusive of road right-of-way.
2. Two-family dwelling: Twenty-thousand (20,000) square feet, exclusive of road right-of-way.
3. Three-family dwelling and all other uses not listed in this Section: Thirty-five-thousand (35,000) square feet, exclusive of road right-of-way.
4. Multi-family dwellings: One (1) acre, exclusive of road right-of-way.

B. Minimum Frontage on a Street:

1. Lots with partial or no frontage on a cul-de-sac circle:
 - a. Single-family dwelling: Eighty (80) feet.
 - b. Two-family dwelling: Ninety (90) feet.
 - c. Three-family dwelling and all other uses not listed in this Section: One-hundred (100) feet
 - d. Multi-family dwelling: One-hundred-twenty-five (125) feet.
2. Lots with total road frontage on a cul-de-sac circle: Forty-five (45) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots:

1. Single-family dwelling: Eighty (80) feet.
2. Two-family dwelling: Ninety (90) feet.
3. Three-family dwelling and all other uses not listed in this Section: One-hundred (100) feet
4. Multi-family dwelling: One-hundred-twenty-five (125) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet
2. Lots with total frontage on a cul-de-sac circle:

The distance at which the minimum lot width is achieved for the proposed type of use per Section 306.03.C, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard depth can not be less than fifty (50) feet from the road right-of-way.

F. Minimum Rear Yard Depth: Twenty-five (25) feet.

G. Minimum Side Yard Width: Twelve (12) feet for each side.

H. Maximum Building Height:

1. Main building: Thirty-five (35) feet
2. Accessory buildings: As specified in Section 510.03

Section 306.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 306.05 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 306.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 306.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 307.00 Residential Office (R-O)

Section 307.01 Purpose

The Residential Office Zoning District is established to provide for and encourage the development of professional, administrative and executive offices that are compatible with residential uses. The district is generally located in areas serviced or encouraged to be serviced by central utilities in order to provide for a more orderly extension of public facilities. As a result, the district serves as a transition area between less intensive residential uses and more intensive commercial and industrial uses. As such, residential dwellings are recognized and anticipated to be converted to office uses. Mixed-use structures, including but not limited to, those with retail uses on the ground floor and apartment dwellings or offices on the upper floors are also encouraged.

Section 307.02 Uses

Within the R-O Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

A. Permitted Uses:

1. Professional, administrative and executive offices, not used in manufacturing or warehousing goods, such as:
 - a. Accountants, architects, doctors, dentists, engineers, insurance agents, lawyers, real estate brokers, travel agents and other professionals similar in character and impact to those listed..
 - b. Administrative offices for businesses, institutions, industries, and governmental agencies, utilities, etc.
2. Photography, interior design and artist studios.
3. Apartments located in a building devoted to a non-residential use, up to a total of two (2) dwelling units per acre.
4. Mixed-use structures containing any combination of permitted uses.
5. Home Occupations in accordance with the provisions of Section 515.00.
6. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the R-O Zoning District.

7. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

1. Animal Hospitals, Veterinary Offices and Clinics, subject to the provisions of Chapter 4 and Section 400.10.B subsection 37.
2. Conversion of single-family dwelling into professional office, subject to the provisions of Chapter 4 and Section 400.10.B subsections 14, 15, 16, 58.
3. Conversion of single family home to up to 3 dwelling units, provided the total number of dwelling units does not exceed two (2) dwelling units per acre, subject to the provisions of Chapter 4 and Section 400.10.B subsections 15, 43.
4. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
5. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
6. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.
7. Private schools and institutions of higher education, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 6, 12, 16, 61.
8. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

Section 307.03 Area, Yard and Height Regulations

A. Minimum Lot Area: One-half (1/2) acre, excluding road right of-way.

B. Minimum Frontage on a Street:

1. Lots with partial or no road frontage on a cul-de-sac circle: One-Hundred (100) feet.
2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-Hundred (100) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

1. Lots with partial or no frontage on a cul-de-sac circle: Thirty-five (35) feet.
2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one-hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front setback depth can not be less than thirty-five (35) feet from the road right-of-way.

F. Minimum Rear Yard Depth: Twenty-five (25) feet. The rear yard of any non-residential lot that abuts a residential lot shall be comprised of a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width:

1. Twelve (12) feet for each side.
2. The side yards of any non-residential lot that abuts a residential lot shall not be less than twentyfive (25) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

H. Maximum Building Height:

1. Main building: Thirty-five (35) feet.
2. Accessory buildings: As specified in Section 510.03.

Section 307.04 Minimum Living Floor Area Per Dwelling Unit

Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 307.05 Maximum Commercial Building Size

No individual structure shall exceed three-thousand (3,000) square feet of gross floor area.

Section 307.06 Maximum Lot Coverage

Maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 307.07 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 307.08 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 308.00 Town Center District (T-C)

Section 308.01 Purpose

The Town Center Zoning District: (11/8/2017) (#2017-285)

- A. Will further the development of a compact, mixed use township center for the community, which unifies the community and is a viable and visible "Town Center" with a balance of building and land uses.
- B. Shall enable in-fill development, new construction and the adaptive reuse of buildings to occur in a manner that will be integrated and compatible with surrounding buildings.
- C. Will encourage the preservation and rehabilitation of existing buildings and structures, including the preservation of significant architectural and historical features.
- D. Will further the development that extends the existing close-knit pattern of smaller lot sizes and the mix of residential, retail, office and community uses.
- E. Shall allow mixed-use structures, including but not limited to, those with retail uses on the ground floor and apartment dwellings or offices on the upper floors.
- E. Encourage uses that are compatible in scale, character and intensity with existing uses and structures.

Section 308.02 Uses

Within the T-C Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, solely as residential on parcels greater than five (5) acres and shall not occupy more than fifty (50) percent in acreage and/or building square footage except for two or more combinations of the following uses: (11/8/2017) (#2017-285)

A. Permitted Uses

1. Residential Uses

- a. Single-family detached dwellings.
- b. Single-family attached dwellings.

- c. Multi-family dwellings up to a total of four (4) dwelling units per acre.
 - d. Apartments located in a building devoted to a non-residential use, up to a total of four (4) dwelling units per acre.
 - e. Home Occupations in accordance with the provisions of Section 515.00.
 - f. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the T-C Zoning District.
 - g. Signs as regulated in Chapter 7.
2. Commercial Uses:
- a. Banks and Other Financial Institutions.
 - b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down and carry out), pizza shops, and ice cream parlors.
 - c. Personal Services Establishments¹ including but not limited to barber shops, beauty salons, shoe repair shops.
 - d. Professional and Business Offices including but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
 - e. Retail establishments including but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.
 - f. Studios such as dance, art, music, photography and interior design.
 - g. Theaters, auditoriums and assembly halls
3. Facilities for and use by social, fraternal, social services, union and civic organizations.
4. Mixed use structures containing any combination of permitted uses.
5. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the T-C Zoning District.

¹ Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

6. Deleted (10-7-2021) (#2021-284)

7. Signs as regulated in Chapter 7.

B. Conditionally Permitted Uses

1. Residential Uses (11/8/2017) (#2017-285)

- a. Bed and breakfast establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsection 38.
- b. Conversion of single family home to up to 3 dwelling units, subject to the provisions of Chapter 4 and Section 400.10.B subsections 15, 43.
- c. Home Based Business, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
- d. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.
- e. Multi-family dwellings up to a total of five (5) dwelling units per acre, subject to the provisions of Chapter 4 and Section 400.10.B subsection 53.
- f. Rooming Houses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 60.
- g. Two-family and three-family dwellings, subject to the provisions of Chapter 4 and Section 400.10.B subsections 15, 62.
- h. Deleted (10-7-2021) (#2021-284)

2. Commercial Uses

- a. Animal Hospitals, Veterinary Offices and Clinics, subject to the provisions of Chapter 4 and Section 400.10.B subsection 37.
- b. Bars, taverns and nightclubs, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 6, 12.
- c. Carpentry and cabinet making shops, plumbing, heating and air conditioning shops, subject to the provisions of Chapter 4 and Section 400.10.B subsections 9, 12, 18, 22.

- d. Cemeteries, subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 9, 40.
- e. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
- f. Congregate Care/Assisted Living Facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 42.
- g. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers, subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
- h. Funeral Homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 7, 48.
- i. Deleted (Revised 7/31/2007) (#2007-309)
- j. Institutions for human medical care, such as but not limited to hospitals, clinics, mental health care facilities and nursing homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 14, 51.
- k. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.
- l. Private parking lots and garages ("pay-to-park" lots), subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 57.
- m. Public and private schools, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 6, 12, 16, 61.
- n. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 21, 54.
- o. Public and private recreational facilities, such as but not limited to bowling alley, indoor archery, handball and tennis clubs, skating facilities swimming pools, golf courses (except miniature golf), and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 8, 12, 21, 54.
- p. Publicly owned and/or operated buildings and service facilities (other than those listed in Items p, q and r of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 5, 8, 12, 21, 59.
- q. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

3. Deleted (10-7-2021) (#2021-284)

Section 308.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: None.
- B. Maximum Residential Density: One (1) dwelling unit per .25 net acres, unless otherwise stipulated.
- C. Minimum Frontage on a Street: Sixty (60) feet.
- D. Minimum Lot Width at Minimum Building Setback Line for Lots: Sixty (60) feet.
- E. Minimum Rear Yard Width: Fifty (50) percent of required frontage.
- F. Minimum Front Yard Setback:

Each building shall have a front yard setback from the street right of way not less in depth than the average front yard setbacks of all buildings within two-hundred (200) feet of the site. In no case shall a building be placed closer than twenty (20) feet to the street right of way.

- G. Minimum Rear Yard Depth: Twenty-five (25) feet: The rear yard of any non-residential lot that abuts a residential lot shall be comprised of a landscaped buffer of at least five (5) feet or a complete screen shall be provided.
- H. Minimum Side Yard Width:
 - 1. Ten (10) feet for each side.
 - 2. The side yards of any non-residential lot that abuts a residential lot shall not be less than twenty (20) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.
- I. Maximum Building Height:
 - 1. Main building: Thirty-five (35) feet.
 - 2. Accessory buildings: As specified in Section 510.03.

Section 308.04 Minimum Living Floor Area Per Dwelling Unit

The Minimum living floor area per residential dwelling shall be in accordance with Section 514.00.

Section 308.05 Building Size

Building Size Ratio: Six-thousand (6,000) square feet of gross floor area per twenty-thousand (20,000) square feet of lot area. (Revised 2/19/2005) (#2005-023)

Section 308.06 Maximum Lot Coverage

The maximum lot coverage per parcel shall be in accordance with Section 510.01.J.

Section 308.07 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 308.08 Driveway and Access Limits

Driveway and Access Limits shall be in accordance with the provisions of Chapter 6.

Section 308.09 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 309.00 General Commercial District (G-C)

Section 309.01 Purpose

The purpose of the General Commercial Zoning District is to accommodate multi-purpose retail and business development with regulations designed to minimize disruption to adequate level of traffic flow along those major roads serving the permitted activities. This district is intended to create and protect business areas for the retailing of merchandise, the provision of professional and business services to serve a large trade area. Integrated groupings of stores and businesses, and/or retailing of goods and services are encouraged.

Section 309.02 Uses

Within the G-C Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

A. Permitted Uses:

1. Amusement and outdoor commercial recreational facilities, including but not limited to batting cages and miniature golf courses.
2. Banks and Other Financial Institutions.
3. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down and carry out), pizza shops, and ice cream parlors.
4. Personal Services Establishments² including but not limited to barber shops, beauty salons, shoe repair shops.
5. Professional and Business Offices including but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
6. Retail establishments including but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.
7. Studios such as dance, art, music, photography and interior design.
8. Theaters, auditoriums and assembly halls.

² Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

9. Mixed-use structures containing any combination of permitted uses.
10. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the G-C Zoning District.
11. Deleted (10-7-2021) (#2021-284)
12. Signs as regulated by Chapter 7.

B. Conditionally Permitted Uses:

1. Bars, taverns and nightclubs, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 6, 12.
2. Carpenter, cabinet, upholstery, plumbing, heating, air conditioning shops and similar establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsections 9, 12, 18, 22.
3. Car washes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 39.
4. Deleted. (3/14/2008) (#2008-100)
5. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
6. Congregate Care/Assisted Living Facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 42.
7. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
8. Funeral Homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 7, 48.
9. Deleted. (7/31/2007) (#2007-309)
10. Institutions for human medical care, such as but not limited to hospitals, clinics, mental health care facilities and nursing homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 14, 51.
11. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.

12. Mini/self storage facilities subject to the provisions of Chapter 4 and Section 400.10.B subsection 52.
13. Deleted. (3/14/2008) (#2008-100)
14. Park and ride lots, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 55.
15. Private parking lots and garages, including but not limited to "pay-to-park" lots, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 57.
16. Private schools and institutions of higher education, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 6, 12, 16, 61.
17. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 12, 21, 54.
18. Public and private recreational facilities, such as but not limited to bowling alley, indoor archery, handball, tennis, and skating facilities swimming pools, golf courses (except miniature golf) tennis clubs, associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 8, 12, 21, 54.
19. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 17 and 18 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 5, 8, 12, 21, 59.
20. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.
21. Medical Marijuana Distribution facilities in accordance with Ohio House Bill 523 and any and all future state and/or federal guidelines/laws governing said facilities.
22. Deleted (10-7-2021) (#2021-284)

Section 309.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: One (1) acre exclusive of road right-of-way.
- B. Minimum Frontage on a Street:
 1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.

2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.

2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one-hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.

F. Minimum Rear Yard Depth:

1. Thirty (30) feet.

2. Where adjacent to residential district, then minimum rear yard depth shall be forty (40) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width

1. Twelve (12) feet

2. Where adjacent to residential district, then minimum side yard depth shall be twenty (20) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

H. Maximum Building Height:

1. Main building: Forty (40) feet

2. Accessory buildings: as specified in Section 510.03

Section 309.04 Maximum Lot Coverage

The maximum lot coverage per parcel to be covered by buildings and other impervious surfaces shall not exceed eighty (80) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas are to be grassy and landscaped.

Section 309.05 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 309.06 Driveway and Access Limits

Driveway and Access Limits shall be in accordance with the provisions of Chapter 6.

Section 309.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 310.00 Highway Commercial District (H-C)

Section 310.01 Purpose

The purpose of the Highway Commercial Zoning District is to encourage the development of areas surrounding highway interchanges and along major arterials and their intersections with higher intensity commercial land uses that need the locational advantages provided by highway arterials such as: accessibility, visibility, and nearness to large volumes of passing traffic. Development within this district is to be compatible with the surrounding environment and the characteristics of the site on which it is located, and not impair the operational aspects of the road. The district is also intended to serve the needs of the motoring public.

Section 310.02 Uses

Within the H-C Zoning District, no building, structure or premise shall be used, arranged to be used, except for one or more of the following uses:

A. Permitted Uses:

1. All uses permitted in the General Commercial District (G-C) (1/3/2010) (#2010-273)
2. Banks and Other Financial Institutions.
3. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, restaurants (sit down and carry out), pizza shops, and ice cream parlors.
4. Mixed-use structures containing any combination of permitted uses.
5. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the H-C Zoning District.

6. Deleted (10-7-2021) (#2021-284)
7. Signs as regulated by Chapter 7.

B. Conditionally Permitted Uses:

1. All uses permitted in the General Commercial District (G-C) (1/3/2010) (#2010-273)
2. Car washes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 39.
3. Car and truck leasing, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18.
4. Gasoline service stations, subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 49.
5. Hotels and motels subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 5, 6, 8, 11, 12.
6. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.
7. Motor vehicle sales/repair facilities to include but not limited to automobiles, boats and farm equipment, subject to the provisions of Chapter 4 and Section 400.10.B subsections 9, 12, 18, 22.
8. Park and ride lots, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 55.
9. Private parking lots and garages ("pay-to-park" lots), subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 57.
10. Publicly owned and/or operated buildings and service facilities (other than those listed in Items 10 and 11 of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 5, 8, 12, 21, 59.
11. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 63.
12. Deleted (10-7-2021) (#2021-284)

Section 310.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: One (1) acre exclusive of road right-of-way.

B. Minimum Frontage on a Dedicated Street:

1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.
2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.
2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one-hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.

F. Minimum Rear Yard Depth:

1. Thirty (30) feet.
2. Where adjacent to residential district, then minimum rear yard depth shall be forty (40) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width

1. Twelve (12) feet
2. Where adjacent to residential district, then minimum side yard depth shall be twenty (20) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

H. Maximum Building Height:

1. Main building: Forty (40) feet
2. Accessory buildings: as specified in Section 510.03

Section 310.04 Maximum Lot Coverage

The maximum lot coverage per parcel to be covered by buildings and other impervious surfaces shall not exceed eighty (80) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas are to be grassy and landscaped.

Section 310.05 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 310.06 Driveway and Access Limits

Driveway and Access Limits shall be in accordance with the provisions of Chapter 6.

Section 310.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 310.08 Outdoor Storage yards

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet to a maximum height of eight (8) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the wall. The maximum storage yard and/or building size shall be no greater than 5% of the maximum floor area of the principal building.

Section 311.00 Integrated Commercial District (I-C)

Section 311.01. Purpose

The purpose of the Integrated Commercial Zoning District is to accommodate multi-purpose retail, business office and high-density residential development with regulations designed to minimize disruption to adequate level of traffic flow along those major roads serving the permitted activities. This district is intended to serve the commercial needs of the community and/or region and provide for business and professional office facilities, hotels, convention and conference centers as well as highdensity residential developments.

Section 311.02 Uses

Within the I-C Integrated Commercial District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for the following uses:

A. Permitted Uses:

1. Residential Uses:

- a. Multi-family dwellings up to a total of four (4) dwelling units per acre.
- b. Apartments located in a building devoted to a non-residential use, up to a total of four (4) dwelling units per acre.
- c. Home Occupations in accordance with the provisions of Section 515.00.
- d. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the I-C Zoning District.
- e. Signs as regulated by Chapter 7.

2. Commercial Uses:

- a. Banks and Other Financial Institutions.
- b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down and carry out), pizza shops, and ice cream parlors.
- c. Personal Services Establishments³ including but not limited to barber shops, beauty salons, shoe repair shops.
- d. Retail establishments including but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.
- e. Studios such as dance, art, music, photography and interior design.
- f. Theaters, auditoriums and assembly halls.
- g. Mixed-use structures containing any combination of permitted uses.
- h. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the I-C Zoning District.
- i. Deleted (10-7-2021) (#2021-284)

³ Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

j. Signs as regulated by Chapter 7.

3. Office Uses:

a. Executive, administrative and professional offices such as:

1. Accountants, architects, doctors, dentists, engineers, insurance agents, lawyers, real estate brokers, travel agents and other professionals similar in character and impact to those listed.

2. Administrative offices for businesses, institutions, industries, and governmental agencies, utilities, etc.

b. Photography, interior design and artist studios.

c. Facilities for and use by social, fraternal, social services, union and civic organizations.

d. Mixed-use structures containing any combination of permitted uses.

2. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building.

3. Deleted (10-7-2021) (#2021-284)

4. Signs as regulated by Chapter 7.

B. Conditionally Permitted Uses:

1. Residential Uses:

a. Multi-family dwellings up to a total of twelve (12) dwelling units per acre, subject to the provisions of Chapter 4 and Section 400.10.B subsection 53.

2. Commercial Uses:

a. Bars, taverns and nightclubs, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 6, 12.

b. Carpenter, cabinet, upholstery, plumbing, heating, air conditioning shops and similar establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsections 9, 12, 18, 22.

c. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.

- d. Congregate Care/Assisted Living Facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 42.
 - e. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
 - f. Deleted. (Revised 7/31/2007) (#2007-309)
 - g. Institutions for human medical care, such as but not limited to hospitals, clinics, mental health care facilities and nursing homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 14, 51.
 - h. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.
 - i. Park and ride lots, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 55.
 - j. Private schools and institutions of higher education, subject to the provisions of Chapter 4 and Section 402, subsections 4, 6, 12, 16, 61.
 - k. Public and private parks and playgrounds, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 8, 12, 21, 54.
 - l. Public and private recreational facilities, such as but not limited to swimming pools, golf courses (except miniature golf) tennis clubs, riding academies, and associated dining facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 4, 5, 6, 8, 12, 21, 54.
 - m. Publicly owned and/or operated buildings and facilities (other than those listed in Items k and l of this subsection), subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 5, 8, 12, 21, 59.
 - n. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 63.
 - o. Deleted (10-7-2021) (#2021-284)
3. Office Uses:
- a. Office and drafting supplies, subject to the provisions of Chapter 4 and Section 400.10.B subsections 5, 6, 12, 18, 21, 58.

- b. Reproduction and duplicating facilities, and other complimentary office services, but not a print shop, subject to the provisions of Chapter 4 and Section 400.10.B subsections 5, 6, 9, 12, 18, 21, 22.
- c. Governmentally owned and/or operated facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 5, 6, 9, 12, 18, 21, 22.
- d. Deleted (10-7-2021) (#2021-284)

Section 311.03 Area, Yard and Height Requirements

A. Minimum Lot Area:

- 1. Residential Uses: One (1) dwelling unit per .25 net acres, exclusive of road right-of-way, unless otherwise stipulated.
- 2. Non-residential Uses: Twenty-thousand (20,000) square feet, exclusive of road right-of-way.

B. Minimum Frontage on a Street:

- 1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.
- 2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

- 1. Lots with partial or no frontage on a cul-de-sac circle: Forty (40) feet.
- 2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one-hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than forty (40) feet from the road rightof-way.

F. Minimum Rear Yard Depth:

- 1. Twenty-five (25) feet.

2. Where adjacent to residential district, then minimum rear yard depth shall be thirty-five (35) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width

1. Twelve (12) feet
2. Where adjacent to residential district, then minimum side yard depth shall be thirty-five (35) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

H. Maximum Building Height:

1. Main building: Forty (40) feet (10/19/2012) (#2012-233)
2. Accessory buildings: as specified in Section 510.03

Section 311.04 Residential Standards

- a. The area of the site to be dedicated for residential uses shall be no greater than 25% of the total acreage of the tract of land to be developed.
- c. Dwelling units may be located within mixed-use buildings or anywhere on the site in compliance with all setback requirements.
- d. Acreage used to calculate residential density (see Section 311.04.a) that is not developed for residential uses shall only be used as permanent open space. The open space shall only be used to enhance the residential portion of the development. The open space shall not be used for site improvements or enhancements of the non-residential portion of the development, such as, but not limited to, landscaping, storm water control and pedestrian and bicycle circulation system requirements.

Section 311.05 Maximum Lot Coverage

The maximum lot coverage per parcel to be covered by buildings and other impervious surfaces shall not exceed ninety (90) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas are to be grassy and landscaped.

Section 311.06 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 311.07 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 311.08 Outdoor Storage yards

Outdoor storage for above non-residential uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet to a maximum height of eight (8) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the wall. The maximum storage yard size shall be no greater than five percent (5%) of the maximum floor area of the principal building.

Section 312.00 Office Research District (O-R)

Section 312.01 Purpose

The purpose of the Office Research Zoning District is to provide for and encourage the establishment and operation of administrative, executive and professional offices, as well as research facilities and other uses, which may benefit from being located in close proximity to major industries in the vicinity. Office uses are oriented towards the establishment and operation of administrative, professional and executive offices, institutions, and commercial activities not involving the sale of merchandise. Research uses are heavily oriented toward research, development and high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical input, and employment of professional, technical, or comparable workers.

Section 312.02 Uses

Within the O-R Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for the following uses:

A. Permitted Uses:

1. Professional, administrative and executive offices such as:
 - a. Accounting, architectural, engineering, financial, surveying and planning, psychiatric and counseling services, and legal services.
 - b. Administrative offices for businesses, institutions, industries, and governmental agencies, utilities, etc.
2. Medical/dental offices.
3. Educational facilities, including trade and business schools.

4. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the O-R Zoning District.
5. Deleted (10-7-2021) (#2021-284)
6. Signs as regulated by Chapter 7.

B. Conditionally Permitted Uses

1. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
2. Office and drafting supplies, subject to the provisions of Chapter 4 and Section 400.10.B subsection 5, 6, 12, 18, 21.
3. Publicly owned and/or operated buildings and facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 4, 5, 8, 12, 21, 59.
3. Research facilities, which are determined to be consistent with the intent of this district subject to the provisions of Chapter 4 and Section 400.10.B subsection 5, 6, 12, 13, 18, 21, 22.
4. Reproduction and duplicating facilities, and other complimentary office services, subject to the provisions of Chapter 4 and Section 400.10.B subsection 5, 6, 12, 18, 21.
5. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.
6. Deleted (10-7-2021) (#2021-284)

Section 312.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: Twenty-thousand (20,000) square feet, exclusive of road right-of-way.
- B. Minimum Frontage on a Street:
 1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.
 2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.
- C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.
- D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

1. Lots with partial or no frontage on a cul-de-sac circle: Forty (40) feet.
2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than forty (40) feet from the road rightof-way.

F. Minimum Rear Yard Depth:

1. Twelve (12) feet.
2. Where adjacent to residential district, then minimum rear yard depth shall be twenty (20) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width

1. Twelve (12) feet
2. Where adjacent to residential district, then minimum side yard depth shall be twenty (20) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

H. Maximum Building Height:

1. Main building: Forty (40) feet
2. Accessory buildings: as specified in Section 510.03

Section 312.04 Maximum Lot Coverage

The maximum lot coverage per parcel to be covered by buildings and other impervious surfaces shall not exceed eighty (80%) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas are to be grassy and landscaped.

Section 312.05 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 312.06 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 312.07 Outdoor Storage yards

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet to a maximum height of eight (8) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the wall. The maximum storage yard size shall be no greater than five percent (5%) of the maximum floor area of the principal building.

Section 313.00 Light Industrial District (L-I)

Section 313.01 Purpose

The purpose of the Light Industrial Zoning District is established to:

- A. Provide in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities and the distribution of goods and materials;
- B. Provide for and accommodate light industrial uses such as manufacturing, office, wholesale and distribution establishments that operate entirely within completely enclosed structures whose products are derived from previously prepared materials, of finished products or parts and that normally generate only limited outdoor storage of goods and supplies in association with the principal activity.
- C. Provide for establishments that utilize processes in which dust, smoke, fumes, glares, odors or other objectionable elements can be controlled, and that do not involve any process or materials that are potentially dangerous or hazardous to the surrounding environment and its occupants.

Section 313.02 Uses

Within the L-I Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for the following uses:

- A. Permitted Uses:
 - 1. Administrative, executive, financial, accounting, clerical, drafting and professional offices.
 - 2. Warehousing.
 - 3. Wholesale establishments.

4. The following types of manufacturing, processing, servicing, assembly or repair facilities, which will not be injurious or offensive to adjacent properties, and consistent with the purpose of this district.
 - a. Bakery goods, candy, food products.
 - b. Products from previously prepared materials such as cloth, glass, leather, plastic, metal, wood, etc.
 - c. Musical instruments, toys, novelties and similar products.
 - d. Electronic instruments, small appliances, and devices.
5. Research laboratories and offices.
6. Printing, reproduction or duplicating facilities.
7. The manufacture or assembly of clothing, leather goods, and athletic equipment but not to include dyeing or handling of dyestuffs.
8. Metal processing such as fabrication, stamping, extrusion, welding, finishing, polishing, and assembly of products such as: cameras, clocks, jewelry, cutlery, small appliances, toys, electronic and electrical supplies, tools, dies, and instruments for engineering, medical or musical professions.
9. Plastic or rubber molding and extrusion.
10. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the L-I Zoning District.
11. Deleted (10-7-2021) (#2021-284)
12. Signs as regulated by Chapter 7.

B. Conditionally Permitted Uses:

1. Adult Entertainment Uses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 35.
2. Governmentally owned and/or operated facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 2, 6, 9, 12, 18.

3. Mini/self storage facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 52.
4. Park and ride lots, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 7, 12, 18, 55.
5. Research and testing facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 5, 6, 12, 13, 18, 21, 22.
6. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.
7. Medical Marijuana Manufacturing facilities in accordance with Ohio HB 523 as well as any and all future state and/or federal guidelines governing said facilities AS APPROPRIATE
8. Deleted (10-7-2021) (#2021-284)

Section 313.03 Area, Yard and Height Requirements

- A. Minimum Lot Area: One-half (1/2) acre, exclusive of road right-of-way.
- B. Minimum Frontage on a Street:
 1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.
 2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.
- C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.
- D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.
- E. Minimum Front Yard Setback:
 1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.
 2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.

- F. Minimum Rear Yard Depth:

1. Twenty-five (25) feet
2. Where adjacent to residential district, then minimum side yard depth shall be seventy-five (75) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width

1. Twenty-five (25) feet
2. Where adjacent to residential district, then minimum side yard depth shall be seventy-five (75) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

I. Maximum Building Height:

1. Main building: Forty (40) feet
2. Accessory buildings: as specified in Section 510.03

Section 313.04 Maximum Lot Coverage

The maximum lot coverage per parcel to be covered by buildings and other impervious surfaces shall not exceed eighty (80%) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas are to be grassy and landscaped.

Section 313.05 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 313.06 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Section 313.07 Outdoor Storage yards

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet to a maximum height of eight (8) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as

to project above the wall. The maximum storage yard size shall be no greater than five percent (5%) of the maximum floor area of the principal building.

Section 314.00 Heavy Industrial District (H-I)

Section 314.01. Purpose

The Heavy Industrial Zoning District is established to:

- A. Provide in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities that include basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- B. Provide for manufacturing, office, wholesale and distribution establishments that actively store or process goods and supplies outdoors.
- C. Provide for establishments that utilize processes in which dust, smoke, fumes, glares, odors or other objectionable elements can be controlled, and that do not involve any process or materials that are potentially dangerous or hazardous processes.

Section 314.02 Uses

Within the H-I Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for the following uses:

A. Permitted Uses:

- 1. All uses permitted in the Light Industrial District (L-I).
- 2. Administrative, executive, financial, accounting, clerical, drafting and professional offices.
- 3. Wholesale establishments.
- 4. The following types of manufacturing, processing, servicing, assembly or repair facilities, which will not be injurious or offensive to adjacent properties, and consistent with the purpose of this district:
 - a. Pottery and ceramic products only using kilns fired by gas or electricity.
 - b. Lumber yards.
 - c. Warehousing but not used automotive.

d. Grain elevators.

e. Soft drink processing.

f. Railroad facilities.

5. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the H-I Zoning District.

6. Deleted (10-7-2021) (#2021-284)

7. Signs as regulated by Chapter 7.

B. Conditionally Permitted Uses:

1. All uses conditionally permitted in the Light Industrial District (L-I).

2. Contractors yard and storage facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 2, 6, 12, 13, 16, 18, 21.

3. Recycling center, subject to the provisions of Chapter 4 and Section 400.10.B subsection 2, 6, 12, 13, 16, 18, 21. (August 14, 2009) (#2009-155)

4. Mining and extraction operations, subject to the provisions of Chapter 4 and Section 400.10.B subsection 45.

5. Wholesale storage of petroleum, gasoline, and oil subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 6, 12, 13, 16, 18, 21.

6. Wireless telecommunication service facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

7. Medical Marijuana Manufacturing facilities in accordance with ORC 3796 and any and all future state and federal guidelines/laws governing said facilities AS APPROPRIATE

8. Deleted (10-7-2021) (#2021-284)

Section 314.03 Area, Yard and Height Requirements

A. Minimum Lot Area: One (1) acre, exclusive of road right-of-way.

B. Minimum Frontage on a Street

1. Lots with partial or no road frontage on a cul-de-sac circle: One-hundred (100) feet.

2. Lots with total road frontage on a cul-de-sac circle: Sixty (60) feet.

C. Minimum Lot Width at Minimum Building Setback Line for Lots: One-hundred (100) feet.

D. Minimum Rear Yard Width: Fifty (50) percent of required frontage.

E. Minimum Front Yard Setback:

1. Lots with partial or no frontage on a cul-de-sac circle: Fifty (50) feet.

2. Lots with total frontage on a cul-de-sac circle:

The distance at which a one-hundred (100) feet lot width is achieved, as measured along a straight line intersecting both side lot lines an equal distance from the road right-of-way, however, the minimum front yard setback can not be less than fifty (50) feet from the road rightof-way.

F. Minimum Rear Yard Depth:

1. Twenty-five (25) feet.

2. Where adjacent to residential district, then minimum rear yard depth shall be one-hundred (100) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

G. Minimum Side Yard Width

1. Twenty-five (25) feet

2. Where adjacent to residential district, then minimum side yard depth shall be one-hundred (100) feet. Within this increased setback, a landscaped buffer of at least five (5) feet or a complete screen shall be provided.

H. Maximum Building Height:

1. Main building: Forty (40) feet

2. Accessory buildings: as specified in Section 510.03

Section 314.04 Maximum Lot Coverage

The maximum lot coverage per parcel to be covered by buildings and other impervious surfaces shall not exceed eighty (80%) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas are to be grassy and landscaped.

Section 314.05 Parking and Loading Requirements

Parking and loading requirements as specified in Chapter 6.

Section 314.06 Landscape Buffering

Landscape buffering shall be in accordance with the provisions of Chapter 8.

Chapter 3

Section 314.07 Outdoor Storage yards

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet to a maximum height of eight (8) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the wall.

CHAPTER FOUR CONDITIONAL USE REQUIREMENTS

Section 400.00 Requirements for Conditional Uses

Section 400.01 Purpose

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health and safety of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly conditional uses shall conform to the requirements of Sections 400.10.A and 400.10.B and all other applicable requirements of this Resolution.

Section 400.02 Supplementary Conditions and Safeguards

In granting approval for any conditional use, the Board of Zoning Appeals may also impose such additional conditions and safeguards as deemed necessary for the protection of individual property rights, and for insuring that the intent and objectives of Section 400.10.A of this Resolution will be observed. Any violation of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution.

Section 400.03 Terms and Assignment

- A. Conditional Zoning Certificates are assigned only to the property specified on the application and can not be assigned to another property.
- B. Modifications to the terms under which a Conditional Zoning Certificate is granted shall require resubmission and shall constitute a new review by the Board of Zoning Appeals, subject to the provisions of Section 202.00.

Section 400.10 Review Criteria for Conditional Uses

A. General Requirements for all Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 400.10.B the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following general requirements, and shall find adequate evidence for such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Chapter 3 for the zoning district involved;

2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Brimfield Township Comprehensive/Land Use Plan of current adoption and the Brimfield Township Zoning Resolution;
3. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or permitted uses;
5. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
6. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer (where applicable), 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;
7. Will not create excessive additional requirements at public cost for public facilities and services and not be detrimental to the economic welfare of the community;
8. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons and/or property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
9. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
10. Will not result in the destruction, loss, or damage of a natural, scenic, environmental or historic features of major significance or concern to the community and to the ecosystem;
11. Will be in compliance with the Portage County Subdivision Regulations, the County Health District requirements and the County Building Code and all other applicable federal, state and local regulations.

B. Specific Requirements for Conditional Uses

The following are the specific conditional use criteria and requirements for the uses conditionally permitted in this Resolution as provided for in Chapter 3. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements.

In addition to the general requirements as specified in Section 400.10.A, every conditional use shall meet the following specific requirements as specified in Chapter 3 for that particular use and district:

1. All structures and activity areas shall be located at least one-hundred (100) feet from all property

lines.

2. Loud speakers that cause a hazard or annoyance shall not be permitted.
3. Recreational facilities shall be provided as deemed necessary.
4. There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
5. All points of entrance or exit should be located no closer than two-hundred (200) feet from the intersection of two arterial streets; no closer than one-hundred (100) feet from the intersection of an arterial street and a local or collector street or two local or collector streets.
6. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
7. Structures and activities should have primary access to a collector or arterial street.
8. Such developments should have primary access to arterial streets or be located at intersections of arterial and/or collector streets.
9. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial uses.
10. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into adjacent areas.
11. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of shared parking facilities.
12. All permitted installations/facilities shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, and the township in general.
13. The area of use shall be completely enclosed by a fence, a minimum of six (6) feet to a maximum height of eight (8) feet in areas where permitted, and appropriately landscaped to be harmonious with surrounding properties.
14. Signs shall be in keeping with the character of the adjacent environment.
15. New buildings and structures or alterations to existing buildings and structures should relate the contemporaneous design standards of existing properties surrounding the new structure. Building height, width, mass, and proportion affect the degree of compatibility and harmony between the old and the new.
16. Landscaping, parking, utility or service areas, driveways, walkways, and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces, and the overall environment.

17. Such uses should be located on an arterial street, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
18. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for storage of trucks and trailers.
20. Such uses shall not be conducted closer than two-hundred (200) feet from any residential district, no closer than one-hundred (100) feet from any structure used for human occupancy in any other district.
21. All structures and activity areas shall be located at least thirty (30) feet from all property lines.
22. All contract activity and storage of equipment and materials shall be within a fully enclosed building.
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35. Adult Bookstores or Adult Video Stores, Adult Cabarets, Adult Motion Picture Theaters

- A. The proposed use shall not be contrary to the public interest or be injurious to nearby properties.
- B. The proposed use shall not enlarge or encourage the development of a blighting influence.

- C. The establishment of an additional regulated use in the areas shall not be contrary to any program of neighborhood conservation.
- D. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established within one-thousand (1000) feet of any residential district or residential use.
- E. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established within one-thousand (1000) feet of any school, church, park or library, or any other adult bookstore, adult video store, adult cabaret or adult motion picture theater.
- F. Any display, device, or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.
- G. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established in the same building with another adult bookstore, adult video store, adult cabaret or adult motion picture theater.

36. Agritourism Uses

A. Uses Regulated

For the purpose of this resolution, regulated Agritourism activities include such activities and uses as:

1. Fee hunting and fishing.
2. Temporary camping in association with other permitted use events.
3. Rural educational center.
4. Petting/farm zoo.
5. Gift/craft shop.
6. Farm museum.
7. Fee Cross Country Skiing or Skating or other fee recreational uses.
8. Community Gardens.
9. Other agritourism uses not listed that will not result in an ongoing increase in traffic in the rural agricultural and residential areas or cause potential public health problems shall require review and approval by the Board of Zoning Appeals.

B. Standards

1. The use/activity shall be farm centered.
2. The development of any agritourism use shall not create a negative visual impact on the primary use of the property as a farm, and shall not have the effect of diminishing the farms' nor any adjacent farms' economic viability as an agricultural enterprise.
3. The agritourism use and activity areas shall comprise no more than ten (10) percent of the total farm acreage and such use cannot displace other primary agricultural uses.
4. The agritourism activity/use cannot have the effect of eliminating the agricultural land from the Current Agricultural Use Value Program.
5. Camping as an ancillary use shall not become a year around campground.
6. All ancillary agritourism uses shall comply with all applicable local and state codes.

37. Animal Hospitals, Veterinary Offices and Clinics

- A. The proposed use shall be located in a building having adequate soundproofing and odor control.
- B. Screening shall be provided on each side of the parking area that abuts or faces a residential lot.
- C. There shall be no facilities for the boarding of animals except to allow overnight lodging only for those animals receiving current medical attention.
- D. Such facilities shall be located at least fifty (50) feet from all property lines.
- E. Any outdoor animal run area shall be enclosed by an opaque fence of a minimum of six (6) feet in height to a maximum of eight (8) feet in height with use restricted to 7:00 A.M. to 9:00 P.M.
- F. Premises shall be kept in a neat and sanitary manner by the daily removal of dead animals and the use of sprays and disinfectants to prevent an accumulation of flies, the spread of disease or offensive odor.
- G. Applicant shall demonstrate a working plan to prevent and alleviate any noise and odor problems emanating from the animals that may be staying overnight for current medical attention.
- H. Such facilities must meet all applicable licensing requirements of the state and county.

38. Bed and Breakfast Establishments

- A. The number of bedrooms permitted in any residence for such purposes shall not exceed four (4) bedrooms.
- B. A lodger may only rent a room for fewer than fifteen (15) consecutive nights.

- C. Gift/retail shops and food services applicable to such use may only be provided for the sole enjoyment of the inn's patrons and their guests.
- D. One (1) additional parking space shall be required for each bedroom used for such purpose.
- E. There shall be no visible evidence of such use from the street or adjacent property.
- F. For the purposes of advertising, only one (1) sign as regulated by Section 700.13.B.1 is permitted.
- G. Social activities, such as weddings, receptions, luncheons, cocktail parties, meetings, seminars or other similar functions are not permitted as a function of a bed and breakfast establishment.
- H. The operator must agree to annual inspections to ensure compliance with local zoning requirements.
- I. Must conform to all State and County sanitary and health codes based on maximum occupancy.

39. Car Washes

- A. Such uses shall be located at the edge of the Commercial District whenever possible so as to avoid conflicts with pedestrians and so as to not limit the expansion of pedestrian oriented facilities.
- B. Such facilities are not to be used for storage of vehicles.
- C. Where applicable, all car washes shall also comply with regulations for auto fuel stations.
- D. Adequate on-site circulation patterns for autos and other motor vehicles waiting in line for service shall be provided so that there is no stacking in the road right of way.
- E. All mechanized washing, waxing, and drying of automobiles and other vehicles shall be within a building enclosed on at least two (2) sides.
- F. The entrance and exit for this property shall not face any abutting property zoned for residential use.
- G. Any areas for manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles shall not conflict with on-site circulation patterns.
- H. Adequate provision shall be made for the control of steam, water and other by-products of this use not normally present in the surrounding environment.
- I. For car wash systems employing high pressure spray:

1. They shall be arranged so as to contain all spray within the car wash structure;
 2. Exit aprons shall be equipped with grate drains and pitched for a minimum of twenty (20) feet toward the car wash structure at a gradient of at least 1/4 inch per foot or an alternative acceptable to the Board of Zoning Appeals which would prevent water washing into the streets and creating a hazard either on the street or on adjacent property or pedestrian area.
- J. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the Board of Zoning Appeals and the County Sanitary Engineer (where sewer available), Federal and State EPA regulations, and shall conform with all State and County sanitary and health codes and shall be designed so as not to detrimentally effect the sewer system.
- K. When adjacent to a residential use, a fence that is a minimum of six (6) feet in height to a maximum of eight (8) feet in height constructed of material approved by the Board of Zoning Appeals shall be provided along the interior side and rear property line to protect the dwelling from light and noise and to eliminate blowing debris.
- L. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
- M. All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped in compliance with landscaping requirements of Chapter 8.
- N. Stacking space shall be required to accommodate not less than 4 automobiles waiting to be washed per washing stall. A space of eighteen (18) feet by nine (9) feet shall be deemed adequate for such required space per vehicle.
- O. In addition, parking requirements for employees shall be provided as required by Chapter 6.

40. Cemetery

- A. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- B. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
- C. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within fifty (50) feet of any property line.
- D. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line.
- E. No burial plots or facilities are permitted within any flood hazard area.
- F. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder local

traffic flow.

- G. Adequate off street waiting space shall be provided for funeral processions so that vehicles do not stack up in the street right of way.

41. Church, Temples other places of Worship

- A. These uses should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.
- B. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- C. The church building shall be setback from any adjacent residential property line a minimum for fifty (50) feet.
- D. Parking shall not be permitted within fifty (50) feet of any side or rear property line.
- E. A cemetery shall not be a permitted use in conjunction with the church.

42. Congregate Care/Assisted Living Facilities

- A. A congregate care/assisted living facility provides accommodations for seventeen (17) or more unrelated individuals and provides supervision of personal care services for three or more of those individuals who are dependent on the services of others by reason of age and/or physical and/or mental impairment.
- B. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- C. The site plan shall indicate parking and the emergency entrances and exits and appropriate safety elements.
- D. Ambulance and delivery areas to be obscured from all residential property view with a solid, ornamental masonry wall at least six (6) feet in height to a maximum of eight (8) feet in height.
- E. Outside areas for activities shall be properly fenced for the protection and care of the residents of the facility. Fencing height and design shall be approved by the Board of Zoning Appeals.

43. Conversion of Single-Family to Two-Family or Three-Family Uses

An existing single-family residence may be converted to a two-family dwelling unit provided:

- A. The floor area per dwelling unit shall not be less than nine-hundred (900) square feet.

- B. The minimum lot area per dwelling unit shall be at least five-thousand (5,000) square feet where central sanitary sewer facilities are available. In those areas where sanitary sewer facilities are not available, approval and documentation from the Portage County Health Department shall be provided substantiating the ability of the private household sewage disposal system to accommodate the proposed dwelling units. The minimum lot area per dwelling unit shall be one (1) acre, unless otherwise determined and approved by the Portage County Health Department.
- C. Off street parking requirements are met as per Chapter 6, without the addition of any parking spaces within a required yard.
- D. Each dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. Each dwelling unit may either share a common entrance with the other dwelling units or use a separate entrance. However, a separate entrance shall only be located on the rear or on the side of the building.
- E. The conversion is in compliance with all other relevant requirements of this Resolution.

44. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers

- A. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- B. Day care centers shall not provide overnight accommodations.
- C. A drop-off/pick-up location that will not impede traffic on the site shall be provided to ensure the safety of the adults and/or children.
- D. Outside areas for activities shall be fenced for the protection of the adults and/or children. Fencing height and design shall be approved by the Board of Zoning Appeals.
- E. Only Type A Family Day-Care Home facilities may be located in an occupied dwelling unit used for residential purposes, all other types of day care centers shall be located in non-residential buildings.

45. Extractive Industries

The removal of minerals, aggregate, solid materials and substances from the land may be permitted if approved by a majority vote of the Zoning Board of Appeals and if the conditions listed below are complied with.

A. Definitions:

1. Earth Products - any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including but not limited to clay, silt, diatomaceous earth, sand, gravel, stone, metallic ores, shale, and soil.
2. Dewatering - the withdrawal of ground water from an aquifer or saturated zone.

3. In situ - at the permitted site.

B. Exemptions:

The following activities, to the extent specified herein, are exempt from the requirements of this section:

1. Excavation in conjunction with utility installation, which is to be back-filled.
2. Excavation in conjunction with road construction within the limits of the right-of-way when construction plans have been approved by either, local, county, state, or federal authority.
3. Excavation which by nature is of limited duration: e.g., graves, septic tanks, swimming pools, etc.
4. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
5. Excavation for structures, parking areas and rights-of-ways, when lines and grade plans have been approved by the zoning inspector.
6. Landscaping of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
7. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers, and/or other governmental authorities.
8. Excavation in conjunction with the drainage maintenance and/or improvements approved by either, local, county, state, or federal authorities.

C. Uses and Structures:

1. The following uses and structures are permitted in conjunction with a mineral and/or aggregate operation for material removed in situ, in accordance with these requirements:
 - a. Crushing, washing, and screening of mineral and/or aggregate material
 - b. Stockpiling of mineral and aggregate materials and/or earth products for use within a defined time frame.
 - c. An office, shop and/or other accessory structure used for the management and/or maintenance of mineral and/or aggregate extraction and processing equipment.
 - d. Sale of products produced from a mineral and/or aggregate extraction and processing operation.
 - e. One detached temporary dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman. (Note: To be removed upon close of operation).
 - f. Storage units for running and/or operational equipment and/or machinery necessary for mineral and/or aggregates extraction or processing.

- g. Storage units for salvage vehicles and equipment to be used to repair equipment for mineral and/or aggregate extraction and/or processing.
- h. Storage units for equipment and/or machinery and maintenance facilities related to mineral and/or aggregate resource extraction processing and/or transportation equipment.
- i. Structures designed and constructed exclusively for solid mineral extraction, storage or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at the expiration of the Mining Permit or where the mining operation is completed or abandonment of the operation takes place.
- j. Mining through water.
- k. Dewatering on a case by case basis.

2. The following uses and structures are not permitted:

- a. Asphalt/concrete mixing or batch plants.
- b. Sale or removal of topsoil (excess topsoil may only be sold or removed upon compliance with the requirements of Section 400.10.B.45.F.3).

3. Signs: subject to Chapter 7.

D. Procedures for Making Application:

- 1. Applications shall be submitted per Section 200.02.
- 2. Submit copies of application paperwork submitted to the State of Ohio Division of Mineral Resources for the mining permit of the subject area.
- 3. The cost of securing expert advice or studies shall be borne by the applicant.

E. Conformance to the issued Conditional Use Permit:

- 1. An approved solid mineral and aggregate extraction conditional zoning certificate may be revoked per Ohio Revised Code, Section 519.14 (D).
- 2. The Township Zoning Inspector shall be responsible for monitoring compliance with the Conditional Use Permit requirements and the reclamation process.
- 3. All facilities and structures shall meet all local, county and State of Ohio health, building, electrical, and other applicable codes.
- 4. The use shall be considered abandoned if the State of Ohio Chief of Division of Mineral Resources Management issues an order declaring the mining area abandoned per Ohio Surface Mine Rules 1501:14-4-04.

F. Development, Mitigation, Reclamation and Post Mining Use Plans:

Each application will include: detailed development and operation plans on how the applicant intends to develop the site, how the applicant intends to manage the operation, and, how the applicant intends to reclaim and reuse the site. The following items must be included for review as part of the application:

1. Development Plan:

The Development Plan includes a site plan that shows the location of physical site features and extractive and process features.

- a. Drawings to a legible scale showing the following physical features of the site:
 1. Existing elevation at a scale of ten (10) foot contours;
 2. Location of wetlands and flood plains;
 3. Boundaries of all soil types;
 4. Location of all existing significant natural, geographical, ecological and/or unique features;
 - a. Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways
 - b. Mature woodlands
 - c. Wildlife habitat areas
 - d. Significant natural amenities such as tree stands, ponds, ravines and stream channels
 - e. Historical, archaeological or cultural features
 - f. Aquifer recharge areas
 5. Grading and erosion control and surface drainage plan;
 6. Existing utilities and their relationship to the property;
 7. Function and height of all existing structures.
- b. Drawings to a legible scale showing the following extraction and processing features of the site:
 1. All areas to be mined.
 2. All buildings for mining activity and related non-mining uses and activities, including the function and height of these buildings.
 3. Power lines, underground utilities and easements, water supply lines, storm drainage lines and easements, storm drain basins, sanitary sewers, and the treatment plant and distribution field if treatment occurs on site.

4. Roads, parking facilities and loading areas, and entrances and exits to the site, indicating which portion of these are to be surfaced to retard dust and the type of surfacing.
 5. Railroad tracks and sidings.
 6. Water bodies and channels to be removed and/or shifted and/or created accompanied with permits, if applicable.
 7. Signs and entrance markers, including elevation drawings of identification signs.
 8. Exterior lighting standards and poles.
 9. Fences, berms and/or landscaping to be provided for screening along the perimeter of the property.
 10. Proposed routes to be used by all trucks on public roads.
 11. Probable location and expected maximum height of stockpiles of mined ores, sand, gravel and/or other aggregate.
 12. Location of loading areas, tipples, and the waiting areas for trucks and railroad cars in relation to the ore stockpiles.
 13. Location of major machinery and conveyors for receiving and/or processing raw ores including machinery for sifting, washing and grading products.
 14. Location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored and to be used for replacement under the reclamation plan.
2. Mitigation Plan:

The Mitigation Plan includes a site map, a narrative and the cross-section profiles that explain, illustrate and show mining procedures, practices, policies and methods.

- a. The site plan will show the intended phases of the mining operations to be carried out over all portions of the tract. Near-term phases will be mapped precisely and long-distant phases will be mapped conceptually. The site plan will show generalized expected contours or elevations estimated for the floor of the pit when mining is completed for each phase of operation before reclamation is started. The applicant will also provide cross-section profiles, which show the anticipated depth of extraction and ground slopes when mining is completed but before reclamation is started.

The site map and profiles will show:

1. The drainage from mined areas and stockpiles of materials,

2. Illustrate how erosion, sedimentation and non-point source pollution, contamination of the water table and nearby water tables and bodies of water, streams and rivers is avoided
 3. How turbidity of water bodies and nearby wetlands is avoided
 4. How the mine operator will prevent changes in local water table levels
 5. How increases in the rate of storm runoff will be accommodated on the site and/or delivered to the natural water runoff system.
- b. The narrative description explains:
1. What actions the operator will employ to reduce noise, dust, litter and vibration
 2. Where safety fencing and type of fencing will be if required
 3. Anticipated hours of operation
 4. Which portions of the site are to be reclaimed after mining is completed within a period of one (1) year.
 5. How the phased reclamation will conform to the approved site reclamation plan.
 6. The estimated duration of the operation
 7. Stockpiles of ores on mined-out phases must be exhausted within one (1) year after mining the product or by-product.

3. Reclamation and Post Mining Use Plan:

The reclamation plan shows the interim restoration of the site prior to the proposed permanent use of the site. The interim restoration plan is accompanied by a narrative that describes the range of possible post mining uses of the site. Show how ground contours, slopes, vegetation and other features on the site are designed to accommodate the proposed uses. A grading plan and a landscape plan shall also be provided, which includes:

- a. In detail for near-term first phases of site reclamation and in conceptual detail for each proposed phase.
- b. A grading plan shall show ten (10) foot contours, as finished contours for near-term reclamation and a generalized probable contours for proposed later phases of the reclamation program.
- c. Show the final location and depth of mean high and low water pool for the shorelines of lakes, wetlands and streams.

- d. Location of storm drainage channels, swales, conduits, and the location of easements to be dedicated for storm drainage and public utilities if they are relaxed during the mining process.
- e. Locations of right-of-ways of all types.
- f. Requirements:
 - 1. Reclamation is required within one (1) year from expiration date of a Conditional Use Certificate or the abandonment of the operation.
 - 2. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Mineral Resource Management.
 - 3. Applications for revisions submitted to the State of Ohio Division of Mineral Resource Management subsequent to the issuance of a Township Surface Mining or Strip Mining Certificate shall be presented to the Zoning Inspector.
 - 4. The reclamation plan shall ensure that the total area reclaimed will support vegetation capable of self-regeneration and plant succession.
 - 5. Reclamation shall be progressive to prevent erosion, ecological changes and to provide water controls.
 - 6. All machinery and related equipment is to be removed from the property.
 - 7. The operator shall grade, contour, and/or terrace the final slopes to a slope angle sufficient to achieve soil and plant stability and control landslides, erosion, sedimentation, and excessive water runoff control. Slopes with a slope angle of fourteen (14) degrees or less shall be presumed sufficient.
 - a. Resoiling shall occur in such a way that a diverse growth of vegetative cover can be grown and maintained. The cover will be capable of self-regeneration and plant succession.
 - b. Topsoil and subsoil will be stored and segregated in sufficient quantities so as to create soil depth and distributions as per the proposed plan for post mining use.
 - 8. Soil amendments such as lime, fertilizer and mulch shall be used to promote good seed germination and adequate growth.
 - 9. Permanent planting shall be completed upon completion of any required grading or resoiling except when these operations are completed in a season unsuitable for planting. In such a case, permanent planting shall be completed at the earliest possible planting time, to ensure proper germination and plant growth.

G. Development Standards:

1. Area, Yard, and Height Requirements:

a. Project Area

1. All land shall be contiguous in that it shall not be divided into segments by (a.) any limited access highway or roadway, (b.) any tract of land (other than streets, roads or right-of-ways for pipelines or electric transmission lines).
2. All boundaries will be clearly and permanently flagged at intervals no greater than two-hundred-fifty (250) feet.
3. The Board of Zoning Appeals will make a determination as to whether processing must be performed on-site or off-site. At a minimum, the following guidelines must be considered:
 - a. Processing performed on-site if the parcel size is greater than twenty (20) acres and the mining duration is greater than four (4) years.
 - b. Impact of processing and/or trucking on existing residences.
 - c. Overall impact on the township of truck traffic to haul material to off-site processing versus processing on-site. Recognizing that processing off-site requires the same material to be hauled twice, once as raw material and the other as finished goods, and the handling of by-products will be necessary.
 - d. The Board of Zoning Appeals will make a determination as to whether processing and stockpiling materials not extracted in situ will be permitted.

b. Setbacks.

1. The mineral and/or aggregate extraction operation shall have at least two-hundred (200) feet of frontage on a road.
2. The extraction area shall meet the following minimum distances from:
 - a. Each side and rear lot line when lot edge is adjacent to:
 - i. Residential district - 250 feet, Condition 1
 - ii. Business district - 75 feet, Condition 2
 - iii. Industrial district - 50 feet, Condition 2
 - iv. or if contiguous to an existing mining operation - 20 feet
 1. Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line. (Ref. Section H.3)

2. Condition 2 - the required berming and/or screening placed no closer than thirty (30) feet to the property line. (Ref. Section H.3)
 - b. From road right-of-way when lot edge is adjacent to:
 - i. Residential district - 250 feet, Condition 1
 - ii. Business district - 200 feet, Condition 2
 - iii. Industrial district - 50 feet, Condition 1,
or - 100 feet, Condition 2
 - iv. or if contiguous to an existing mining operation - 50 feet, Condition 1, or
100 feet, Condition 2
 1. Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line. (Ref. Section H.3).
 2. Condition 2 - the required berming and/or screening placed no closer than thirty (30) feet to the road right-of-way. (Ref. Section H.3)
 - c. Processing areas of mineral and/or aggregate materials shall be located so as to minimize noise emission, visual impact and airborne particulate control.
 - d. Office, shop, parking and/or other accessory structures shall be located behind the berm.
 - e. Storage areas for operational or non-operational equipment for the production and/or processing of mineral and/or aggregate materials shall be located behind the berm.
 - f. A detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker and/or watchman shall be at least fifty (50) feet from any property line.
2. Height.
 - a. The maximum height of any structure, or security lighting, except mineral and/or aggregate processing and/or extraction structures shall be fifty (50) feet or less. This restriction will not apply to transmission and/or communication equipment.
 3. Dewatering
 - a. Dewatering may be permitted on a case by case determination by the Board of Zoning Appeals. At a minimum, the following must be taken into consideration in making that determination:
 1. The effect of an additional dewatering site when pre-existing permitted dewatering sites are located in the general vicinity.

2. See Section H, Groundwater Contamination Prevention Measures and Hydrologic Determination Report
3. The number, location and monitoring of all observation wells.
- b. If dewatering is permitted, observation wells will be used to indicate the extent of the decline of water levels and to prove the need for remedial action. These observation wells shall not be pumped or used for any purpose other than monitoring.
4. Truck Hauling and Access:
 - a. Not more than one entrance/exit, preferably located along a secondary road, which shall be located so as to avoid routing of vehicles to and from the mining operation over streets that primarily serve an abutting residential development. However, a temporary entrance/exit will be allowed if the primary entrance/exit is unusable due to conditions beyond the control of the mining operation. The use of the temporary entrance/exit shall be immediately discontinued once the primary entrance/exit is usable.
 - b. A paved road from the entrance and/or exit to and from the area of operation shall be provided in order to minimize the deposit of dirt and gravel from all vehicles. This road congestion shall be completed prior to the initial mining phase. Haul roads and cartways shall be graded and maintained to meet Ohio EPA standards for airborne particulate control.
 - c. Trucks shall be covered and/or loaded to minimize spillage and/or product blowing or spilling from the truck.
 - d. All tires will be washed before entering any public roads.
 - e. Any spillage shall be removed periodically throughout the day from public roads and at the end of each business day.

H. Performance Standards:

1. Groundwater Contamination Prevention Measures:

The operation shall be planned and conducted to:

- a. Minimize disturbance to the prevailing hydrologic balance in both the permit and adjacent areas.
- b. Prevent material damage to the hydrologic balance outside the permit area.
- c. Assure protection and/or replacement of water rights on adjacent properties.
- d. The applicant will provide a description of the controls, which will be utilized to assure compliance with water quality, erosion control, sedimentation control, storm water management, and any other applicable hydrologic controls necessary to maintain current and proper balance on the site and on adjacent properties.

- e. The use of monitoring wells will be used as one means to assure water quality and water levels and documented on a quarterly basis by an independent contractor.
- f. Mineral and/or aggregate extraction operations, materials storage and use, site access, fueling procedures, drainage, restoration activities and restoration uses shall be controlled so as to minimize to every extent possible the contamination of groundwater. Excavation below existing groundwater shall only be permitted in locations where post mining use plan indicates a lake is planned.
- g. In addition, extraction operations are to seal all shafts, bore holes, wells, and other openings that are utilized for and/or during mining in such a manner that migration of waters is minimized.

2. Hydrologic Determination Report Requirements:

The applicant will also provide a report attesting to the probable hydrologic consequences the proposed extraction operation will have on the subject site and the adjacent areas. If dewatering is not allowed, the report does not need to be prepared by a certified hydrologist. In either case, this report will include, but is not limited to providing the following information:

- a. The consequences of the proposed operation on the contents of dissolved and total suspended solids, total iron, total manganese, and pH.
- b. Whether adverse impacts may occur to the hydrologic balance.
- c. The impact the proposed operation will have on:
 - 1. Sediment yield from disturbed areas.
 - 2. Flooding and/or stream flow alteration.
 - 3. Ground water and surface water availability.
- d. The extent to which the proposed operations may proximately result in contamination, diminution, or interruption of an underground and/or surface source of water within the proposed extraction area and/or adjacent areas which is used for domestic, agricultural, commercial, industrial or other legitimate uses.

If contamination, diminution, or interruption may result, provide a description of alternative sources of water that will be developed to replace existing sources. This would include information on water availability and suitability of alternative water sources for existing pre-extraction uses and approved post-extraction land use.

3. Screening, Fencing, and Berm Requirements:

All of the requirements must be in place before the commencement of the solid mineral and/or aggregate extraction operations, provided, however that berms may be built from material on the site.

a. Screening:

No grading, removal or disturbance of plant material shall be permitted within the setback areas except that area affected by the required screening from any lot line or road right-of-way. Adequate year-round screening with indigenous planting (for example, maple and pine trees) and perennial species with the ability of self generation shall be preserved or will be established, where ever possible, to screen the view of the site and all related equipment from any public road, residential area, and any existing noise-sensitive use located within one-thousand (1,000) feet of the site perimeter. The appropriate type of screening and buffering shall be determined by the Board of Zoning Appeals.

b. Fencing:

Fencing shall be required to eliminate any safety hazards of the site from adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the applicant and/or property owner with approval of the Board of Zoning Appeals.

c. Berms:

Berms shall be constructed of overburden and topsoil but must be finished with topsoil excavated from the subject site and planted as soon as weather permits with ground cover to prevent erosion. Vegetative growth must be maintained at all times. The intent is to use the berms as a primary topsoil storage area.

d. Visual Effects:

The line of sight from residential districts to quarries, pits, extraction and processing areas, structures and stockpiles, loading areas, access roads and other facilities and operations shall be interrupted so as to reduce to the maximum extent practicable the visual and sound intrusion of surrounding areas occupied but not owned or leased by the owner and/or operator. The plan to be submitted with the application shall include line of sight and cross section studies demonstrating the manner in which the line of sight from surrounding properties, not owned or leased by the owner/operator, is to be interrupted. The type of visual screening and sound screening. The sequence in which it is to be done may be customized to suit each mining operation.

4. Airborne Particulate and Operational Nuisance:

- a. Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, black smoke, noise, odors, or dust. It is recognized that the State of Ohio has expended extensive resources to ascertain acceptable environmental regulatory standards for the controls of the aforementioned.
- b. All equipment shall be properly muffled to reduce excessive noise.

- c. Crushers and similar noise generating equipment may be located below ground level, bermed, muffled by stockpiles or physically soundproofed to reduce noise levels.

Crushers and similar noise generating equipment shall be located and situated to minimize noise intrusion onto other properties that are not used for mineral extraction. The following are ways to reduce noise levels from crushers and similar noise generating equipment:

1. Effective and efficient berm placement.
2. Stockpile/overburden placement.
3. Below ground level equipment placement.
4. Construction of wooden noise muffling barriers.
5. Blasting:

Adjoining property owners shall be notified at least twenty-four (24) hours prior to any blasting and of the expected level of tremors, noises, dust and the dispersion of material.

6. Hours of Operation:

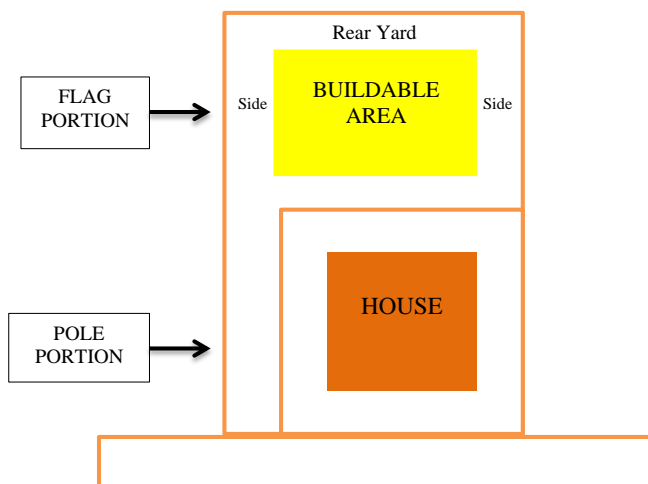
The anticipated hours of operation as identified by the applicant.

46. Farm Related Business (Conducted outside of the home)

- A. No more than two (2) acres of land shall be utilized for such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. A drive serving the farm related business and the farm or home on the same lot shall be excluded from the calculation of the two (2) acres. No additional lane or curb cut to access the farm related business shall be allowed;
- B. No more than fifty (50) percent of the area devoted to the farm related business shall be covered by buildings, parking or other impervious surfaces.
- C. The owner or occupant of the farm must be engaged in the farm related business.
- D. The use must be conducted within a completely enclosed building typical of farm buildings.
- E. Any building used for the farm related business must be located behind the principal farm dwelling on the site or shall be located at least two-hundred (200) feet from the closest street right of way.
- F. Outdoor storage of supplies, materials, or products shall be located behind the building in which the farm related business is located.
- G. For the purposes of advertising, only one (1) sign as regulated by Section 700.13.B.1 is permitted.

47. Flag Shaped Lot

- A. The flag portion of the lot must comply with the zoning district minimum acreage requirements and setback requirements.
- B. Lot must have a minimum of sixty (60) feet of continuous frontage at the road right-of-way.
- C. The pole portion of the lot must not be found narrower than sixty (60) feet of continuous frontage or at any point.
- D. The access-way or pole portion of the lot must be free of structures and accessory buildings.
- E. The pole portion of the lot cannot exceed an overall length of nine-hundred (900) feet from the road right-of-way.
- F. Lot must be of sufficient area to accommodate a residential dwelling and meet all of the district's setback requirements and this portion of the lot must equal or exceed the minimum lot width requirement.
- G. The flag section of the lot shall be considered the building section. The front yard setback for the dwelling must be equal to or greater than the required setback of the district and is to be measured from the point where the lot widens to equal the district's minimum lot width requirement.
- H. The fire chief shall provide a letter that states that fire apparatus and emergency vehicles can have safe access and that access can be reasonably constructed and maintained to the portion of the lot which is suitable for a residential dwelling.



48. Funeral Home

- A. The building shall be designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- B. Sites shall have a minimum of one (1) acre of land with a minimum lot width of one-hundred (100) feet, unless the district requires a greater area and/or lot width.
- C. The site and structure shall meet the applicable state and county code requirements, including licensing and operation requirements.
- D. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic. In addition, the plan shall show an off-street vehicle assembly area for funeral processions for at least twenty (20) vehicles. This area shall be in addition to the required off-street parking requirements.

49. Gasoline Sales and Auto Service

- A. Shall be designed so as not to interfere with pedestrian traffic and not limit expansion of pedestrian oriented facilities.
- B. Use shall be servicing motor vehicles weighing up a maximum gross vehicle weight of ten-thousand (10,000) pounds and shall not engage in any changes to body and/or chassis and/or removal of engine from vehicles.
- C. All activities except for fuel and an air pump shall be carried on inside of the building.
- D. If property fronts on two (2) or more streets, driveways shall be located as far from the street intersection as practical.
- E. All areas for vehicular traffic and parking shall be paved. At least a six-inch (6") high safety curb shall be installed on the perimeter of paved areas.
- F. No junk, inoperative or unlicensed vehicles shall be permitted to remain outdoors on property except in a completely screened storage area a minimum of six (6) feet and a maximum of eight (8) feet with no parts of the stored vehicles above the screened sections.
- G. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.

- H. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Chapter 6.
- I. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.
- J. Lighting shall comply with lighting standards of Section 900.09 and shall be shielded to preclude light trespass. Recessed ceiling fixtures are preferred for canopies such as over fuel pumps.
- K. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on, into and out of the site and traffic impact within the surrounding area and any other relevant factors to the surrounding area.
- L. Any ancillary uses to the principal use must be reviewed and approved by the Board of Zoning Appeals prior to any construction or reconstruction related to such use. (Example of fast food service in gas station)

50. Home Based Business

A. Intent/Purpose

The Township recognizes the desire and need of some citizens to use their residence for business activities in order to provide the opportunity to be more directly involved in raising children while earning a living, and/or to provide an alternative means to be financially solvent. It further recognizes that home based businesses can serve to nurture the development of new businesses, reduce vehicle trip generation rates, and serve as a business incubator thereby improving the local economy while also recognizing the need to protect the surrounding areas from adverse impacts generated by these business activities. On-site customers are to be limited to one (1) at a time, preferably by appointment, in order to minimize vehicle and pedestrian traffic.

B. Administration

Conditionally Permitted Home Based Businesses shall not be permitted until the Board of Zoning Appeals has approved said conditional zoning certificate.

C. Permitted Home Based Businesses

The following is a list of the types of home based businesses permitted under these regulations. It is recognized that this list is not totally inclusive. A determination of substantial similarity by the Board of Zoning Appeals will need to be made if the use or type of use is not listed:

1. Professionals, including but not limited to: architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, sales persons and manufacturers' representatives, and travel agents.

2. Personal services establishments, including barbershops, beauty salons, manicure and pedicure services, pet grooming, catering and chauffeuring services.
3. Instructional services, including music, dance, art and craft classes, and tutoring.
4. Studios for artists, sculptors, musicians, photographers and authors.
5. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and woodworking.
6. Repair services, including but not limited to: watch and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines. (Excluding ATV's, Motorcycles, Boats, Jet Skis and other such motorized vehicles.)
7. Assembly, packaging of goods for sale or distribution that are made on the premises.
8. Sales of goods made on the premises should be by appointment.

D. Prohibited Home Based Businesses

The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area. Some of those listed are regulated in other sections:

1. Adult Uses.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle repair shops.
4. Undertaking and funeral parlors, crematoriums.
5. Retail sales or wholesaling of goods not made on the premises.
6. Veterinarian clinics, animal hospitals.
7. Uses stipulated in Section 505.00 Dangerous/Objectionable/Prohibited Uses.

E. Conditions and Operating Standards

1. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and no use of yard space shall be permitted.
2. The basis of calculation for total area that may be used for the home based business is twenty-five (25) percent of the gross floor area of the residential dwelling unit and up to an

area that is equivalent to one-hundred (100) percent of the gross floor area of the residential dwelling for space allocated for this use in any accessory buildings on the site.

3. Customers visits should be by an "appointment only" basis, in order to discourage large volumes of clients at the home based business and increased traffic in the neighborhood.
4. There shall be no outdoor storage of materials of any kind connected with the Home Based Business. The storage of all materials related to the Home Based Business shall be stored in an enclosed building(s).
5. Any number of home based businesses per dwelling unit and it's accessory buildings are permitted, provided that all of the conditions provided herein shall be complied with collectively, as if determined for a single use on the site.
6. The total customer visits shall be limited to no more than two (2) vehicles at any one time, providing adequate parking is made available without encroaching into the yard setback areas.
7. The home based business shall have no non-resident employees on the premise. The number of non-resident employees working at locations other than the home based business is not limited.
8. The home based business shall be limited to the parking/storage of one commercial vehicle. The commercial vehicle shall not exceed a maximum gross vehicle weight of ten-thousand (10,000) pounds. Said vehicle shall be stored in a garage. If the commercial vehicle cannot be stored in a garage, it only may be parked in a side or rear yard if it can be screened from view from the road and neighboring properties.
9. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) unlighted sign as regulated by Section 700.13.B.1 with no other outward evidence of such use.
10. No home based business may manufacture, store or sell toxic and/or hazardous materials.

51. Institutions for Human Medical Care, such as but not limited to Hospitals, Clinics, Mental Health Care Facilities and Nursing Homes

- A. The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- B. Unless a greater acreage is specified in the district requirements, the site shall be comprised of a minimum of two (2) acres, exclusive of road right-of-way.
- C. All buildings shall not be located within one-hundred (100) feet of any property line and/or road right-of-way.

- D. Ambulance and delivery areas to be obscured from all residential property view with a solid, ornamental masonry wall at least six (6) feet in height to a maximum of eight (8) feet.
- E. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed.
- F. Parking for professional and outpatient buildings shall be calculated as separate uses. No more than one-half (1/2) of the total number of parking spaces within a gated or restricted physician parking lot shall be included in the parking calculation.

52. Mini-Storage Facilities

- A. Commercial activity shall be limited to the rental of storage units and the incidental uses related to the business, (i.e. boxes, tape) by the owners of the property or operators of the conditionally permitted business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
- B. Businesses shall be limited to “dead storage” defined as personal property left for a period of time.
- C. There shall be no storage of live animals or carcasses, explosives, radioactive or hazardous materials, or any other materials prohibited by county, state or federal statutes.
- D. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers situated on the property in compliance with Section 510.10 Storage, Utility & Trash Collection Areas.
- E. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the Office building (limited to twenty (20) square feet for the business name) and at the entrance gate (limited to nine (9) square feet).
- F. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
- G. The following conditions apply to Outdoor Storage:
 - 1. Outdoor storage is limited to operable, non-commercial vehicles and watercraft, not to exceed twelve (12) feet in height.
 - 2. Parking spaces shall be no less than twenty-five (25) feet from the rear of the rearmost building.
 - 3. No outdoor storage of personal property other than those listed in H.1.

4. Outdoor storage shall be set back from the side yard lines a distance no less than the storage building side yard set back.
- H. Applicant shall construct and maintain a screen along the property borders to completely screen the storage facility from view of surrounding properties. Such screening shall be no less than six (6) feet in height of trees and shrubs or fencing and comprised of material suitable to year round screening the view of the facility. The screening materials shall be located no closer than three (3) feet from the side and rear yard boundaries. The screening shall not impair vehicular visibility at ingress and egress points.
- I. A gated entrance may be constructed provided it does not to exceed six (6) feet in height, and shall be located no closer to the road right-of-way than a distance equal to the minimum front yard setback.
- J. Off Street Parking
1. One space for each ten (10) storage cubicles, equally distributed throughout the storage area shall be provided. This parking requirement can be met with the parking lanes as set forth in Section L. On-Site Circulation.
 2. One space shall be provided for every twenty-five (25) storage cubicles at the office facility.
- L. On-Site Circulation
1. All one-way driveways shall provide for one ten (10) foot parking lane and one thirteen (13) foot travel lane. Traffic direction and parking shall be designated by signage and painting.
 2. All two-way driveways shall provide for one ten (10) foot parking lane and two thirteen (13) foot travel lanes.
 3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

53. Multi-Family Development

- A. The floor area per dwelling unit shall be in compliance with Section 514.00 Minimum Residential Living Floor Area per Dwelling Unit.
- B. Parking shall not be located in the required front yard area and shall be located to the side and/or rear of the building(s).
- C. Each building shall have a minimum distance of twenty-five (25) feet between each building.
- D. Maximum possible privacy for each apartment/condominium shall be provided through good design and the use of proper building materials and landscaping. Visual privacy shall be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.

- E. Usable open space of twenty (20) percent of the lot area, exclusive of buildings, parking areas and drives shall be provided for the residents.
- F. The architectural design of multi-family units should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line, pattern and character.

54. Parks and Recreation Facilities

- A. Outdoor intensive uses such as swimming pools, ball courts, tennis courts and playground equipment areas shall be screened from view from residential property by landscaping or appropriate fencing materials. Ancillary buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which it is located.
- B. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties and environmentally sensitive areas.
- C. Recreational uses and facilities shall be designed in a manner that will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots, appropriate clear zones and appropriate surface around and beneath play apparatus, provision of emergency telephone capability, and such other similar things as the Board of Zoning Appeals may deem appropriate or necessary.
- D. Security fencing, where required and/or desirable shall be of a type that is compatible with the overall architecture, scale, mass and character of the recreation facility and the neighborhood which it serves.
- E. Outdoor lighting shall not cast any glare on adjacent residential properties, and shall comply with lighting standards of Section 700.09.
- F. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially any evening activities.
- G. It is desirable that parks and recreation areas be connected to residential neighborhoods and other areas of high usage by the proper design of the recreational facilities.

55. Park and Ride Lot

- A. Park and ride lots shall only be established on a non-residential parking lot.
- B. Parking spaces in excess of the minimum number of required parking spaces for the non-residential parking lot shall be used for the purposes of creating a park and ride lot. Each excess parking space of the non-residential parking lot is equivalent to one (1) parking space only.

- C. A shared parking agreement between the parties, stipulating the number of parking spaces to be used as a park and ride lot shall be subject to approval by the Board of Zoning Appeals.
- D. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals.
- E. All proposed signage shall comply with all applicable federal, state and county regulations as well as the provisions of this Resolution before approval can be granted by the Board of Zoning Appeals.

56. Planned Residential Development (PRD)

A. Purpose:

The Planned Residential Development (PRD) is established to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. The regulations maximize the conservation of a significant portion of the site, while retaining uniform density/development rights for the property owner. The flexibility is intended to create enhanced living environments through the preservation of agriculture and rural character, and the protection of environmentally sensitive lands, wildlife habitats, scenic views and landscapes through the creation of permanent open space areas. In addition, the total number of dwelling units permitted within the PRD subdivision development is increased compared to the number of building lots that would be permitted if the site were developed as a conventional Subdivision (see Section E).

B. Objectives:

These regulations are intended to achieve the following objectives:

1. To conserve (within the framework of natural resource conservation) the rural quality of the community that is characterized by:
 - a. Large, aggregated, undeveloped land areas;
 - b. Scenic vistas and rural views;
 - c. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows, and rock outcroppings;
 - d. Appropriate topographic or vegetative screening;
 - e. Significant historic features such as old barns, heritage trees, etc.; and/or
 - f. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide-open spaces.

2. To maximize protection of the community's natural resources by:
 - a. Conserving areas of prime agricultural soils, to the extent possible;
 - b. Avoiding development on and destruction of sensitive natural resource areas;
 - c. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);
 - d. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and
 - e. Reducing the quantity and improving the quality of storm water runoff from expected development.
3. To encourage more efficient use of land and public services through unified development.
4. To establish development review criteria which promotes creative design solutions in a manner which best conserves the area's resources.
5. To establish a review process that maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
6. To ensure that the proposed PRD subdivision development complies with the objectives of Township as expressed in the Brimfield Township Land Use Plan.

C. Minimum Project Area :

The size of a tract of land proposed for a PRD project should be a minimum of twenty (20) acres, but shall not include any area within any existing public street rights-of-way. Parcels under twenty (20) acres may be deemed appropriate based on individual merits provided that the project shall meet the minimum open space requirements of this Section and the Portage County Subdivision Regulations.

The area proposed shall be in a single ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the PRD subdivision development.

D. Uses:

Within a PRD subdivision development, all buildings, structures, or premises shall be used or designed for the following uses:

1. Permitted Uses:

Compatible residential, open space, and recreational uses may be combined, provided that the proposed location will not adversely affect adjacent property, and/or the public health, safety and general welfare.

- a. Detached single-family dwellings.
 - b. Single-family cluster dwellings.
 - c. Single-family attached dwellings.
 - d. Parks and recreational facilities for use by residents.
 - e. Restrictive open space as required by these regulations.
 - f. Common open space as required by these regulations.
 - g. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building.
 - h. Home Occupations in accordance with the provisions of Section 515.00.
 - i. Signs as regulated by Chapter 7.
2. Conditionally Permitted Uses:
- a. Home Based Businesses, subject to the provisions of Chapter 4 and Section 400.10.B subsection 50.
 - b. Parks and recreational facilities designed for active recreational uses, subject to the provisions of Chapter 4 and Section 400.10.B subsections 1, 2, 4, 6, 12, 54.
 - c. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Chapter 4 and Section 400.10.B subsection 63.

E. Permitted Density:

1. The residential density of a PRD subdivision development may be designed to be comprised of more dwelling units than the number of dwelling units permitted if the site were developed as a conventional subdivision.

The potential number of residential dwelling units permitted on a parcel to be developed as a PRD subdivision development may be up to, but not to exceed the total number of residential dwellings based upon the following formula (rounded to the nearest whole number):

$$\{ \{ \mathbf{TA} - (\mathbf{PR} + \mathbf{OP} + \mathbf{CNA}) \} / \mathbf{Z} \} / \mathbf{DBF} = \mathbf{PD}$$

Where:

TA = The total acreage of the proposed development area, excluding all acreage in existing road and other public right-of-ways.

PR = The assumed roadway acres necessary to develop the site as a conventional subdivision. This figure will represent ten (10) percent of total acreage of the proposed development area, excluding any existing road right-of-way.

OP = The acreage required by the Portage County Subdivision Regulations for open space. This figure will represent five (5) percent of total acreage of the proposed development area, excluding acreage calculated for PR. This figure is only used on lots of twenty (20) acres or more in size.

CNA = The total acreage of the site comprised of the following Critical Natural Area characteristics and features: steep slopes of eighteen (18) percent or more; permanent bodies of water to include lakes, ponds, rivers, streams, etc.; wetlands, floodplains and areas of the site determined to contain threatened and/or endangered animal and plant species.

Z = The minimum lot area acreage required for the proposed types of dwelling units in the corresponding zoning district.

DBF = The Density Bonus Factor applied to increase the base density. The following values shall be used to represent the " DBF " value in each of the Zoning Districts
(4/15/2005) (#2005-095)

O-C District = 0.90

R-R District = 0.90

R-1 District = 0.50

R-2 District = 0.60

R-3 District = 0.90

R-4 District = 1.00

T-C District = 0.90

PD = The maximum number of residential dwelling units permitted in the PRD subdivision development.

2. In the event an applicant disagrees with the results of the formula, the applicant may present a yield plan. The yield plan shall graphically show the proposed site developed in accordance with the conventional zoning requirements of the zoning district the property is located in. In addition, the yield plan shall identify all of the critical natural areas of the site in order for the Board of Zoning Appeals to determine the appropriate number of buildable lots associated with the site.
3. The Density Credit may be granted when the following conditions are met (4/15/2005) (#2005-095)

- A. The PRD is located adjacent to other zoning districts or existing residential developments where similar densities exist.
 - B. Existing residential dwelling units that will directly abut the PRD shall be buffered by an open space buffer strip of a minimum of thirty (30') feet in width.
- F. Restricted Open Space:
- 1. Restricted open space shall be calculated in one of the following ways:
 - a. Forty (40%) Percent Open Space Area Allocation
 - 1. Restricted open space shall be calculated after subtracting ten (10) percent for assumed roadway acres necessary to develop the site and any acreage associated with the site that makes up the existing road right-of-way from the total acreage of the parcel to be developed.
 - 2. A minimum of forty (40) percent of the net area, after the roadway adjustment, shall be reserved in perpetuity for public and/or private open space and recreational facilities.
 - 3. The restricted open space area may be utilized for passive and/or active recreational use and related facilities and improvements, providing the requirements of Section F.2.b are satisfied.
 - b. Twenty (20%) Percent Open Space Area Allocation
 - 1. Restricted open space shall be calculated after subtracting ten (10) percent for assumed roadway acres necessary to develop the site and any acreage associated with the site that makes up the existing road right-of-way from the total acreage of the parcel to be developed.
 - 2. A minimum of twenty (20) percent of the net area, after the roadway adjustment, shall be reserved in perpetuity for public and/or private open space and recreational facilities, providing that active recreational facilities (see Section H.2) are designed, constructed and improved for use within the entire minimum open space area.
 - 3. Improvements include, but are not limited to playground equipment, picnic tables, backstops, hard surface courts (basketball, tennis, etc.), swimming pools, hard surface hike and bike trails and crossings, buildings, parking facilities, storm water management systems for the active recreational facilities and not for other improvements to the site, and landscaping.
 - 4. The required recreational facility improvements shall be integrated on one-hundred (100) percent of the minimum open space area. Additional land area not requiring recreational improvements may be included into the open space area.

5. Once completed, the recreational facilities shall be owned, maintained and controlled by the PRD's Association in compliance with Section G.3.b.
 6. The construction of the recreational facilities and all related improvements shall begin with the initial phase of the PRD subdivision development and shall be completed and fully functional within two (2) years of the date of issuance of the Conditional Zoning Certificate.
2. Restricted open space shall be exclusive of all streets and non-recreational buildings. Significant natural areas and amenities such as tree stands, ponds, ravines and stream banks and channels should be left in their natural state and considered part of the required open space. The design of the restrictive open space area shall be governed by the following standards:
- a. If the amount of area to be reserved as restricted open space is calculated by using the formula of Section F.1.a.1 then permanent bodies of water, wetlands and floodplains may comprise no more than fifty (50) percent of the total required open space area, providing one-hundred (100) percent of the total open space area is incorporated into the design of the PRD subdivision development to meet the following objectives:
 1. Arrangement of the dwelling units is done in such a way that eighty (80) percent of the dwelling units and/or the buildings containing the dwelling units face onto or back onto the restricted open space.
 2. Restricted open space should be arranged to create isolated groupings of dwelling units and/or the buildings containing the dwelling units as opposed to an uninterrupted row of dwelling units and/or the buildings containing the dwelling units fronting along a roadway.
 - b. The creation of Common Open Space:

Each development is required to set aside a minimum amount of restricted open space that shall be dedicated for public use or reserved for the common use of all property owners or tenants within the proposed development as common open space. At a minimum, the amount of restricted open space area that shall be dedicated as common open space shall be equivalent to the amount of land area required by the Portage County Subdivision Regulations. The land area devoted to common open space shall be suitable for both passive and active recreation and shall not be comprised of wetlands and floodplains.
 - c. Restricted open space shall include to the extent possible, a combination of the most sensitive and noteworthy natural scenic and cultural features such as:
 1. Scenic views, with first priority give to scenic views from existing affronting and abutting public roadways.

2. Prime farmland.
 3. Mature woodlands.
 4. Aquifer recharge areas.
 5. Highly permeable soils.
 6. Wildlife habitat areas.
 7. Historic, archaeological or cultural features.
- d. A restricted open space buffer zone shall be created along the frontage of existing roads and abutting parcels:
1. Restricted open space buffers along existing roads.

An open space buffer shall be preserved on existing roads fronting or abutting the parcel to be developed. The open space buffer shall be a minimum of sixty (60) feet back from the road right-of-way with each parcel shall be judged on its own merits. The maximum open space buffer depth required shall be two-hundred-fifty (250) feet, however, the developer is permitted to make use of an open space buffer with a greater depth (see Figure 56.F.2.d.1). Each parcel shall be judged on its own merits.

A PRD subdivision development that includes plans for allowing natural or manmade features, such as trees or hills alongside the roadways to further shield the view of the development from the existing roadway will be allowed a shallower buffer.

A PRD subdivision development that includes plans for unobstructed views from the existing roadway will be required to have a deeper buffer in order to minimize the perceived density of site improvements. The depth of an open space buffer shall be established early in the plan review process.

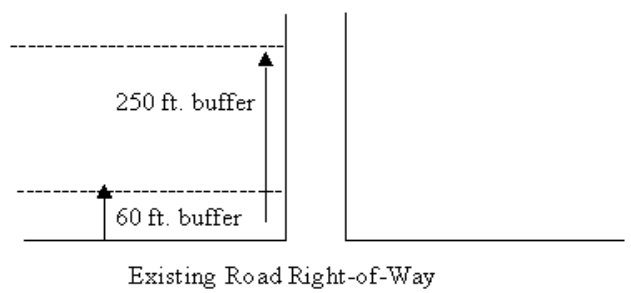


Figure 56.F.2.d.1

2. Open space buffers along the perimeter of abutting neighboring parcels.

A buffer of fifty (50) feet wide shall be designed on the perimeter of the project having no frontage on an existing road. (4/15/2005) (#2005-095)

3. Individual buildings shall not infringe into either of the frontage or perimeter open space buffer areas.

- e. All restricted open space areas shall have a minimum width of fifty (50) feet.

G. Standards for Restricted Open Space:

1. General Standards

The restricted open space required in Section F shall comply with the following:

- a. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
- b. Areas designated for restricted open space purposes may be:
 1. Preserved in its natural state.
 2. Designed and intended for the use and/or enjoyment of residents of the proposed development.
 3. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
- c. Restricted open space shall be interconnected with open space areas on abutting parcels wherever feasible.
- d. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the appropriate agency/entity shall be established to require and enable maintenance of such facilities by the appropriate parties.
- e. Except as otherwise provided in this Section, in order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 1. Private roads and public road rights of way.
 2. Parking areas, access-ways, and driveways, other than for approved active recreational facilities.

3. Required setbacks between buildings, parking areas, and project boundaries.
 4. Required setbacks between buildings and streets.
 5. Minimum spacing between buildings, and between buildings and parking areas.
 6. Private yards.
 7. A minimum of fifteen (15) feet between buildings and restricted open space.
 8. Other small fragmented or isolated open space areas that have a dimension of less than fifty (50) feet in any direction.
- f. Any restricted open space intended to be dedicated as a common open space area for parks and recreational activities shall be of a usable size and shape for the intended purposes.
 - g. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
 - h. The restricted open space, including any recreational facilities that are to be constructed shall be clearly shown on all development plans.
2. Prohibition of Further Subdivision of Restricted Open Space.

Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's legal counsel, and duly recorded in the Office of the Recorder of Portage County.

3. Ownership of Restricted Open Space

Subject to such permanent restriction as set forth above, the restricted open space may be owned by an association, the township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership.¹ Such conveyances shall assure that the use of the restricted open space shall be in accordance with the PRD requirements.

- a. Offer of Dedication:

The township may, accept dedication in the form of fee simple ownership of the restricted open space.

¹ PDR Subdivisions and the open space requirements must also comply with Portage County Subdivision Regulations, governed by the Portage County Regional Planning Commission.

b. Association:

Restricted open space may be held by the members of a Condominium Association or may be held in common ownership by a Homeowners Association, or similar entity. The Township's legal counsel shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:

1. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
2. The association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues or assessments.
3. The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
4. The association shall make provisions in the bylaws for necessary repairs or replacements of septic system leachfields located in the common open space.

c. Transfer of Conservation Easements:

With the permission of the Township, the owner(s) of the restricted open space may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, provided that:

1. The entity is acceptable to the Township.
2. The provisions of the conservation easement are acceptable to the Township.
3. The conveyance contains appropriate provisions for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

d. Private Ownership of Restricted Open Space:

The Board of Zoning Appeals may allow restricted open space to be retained by the applicant or other private entity subject to all standards and criteria for restricted open space herein including its' preclusion from being developed.

e. Ownership of the Common Open Space

The area dedicated as common open space shall forever be accessible for use by all the residents and their guests. Any transfer of ownership of the common open space shall be

only to the Home Owners Association or dedicated to the public. Transfer of ownership to anyone other than the HOA or other approved public entity shall be approved by the Board of Zoning Appeals and must be consistent with the intent of these regulations.

H. Restricted Open Space Uses:

1. Passive Uses:

Agricultural, wildlife and nature preserves, water wells, septic disposal facilities, storm water retention areas landscaped screens and buffers, driveways (other than to dwellings), and passive recreation (including but not limited to walking, hiking, biking, horseback riding, sledding and skiing on natural surfaces) and other uses similar in character and potential impact.

2. Active Uses:

Recreation such as playgrounds, playing fields or courts for organized sports, swimming pools, picnic areas, hard surface hike and bike trails, community center and any buildings, structures, supporting facilities, and driveways and parking areas proposed in relation to the forgoing.

3. Further subdivision of restricted open space lands or their use for other than those uses listed in Subsection Section H.1 and Section H.2 shall be prohibited.

I. Maintenance of Restricted Open Space:

1. The owner of the restricted open space, shall be responsible for raising all monies required for maintenance of the open space. Failure to adequately maintain the open space in reasonable order and condition constitutes a violation of these Regulations.

2. In the event the owner fails to maintain the open space in reasonable order and condition in accordance with the approved open space development plan, the Zoning Inspector may serve written notice upon the owner setting forth the manner in which said owner has failed to maintain the open space in reasonable condition and directing the owner to remedy same within thirty (30) days.

3. Failure to achieve such remedy within the specified time shall be cause for action by the township in the same manner as other zoning violations.

J. Sewage Disposal:

Development shall be served by individual or public sewage disposal facilities consistent with the Portage County systems. Individual sewage disposal systems shall comply with all applicable regulations of the Portage County Health Department and may be located within restricted open space areas when approved by the township and the Portage County Health Department.

K. Deleted (7/31/2007) (#2007-310)

L. Development and Site Planning Standards:

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

1. Ownership: Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

2. Lot Requirements:

a. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of the development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.

b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

3. Setback From Restricted Open Space:

The minimum setback from the restricted open space for all buildings, structures and other improvements shall be fifteen (15) feet.

4. Minimum Front Yard Depth From Road Right-of-Way:

a. The minimum setback from a proposed local public road right-of-way shall be twenty-five (25) feet.

b. The minimum setback from the centerline of a private road shall be:

1. Fifty-five (55) feet if roadway design incorporates open ditching.

2. Fifty (50) feet if roadway design incorporates curb and gutter.

5. Principal Building Spacing Requirements:

The minimum separation between dwellings shall be thirty-five (35) feet. (Revised 7/31/2007) (#2007-310).

6. Accessory Building Spacing Requirements:

- a. Accessory buildings shall be placed to the rear or side of the residence.
- b. The minimum setback from a dwelling shall be twenty (20) feet.
- c. All accessory buildings shall to be at least twelve (12) feet apart.
- d. The minimum setback from side and rear lot lines shall be six (6) feet.

7. Maximum Building Height:

- a. Principal building: Thirty-five (35) feet.
- b. Accessory buildings: as specified in Section 510.03.

8. Street Design Criteria:

- a. Street alignments shall follow natural contours and be designed to conserve natural features.
- b. Locations of streets shall be planned to avoid excessive storm water runoff.
- c. The area of the project devoted to streets and related pavement shall be the minimum necessary to provide adequate and safe movement through the development.
- d. Single-loaded residential access streets are preferred in order that the maximum number of homes in the open space development may enjoy views of the open space areas. Where foreground meadows are created between existing public roadways and such single loaded residential streets, residences shall be located on the far side of the access streets as seen from the public roadways.
- e. The road design shall incorporate as much as possible, commons or ovals rather than cul-de-sacs.

9. Pedestrian Circulation Systems:

- a. A pedestrian circulation system shall be included in the development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the open space system and need not always be located along streets.
- b. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

10. Maximum Lot Coverage:

The maximum lot coverage per parcel shall be in accordance with Section 510.01.J of this Resolution, except with the use of single-family clustered dwellings.

11. Parking and Loading Requirements:

Parking and loading requirements as specified in Chapter 6.

M. Environmental/Cultural Resource Design Criteria:

In addition to the development and site planning standards set forth in Section 307.13 all elements of a PRD development shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historical, and cultural features and meets the objectives of this district.

1. Conservation of Prime Farmland: Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.
2. Conservation of Existing Scenic Vistas and Visual Quality of the Environment: Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
3. Conservation of Woodlands, Vegetation, and other Naturals Area: The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.
4. Conservation of Wildlife Habitats: Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources shall be protected.
5. Conservation of Cultural Resources: Sites of historic, archaeological, or cultural value and their environs shall be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds, and burial grounds.
6. Conservation of Sloping Land: The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.

57. Private Parking Lots and Garages

- A. Private "pay-to-park" parking lots and garages are limited to paved surface lots, ramped garages and car stackers and mechanical garage facilities.
- B. A parking facility shall provide for at least one-hundred (100) parking spaces, except in the T-C Zoning District. Within the T-C Zoning District, a parking facility shall provide for at least fifty (50) parking spaces.

- C. The parking facility shall be designed in compliance with the requirements as specified in Chapter 6 for a non-residential use parking facilities, including landscaping requirements.
- D. The parking spaces may be used for the purposes of contracting a shared parking agreement with other non-residential users in compliance with Section 600.08. Each parking space of the private parking facility is equivalent to two (2) parking spaces of the other non-residential user.
- E. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion and promote safety.
- F. The facility is for short-term parking arrangements. Vehicles shall only be permitted to be parked at the facility for a period of time not to exceed twenty-four (24) hours.

58. Professional Office Facilities

- A. A professional office facility may include, but is not limited to one or more of the following types of uses Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, and Bookkeeping Service Office.
- B. Parking spaces shall be provided as required in this Resolution, however the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
- C. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood. Typically, the parking area will be located to the side or rear of the principal building. Landscaping shall be installed to obstruct the view of the parking area if it is located in front of the building depending.
- D. A sign, not exceeding fifteen (15) percent of the front of the building's square footage area is to be mounted flush against the building.

59. Public Service Facility

- A. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- B. All permanent buildings shall be constructed and designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- C. No outdoor storage of vehicles or materials is permitted, unless completely screened from adjoining property owners and roadways. Screening and plantings are also required to buffer any structures other than buildings from adjacent residential uses.

60. Rooming/Boarding Houses

- A. The numbers of bedrooms permitted in any residence for such purposes shall not exceed four (4) bedrooms.
- B. In no case shall there be more than four (4) guests and/or tenants living in a rooming house or boarding house.
- C. One (1) additional parking space shall be required for each bedroom used for such purpose
- D. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) sign as regulated by Section 700.13.B.1 is permitted.

61. Schools and Educational Facilities

- A. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- B. Outdoor play/recreation areas may be required by the Board of Zoning Appeals to be fenced.
- C. The site and structure shall meet applicable state code requirements, including licensing requirements.
- D. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.

62. Two Family & Three Family Dwellings

- A. The floor area per dwelling unit shall be in compliance with Section 514.00 Minimum Residential Living Floor Area per Dwelling Unit.
- B. In areas where sanitary sewer facilities are not available, approval and documentation from the Portage County Health Department shall be provided substantiating the ability of the private household sewage disposal system to accommodate the dwelling units.
- C. Off street parking requirements are met as per Chapter 8, without the addition of any parking spaces within a required yard.
- D. A two-family dwelling unit shall be designed so that the appearance of the building remains that of a single-family residence.
- E. A three-family dwelling should be designed, to the degree reasonably feasible, so that the appearance of the building remains that of a single-family residence.

- F. The units may either share a common entrance or use a separate entrance for each. However, if a separate entrance is to be used, then the façade of each unit shall be discernable from the other units and the entrances shall be located on the rear and/or side of the building.

63. Wireless Telecommunication Service Facilities

According to Federal Telecommunications Act, 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Township must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe. The Township may not deny a request to construct a facility on the grounds that the radio frequency emissions would be harmful to the environment or health of the residents if those emissions meet FCC standards.

A. Purpose:

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, and the interests of the Township in regulating wireless telecommunication facilities to minimize adverse health, safety, and public welfare, including visual impacts, through siting, design, construction, buffering, and reduction of the need for multiple tower locations.

B. Priority of Locations:

A wireless telecommunication tower or facility may be located in the following areas when conditions specified in this Resolution are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed below. An applicant shall provide evidence that attempts were made to utilize various priority locations in the order provided.

1. First Priority Location: New wireless antennas shall co-locate on existing towers or on existing structures which have been constructed for other purposes such as but not limited to: water towers, church steeples and chimneys.
2. Second Priority Location: Brimfield Township property.
3. Third Priority Location: Public Safety Agencies/Departments including law enforcement, fire, and ambulance services.
4. Fourth Priority Location: Other governmental agencies for uses that are not related to public safety.

5. Fifth Priority Location: Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public.
6. Sixth Priority Location: Privately owned agricultural lands
7. Seventh Priority Location: Privately owned property (non-agricultural)

C. General Requirements:

1. A proposed wireless telecommunication facility application shall comply with plan review requirements of this Resolution including landscaping plans to screen the facility from adjoining
Uses, roadways and recreational facilities.
2. All wireless telecommunication facilities shall be designed to promote facility and site sharing.
3. All applications for wireless telecommunication facilities shall as part of the application and plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the township to cover the costs of the antenna or tower's removal, of no less than two-hundred dollars (\$200.00) per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any co-locator shall be required to provide its own financial guarantee to the Township to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
5. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
6. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit a co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
7. As a condition of issuing a conditional zoning certificate to construct and operate a new tower in the Township, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the

owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. 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 evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.

D. Standards Applicable to All Wireless Telecommunication Tower Facilities

1. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
2. All towers shall be monopole structures.
3. An eight (8) foot high security fence shall be placed around the tower base and all appurtenant structures within twenty (20) feet of the tower base.
4. No tower shall exceed two-hundred (200) feet in height above the finished grade and the tower shall be the minimum height necessary to accommodate the antenna.
5. All towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration. (FAA)
6. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
7. No advertising is permitted anywhere on the facility, with the exception of identification signage.
8. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
 - a. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - b. Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted five (5) feet on center maximum.
9. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or the Township in general.

10. Access drives to any facility shall be maintained in a dust free condition.
11. Loud speakers shall not be permitted to be located on the facility.
12. “No Trespassing” signs shall be posted around the facility with a current and accurate telephone number of the responsible party to contact in the event of an emergency.
13. Transmission and receiving equipment shall be stored inside a building constructed for that purpose.
14. Equipment shelters or any other buildings or structures shall be located at least fifteen (15) feet from the base of the tower.
15. The maximum size of the equipment shelter shall be three-hundred (300) square feet for a single user shelter, or if there is more than one, seven-hundred-fifty (750) square total square feet.
16. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
 - a. The maximum height shall be twenty (20) feet or twenty (20) percent of the building height above the existing structure, whichever is greater.
 - b. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
 - i. The minimum setback requirements for the subject zoning district.
 - ii. A buffer yard shall be planted in accordance with Section D.8.
 - iii. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
17. The maximum size of the equipment shelter shall not exceed three-hundred (300) square feet, or if there is more than one user, seven-hundred-fifty (750) square feet.

G. Removal of Facilities:

All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within six (6) months following the date that the tower is no longer operational.

F. Decision by the Board of Zoning Appeals

Any decision to deny a request to place, construct, or modify a wireless telecommunication antenna or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Board of Zoning Appeals.

CHAPTER FIVE
REGULATIONS APPLICABLE TO ALL DISTRICTS

Section 500.00 Purpose

The purpose of this chapter is to provide for requirements that address health and safety concerns and other types of issues that are the same for all zoning districts, or for more than one district.

Section 501.00 Compliance with These Requirements

- A. No building shall be erected, placed, converted, enlarged, demolished, reconstructed, or structurally altered, nor shall any building or land be used, arranged to be used, or designed to be used, in a manner, which does not comply with all of the district requirements established by these Regulations for the districts in which the building or land is located, unless otherwise stated in Section 502.
- B. Uses, not specifically permitted/conditionally permitted in these regulations, but may be defined in Section 1001.00 of this Resolution, shall be considered prohibited until, by amendment, such uses are incorporated into these regulations. (3/14/2008, Motion #2008-100).
- C. Determination of whether or not a use is specifically permitted by virtue of being similar in character to a specified permitted use in the district shall be made by the Board of Zoning Appeals based on the purpose of the district, adopted policies regarding development and this Zoning Resolution.

Section 502.00 Uses Exempt from Regulations

A. Agricultural Uses

- 1. Nothing contained in this Resolution shall prohibit the use of land, buildings or structures and/or the location or construction of buildings and structures for agricultural purposes, except as specified in Section 550.00.
- 2. A zoning certificate shall not be required for any agricultural use as specified in Subsection A. I . However, a signed affidavit stating that the purpose of the building is for agricultural use only is required, prior to construction. The affidavit must be authorized by the Zoning Inspector.
- 3. Farm dwellings and other non-farm accessory buildings and structures shall conform to the requirements of the applicable zoning district.

B. Public Utilities and Railroads

Public utilities will be governed in accordance with Ohio Revised Code, Section 519.211 and any amendments made thereto. Wireless Telecommunications Service Facilities classified as a public utility located in any residential zoning district are subject to Section 400.10.B.61, if applicable.

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Section 505.00 Dangerous/Objectionable/Prohibited Uses

- A. No use shall be permitted or authorized to be established that may become hazardous, noxious, offensive, injurious, harmful, or objectionable or which may otherwise adversely affect surrounding areas or adjoining premises. At a minimum, the occupation or use of any land or building in any district shall be in violation of the Resolution if one or more of the following conditions is found to exist at any time:
1. The use or storage of flammable or explosive materials is not adequately protected by fire fighting and fire protection equipment or by such safety devices as are normally required for such activities.
 2. Activities involving the use and/or storage of flammable and explosive materials are not removed far enough from adjacent facilities and/or activities to be compatible with the potential danger involved.
 3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
 4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
 5. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
 6. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
 7. Water pollution or containment is present in violation of the regulations of the Ohio Environmental Protection Agency.

B. Assurance Requirements and Plans:

Prior to the issuance of a Zoning Certificate the applicant may be required to provide written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes, operations involved in certain uses or occupations shall comply with the requirements of this Resolution.

C. Enforcement Provisions:

Any occupancy, use, conditions or circumstances existing in violation of this Resolution shall be subject to the enforcement procedures contained in Section 206.00 of this Resolution.

D. Prohibited Uses

The following specific uses are prohibited in any zoning district:

1. Storage, sale, or manufacture of fireworks, or any other explosive(s) or any material of an unstable nature, which may be or may come to be or is harmful to the environment.
2. Dumping, storing, burying, reducing, disposing or burning of garbage, refuse, scrap metal, rubbish or dead animals (except household pets in own yard), except as specifically permitted in Chapter 3 and except for composting yard wastes and kitchen scraps (no meat, dairy or fat wastes) if properly maintained. Guidelines of the Portage County Solid Waste District are adhered to.
3. Processing of organic, solid, and infectious waste, including tires, rubber products, biomass and all similar materials and bi-products. (8/14/2009) (#2009-155)
4. Use of any vehicle for dwelling unit purposes.
5. Junk motor vehicles, junk yards, auto graveyards or places for the collection of scrap metal, paper, rags, glass, or junk for sale, salvage, or storage purposes or for dismantling used vehicles, except as otherwise specifically permitted in Chapter 3.
6. Slaughter houses and fertilizer manufacturers.
7. Unless exempt as an agricultural use in compliance with all applicable state and federal regulations, the keeping, or maintaining of a wild and dangerous animal by any person shall be deemed a public nuisance due to the health and safety risk to the public and to domesticated animals, and such use shall not be considered an accessory use within any zoning district.

Section 506.00 Environmental Protection Requirements

Section 506.01 Purpose

The purpose of these requirements is to ensure that the development of any parcel of land and/or use of building and/or structure within the township is compatible with the environment and to protect the quality of the environment in any location where the characteristics of the environment are of significant public value and are vulnerable to damage. The environmental protection requirements are designed to protect the public and property owners in the following manner:

- A. From blighting influences, which could cause adverse impacts to the quality of sensitive environmental areas.
- B. From unsafe buildings or unstable land, which would be caused by uncontrolled development.
- C. From significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof.
- D. From significant damage to the economic value and efficiency of operation of existing properties and/or new developments.

- E. From soil erosion and stream siltation.
- F. From the destruction of mature and/or valuable trees and other vegetation.
- G. From damage/destruction of nontidal wetlands, which will involve the following nuisance/hazardous activities:
 - 1. Blocking flood flows, destroying flood storage areas, or destroying storm barriers, thereby raising flood heights or velocities on other land and increasing flood damages.
 - 2. Causing water pollution through any means, including location of wastewater disposal systems in wet soils; unauthorized application of pesticides, herbicides and algacides; disposal of solid wastes or storm water runoff at inappropriate sites; or the creation of unstabilized fills.
 - 3. Increasing erosion.
 - 4. Increasing runoff sediment and storm water. In addition, activities in or affecting nontidal wetlands shall not destroy natural wetland functions important to the general welfare by:
 - a. Decreasing breeding, spawning, nesting, wintering, feeding or other critical habitat for fish and wildlife including rare, threatened and endangered plant and animal species and commercially and recreationally important wildlife.
 - b. Interfering with the exchange of nutrients needed by fish and other forms of wildlife.
 - c. Decreasing groundwater recharge.
 - d. Destroying sites needed for education and scientific research as outdoor biophysical laboratories, living classrooms and training areas.
 - e. Interfering with public rights in waters and the recreation opportunities for hunting, fishing, boating, hiking, bird watching, photography, camping and other activities in nontidal wetlands.
 - f. Destroying aesthetic and property values.

Section 506.02 Applicability

Where applicable by provisions of this Resolution, requirements imposed herein shall be in addition to those of the zoning district. Areas of applicability shall be based on the following at a minimum:

- A. Areas with (on site inspection may also be required) soils with hydric inclusions from U.S. Soil Conservation Service, Soils Survey of Portage County.

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- B. Flood plains/flood hazard areas: from Federal Emergency Management Agency, Community Flood Hazard Maps, 2008, or more recent data.
- C. Wetlands: National Wetlands Inventory, U.S. Department of Interior, 1977, or more recent data.
- D. Areas of steep slopes: U.S. Soil Conservation Service, Soil Survey of Portage County; U.S.G.S. Topographic Quadrangle Maps.
- E. Forested/Wooded areas: 2000 and 2010 Aerial Photos of Brimfield Township and corresponding Land Use Inventory conducted by AMATS, or more recent data.
- F. Ponds, lakes, streams, ditches: U.S. Soil Conservation Service, Soils Survey of Portage County; Portage County Highway Map, Portage County Engineer; 2000 & 2010 Aerial Photos, or more recent data.

Section 506.03 General Standards

Prior to the commencement of any development subject to this Resolution, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Zoning Inspector. All plans for development shall account for such features and shall fully comply with the environmental protection standards applicable to each feature of Section 506.06. Site alterations, regrading, filling and clearing of vegetation prior to the submission and approval of such plans shall be a violation of this Resolution.

Section 506.04 Development Regulated with the Environmental Protection

- A. Any use/activity of land or buildings/structures that may be detrimental to the natural, scenic and environmental characteristics described herein are regulated by the provisions of this Resolution and subject to the review process set out below.
- B. If any of the above uses/activities construction involves site plan review, as indicated under Chapter 2, then environmental review shall occur in conjunction with the site plan review in addition to the underlying district regulations and other sections of this Resolution as appropriate.
- C. All other activities/uses not subject to site plan review of land or structures posing a detriment to environmental resources and in violation of the regulations of this Resolution shall require review of the Zoning Inspector to determine the extent of potential or existing environmental impacts.

The Zoning Inspector may utilize other governmental agency resources to assist in this determination such as Soil & Water Conservation District office, County Engineer or Regional Planning. If negative, detrimental impacts are proposed or occurring, the Zoning Inspector may order corrective actions be taken to assure the above environmental resources will not be negatively impacted.

Section 506.05 Uses of Nontidal Wetlands

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The following uses shall be allowed as a right within a nontidal wetland to the extent that they are not prohibited by any other Resolution or law and provided they do not require structures, grading, fill, draining or dredging except as provided herein or authorized by special permit.

- A. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;
- B. Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting;
- C. The harvesting of wild crops, such as march hay, ferns, moss, wild rice, berries, tree fruits and seeds in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require alteration of the nontidal wetland by changing existing nontidal wetland water conditions or sources, tilling of soil or planting of crops;
- D. Forestry practices limited to the thinning and harvesting of native timber in accordance with a forest management plan that incorporates best management practices approved by the State Forester or Soil & Water Conservation Office pursuant to regulations or guidelines;
- E. The continued cultivation of agricultural crops, provided no nontidal wetlands are subject to cultivation where no such use existed five years prior to the effective date of application;
- F. The occasional pasturing of livestock;
- G. Commercial fishing, trapping; and
- H. Education, scientific research and nature trails;
- I. Uses by right that do not require a special permit that may involve filling, flooding, draining, dredging, ditching or excavating to the extent specifically provided below:
 - 1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the zoning office and provided the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
 - 2. Limited ditching, tiling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided the maintenance or repair activity does not result in the impairment, alteration or loss of nontidal wetlands not previously, subject to agricultural use under the terms and provisions of Section 506.05.

3. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, observation decks, duck blinds, wildlife management shelters, boat houses and other similar water related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the nontidal wetland, except as authorized by special permit.
4. Uses other than those cited in Section 506.05.D.3 may only be considered after the U.S. Army Corps of Engineers determines jurisdiction and appropriate course of action.

Section 506.06 Environmental Protection Standards

A. Flood Hazard Areas:

1. Permanent open space:

All floodplains shall be permanent open space and may include non-intensive recreational uses.

2. Floodway Protection.

No buildings or structures are permitted to be located within a floodway. The types of uses permitted in the floodway are listed below:

- a. Agriculture;
- b. Public or private parks and outdoor recreational facilities which should be limited to playfield* ball fields, trails, and other similar unimproved amenities;
- c. Fencing that allows the passage of water
- d. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel, and sod.

B. Steep Slopes:

Eighteen (18) percent to twenty-five (25) percent: At least seventy (70) percent of such areas shall remain as permanent open space. No more than 30% of such areas shall be developed and/or regraded or stripped of vegetation.

C. More than twenty-five (25) percent slope:

At least eighty-five (85) percent of such areas shall remain as permanent open space. No more than fifteen (15) percent of such areas shall be developed and/or regraded or stripped of vegetation. Erosion control plans shall be approved by Portage Soil & Water Conservation District Office and must then be followed if affecting those slopes.

D. Wetlands:

1. Definition

The U.S. Fish and Wildlife Service has developed a wetland definition and classification system for the primary purpose of inventorying the nation's wetlands. This definition emphasizes three key attributes of wetlands: wetland vegetation (hydrophytes); hydrology (the degree of flooding or soil saturation); and hydric soils (periodically flooded and/or saturated soils). The service has developed a list of plants occurring in the nation's wetlands, and the U.S.D.A. Soil Conservation Service has prepared a list of hydric soils to help further define wetlands. The National Wetlands Inventory, completed in 1977 is also used to define wetland areas.

2. Activities Regulated:

Dredging, filling, grading, draining, unnatural flooding, excavation or construction in a wetlands area, or on lands immediately abutting, adjoining or affecting said area if such activity upon these adjacent areas is incompatible with the preservation of those wetlands in their natural state is prohibited. Wetlands are regulated by the U.S. Army Corps of Engineers and the U.S. EPA through Section 404 of the Clean Water Act. Prior to conducting any of the above activities affecting a wetland, the Army Corps of Engineers response shall be required to be submitted to the Zoning Inspector. The response will determine the action that will be allowed. Violation of this regulation could be considered a violation of federal law as well as township law and subject to both federal and township penalties.

If the U.S. Army Corp of Engineers does not respond in a timely manner the Zoning Inspector may require the owner/lessor to obtain verification of wetland/boundary through field assessment of a qualified biologist, botanist, etc.

3. Wetlands Protection.

Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- a. A buffer area having a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
- b. A minimum building and pavement setback of forty (40) feet, measured from the edge of the designated wetland.

E. Unstable Soils:

Soils which are indicated as unstable and/or subject to slippage shall not be built upon to protect personal and real estate property and lives. On site testing borings may be utilized to verify exact extent of such soil units.

F. Forested/Wooded Areas

1. Purpose of regulation/protection:

To provide for the protection, preservation, proper maintenance and use of woodlands located in this township in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation and air quality, and/or from the destruction of the natural habitat.

2. Regulated Activities:

No more than seventy-five (75) percent of any forest/wood lot shall be cleared for timber sale within a ten (10) year period. No more than sixty (60) percent of any wooded lot shall be cleared for development purposes.

G. Rivers, Lakes, Ponds, Drainage Ways:

Purpose of regulating:

To provide for the protection, proper maintenance, and use of rivers, perennial streams, ponds, ditches and other drainage ways streams in order to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, unnatural flooding, a loss of fish or other beneficial aquatic organisms or a loss of wildlife and vegetation.

I. Regulations:

a. Rivers and Perennial Stream Channels:

A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than twenty-five (25) feet, measured from the river or stream bank. Small streams without clearly defined high water marks can be measured from the centerline. This buffer may be required to be increased based upon the type of stream, slope of the stream banks, surrounding soils, vegetation, land uses, and the function of the stream, but in general shall not exceed threehundred (300) feet. In making a determination on the appropriate buffer width, the Zoning Commission may consult with technical experts such as the Soil and Water Conservation District Staff, Portage Park District Staff, County Engineer, Regional Planning Commission, or others qualified to provide a recommendation to the reviewing authority.

b. Lakes and Ponds:

All such areas shall be permanent open space. No development or diversion of these bodies of water shall be pennitted except to provide required roads. Filling shall be permitted only in conjunction with the deepening of a lake or pond and shall be permitted only if surface area and flood retention capabilities remain unchanged or are enlarged and such activity within the lake or

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pond is not considered subject to provisions and federal law under jurisdiction of the U.S. Army Corps of Engineers or any other state or federal laws.

c. Lake Shorelines:

The shoreline of lakes, consisting of the area within one-hundred (100) feet from the shorelines, shall contain no more than fifteen (15) percent impervious surfaces. At least seventy-five (75) percent of all such areas shall be permanent open space.

d. Pond Shorelines:

The shorelines of ponds consisting of the area within fifty (50) feet from the shoreline shall contain no more than fifteen (15) percent impervious surfaces. At least seventy-five (75) percent of all such areas shall be permanent open space.

e. Drainage Ways/Ditches:

There shall be no alteration, filling, dredging or damming of any stream or drainage way without submission and review of such plan to: Township Trustees, County Engineer, Portage Soil and Water Conservation District Office, U.S. Army Corps of Engineers. Proof of the positive impacts on such action will be required to be submitted. No such action shall occur until approvals have been granted by the appropriate above authorities.

Section 510.00 General Regulations

Section 510.01 Lots, Yards and Open Space Areas

A. Required Lots, Yards, and Open Space

No area of land that has been counted or calculated as part of a side yard, rear yard, front yard, or other open space that is required by this Resolution may be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

B. Usable Open Space

Whenever required by this Resolution, usable open space shall be unobstructed to the sky and shall not be used as service driveways or off-street parking and/or loading areas.

C. Substandard Lots

See Section 520.00.

D. Projections Into Yard Areas

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1. Terraces, porches, platforms or other ornamental features, whether covered or uncovered, which do not extend more than two (2) feet above the level of the ground, may project into a required side yard, provided these projections remain a distance of at least twelve (12) feet from the adjacent property lot line to allow passage of emergency vehicles and fire apparatus.
2. The ordinary projections of balconies, chimneys or flues, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

E. Reduction of Area or Space

1. No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution.
2. Any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further.
3. Nothing contained in this Section shall be interpreted to limit the powers of the Board of Zoning Appeals for granting variances under this Resolution.

F. Construction in Easements

1. Easements for installation, operation and maintenance of utilities and drainage facilities are to be reserved as shown on each plat when recorded or otherwise established.
2. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement.
3. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

G. Comer Lots or Lots with Any Number of Yards Fronting on a Street

1. Required Yards Facing Streets

On a corner lot or a lot with any number of yards fronting on a street, the principal building and its accessory structures shall be required to have the same setback distance from all street rightofway lines as required for the front yard in the zoning district for which such structures are located.

2. Visibility at Comer Lots

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that shade trees which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers (See Figure 510.01.G.2).

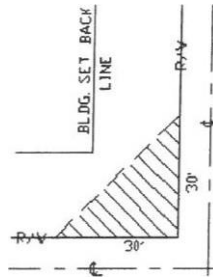


Figure 510.01.G.2

H. Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Unless otherwise specified in this Resolution, any nonresidential building or use that is located or conducted on a commercially or industrially zoned parcel of land shall be no closer than forty (40) feet to any lot line of a residential district of which at least twenty (20) feet shall be landscape buffer.

1. (Deleted 7/5/2006) (#2006-249)

J. Maximum Lot Coverage

Except as otherwise specified in this Resolution, the maximum lot coverage per parcel to be covered by buildings and impervious surfaces shall not exceed the following percentages of the total lot area. The balance of the lot shall be grassy yards and landscaped.

1. Lots less than 1/2 acre in size: 50% Lot Coverage.
2. Lots of 1/2 acre to 1 acre in size: 40% Lot Coverage.
3. Lots over 1 acre to 1-1/2 acres in size: 30% Lot Coverage.
4. Lot over 1 1/2 acres in size: 20% Lot Coverage.
5. On major traffic arterials, State Route 43 and Tallmadge, within the Town Center District, the maximum lot coverage per parcel covered by buildings and other impervious surfaces shall not exceed

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eighty (80) percent of the total lot area, providing all yard set back distances and landscape requirements are satisfied. Yard areas to be grassy and landscaped (11/27/2004) (#2004-427).

Section 510.02 Principal Buildings

- A. Every principal building, regardless of use, shall be located on a lot having the required frontage on a public street, or private street built to Portage County Subdivision Regulations standards.
- B. Except as otherwise specified in this Resolution, no more than one principal residential building shall be permitted on any individual lot.
- C. Minimum Distance for Buildings intended for Human Habitation from Oil and Gas Facilities.

All buildings intended for human habitation shall be located at least 200 feet from any well head, separator units, storage tank and tank battery.

D. Manufactured Homes and Modular Homes

- 1. All manufactured and modular homes shall be located on a permanent foundation in compliance with rules and the regulations per the Ohio Manufactured Homes Commission and all Portage County Building Department Resolutions. (11/10/2015) (#2015-318)
- 2. All Manufactured Homes and Modular Homes shall be skirted from the ground to the floor with material that has no more than ten (10) percent openings to prevent small children and animals from crawling underneath.
- 3. All Manufactured Homes and Modular Homes shall have adequate health facilities available, including running water and toilet facilities connected to an approved sewerage system.
- 4. Manufactured Homes and Modular Homes not used as dwellings shall not be permitted to remain on the lot.
- 5. Manufactured Home or a Modular Home may be permitted for use as a temporary building (home), subject to Section 530.03.

Section 510.03 Regulations of Accessory Buildings and Structures

- A. Except as otherwise specified in this Resolution, all lots shall be permitted a maximum of two accessory buildings or structures in association with a principal building provided that:
 - 1. It shall not be located closer than fifteen (15) feet to any principal building and 5 feet from all other non-inhabitable buildings and from side and rear property line.

3. It shall not exceed eighteen (18) feet in height.
4. It shall not be located in the front yard area of a lot.
5. It shall not contain or be used as a dwelling unit.
6. It shall be made of durable all-weather materials.
7. Additional requirements for accessory buildings and structures with any dimensions greater than 200 total square feet shall comply with the following requirements. (1 1/10/2015) (#2015-320)
 - a. A Zoning Certificate is required.
 - b. The building or structure shall be placed on a permanent frost-free foundation.
9. Additional requirements for accessory buildings and structures with any dimensions equal to or less than 200 total square feet shall comply with the following requirements. (1 1/10/2015) (#2015-320)
 - a. It shall not exceed twelve (12) feet in height.
 - b. It shall be located in the rear yard area of a lot.
 - c. It may be placed as close as five (5) feet from the property lines comprising the rear yard area, if it is for the residents use.

(Intentionally left blank)

- B. A temporary seasonal tent is permitted on any property in association with the principal residential building and does not require a Zoning Certificate for its use provided the following requirements are met:
1. A maximum of two (2) temporary seasonal tents are permitted on a parcel of land having a principal residential building on it.
 2. A temporary seasonal tent shall be permitted for a maximum of one-hundred-twenty (120) days of any calendar year;

3. The total floor area of the temporary seasonal tent(s) shall not exceed a total of one hundred-twenty (120) square feet; and,
4. A temporary seasonal tent shall be required to conform to all accessory structure setback requirements of the zoning district;
5. The temporary seasonal tent shall be used for recreational activities only and shall not be used as a storage facility

Section 510.04 Height Regulations

Except as otherwise specified in this Resolution, the maximum building height shall be measured from finished grade to the eaves.

Section 510.05 Exception to Height Regulations

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances. Such structures may exceed the height limit of the district provided:

- A. Such structures shall not exceed the permitted height by more than fifteen (15) feet.
- B. Such structures shall not have an area greater than twenty-five percent (25%) of the ground floor area of the building.
- C. Such structures shall be incidental to the principal use.
- D. Radio, TV antennas may be erected to any height provided they do not become hazardous.

Section 510.06 Fences, Walls, Hedges

Fences, walls and hedges or in combination are permitted in any required yard or edge of any yard provided:

- A. All fences, walls, hedges and berms or in combination must be located on and able to be maintained on the owners property. The use of berms shall be in compliance with the design requirements as specified in Section 800.10.
- B. All fences and walls require a zoning certificate.
- C. All fences and walls or in combination shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences and walls shall be maintained in good condition at all times.

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- D. All hedges and/or other vegetative plants shall be maintained in good condition at all times. All dead or diseased plants must be replaced or removed. Failure to replace or remove dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.
- E. All fences and walls or in combination shall have the finished side facing out, with no structural supports visible from adjoining properties, or public street right-of-way unless the fence or wall is designed so that such supports are visible from both sides.
- F. Except as otherwise specified in this Resolution, fences, walls, hedges and berms or any combination along any side or rear property line of any property within any zoning district in accordance with the following standards:
1. No fence, wall, hedge or berm or any combination shall exceed six feet, six inches (6'-6") in height above the finished grade in all zoning districts, except districts designated for industrial uses. Decorative posts shall not exceed a height of eight (8) feet.
 2. In districts designated for industrial uses, fences, walls, hedges and berms or any combination shall not exceed twelve (12) feet in height above the finished grade, including decorative posts.
- G. Fences, walls, hedges and berms or any combination shall be permitted within the front yard of any property within in any zoning district in accordance with the following standards:
1. No fence, wall hedge and berm or any combination shall exceed four feet - six inches (4'-6") in height above the finished grade of the front yard.
 2. Fences shall be of a decorative design to include chain link, but to exclude barbed wire, chicken wire and similar type fences, and shall be designed to have an opacity of fifty (50) percent or more. Decorative posts shall not exceed a height of five (5) feet in height.
- H. No fence wall, hedge and berm or any combination can be located within a public right-of-way, nor can it be located in an area that will obstruct the sight triangle for any motorist or pedestrian.
- I. All fences,, walls, hedges and berms or any combination and informal plantings shall not become hazardous to neighboring uses or obstruct vision of motorists at intersections.
- J. Informal plantings (e.g. Deciduous or Evergreen trees) may be higher than six (6) feet in height.
- K. Fences or walls used for agricultural purposes are exempt from the requirements of this Section.

Section 510.07**Driveways**

Driveways are permitted in any required yard or edge of any yard provided:

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- A. A driveway may be constructed at least two (2) feet from the property line, unless otherwise specified in this Resolution.
- B. A driveway shall have a minimum apron width of sixteen (16) feet and a minimum width of ten (10) feet the entire length, in order to accommodate fire apparatus and safety/emergency vehicles.
- C. See Chapter 6 600.05 — Design Specifications and Standards

Section 510.08 Private Roadways

- A. All private roadways shall have a minimum improved surface of twenty-two (22) feet in width for the safe passage of emergency vehicles and fire apparatus, unless otherwise governed by the Portage County Subdivision Regulations.
- B. All private roadways that are dead-end must have adequate space for all types of fire equipment to turn around at the end.

Section 510.09 Parking and Storage of Vehicles and Trailers

- A. One commercial vehicle to include tractor (highway) or tractor (highway) and trailer, that is used in the current occupation, may be parked on any property used as a residence by the owner of the vehicle if the gross weight is less than nine-thousand (9,000) pounds and the combined length is less than thirty (30) feet. Said vehicle(s) shall not be parked in the street nor in the front yard.
- B. A maximum of one (1) boat or one unoccupied recreational vehicle may be stored in a yard of a residentially zoned property if it meets the requirements of this Resolution for setbacks of structures.
- C. Any motor vehicle or trailer that is parked or stored on any residential property must have a current license, unless it is in a completely enclosed building.

Section 510.10 Swimming Pools

Except as otherwise specified in this Resolution, all swimming pools require a zoning certificate.

A. Private Family Swimming Pools

A private swimming pool, shall be permitted in any residential district or commercial district as an accessory use in accordance with the following requirements:

1. The pool is intended for the sole enjoyment of the occupants of the property on which it is located and their guests.

2. The pool may be located anywhere on the property except in the required front yard and the structure associated with the pool be no closer than five (5) feet to any property line or easement.
3. The swimming pool, or the entire property upon which it is located, shall be secured by a screen or glass enclosure, wall, fence or similar construction in such a manner as to prevent uncontrolled access, especially by children. The method used to secure the pool shall not be less than four (4) feet in height and shall be maintained in good condition with a gate and a self-latching lock. (1/6/2016) (#2016-040)
4. Portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one-hundred (100) square feet and not more than two and one-half (2-1/2) feet deep are exempt from the requirements of this section.

B. Private Community or Club Swimming Pools

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended for the sole enjoyment of the members, families and guest of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures, including the area used by the bathers, shall not be located closer than fifty (50) feet to any property line or easement.
3. The swimming pool, or the entire property upon which it is located, shall be secured by a screen or glass enclosure, wall, fence or similar construction in such a manner as to prevent uncontrolled access, especially by children. The method used to secure the pool shall not be less than four (4) feet in height and shall be maintained in good condition with a gate and a self-latching lock. (1/6/2016) (#2016-040)
4. An outdoor pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

C. Public Pools

All public pools shall comply with the rules of the Ohio Department of Health, Ohio Administrative code, Chapter 3701-31.

Any outdoor storage areas, utility and mechanical equipment and trash collection or compacting areas of any commercial, industrial, institutional or multi-family residential use shall be completely screened from the view of any public street right-of-way and from view of any adjoining property.

- A. The required screening may be accomplished by a continuous solid closed fence, masonry wall, earthen berm, hedging, evergreen plant materials or combination, which is high enough to effectively screen the above mentioned items from view.
- B. The design must allow convenient access for trash collection vehicles.
- C. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- D. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- E. Construction Dumpsters — Combustible debris, rubbish and waste material generated on the construction site shall be stored in a dumpster or container located outside of the structure (Ohio Fire Code). Dumpsters and containers shall be located no closer than fifteen (15) feet from combustible walls, openings or combustible roof eave lines. Containers and lids shall be constructed on noncombustible materials. (7/31/2007) (#2007-311).

Section 511.00 Organic Hydronic Furnaces

A. Organic Hydronic Furnaces

A typical Outdoor Hydronic Furnace (a minimum of EPA Phase II emission levels or comparable emissions or less) burns wood to heat water that is piped underground to a nearby building and/or structure (i.e. residence, accessory building). An Outdoor Hydronic Furnace resembles a small shed with a smokestack, and is located on the outside of the building or structure to be heated.

A number of studies recognized by the Environmental Protection Agency have determined that emissions of particulate matter from an Outdoor Hydronic Furnace can be a health hazard. These studies have indicated that the heavy smoke released close to the ground, where it often lingers, exposes people to health risks and the smoke is reported as causing other nuisances as well. Therefore, in order to mitigate the harmful effects associated with the use of the Outdoor Hydronic Furnace, no person shall operate an Outdoor Hydronic Furnace, except in full compliance with the following requirements:

- 1. A zoning certificate is required.
- 2. A permitted use in all Residential Districts.
- 3. A prohibited use in office, commercial and industrial zones including OR and RO zoning districts (GC, HC, IC, TC, RO, OR, LI, HI)

4. No person shall operate an Outdoor Hydronic Furnace in such a manner to create a nuisance.
5. The Outdoor Hydronic Furnace shall be located in the rear yard.
6. The Outdoor Hydronic Furnace shall be located at least seventy-five (75) feet from the nearest property line.
7. Except for the principal building(s) being served, an Outdoor Hydronic Furnace shall be at least four-hundred (400) feet from the nearest building intended for human habitation, place of assembly, education, occupancy by the public on the surrounding properties.
8. More than one (1) building and/or structure on the site may be serviced from a single Outdoor Hydronic Furnace. An Outdoor Hydronic Furnace shall be located at least twenty-five (25) feet from any building or structure.
9. Time of Operations:
 - a. An Outdoor Hydronic Furnace may only operate between September 1 and May 31.
10. Allowable Fuel Material

No person that operates an Outdoor Hydronic Furnace shall use a fuel other than the following:

- a. Clean dry wood that has no paint, stains, or other types of coating and wood that has not been treated with but not limited to copper chromium arsenic, creosote or pentachlorophenol.
 - b. Wood pellets made from clean wood.
 - c. Home heating oil in compliance with the applicable sulfur content limit of natural gas may be used as a starter fuel for dual-fuel for Outdoor Hydronic Furnaces.
 - d. If a corn burner then corn may be used as a fuel.
 - e. Or as recommended by the manufacturer.
11. Visible Emission Standards
 - a. No person shall cause or allow visible emissions from any Outdoor Hydronic Furnace to exceed an average of twenty percent (20%) opacity for six (6) consecutive minutes in any one-hour (1) period of normal operations.
 - b. No person shall cause or allow visible emissions from any Outdoor Hydronic Furnace to exceed forty percent (40%) opacity for twenty (20) consecutive minutes during the startup

period. This only includes initial firing of the Outdoor Hydronic Furnace. This does not apply to refueling.

12. Smoke Stack Height

All Outdoor Hydronic Furnaces shall have a permanent smoke stack/chimney that is at least five (5) feet higher than the peak of any roof within four-hundred (400) feet of its location.

(11/22/2010) (#2010-293)

Section 514.00 Minimum Residential Living Floor Area per Dwelling Unit

Unless otherwise specified, the minimum residential living floor area per dwelling unit is as follows:

A. Single-Family

- | | |
|----------------|--|
| 1. One story | 1,250 sq.ft. measured at the foundation. |
| 2. 1-1/2 story | 1,000 sq.ft. measured at the foundation,
plus 500 sq.ft. on the additional story. |
| 3. 2 story | 1,500 sq.ft. total not less than 750 sq.ft. 1 st floor |
| 4. 2-1/2 story | 1,500 sq.ft. total not less than 750 sq.ft. 1 st floor |

B. Two-Family, Three-Family, and
Multi-family 4 units or less

- | | | |
|--------------|---|------------|
| 1. One story | 1,000 sq.ft. per dwelling unit measured at the foundation | 2. 2 story |
| | 1,500 sq.ft. total not less than 750 sq.ft. 1 st floor | |

C. Multi-family over 4 units

1. Efficiency - 500 square feet and all Apartments	2. One (1) Bedroom - 600 square feet
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- | |
|--|
| 3. Two (2) Bedroom - 700 square feet |
| 4. Three (3) Bedroom - 800 square feet |
| 5. Four (4) Bedroom - 900 square feet |

Section 515.00 Home Occupations

Home occupations that are inconspicuous and incidental to the residential use of property are permitted in any residential dwelling subject to the following requirements:

A. Permitted Types of Home Occupations

Any home occupation that has minimal customer or client visits and no on premise employees.

B. Administration

1. A zoning permit is required.
2. In addition to the standard information required on the application, the applicant shall also include:
 - a. The property owners name and address if different than the resident.
 - b. The type of business and business activity.
 - c. The vehicles, if any, that are to be used in association with the home occupation.

C. Operating Standards

1. The use shall be secondary in importance to the use of dwelling for residential purposes.
2. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and no use of yard space shall be permitted.
3. The basis of calculation for total area that may be used for the home occupations is twenty-five (25) percent of the gross floor area of the residential dwelling unit.
4. There shall be no storage of materials, supplies or equipment outside the principal location of the home occupation.
5. There shall be no evidence of the home occupation that is detectable from any road or adjacent property.

Section 516.00 Ponds or Lakes

Public or private ponds and lakes COhtaining over one and one-half (1-1/2) feet of water depth -shall conform to all required yard and setback requirements. In no case shall a pond or lake be located closer than ten (10) feet from a building. Ponds or lakes shall meet the standards and specifications of the Natural Resource Conservation Service.

The applicant shall submit two copies of the proposed pond and/or lake plan to the Portage County Soil and Water Conservation District for the department's review and approval. When applying for a Zoning Certificate to the Zoning Inspector, the applicant must include one copy of the approved plan and review comments from the Portage County Soil and Water Conservation District Department.

Section 520.00 Non-Conforming Uses and Structures

Section 520.01 Purpose

The purpose of this Section is to provide for the continuing use of land, buildings, and structures that do not conform to this Resolution, but which were in existence, as described in Sections 520.03, 520.04 and 520.05

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before the adoption of this Resolution and any subsequent amendments. Additionally, any use that is or was established in nonconformity with the requirements of Township's Zoning Resolution that were in effect at the time of the establishment of the use shall not become a legal nonconforming use due to an elapse of time.

Section 520.02 Buildings and Structures Under Construction

On the effective date of this Zoning Resolution or any amendment thereto, no changes are required in the plans, construction or designated uses of a building and structures that do not comply with the requirements of the district in which it was located, provided that:

- A. Construction is commenced within ninety (90) days after the issuance of the Zoning Certificate.
- B. The entire building or structure shall be completed within two (2) years after the issuance of the Zoning Certificate.
- C. For the purposes of this Zoning Resolution, such building or structure shall be deemed a nonconforming use.
- D. Where demolition or removal of an existing building has been substantially begun in preparation to rebuilding, such demolition or removal shall be deemed to be actual construction provided that such work shall be completed within two (2) years of issuance of the zoning certificate.

Section 520.03 Nonconforming Lots of Record

On the effective date of this Zoning Resolution or any amendment thereto, a lot of record that does not comply with the lot area or width requirements in which the lot is located may be used as follows:

A. Occupied Lots

If already occupied by a building, such building shall be maintained and may be repaired, modernized, altered or enlarged provided that the building complies with the front, side and rear yard setbacks, and all other requirements of the district, except those that pertain to the lot area and lot width requirements.

B. Single Nonconforming Lots of Record

If a nonconforming lot is in separate ownership and not contiguous with other lots in the same ownership, the following provisions shall apply.

- I. Any lawfully existing lot recorded prior to the enactment of this Resolution, or amendment thereto, that does not comply with the minimum area requirements, may be developed for a permitted use, provided that:
 - a. The proposed use can be located on the lot in compliance with the front, side and rear yard setbacks.

- b. The lot meets all other requirements of the district, except those that pertain to the lot area and lot width requirements.

2. The Board of Zoning Appeals shall review and approve uses, buildings and structures proposed for single vacant nonconforming lots that do not meet the criteria set forth in Subsection 1 above.

C. Increasing Nonconformity of Lots

The nonconformity of lots shall not be increased in any manner, nor shall any division of any parcel be made which results in the creation of a lot not in compliance with the requirements of this Resolution.

Section 520.04 Nonconforming Building or Structures

Where a lawful structure/or building exists at the effective date of the adoption of this Resolution or amendments thereto, that could not otherwise be built under the terms of this Resolution, such building or structure may continue to be used or occupied by a use permitted in the district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

A. Maintenance and Repair

A nonconforming building or structure shall be maintained and repaired provided that the cubic/content area existing when it became nonconforming shall not be increased. Nothing in these Regulations shall prevent the strengthening or restoring to safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

B. Change in Principal Use of Building

The principal use in a nonconforming building may be changed to any other use permitted in the district so long as the new use complies with all of the requirements of the this Zoning Resolution, except the requirements that the building did not conform to prior to the change in use.

C. Additions, Alterations and Restoration of Damaged Buildings or Structures

If a nonconforming building or structure is damaged or destroyed by any means, it may be restored or reconstructed to its original footprint and floor area provided that:

1. A zoning certificate shall be applied for and issued within one year of destruction/damage.
2. If a nonconforming use residential building or structure is damaged, or destroyed by any means, it may be restored, or reconstructed and may follow the existing area requirements of the current Zoning District and the residential use must remain the same.
3. If a nonconforming industrial building or structure is damaged, or destroyed by any means, it may be restored, or reconstructed to its original footprint, floor area and use provided that:

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- a. The expense of such work does not exceed fifty (50%) percent of the replacement cost of the building or structure at the time such damage occurred and the extent of damage is more than fifty (50%) percent of the county's auditor's current value.
 - b. It shall not be rebuilt, restored or reoccupied for any use unless authorized by the Board of Zoning Appeals.
4. If a nonconforming retail/commercial building or structure is damaged, or destroyed by any means, it may be restored, or reconstructed to its original footprint, floor area and use provided that:
- a. The expense of such work does not exceed fifty (50%) percent of the replacement cost of the building or structure at the time such damaged occurred and the extent damage is more than fifty (50%) percent of the county's auditor's current value.
 - b. It shall not be rebuilt, restored, or reoccupied for any use unless authorized by the Board of Zoning Appeals.
5. Restoration and reconstruction of the building and structure shall only be restored/reconstructed in conformity with the regulations of this Resolution.

D. Moving Structures

If any nonconforming building/structure is moved, it shall be required to conform to the requirements for the district in which it located.

(4/4/2014) (2014-083)

Section 520.05 Continuance of a Nonconforming Use of Buildings and Land

A nonconforming use may continue in the district in which it is located so long at it remains otherwise lawful and does not constitute a public nuisance.

Section 520.06 Change of a Nonconforming Use of Buildings and Land to another Nonconforming Use

A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Board of Zoning Appeals decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.

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Section 520.07 Change From Nonconforming Use

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no previous nonconforming use shall be made, resumed or reinstated.

Section 520.08 Abandonment of a Nonconforming Use of Buildings and Land

A nonconforming use that has been discontinued for a period of two (2) or more continuous years shall be deemed abandoned, except when government action impedes access to the premises, and shall thereafter be used in conformity with the regulations of the district in which it is located.

Section 520.09 Certificate of a Nonconforming Use

If a use of property/structures was legally created or established and has since become nonconforming because of the establishment of or amendment to this Zoning Resolution, the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners.

- A. No use of land, buildings or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless the use shall be in compliance with the requirements of the zoning district in which the property is located.
- B. A copy of each "Certificate of Nonconforming Use" shall be retained by the Zoning Inspector and who shall maintain a record of all such certificates.
- C. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming, or other facts that substantiate the nonconformity. The purpose is to protect owners of lands/structures that are or become nonconforming.

Section 530.00 General Regulations of Temporary Buildings, Structures and Uses**Section 530.01 Temporary Buildings**

Temporary buildings for use incidental to construction work may be erected in any of the districts herein established; however, such temporary buildings shall be removed upon the completion or abandonment of the construction work.

Section 530.02 Temporary/Replacement Housing

The following requirements apply to temporary and replacement housing in the Township.

- A. New Construction

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A zoning permit for residential construction may be issued for a second dwelling on approved lots, only upon the condition that the new dwelling will ultimately replace the existing dwelling upon completion of construction of the new dwelling, in accordance to the requirements of Section 530.02.B. 2, 3, 4, 5, 6, and 7.

B. Repair/Reconstruction

Where a structure, used for residential purposes, is destroyed or rendered unfit for human habitation due to fire, windstorm, flood, lightning, explosion or other Acts of Nature or due to an unintentional catastrophe, temporary housing shall be permitted for a period not to exceed one (1) year while repairing, rebuilding, or replacing the damaged dwelling providing the following requirements are met:

1. The Zoning Inspector shall take into consideration County Board of Health and/or Building Department recommendations in determining whether a dwelling is unfit for habitation due to catastrophic causes.
2. The applicant shall submit in writing the method to be used to remove the waste water from the temporary dwelling. If on-site septic is to be used then the applicant will need to submit evidence in writing that permission has been obtained from the Portage County Health Department.
3. A permit for temporary housing shall be issued for an initial term of one (1) year. Applicant must submit a work schedule for permanent dwelling construction within ninety (90) days of being issued a permit. Upon satisfactory proof of work in progress the permit may be renewed by the Zoning Inspector for an additional period of one (1) year. In no case shall the permitted use for temporary housing exceed a period of two (2) years.
4. A permit for temporary housing shall be separate from and have no bearing on any other permits or structures that may be required to conform to this Zoning Resolution.
5. All temporary housing shall be removed within thirty (30) days after the principal dwelling is fit for habitation or within thirty (30) days of the permit for temporary housing expiring, whichever shall come first.
6. The location of the temporary housing must meet all side yard requirements, but may encroach into the front or rear yard setback area by not more than fifty percent (50%) of that area.
7. Temporary housing shall be exempt from minimum square footage requirements.

Section 530.03 Other Temporary Buildings and Uses

Temporary buildings, shipping/storage containers, construction trailers, equipment, and material used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

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Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector. (1/6/2016) (#2016-040)

Section 540.00 Temporary Use Permits

Temporary uses, such as fairs and other temporary sales and services, where permitted in appropriate districts, shall be permitted upon compliance with the plan requirements below:

Temporary Zoning Certificates

A. Two site plans shall be provided to the Zoning Inspector no later than two (2) weeks in advance of activities containing the following:

1. Location and use of existing buildings.
2. Intended ingress and egress of traffic; width of driveways and aisles and the location of any barriers;
3. Dimensions, location and width between any and all temporary buildings, signs, structures or tents on the premises;
4. First aid facility;
5. Litter containers;
6. Location of all vendors;
7. Location of the office;
8. Location and identification of permanent and temporary parking facilities; and
9. Location of restroom facilities.
10. Signs must be in compliance with Section 700.12: Temporary/Special Event

B. The following information shall be provided on the site plan:

1. The name, address and telephone number of the property owner;
2. The name, address and telephone numbers of the chairman, manager or operator of the temporary event;
3. The address and township zoning of the property upon which the activities are held, and
4. The dates and times of operation of the activity;

C. The following permits shall be obtained prior to commencement of the activities:

1. A temporary zoning permit shall be required for the activity, structures, buildings, tents and signs related thereto.
2. Approval from Brimfield Police and Fire Chiefs must be obtained prior to zoning certificate approval.

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Appropriate permits from the Portage County Combined General Health District, Portage County Auditor's Office, or other county offices, as necessary

Section 545.00 Business Displays/Outdoor Storage

All business services and merchandise displays shall be conducted within an enclosed building except as otherwise provided in this Resolution. There shall be no outdoor storage of materials, stock, merchandise, etc., related to any business or industrial use unless otherwise permitted in these regulations.

Section 550.00 Agricultural Uses

- A. For the purposes of this Resolution, "Agriculture" shall include farming; ranching; aquaculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; production of field crops, tobacco, fruits, vegetable, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- B. Farm markets/roadside stands may be located on a premises for the purpose of selling primarily agricultural products, providing the following requirements are met:
 1. There shall only be one (1) farm market structure permitted per farm, which shall be located on the same property as the farm owner or operator.
 2. The structure complies with side yard setback requirements of the district.
 3. The structure shall be located at least thirty (30) feet from the road right-of-way.
 4. The height of the structure shall not exceed fifteen (15) feet.
 5. The floor area of a farm market sales structure shall not exceed fifty (50) percent of the principal building floor area if on the same lot or one-thousand (1000) square feet, whichever is less.
 6. Adequate ingress and egress and parking facilities are provided to allow cars to get off of the street and be able to turn around without creating a safety hazard or blocking oncoming traffic.
 7. Construction materials of the farm market shall be of materials that would blend with the principal building.
 8. At least fifty (50) percent of the gross income received is derived from produce raised on the farm owned or operated by the market operator.

9. Signs as regulated in Chapter 7.

C. In such areas, on lots comprised of five (5) acres or less, agriculture uses shall comply with the following requirements: (11/10/2015) (#2015-321)

1. Accessory Buildings Used for Agricultural

Accessory buildings used for agricultural purposes shall comply with the requirements as set forth in Subsection 510.03.

2. Animals

a. On lots of less than three (3) acres normal household pets shall be permitted. All state, county and local health and safety requirements must be followed and no nuisance be created for neighboring property owners or residents within -the Township. This includes the proper disposal of waste and control of odor and noise. (11/10/2015) (#2015-321)

b. On lots of three (3) acres up to five (5) acres shall comply with ORC Agriculture use.

a. Lots of three (3) to five (5) acres are not subject to agricultural exemptions. (11/10/2015) (#2015-321)

3. Shelter for Animals

The following regulations are established for the keeping of animals in accordance with Section 550.00.C.2.b.

a. Whenever one (1) or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.

b. The area of the accessory building which is intended to provide shelter for one or more animals shall not exceed three (3) percent of the lot area.

c. Animal shelters and enclosures must be maintained and well drained away from the building lot area and animals to prevent ponding of water, insect breeding areas, and health hazards for animals and humans. The premises and shelters shall conform to the sanitary code of the Portage County Health District.

d. Animal shelters shall be located no closer than:

1. Sixty (60) feet to street right-of-way.

2. Twenty-five (25) feet to a side or rear lot line.
3. One-hundred (100) feet from any water well.

4. Fencing of Animals

Whenever one (1) or more animals are kept outdoors on a lot, the following regulations are established for the keeping of animals in accordance with Section 550.00.C. 2.B.

a. Fencing for Large Animals:

1. A fence shall be required for large animals such as, but not limited to horses, mules, donkeys, swine, cattle, buffalo, alpacas, and llamas.
2. A letter from the OSU Extension Office shall be provided by the applicant stating that the intended fenced area will provide at least the minimum grazing area for grazing livestock in compliance with the latest "animal units" per acre standards set forth by OSU Extension Service, based on the applicant's intended use and types of pasture grasses to be planted.

b. Fencing for Small Animals:

1. A fenced area is optional for small animals such as, but not limited to, poultry, goats, sheep, mini breeds of horses, cattle and swine.

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Section 555.00 Oil & Gas Well Drilling and Associated Activities

Section 555.01 Purpose

The purpose of these regulations is to preserve the health and safety of the Brimfield Township citizens and the natural resources of the Township from potentially damaging effects of gas and oil well operations, the extraction of oil, natural gas, and hydrocarbons, any operations involving exploration for such substances or storage thereof, and the drilling, reopening, operation, maintenance and plugging back of oil and gas wells shall not be permitted without compliance with this Zoning Resolution and such compliance shall be necessary even though no zoning certificate is necessary to be obtained from Brimfield Township.

Section 555.02 Pre-Construction Requirements

- A. All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all the requirements of this Resolution, the Ohio Revised Code, Chapter 1509, the

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Ohio Administrative Code, Chapter 1501 and the requirements of the Ohio and U.S. Environmental Protection Agencies (EPA) and any other state or federal requirements.

B. No gas or oil well shall be drilled unless the permittee, owner, producer and/or contractor complies with all the requirements set forth in this Resolution. The owner shall have primary responsibility for filing the information required.

C. Registration and Compliance Application Form:

While no zoning certificate is required for the drilling, operation, production, plugging or abandonment of any gas or oil well; the permit holder must complete an application form for Oil/Gas Well Registration and Compliance and submit all information required in this resolution. The information shall be filed with the Township Zoning Inspector and Fire Chief at least thirty (30) days prior to the date upon which any construction is scheduled to begin, including site preparation for the purpose of drilling, re-opening of an oil or gas well, and other associated activities and uses.

The Registration and Compliance Form shall include:

1. The name, address and telephone number of each signatory on the application including the owner of record of the property and the same information for each operator and contractor responsible for operation and all maintenance of well site.
2. A copy of a valid permit for the activity proposed from Division of Mineral Resource Management, Ohio Department of Natural Resources
3. A list of all emergency phone numbers of all parties responsible for any work on the tract.
4. A copy of the state-approved brine and waste disposal plan.
5. A copy of the spill prevention, control and countermeasure plan as required by Title 40 Code of Federal Regulations, Part 112.
6. A schedule of proposed starting date and dates of drilling operations.
7. A copy of the bond for overweight vehicles from the Portage County Engineer.
8. A map drawn to scale of the township lot, showing the location of the following proposed items:
 - a. Ingress and egress points.
 - b. Oil or Gas or Brine Injection Well(s)
 - c. Storage tanks and separator units

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- d. Schematic of all pipelines, connections and all shut off valves for emergency purposes.
 - e. Power shut off mechanisms.
 - f. Permanent and temporary pits.
 - g. Access Drives.
 - h. All dikes and swales for erosion control and spill prevention.
 - i. The lot lines of all properties within one-thousand (1 ,000) feet of the proposed well site.
 - j. The location of all buildings and structures within one-thousand (1 ,000) feet of the proposed well site.
 - k. Landscaping plan.
9. Other information as required by the Zoning Inspector to determine compliance with these requirements.
- D. At least thirty (30) days prior to the date upon which any construction is scheduled to begin as noted in 555.02C, the permit holder shall notify all property owners within the drilling unit and property owners immediately adjacent to the drilling unit of their intended uses and activities.
- E. No owner, producer, contractor, operator shall move any drilling equipment or any equipment onto a township road without provision of proof the road bond noted in item 555.02.C.7. has been filed with and approved by the County Engineer. Such bond shall be in effect until the oil/gas well is plugged.
- F. Protection of Fresh Water Wells:
- 1. It shall be the duty of the permittee to protect fresh water wells from salt water or other pollution or contamination from their operations. Prior to commencing drilling operations, the owner shall test the water in all fresh water wells situated on parcels of land contiguous to the drilling unit or within a radius of one thousand feet (1,000') of the proposed wellhead, whichever is greater, for calcium, chloride, magnesium, total hardness, chlorides, sodium, potassium, iron, strontium, manganese, total dissolved solids, barium, sulfates, nitrates, nitrites, lead, mercury, cadmium, benzene, toluene, xylene and ethyl. Such tests shall be conducted by an EPA certified laboratory. Such tests shall be done provided the owner of each water well consents. Copies of such tests shall be sent to the Township Zoning Inspector and each property owner. If any fresh water wells are disturbed or altered by permittee or any contractors, a new test will need to be conducted and results provided to the Township Zoning Inspector, testing the same items

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2. The permittee, his driller and contractors shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to reestablish proper potability on any polluted or contaminated well or wells. The permit holder and driller shall be jointly and severally responsible for the obligation to provide potable water without cost to the residents receiving the same. The drillers responsibility shall include covering the cost of drilling new wells or extending public water service, including tap-in fees should that be necessary. Permanent corrective solutions to affected wells shall be in place within thirty (30) days of disturbing or altering the fresh water well unless extending a public water line, in which case, the permittee may have up to 120 days to have the permanent corrective solution in place for the affected party(ies).
- G. The applicant shall submit information to the Zoning Inspector with satisfactory proof that the applicant has the ability to remove all brine, drilling material, sludge, and other materials required to be removed. The Applicant shall submit evidence to the Zoning Inspector that the applicant has available a brine injection well with sufficient capacity to accept all materials to be removed and that said injection well or wells have been inspected and approved by the State of Ohio, ODNR, Division of Mineral Resource Management. Records of the disposal of all brine and waste water during the operating life of the well shall be repofled to the Township Zoning Inspector at the time such disposal occurs.
- H. The applicant shall provide the Zoning Inspector with a map of all buried transmission lines, for which the applicant must have written and recorded easements or leases. All buried transmission lines crossing or intersecting any Township road shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the Township Road Supervisor. The minimum depth of such lines below roads, perennial or intermittent streams and ditches shall be established by the Township Road Supervisor and Zoning Inspector prior to the excavation to install such lines. No transmission lines intended for burial under Township roads shall be covered until the installed line is inspected by the Township Road Supervisor. The applicant shall also coordinate the laying of transmission lines with all public utilities servicing the Township.
- I. The name of the company, address, names of responsible individuals, all twenty four (24) hour emergency telephone numbers for each well, tank, and separator sites shall be given to the Zoning Inspector who in turn shall provide a copy of such information to the Fire and Sheriff Departments.
- J. Signage:

Before construction or production begins, a permanent sign at least two (2) square feet shall be posted at the access road entrance by the public road and at each wellhead, storage tank and separator unit (fenced areas) stating the owner, producer, lease name, well number, state permit number, all emergency telephone numbers and street address of site.

Any change of ownership or change in any other information stated on the sign shall be shown at the wellhead, storage tank(s), separator unit and access road entrance no later than thirty (30) days after the date of the assignment or transfer or change in status.
- K. After submission of the Oil and Gas Well Registration and Compliance Form and after providing all required information, the owner, producer and/or contractor may commence site preparation for and

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drilling of a gas and oil well within the Township after the Zoning Inspector has determined the owner to be in compliance prior to commencement of activities and uses proposed and based on the information provided.

Section 555.03 Construction Requirements

- A. It shall be the responsibility of the Owner, Producer and/or contractor to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.
- B. No unloading or loading of oil, brine or water is to be made from the road.
- C. The blocking of roads is prohibited.
- D. The owner, producer and/or contractor shall provide off street parking to accommodate all vehicles during construction and production.
- E. Truck routes in and out of the site shall be approved in written form by the Township Road Supervisor. The Supervisor shall require that truck routes through Township Roads be limited to roads that can accept the load based on load limits and the Road Supervisor shall consider routes that will minimize wear on public streets and which would prevent hazards and damage to other properties in the Township.
- F. The owner, producer and/or contractor shall provide toilet facilities to accommodate workers on the site and they shall be maintained in a clean and sanitary condition during construction operations. Such facilities shall be in accordance with standards of the Portage County Health Department.
- G. Equipment Safety Requirements:
 - 1. All crude oil storage tanks shall be above ground and constructed and treated to prevent leakage and painted to prevent corrosion.
 - 2. All crude oil storage tanks must be equipped with hatch (lid) seals and a flame arrestor or two way pressure relief valve installed on the vent stack. The hatch must be closed and locked when unattended. All electric panels and loading valves must be locked when unattended.
 - 3. All shut off valves shall be painted in florescent orange.
 - 4. All power, storage and transmission line shut-off valves shall be secured by locks or similar devices to prevent unauthorized access or usage.
 - 5. If the well is located in a flood plain, on a steep slope or in an environmentally sensitive area, no open storage pits shall be used.
 - 6. All tanks shall be adequately and permanently anchored to resist slippage or flotation.

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7. During production of a well, the applicant shall make regular fluid level checks of all oil, gas, brine, waste and other elements removed from any well, shall check on a regular basis the condition of all equipment and shall ensure that all equipment required to be secured or locked is so secured or locked. Any joint or connection under pressure and above ground which carries fluids or gases under pressure shall be inspected and maintained to ensure no leakage or equipment failure.
- H. All pipelines shall be buried a minimum of twenty-four (24) inches under the surface.
- I. As required by the land/property owner, the electric line to the well head may be either an overhead electric line or an underground electric line. The overhead electric line must have a minimum overhead clearance of fourteen (14) feet. The underground line must be buried a minimum of twenty four (24) inches under the surface.
- J. Access Drives:
1. The applicant shall provide ingress and egress drives to all well and storage tank sites. Such drive(s) shall be constructed in accordance with plans submitted to the Zoning Inspector with the application. Drives to storage tank sites shall be installed prior to the installation of storage tanks.
 2. All access drives shall be maintained so as to be passable in all seasons and weather conditions. The driveway is to be free of deep ruts and positive drainage shall be maintained along this driveway at all times. The permanent access driveway width is to be a minimum of ten (10) feet. The minimum requirement for the permanent driveway material is to be a graded aggregate of a size, and placed to a thickness sufficient to prevent displacement under Fire Department trucks. The permanent driveway may serve both the well and tank sites. Drives may be paved with asphalt or concrete as an alternate to aggregate.
 3. Drive entrance gates shall be set back from the road right of way a distance sufficient to permit trucks servicing the well or tank battery to pull completely off the road right of way when entering the property or stopping to close the gate when exiting.
 4. Not more than two (2) access points shall be established from any public road to any well or tank site.
 5. Access drives shall have a turnaround of sufficient size to accommodate fire and rescue and other emergency vehicles servicing the Township.
 6. Where access drives connect with Township roads a drive permit shall be obtained prior to construction and culvert construction and any necessary ditching shall be done under the supervision of Brimfield Township Road Supervisor who shall be notified before construction or ditching operations begin. The Road Supervisor shall inspect and approve culvert, drive, and related drainage installations before construction or production begins. A driveway permit shall be obtained from the County Engineer for access on to county roads, and from ODOT for access on to State Roads.
- K. Blow Out Prevention:

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During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control for use in shutting down the system. The blowout preventer must be in good working condition and of sufficient size and rating to control such hydrostatic pressure as would be expected for the deepest pool to be penetrated. Such blowout preventer must be installed on the surface casing prior to drilling below the surface casing. The applicant shall also install a gas detector meter on the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the applicant shall insure that knowledgeable and experienced drillers will be on site during all phases of drilling.

L. Diking:

1. A system of dikes shall be installed around all tank sites and separators to prevent discharge of liquid from endangering adjoining property or reaching waterways.
2. All dikes shall be continuous with no openings.
3. The size and design of such dikes shall be sufficient to contain at least one-hundred-thirty-three percent (133%) of the material stored in the tanks and separators within the dike.
4. All dikes shall be constructed of material so as to be watertight and afford adequate protection. If made of concrete or masonry, it shall be properly reinforced and shall have footings below the frost line.
5. Before production begins, the Zoning Inspector and Fire Chief must approve the installation of the completed dike system.

M. Pits for Drilling Fluids and Wastes:

Prior to drilling, the applicant shall have steel pits located at the site sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. The steel pit shall have a capacity not to exceed ten-thousand (10,000) gallons. Each pit shall be constructed of steel and regardless of whether or not said steel pits are buried in the ground or entirely on the surface, there shall be a minimum of one-inch (1 ") clay seal underneath said steel pit. During drilling, the drilling fluids and other materials in said steel pits shall not be permitted to exceed a level of eighteen-inches (18") from the top of said steel pit and shall be removed from the steel pit prior to being placed back into use. Further, said steel pits shall not become filled to a capacity that will cause a substantial probability of overflowing.

Earthen pits for the containment of drilling cuttings shall be lined with a State approved nonpermeable liner to prevent leaching and shall be of sufficient size to contain all effluents.

N. Fencing:

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Storage tanks, separators, drainage pits, well pumps and all other installations of equipment used at well installations shall be entirely enclosed by a six (6) feet high fence with three (3) strands of barbed wire above. The fence shall be located a minimum of five (5) feet outside of all tanks, pumps, separators, and any related miscellaneous apparatus. All gates shall have a minimum opening of four (4) feet or such opening as the Fire Chief determines necessary to facilitate orderly and safe fire fighting access and operations. All fences and gate installations shall be inspected by the Fire Chief and Zoning Inspector before producing operations begins. All gates shall be locked and keyed the same and a key shall be given to the Township Fire Department. Fences and gates shall be kept in a good state of repair until the well is abandoned and tanks, separators, and pump equipment are removed.

- O. At any reasonable hour, the Township Zoning Inspector after identifying him/herself, may enter upon the premises during the site preparation and drilling stages, to ensure compliance with this resolution. Additionally, at any time the Township Zoning Inspector may enter upon the premises where an oil and/or gas well is to be or is being drilled whenever an emergency is believed to exist on said tract.

P. Pollution Prevention and Control:

Any applicant for a gas and/or oil well or brine disposal well whose well shall be within two thousand (2,000) feet of any lake or pond, whether natural or man made, river, stream, creek, wetland or other such bodies of surface water within Brimfield Township shall indicate the same on the Registration and Compliance Form. It shall be the responsibility of the applicant to assure that any said body of water shall not be exposed during drilling, fracturing, production and operation of the well to any danger of erosion, siltation, pollution, contamination or alteration.

The registration and compliance application for any oil and/or gas well or any brine disposal well proposed to be drilled within two-thousand (2,000) feet of such lakes and water bodies shall include measures to be taken to avoid any damage to said water bodies and their habitats.

Adequate contingency plans shall be made to avoid contamination of the waters of the Township in the event that any oil, gas, brine, waste, toxic material or other such contaminant spills during the drilling, production or abandonment of any oil and/or gas well. If any well site is to be located within two-thousand (2,000) feet of waters of the Township, the applicant shall submit with the application, a proposed procedure to control spills and reduce the risk of contamination.

No person, firm, or corporation shall conduct any well drilling, production, or transmission operation that contaminates or pollutes the land surface, or any surface or subsurface water. The waste disposal plan or method initially submitted shall not be changed without prior approval of the Zoning Inspector. The owner shall maintain a record at the drill site of the name, address and telephone number of the person, corporation or firm disposing of waste, the location of the disposal sites being used and dates of waste removal and license numbers of waste haulers. Such records shall be available to the Zoning Inspector if requested.

Q. Setback from Road Right of Way:

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In order to protect the public health and safety, wells and tank batteries should be setback from the road right of way at least one-hundred (100) feet where feasible.

Section 555.04 Post Construction Requirements

- A. Within ninety (90) days of the commencement of production, the owner, producer and/or contractor shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.
- B. The owner, producer, and or contractor must restore all areas disturbed by construction. Areas are to be fine graded and seeded and mulched or covered with straw as required by the land owner. Best practices for erosion control shall be utilized. Restoration shall be completed within thirty (30) days after drilling is complete, and all landscaping required shall be completed within sixty (60) days (weather permitting).
- C. Landscaping/screening shall be located around the perimeter of oil and gas wells, storage tanks and other facilities that will remain after the drilling as follows:
 - 1. An evergreen screen shall be planted and maintained that consists of evergreen trees planted five (5) feet on center maximum or evergreen hedge planted three (3) feet on center maximum.
 - 2. All new landscaping shall be a minimum of six (6) feet in height at planting.
 - 3. No landscaping shall impede the access to any facilities or equipment for ongoing maintenance and fire fighting.
 - 4. All landscaping shall be maintained. Any materials that die shall be immediately replaced.

D. Abandonment:

All storage tanks, apparatus and other equipment located above ground at a well site shall be removed and abandonment completed within one-hundred-eighty (180) days after a well stops producing and the ground shall be restored to the extent possible, to its original condition or better prior to drilling of said well, within said one-hundred-eighty (180) day period.

E. Capping Wells:

- In the event an applicant at any time determines to cap a well, the applicant shall notify the Zoning Inspector, and shall also notify the Zoning Inspector in advance when the capped well will be made productive again.

F. Maintenance/Repairs:

The applicant shall at all times maintain, repair, repaint, and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under this Resolution.

G. Reporting:

The Zoning Inspector shall be provided with a copy of the report required in March of each year by Ohio Department of Natural Resources, Division of Mineral Resource Management, of the oil, gas, and brine removed from each well.

H. Road Right of Way Repairs:

Any damage to the public road, the berm or any other part of the right of way shall be repaired to preconstruction condition or better. The Township Road Supervisor shall make the determination as to needed repairs during the final inspection.

Section 555.05 Distance of Fires from Wells and Tanks

No open fires shall be permitted within two-hundred (200) feet of any gas or oil well or storage tank.

Section 560.00 Pedestrian and Bicycle Circulation System

Section 560.01 Purpose

The purpose of these regulations is to link residential areas, commercial and employment centers, parks and open space areas with pedestrian and bicycle facilities in order to enhance non-motorized transportation opportunities for the community's residents, workforce and visitors.

Section 560.02 Pedestrian and Bicycle Circulation System

These requirements are applicable to any Planned Residential Developments and/or any type of Planned Unit Development. Furthermore, these requirements are also applicable to any development occurring in areas of the Township that have been identified by a Board of Township Trustees Resolution as within an area of the Township that Pedestrian and Bicycle Circulation Systems are required.

Facilities shall be provided to ensure that a pedestrian and bicycle circulation system is safely incorporated within a proposed development. The development should be designed in such a manner as to ensure that pedestrians can walk safely and easily throughout the entire development and the necessary bicycling improvements are provided to ensure linkages between destinations. The circulation systems are to be designed in such a manner as to link the proposed development with the Township's pedestrian and bicycle circulation system as follows:

1. The pedestrian system shall provide connections between properties, and activities, special features within the open space system and/or the Township's pedestrian circulation system by the establishment of sidewalks and/or improved bike paths.

2. The bicycle circulation system shall include connections with any local, county, and State existing or proposed circulation system through the establishment of bike routes, bike lanes, and/or bike paths. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

Section 560.03 Pedestrian Facility Requirements:

A sidewalk shall be provided for the protection of the public safety. Typically, sidewalks shall be four (4) foot wide and made of concrete. The evaluation of an alternative sidewalk design and design would be based on the ultimate connection points, topography, environmental constraints, proximity to planned structures, and the safety of the persons using the sidewalk system, especially at night.

Section 560.04 Bike Routes, Lanes, Paths, and Parking Facility Requirements:

1. Bike Routes

Bike routes can be established as part of a street system that normally carries a low volume of motorized vehicles, usually less than one-thousand (1,000) ADT (average daily motorized traffic volume), at low speeds. Signs are to be posted to designate the roadway as a bicycle route to complete connections between other facilities.

2. Bike Lanes

Bike lanes, wide curbs lanes, or paved shoulders that are a minimum of four (4) feet in width and located on both sides of the roadway, are to be utilized whenever possible. This type of facility is the preferred on any roadway of under ten-thousand (10,000) ADT.

3. Bike Paths

Bike paths are required for roadways with motorized traffic volumes exceeding ten-thousand (10,000) ADT or where traffic usually operates at high speeds. The off-road bicycle paths shall be a minimum of eight (8) feet in width.

4. Bicycle Parking Space Requirements:

In order to encourage non-motorized transportation facilities, all bicycle parking facilities will be required for all proposed developments. The bicycle parking requirements shall be linked to the type of land use being considered and the amount of required automobile parking, per the local zoning requirements, as set forth in Schedule 600.06

CHAPTER SIX OFF-STREET PARKING AND LOADING FACILITIES

Section 600.00 Off-Street Parking and Loading Facilities

Section 600.01 Purpose

These regulations are intended to provide for adequate off-street parking and loading facilities in proportion to the anticipated parking needs created by each use. These regulations further establish uniform design standards for parking spaces, aisles, and access ways for the functional performance of such facilities in an aesthetically satisfactory manner, in order to reduce congestion on streets, and to minimize unwanted impacts to adjacent property owners.

Section 600.02 General Requirements

- A. The requirements of this Chapter shall not apply to any existing buildings or structures, except where there is a change of use.
- B. 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.
- C. 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 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. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty percent (50%) or more employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- E. Parking spaces for drivers with disabilities shall be provided as required in Section 600.07.
- F. In all instances where parking is required, except for single-family and two-family residential uses, a minimum of five (5) parking spaces shall be provided.
- G. Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Section, unless otherwise specified.
- H. Except for single-family and two-family residential dwellings, the parking areas for all other uses shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be travelling in a forward motion.
- I. All off-street parking facilities shall be permanently maintained by the owners or occupants as long

as the use they serve exists.

- J. All off-street parking facilities shall have vehicular access to a street.
- K. Land used to provide the required off-street parking facilities shall not be used for any other purposes, except for temporary events, in compliance with the requirements of this Resolution.
- L. All off-street parking facilities shall be designed so that emergency vehicles and fire apparatus can serve such developments.
- M. Circulation areas shall be designed so vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.

Section 600.03 Off-Street Parking Space Dimensions

All off-street parking spaces shall have a minimum rectangular dimension as specified in Schedule 600.03. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

**Schedule 600.03
Minimum Dimensions of Off-Street Parking Spaces**

Parking Space Design	Width	Length
90 degree Parking	9 feet	18 feet
60 degree Parking	9 feet	18 feet
45 degree Parking	9 feet	18 feet
Parallel Parking	9 feet	23 feet

Section 600.04 Location of Parking Areas

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

- 1. Single-Family, Two-Family and/or Three-Family Residences
 - A. All parking areas shall be located on the same lot that the principal use is located.
 - B. Residences shall have garages or parking areas for at least two (2) motor vehicles per dwelling unit.
- 2. Apartment and Multi-Family Residences and All Other Non-Residential Uses
 - a. All parking areas shall be located on the side or rear of buildings in compliance with the corresponding district requirements.
 - b. No part of any parking area intended for ten (10) vehicles or more shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care whether

located on the same lot or an adjoining lot, unless separated by a landscaped buffer screen.

- c. Parking spaces for apartments, dormitories or similar residential uses shall not be located more than three-hundred (300) feet from the principal use.
- d. Parking spaces for commercial, industrial, or institutional uses shall not be located more than seven hundred (700) feet from the principal use.
- e. In no case shall any part of a parking area be closer than twenty (20) feet to any established road right-of-way.

Section 600.05 Design Specifications of Parking Areas for Apartment and Multi-Family Residences and All Other Non-Residential Uses

A. Design Standards

1. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections or corners.
2. Entrances and exits to the parking area shall be clearly marked.
3. All parking areas shall be striped between spaces to facilitate the movement into and out of the parking space.
4. All parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area via a public or private street shall be traveling in a forward motion.
5. Wheel guards or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line, or rolling down slopes.
6. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private street.
7. Access roads for one-way and two-way traffic shall have a minimum width of twenty-five (25) feet at the curb cut.
8. Location of Access Drives
 - a. One direct private access shall be permitted per parcel or contiguous parcels under common ownership.
 - b. An access drive shall be located where it will not create an offset intersection opposite an existing street, highway, or major commercial or industrial driveway.

- c. Additional access drives may be permitted provided the following standards are met:
 - 1. Would not adversely affect the safety and operation of the roadway system.
 - 2. Is determined to be necessary for the safe and efficient use of property.
 - 3. Would not adversely affect access to adjacent properties.
 - 4. Complies with the access drive separation distances as specified in Schedule 600.05.A.8.c.4.

**Schedule 600.05.A.8.c.4
Access Drive Spacing Requirements**

Driveway Spacing ≤ 40mph		Driveway Spacing > 40mph	
Posted Speed	Minimum Distance	Posted Speed	Minimum Distance
25 mph	150 feet	45 mph	495 feet
30 mph	200 feet	50 mph	550 feet
35 mph	250 feet	55 mph	605 feet
40 mph	325 feet	60 mph	660 feet
		65 mph	715 feet

Source: State Highway Access Management Manual, ODOT
Source: Access Management for Streets and Highways, USDOT

B. Width of Driveway Aisles

- 1. The minimum required driveway aisle width for access to individual parking spaces shall not be less than the requirements as specified in Schedule 600.05.B.1.

**Schedule 600.05.B.1
Minimum Width of Driveway Aisles**

Parking Space Design	Width of Driveway Aisle
90 degree Parking	25 feet
60 degree Parking	16 feet
45 degree Parking	13 feet
Parallel Parking	12 feet

- 2. Driveway Aisles for two-way traffic shall have a minimum width of twenty-five (25) feet.
- 3. Parking areas having more than one driveway aisle shall have directional signs or marking in each driveway aisle.

Section 600.06 Parking Spaces for Handicap Accessibility

All apartment and multi-family residences, and all other non-residential uses shall provide parking spaces for handicap accessibility in accordance with the following regulations:

- A. Parking spaces for handicap accessibility as required by this subsection shall be marked on the plan for the facility and shall be appropriately identified in the facility and restricted for use by eligible drivers.
- B. The handicap accessibility parking spaces shall be located within a reasonable walking distance of the buildings they are designed to serve.
- C. The minimum number of handicap accessibility parking spaces per parking lot shall be required as set forth in Schedule 600.06.C.

**Schedule 600.06.C
ADA Standards for Accessible Design**

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with Minimum 96" wide access aisle	Accessible parking Spaces with minimum 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with Minimum 96" wide access aisle	Accessible parking Spaces with minimum 60" wide access aisle
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of Total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**
* 1 out of every 8 accessible parking spaces ** 7 out of every 8 accessible parking spaces			

Section 600.07 Parking Spaces for Bicycles

All apartment and multi-family residences and all other non-residential uses shall provide parking spaces for bicycles in accordance with the following regulations:

- A. Bicycle parking spaces as required by this subsection shall be marked on the plan for the facility and shall be appropriately identified in the facility and restricted for use by eligible drivers.
- B. The bicycle spaces parking spaces shall be located within a reasonable walking distance of the buildings they are designed to serve.

C. The minimum number of bicycle parking spaces per parking lot shall be required as set forth in Schedule 600.07.C.

**Schedule 600.07.C
Bicycle Parking Space Requirements**

Total Motor Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces Required
1-14	1
15-29	2
30-44	3
45-59	4
Total Motor Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces Required
60-74	5
75-99	6
100-199	7
200-299	8
300-400	9
400 and greater	10
One (1) additional bicycle parking space for each additional 100 motor vehicle parking spaces or fraction thereof	

Section 600.08 Shared Parking Facilities

Shared parking facilities are encouraged. The purpose of shared parking facilities is to reduce curb cuts onto public roads and reduce impervious surfaces. Any two or more nonresidential uses may jointly provide and share parking spaces when there is sufficient parking spaces available to accommodate the parking space needs of the parties in accordance with the following requirements:

- A. A maximum of fifty (50) percent of the required parking space needs of a particular use may be integrated with the parking space requirements of another use.
- B. The required parking spaces for disabled drivers and for bicyclists shall not be reassigned to the shared parking facility.
- C. The applicants shall submit a written agreement between all parties to the arrangement with the application for a Zoning Certificate.
- D. The parties must demonstrate that the peak hour parking space needs for one use is not during the peak hour parking space needs of another use and that the anytime parking needs of any use will be sufficient for its safe, convenient and efficient operation and will not be hindered by such an arrangement.
- E. The shared parking areas shall be interconnected to the buildings of the agreeing parties by sidewalks or other improved pedestrian way.

- F. The location of the parking areas shall be in accordance with the specifications of Subsection 600.03 and all other applicable requirements of this Resolution.
- G. The location of several types of uses or occupancies in the same building or on the same site may constitute a special circumstance warranting the reduction of parking requirements pursuant to this section. (11/10/2015) (#2015-319)

Section 600.09 Parking Area Landscaping Requirements

Parking areas for apartment and multi-family residences and all other non-residential uses shall be landscaped in accordance with the requirements of Chapter 8 of this Resolution.

Section 600.10 Off-Street Parking Space Requirements

The following off-street parking space requirements are established to ensure that the parking needs associated with the development of land and the increased usage of motor vehicles are met. These regulations are designed to increase safety and lessen congestion on both public and private roads by providing a set of standards for off-street parking spaces according to the amount of traffic generated by each use to eliminate the need for on-street storage of vehicles while ensuring the visual aesthetics of the area.

**Off-Street Parking Space Requirements
Schedule 600.10**

Type of Use	Minimum Number of Spaces Required
A. Residential Uses	
1. Single-Family, Two-Family and Three-Family Dwellings	2 spaces for every dwelling unit
2. Apartments and Multi-Family (1 Bedroom)	1.5 spaces for every dwelling unit
3. Apartments and Multi-Family (2 Bedroom)	3 spaces for every dwelling unit
4. Apartments and Multi-Family (3 Bedroom)	3 spaces for every dwelling unit
5. Apartments and Multi-Family (4 Bedroom)	4 spaces for every dwelling unit
6. Bed & Breakfast Establishments, Rooming Houses	1 space for every guest room, plus the requirements for a normal residential use
B. Retail Business Uses	
1. Appliance, Furniture, Household Goods Sales and Repair	1 space for the first 1,000 sq.ft. of floor area, plus 1 space for each additional 600 sq.ft. of floor area
2. Convenience Stores	1 space for every 250 sq.ft. of floor area
3. Convenience Stores with gasoline pumps	1 space for every 250 sq.ft. of floor area, plus the parking requirements of Gas Stations
4. Food or Grocery Stores	1 space for every 200 sq.ft. of floor area
5. Gas Stations	2 spaces for each island of pumps, plus 2 spaces for each service stall, plus 1 space for each two employees

6. Restaurants (dine in)	1 space for every 3 seats and 1 space for every 3 employees
7. Restaurants (fast food or carry out)	or area
8. Shopping Center (Comprised of more than one business use)	
1) Less than 15,000 sq.ft. of floor area	5 spaces per 1,000 sq.ft. of floor area
2) Between 15,001 and 600,000 sq.ft. of floor area	4 spaces per 1,000 sq.ft. of floor area
3) More than 600,000 sq.ft. of floor area	5 spaces per 1,000 sq.ft. of floor area
9. All uses not listed	1 space for every 200 sq.ft. of floor area
C. Service Uses	
1. Barber and Beauty Shops	1 space for every 150 sq.ft. of floor area
2. Bicycle, Camper, Motor Vehicle, and RV Sales and Service	1 space for every 200 sq.ft. of floor area, plus 1 space for each additional 3,000 sq.ft. of gross land area
3. Catering	1 space for every 250 sq.ft. of floor area
4. Financial Institutions	1 space for every 200 sq.ft. of floor area, plus 6 stacking space per drive-in teller service area
5. Hotel/Motel and Bed and Breakfast	1 space for each guest room, plus 1 space for each employee
6. Indoor Storage Facility	1 space for every 15 storage units

Type of Use	Minimum Number of Spaces Required
7. Motor Vehicle Repair Facility	2 spaces for each service stall, plus 1 space for each two employees
8. All uses not listed	1 space for every 250 sq.ft. of floor area
D. Office Uses	
1. Business and Professional	5 spaces for the first 1,000 sq.ft. of floor area, plus 1 space for each additional 300 sq.ft. of floor area
2. Medical and Dental	4 spaces for each doctor on staff, plus 2 spaces for every employee
E. Health Medical and Care Facilities	
1. Children's Day Care and Nursery School Facilities	1 space for every 10 clients based on the facilities maximum capacity
2. Assisted Living Facilities, Convalescent Centers, Nursing Homes and Geriatric Centers	1 space for every 5 beds, plus 2 spaces for each 3 employees and 1 space for each doctor on staff
3. Health Clinics	4 spaces for each doctor on staff, plus 2 spaces for every employee
4. Hospitals and Sanitariums	1 space for every 2 beds, plus 2 spaces for each three employees
F. Public, Education, and Utility Uses	
1. Churches and Places of Worship	1 space for every 5 seats in main auditorium
2. Colleges, Universities, Vocational Schools	1 space for every 5 students based on the maximum number of students the facility is designed to accommodate, plus 2 spaces for each 3 employees
3. Elementary, Junior High School	2 spaces for each classroom
4. High School	1 space for every 8 students
5. Libraries, Art Galleries, Museums	1 space for every 800 sq.ft. of floor area
6. All uses not listed	1 space for every 250 sq.ft. of floor area
G. Recreational and Social Facilities	

1. Amusement Parks (Indoor and Outdoor)	3 spaces for every 1,000 sq.f.t of floor area, plus 3 spaces for every 1,000 sq.f.t of gross land area
2. Archery Range	1 space for every 2,000 sq.ft. of gross land area
3. Auditoriums, Gymnasiums, Convention Centers and other Places of Assembly	The number of required spaces shall equal 30% of the seating capacity of the facility
4. Bowling Alleys	5 spaces per alley plus additional spaces required for affiliated uses (e.g. restaurant)
5. Dance Halls, Skating Rinks	10 spaces for every 1,000 sq.ft. of floor area
6. Golf (miniature)	2 spaces per hole
7. Golf (nine holes or more)	8 spaces per green
8. Handball, Racquet, Squash, and Tennis Courts and Clubs	4 spaces per court plus additional spaces required for affiliated uses (e.g. restaurant)
9. Parks and Playgrounds	Parks and playgrounds over one acre: one space for each picnic table or 12 spaces for each acre of formal park area, whichever is greater.
10. Swimming Pools	1 space for every 75 sq.ft. of water area plus 1 space for every 5,000 sq.ft. of gross land area
11. Theaters	1 space for every 5 seats

Type of Use	Minimum Number of Spaces Required
12. All uses not listed	1 space for every 250 sq.ft. of floor area
H. Uses in Combination	100% of the individual use that requires the greatest number, plus 50% of the spaces required by the other uses
I. Industrial Uses	2 spaces per five (5) employees. The total number being the total number of employees on any two consecutive shifts having the largest number of employees.

J. Off-Street Waiting Spaces for Drive-Thru Facilities

In addition to the parking space requirements as specified in Schedule 600.10 A through I, the following waiting spaces are required for those establishments providing drive-thru facilities.

1. Establishments serving and selling food – eight (8) waiting spaces.
2. Car wash facilities utilizing conveyor or similar system to move vehicles – eight (8) waiting spaces.
3. Car wash facilities (self serve/wash) – four (4) waiting spaces.
4. Facilities with service windows or service entrances such as banks, ticket booths, and similar facilities - 8 waiting spaces, and not less than five (5) spaces per window or stall when there are two (2) or more windows.

5. Gasoline Stations – two (2) waiting spaces per accessible side of a gasoline pump island

Section 600.11 Off-Street Loading and Unloading Space Dimensions

Every building used for commercial or industrial uses shall provide on premises loading and unloading spaces as specified in Section 600.11 and Section 600.12. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The minimum dimensions of Off-Street Loading and Unloading Spaces shall be required as set forth in Schedule 600.11.

**Schedule 600.11
Minimum Dimensions of Off-Street Loading and Unloading Spaces**

Width	Length	Overhead Clearance
12 feet	50 feet	15 feet

Section 600.12 Minimum Number of Commercial Use Loading Spaces Required

The minimum number of off-street loading and unloading space for all commercial uses shall comply with the requirements as specified in Schedule 600.12.

**Schedule 600.12
Minimum Number of Loading Spaces Required per Commercial Building**

Gross Floor Area	Minimum Number of Spaces
0 - 20,000 square feet	0
20,001 - 40,000 square feet	1
40,001 - 75,000 square feet	2
75,001 - 150,000 square feet	3
150,001 - 250,000 square feet	4
One (1) additional space for each additional 250,000 square feet of gross floor area or fraction thereof	

Section 600.13 Minimum Number of Industrial Use Loading Spaces Required

The minimum number of off-street loading and unloading space for all industrial uses shall comply with the requirements as specified in Schedule 600.13.

**Schedule 600.13
Minimum Number of Loading Spaces Required per Industrial Building**

Gross Floor Area	Minimum Number of Spaces
0 - 10,000 square feet	0
10,001 - 40,000 square feet	1
40,001 - 100,000 square feet	2
100,001 - 160,000 square feet	3

160,001 - 240,000 square feet	4
240,001 - 320,000 square feet	5
320,001 - 400,000 square feet	6
One (1) additional space for each additional 90,000 square feet of gross floor area or fraction thereof	

Section 600.14 Off-Street Loading and Unloading Spaces Requirements.

Every commercial and industrial building shall provide space on the premises for loading and unloading purposes on the basis of the following regulations:

- A. Access to truck loading and unloading space shall be provided directly from a public road or alley, or from any right-of-way that will not impede the movement of other vehicles or pedestrians and will permit the orderly and safe movement of such trucks.
- B. No portion of the loading area shall project into a road right-of-way
- C. All loading and unloading space shall be located to the rear of the business structures.
- D. Off-street loading and unloading space as required under this subsection shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

Section 601.00 Paving Requirements

- A. Except for single-family and two-family residences, the required number of parking and loading spaces as set forth in these sections, together with driveways, aisles, and other circulation areas, shall be improved with asphalt or concrete paving, except as specified in Subsection 601.01.
- B. Parking, aisles or circulation areas for single-family and two-family residences can be improved with gravel or limerock subject to approval of the Road Supervisor

Section 601.01 Optional Porous Material Surface Parking Areas

In order to reduce the storm water runoff from a site, an area of the parking surface that is equal to a maximum of fifty (50%) percent of the required number of parking spaces may be improved with porous materials in accordance with the requirements of Subsection 601.02

Section 601.02 Design Requirements for Porous Material Parking Surfaces

- A. The materials used shall be capable of supporting the weight of the anticipated traffic and present no additional safety risks then a paved surfacing would.
- B. The area designated for porous materials shall not be used for the required parking spaces of disabled drivers or bicyclists.
- C. The porous surface parking areas shall be clearly designated by appropriate signage and striping.

Section 602.00 Drainage Requirements

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.

Section 603.00 Maintenance Requirements

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

Section 604.00 Lighting Requirements

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents.

CHAPTER SEVEN SIGNS

Section 700.00 Signs

Section 700.01 Purpose

The purpose of this Chapter is to promote and protect the public health and safety by regulating existing and proposed signs of all types. More specifically, the following sign regulations are established in order to achieve the following purposes:

- A. To reduce distractions and obstructions from signs that would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching on public ways.
- B. To preserve and enhance physical appearance of the Township and its business and industrial districts by requiring new and replacement signage which is:
 - 1. Creative and distinctive.
 - 2. Compatible with the surroundings.
 - 3. Appropriate to the type of activity to which it pertains.
 - 4. Expressive of the identity of individual proprietors, or of the community as a whole.
 - 5. Appropriately sized in its context, so as to be easily readable.
- C. To discourage excessive visual competition in signage and ensure that signs adequately identify uses and activities to the public.
- D. To avoid the appearance of sign clutter, protect property values and prevent nuisances.
- E. To support and compliment land use plan objectives and the specific objectives of this Resolution.

Section 700.02 Signs Excluded from These Regulations

The following signs are hereby designated as “exempt signs” and, as such, are subject only to the regulations contained in this Section.

- A. Political Signs shall be permitted in any district. Such signs shall not be placed on or over any public property or any public right-of-way.

- B. Signs used for safety purposes relative to the repair and maintenance of streets, sidewalks or utilities in a public right-of-way.
- C. Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.
- D. Religious or other holiday lights and decorations containing no commercial message when displayed during the appropriate time of year.
- E. Governmental flags. Such flags shall not be flown from a pole that is more than forty (40) feet in height.
- F. Address numbers not to exceed one (1) square foot in area.
- G. Nameplates not to exceed two (2) square foot in area.
- H. Memorial signs, tablets, plaques, building markers or cornerstones not to exceed four (4) square feet in area and that are permanently affixed to the building or premises.
- I. Parking control signs and fire lane signs, intended to prohibit or impose conditions upon parking pursuant to State Law, not to exceed four (4) square feet.
- J. Temporary Signs, subject to the requirements of Subsection 700.12.

Section 700.03 Prohibited Signs

The following signs are prohibited in all zoning districts.

- A. Signs that revolve, rotate, whirl, spin, are animated, or otherwise use motion to attract attention or have the appearance of moving, including signs that contain pennants, ribbons, streamers, spinners or similar devices.
- B. Signs containing flashing, intermittent, moving, or rotating lights or running lights giving the illusion of movement, with the exception of time and temperature devices.
- C. Portable or moveable signs, except those specifically allowed under Section 700.16.
- D. No sign, except for a traffic, regulatory or informational sign, shall use the words “stop”, “go” “caution”, or “danger” or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble “stop” or “yield” signs in shape and color.
- E. Inflatable signs and tethered balloons.

Section 700.04 Nonconforming Signs and Structures

Signs and structures in existence prior to the effective date of this Resolution, which violate or are otherwise not in conformance with the provisions of this Section shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with the provisions of this Section. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

Section 700.05 Loss of Legal Nonconforming Status

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Resolution or be removed, if:

- A. The sign is enlarged, relocated, or replaced.
- B. The sign is part of an establishment, which discontinues its operations for a period of two (2) or more continuous years.
- C. The sign is structurally damaged to an extent greater than one half of its estimated replacement value.

Section 700.06 Zoning Certificate Required

- A. No person shall locate or maintain any sign unless all provisions of this Resolution have been met. To assure compliance with these regulations, a Zoning Certificate issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Section.
- B. A sign initially approved for which a Zoning Certificate has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for the approval of such sign, unless a new or amended Zoning Certificate is obtained in accordance with these regulations.
- C. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a Zoning Certificate.

Section 700.07 Application Requirements

- A. Before erecting or altering any sign that requires a Zoning Certificate, an application on Township Zoning Certificate Application Forms shall be submitted to the Zoning Inspector in accordance with the applicable provisions of this Resolution.
 - 1. The application shall include the following items in addition to the applicable requirements listed in Section 201.03:

- a. A drawing of the sign with the dimensions, height and square footage of the sign to determine compliance with the requirements of this Chapter.
- b. A site plan showing the location of the sign from the right-of-way, on-site buildings and structures, and the property lines.

Section 700.08 General Requirements for All Signs

The following regulations shall apply to all signs unless specifically exempted in this Section.

- A. Any illuminated sign or lighting device employed to externally light a sign shall emit a constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- C. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet. In addition, no element of a projecting sign, including any support structure or cables, shall extend above the cornice line of the building to which it is attached.
- D. A wall sign shall project no further than twelve-inches (12") from the wall on which it is mounted and cannot be located above the cornice line or second floor window line, whichever is lower.
- E. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign, except as otherwise specified in this Resolution.
- G. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- H. Should any sign be or become unsafe or aesthetically displeasing, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- I. No sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs and directional signs.

- J. No advertising signs may be attached to or supported by utility poles, trash receptacles, vending machines, trees or benches.
- K. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- L. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for the notification of present danger or the prohibition of trespassing or for directing and guiding traffic and parking on private property but bearing no advertising matter.
- M. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
- N. All signs shall be located a minimum distance of five (5) feet from a sidewalk, or if there is no sidewalk, the sign shall be located a minimum distance of ten (10) feet from the road right-of-way.
- O. No sign shall be placed within a side or rear yard setback area.
- P. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.
- Q. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect.
- R. All signs shall be secured in such a manner as to prevent significant movement due to wind.

Section 700.09 Measurement of Sign Areas and Height

- A. The sign face shall be computed as including the entire area within a geometric form or combinations of geometric forms comprising all of the display area of the sign and including all advertising matter displayed. Frames and structural members not being used to display advertising matter shall not be included in computation of sign face.
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the total allowable display area, except where the two faces are placed back-to-back the entire length of the sign face area and are no more than two (2) feet from each other. In these instances, the total allowable display area shall be taken as the area of one of the sign faces, and if the faces are unequal in area, the larger shall determine the measurable display area.
- C. For a sign consisting of individual letters or symbols attached to or painted on a surface, such as, but not limited to a wall, window, canopy or awning, the sign face shall be considered as the smallest rectangle or other geometric form which encompasses all of the letters and symbols.

- D. The height of a sign shall be computed as the distance from the base of a sign or supportive structure at its point of attachment at normal grade to the top of the highest attached component of the sign. The finished grade may not be altered so as to raise the height of the top of the sign from the finished grade of the site.

Section 700.10 Criteria for the Construction and Design of Signs

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Inspector shall consider the proposed general design, arrangement and placement of the sign according to the following criteria.

A. Construction Standards

1. All signs shall be constructed in conformance with the appropriate building code and other applicable requirements of the County and Township.
2. All signs shall be structurally sound so as to pose no threat to pedestrian or vehicular traffic. Signs shall be fabricated on and of material that is of good quality and durability.
3. All signs shall be rigidly secured and no sign shall swing from a bar, crane, awning or other sign. No part of any sign shall be revolving, oscillating or otherwise be designed to move.

B. Design Criteria

1. The lettering shall be large enough to be easily read, but not overly large or out of scale with the building or site.
2. The number of items, letters, symbols and shapes shall be consistent with the amount of information that can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
3. The shape of the sign shall be simple, and the sign should be consolidated into the minimum number of elements.
4. The size, style and location of the sign shall be appropriate to the activity of the site.
5. The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall also have a minimum of advertising and reflect the primary purpose of identifying the name and type of establishment or use.
6. Informational signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

C. Illumination of Signs

1. Signs permitted to be illuminated shall be in compliance with the following requirements:
 - a. Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light does not shine or cause glare onto any surrounding street or private residence.
 - b. The lighting of any sign, whether resulting from external or internal illumination, shall not be of such brightness so as to cause glare that is hazardous or a nuisance to pedestrian or vehicular traffic or adjacent premises.
2. Signs shall not be lighted to obstruct traffic control or any public information signs.

Section 700.11 Required Maintenance of Signs

All signs shall be maintained in accordance with the following:

- A. The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.
- B. Each sign shall contain the name, address and telephone number of a firm or person responsible for maintaining the sign. Such information shall be placed on the frame or other supports and large enough to be easily read by a person standing on the ground adjacent to the sign.
- C. If the sign is deemed by the Zoning Inspector to be in an unsafe condition, the responsible party shall be immediately notified, in writing of the violation. Within seven (7) business days of the mailing of the notice, if corrective action isn't taken to remedy the violation, then the Zoning Inspector may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to cause removal or alteration to comply with this regulation.
- D. Whenever, any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 1. There is no alteration or remodeling to the structure or the mounting of the sign itself.
 2. There is no enlargement or increase in any of the dimensions of the sign or its structure.
 3. The sign is accessory to a legally permitted, conditional or nonconforming use.

Section 700.12 Temporary/Special Events Signs

The following types of signs may be temporarily installed on property without a Zoning Certificate in accordance with the following requirements:

**Schedule 700.12
Temporary Signs**

Type of Sign	Size of Sign	Additional Requirements
A. Any District		
1. Freestanding announcement signs to include real estate signs, contractor identification signs, or property owner announcement signs.	<ol style="list-style-type: none"> Each sign face shall be no greater than six (6) square feet in area. Overall height of each sign shall be no greater than four (4) feet. The total combined sign faces of all of the signs shall be no greater than twelve (12) square feet. 	<ol style="list-style-type: none"> Limited to two (2) signs per property. The sign may be displayed throughout the sale or construction phase and must be removed within seven days of the sale or completion of the construction. All other announcement signs may only be displayed for a period of seven (7) days.
2. Freestanding construction signs identifying principals of a forthcoming project/development	<ol style="list-style-type: none"> Sign face shall not exceed twelve (12) square feet. Overall height shall be no greater than six (6) feet. 	<ol style="list-style-type: none"> One sign per premise. Identify project name, architect, engineer, or contractor. The sign may be displayed during the construction phase of project. and must be removed within thirty (30) days after completion.
B. Residential Districts		
1. Freestanding temporary commercial event signs to include but not limited to garage, yard and barn sales, auction of personal property, etc..	<ol style="list-style-type: none"> Each sign face shall be no greater than two (2) square feet in area. Overall height of each sign shall be no greater than four (4) feet. The total combined sign faces of all of the signs shall be no greater than six (6) square feet. 	<ol style="list-style-type: none"> One sign per property - where the event is scheduled. Two other signs may be placed off premise for directional purposes. Signs shall not be posted any earlier than 3 days before the event and shall be removed within forty-eight (48) hours after the event.
C. Non-Residential Districts and Mixed Use Residential/Commercial Districts		
1. Freestanding temporary commercial event signs to include but not limited to garage, yard and barn sales, auction of personal property, etc. on property used for residential purposes.	<ol style="list-style-type: none"> Each sign face shall be no greater than two (2) square feet in area. Overall height of each sign shall be no greater than four (4) feet. The total combined sign faces of all of the signs shall be no greater than six (6) square feet. 	<ol style="list-style-type: none"> One sign per property - where the event is scheduled. Two other signs may be placed off premise for directional purposes. Signs shall not be posted any earlier than 3 days before the event and shall be removed within forty-eight (48) hours after the event.
Type of Sign	Size of Sign	Additional Requirements

2. Window sale and announcement signs for all non-residential uses.	<ol style="list-style-type: none"> 1. A sign face shall not occupy more than 25% of a single window surface area of the building. 2. Total sign face shall not occupy more than 50% of the total window surface area. 	<ol style="list-style-type: none"> 1. The sign shall be located on the Street side of the building. 2. The sign shall be placed on the interior side of the window. 3. The sign may be displayed throughout the sale and must be removed within twenty-four (24) hours of the sale. 4. All other announcement signs may only be displayed for a period of seven (7) days
3. Special event banner signs for all non-residential uses.	<ol style="list-style-type: none"> 1. Each sign face shall not exceed a maximum size of thirty-two (32) square feet in area. 2. The total combined sign faces of all of the signs shall be no greater than thirty-two (32) square feet in area. 	<ol style="list-style-type: none"> 1. One sign per premise, where the event is scheduled. 2. Two other signs may be placed off premises for directional purposes. 3. The sign shall be displayed for no more than thirty (30) days after placement during the first six (6) months of operation.

D. All temporary signs shall not be posted any earlier than 30 days before the event, unless otherwise specified in this Resolution.

E. All temporary signs shall be removed by the owner of the property on which the sign is located within three (3) days after the event, sale of property, completion of construction and/or election etc., unless otherwise specified in this Resolution.

Section 700.13 Signs Requiring a Zoning Certificate

The following types of signs require a Zoning Certificate in accordance with the following requirements to be permanently installed on a property, unless otherwise indicated:

**Schedule 700.13
Types of Signs and Requirements**

Type of Signs	Size of Sign	Additional Requirements
A. Any District		
1. Freestanding sign to identify real estate auction of land	<ol style="list-style-type: none"> 1. Sign face shall be no greater than thirty-two (32) square feet in area. 2. Overall height of each sign shall be no greater than six (6) feet. 	<ol style="list-style-type: none"> 1. One (1) sign per street frontage. 2. Auction signs may be erected as early as thirty (30) days before auction and shall be removed within seven (7) days after scheduled event. 3. No Zoning Certificate is required.

2. Monument signs to identify Agritourism activities and farm market roadside stands.	1. Sign face shall not exceed thirtytwo (32) square feet. 2. Overall height shall be no greater than four (4) feet.	1. One (1) sign per premise. 2. Sign may be externally illuminated 3. No Zoning Certificate is required.
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Type of Sign	Size of Sign	Additional Requirements
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B. Residential Districts		
1. Freestanding signs to identify a non-residential use (bed and breakfast, home based business, etc.) on a residentially used property.	1. Sign face shall not exceed two (2) square feet. 2. Overall height shall be no greater than four (4) feet.	1. One (1) sign per premise.
2. Monument sign to identify a non-residential use (public, (institutional, recreational, commercial, etc.) establishment.	1. Sign face shall not exceed thirtytwo (32) square feet. 2. Overall height shall be no greater than six (6) feet.	1. One (1) sign per premise. 2. The sign shall be located on the Street side of the building.
3. Monument signs to identify a subdivision development, condominium or a multifamily housing complex.	1. Sign face shall not exceed thirty two (32) square feet. 2. Overall height shall be no greater than six (6) feet.	1. One (1) sign per main access 2. Placed at entranceways only 3. Signs may be externally illuminated.

C. Non-Residential Districts and Mixed Use Residential/Commercial Districts		
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1. Freestanding signs to identify a non-residential use (bed and breakfast, home based business, etc) on a residentially used property	1. Sign face shall not exceed two (2) square feet. 2. Overall height shall be no greater than four (4) feet	1. One (1) sign per parcel.
2. Monument sign to identify a non-residential use establishment.	1. Sign face shall not exceed thirty-two (32) square feet. 2. Overall height shall be no greater than six (6) feet.	1. One (1) sign per premise. 2. The sign shall be located on the Street side of the building.
3. Monument signs to identify a subdivision housing complex, shopping center, or industrial park .	1. Sign face shall not exceed thirty-two (32) square feet. 2. Overall height shall be no greater than six (6) feet.	1. One (1) sign per street frontage 2. Placed at entranceways only 3. Signs may be externally illuminated.
4. Wall sign for all nonresidential uses.	1. The maximum area of all sign faces attached to the building shall not be more than 15% of the	1. Signs may be internally or externally illuminated 2. The signage shall not be located above the cornice line of the building.

	square footage of the building's front facade area.	
5. Directory signs for all nonresidential uses.	<ol style="list-style-type: none"> Total sign face shall not exceed six (6) square feet. Overall height shall be no greater than three (3) feet. 	<ol style="list-style-type: none"> One entrance/exit per access drive Signs may be internally or externally illuminated.
6. Canopy and awning signs for all non-residential uses.	<ol style="list-style-type: none"> A sign face shall not occupy more than 25% of a single canopy or awning. Total sign face shall not occupy more than 50% of the total canopy or awning area. 	<ol style="list-style-type: none"> May contain logo and name of business. Shall not contain any commercial message. No portion of a canopy or awning sign shall be less than seven and one-half (7 ½) feet above the level of the sidewalk or other public thoroughfare over which it projects. No portion of a canopy or awning may extend more than five (5) feet from the building facade.
Type of Sign	Size of Sign	Additional Requirements
7. Permanent window signs for all non-residential uses.	<ol style="list-style-type: none"> A sign face shall not occupy more than 25% of a single window surface area of the building. Total sign face shall not occupy more than 50% of the total window surface area. 	<ol style="list-style-type: none"> Shall be located on the Street side of the building. Shall be placed on the interior side of the window.
8. Auxiliary entry sign (wall sign only) for all nonresidential uses.	<ol style="list-style-type: none"> Sign face shall not exceed one and one-half (1-1/2) square feet. Overall height shall not exceed entrance height. 	<ol style="list-style-type: none"> One (1) sign per business entrance.

Section 700.14 Additional Standards for Specific Types of Permitted Signs

A. Window Signs

- A permanent window sign must be located on the window. A sign, located within three (3) feet of the window inside the building will be considered part of the window sign.

B. Off-Premise Signs

Unless otherwise specified in this Resolution, an off-premise sign shall be classified as a business use and shall be permitted only in the following zoning districts: Highway Commercial (HC), General Commercial (GC), Integrated Commercial (IC), Light Industry (LI), and Heavy Industrial (HI), or on land used for agricultural purposes, in accordance with the following requirements:

1. Location

- a. An off-premise sign shall not be permitted within 20 feet of the right-of-way line of any street or highway.
- b. An off-premise sign shall be setback a minimum of five hundred (500) feet from the right-of-way of the intersection of any public roads, as measured from the edge of the nearest road right-of-way to the nearest portion of the off-premise sign.

c. Required Spacing between Signs

An off-premise sign shall not be erected any nearer than one-thousand (1,000) feet from any other off-premise sign or an on-premise ground sign, as measure from the base of each sign.

d. Distance from Residential Property Lines

An off-premise sign shall be located at least five-hundred (500) feet from any parcel boundary located within a Residential Zoning District, including Residential Zoning Districts located in adjacent jurisdictions, as measured from the nearest lot line to the nearest portion of the off-premise sign.

e. Distance from Institutional, Scenic and Historic Areas

An off-premise sign shall be located at least five-hundred (500) feet from any parcel boundary used for any type of park, nature preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building, as measured from the nearest lot line to the nearest portion of the off-premise sign.

f. Distance From Special Facilities

An off-premise sign shall be located at least five-hundred (500) feet from a tunnel, bridge, underpass or overpass, as measured from the structure or nearest lot line to the nearest portion of the off-premise sign.

g. Other Setbacks

An off-premise sign shall be placed no closer than fifty (50) feet from all other property lines, as measured from the nearest lot line to the nearest portion of the off-premise sign.

2. Size Limitation

The sign face area of off-premise signs shall be no larger than two-hundred-thirty-five (235) square feet and shall be no higher than forty (40) feet, as measured vertically from the finished grade.

3. Lighting

Signs may be illuminated, provided that the illumination is concentrated upon the sign area so as to prevent glare upon the street or adjacent property.

4. Additional requirements for multiple message and variable message advertising devices (i.e. electronic message board signs or digital signs)

- a. Each message or copy shall remain fixed for at least twenty 20 seconds
- b. When a message or copy changes by remote control or electronic process, it shall be accomplished in three (3) seconds or less.
- c. Letters and numbers shall be a minimum of five (5) inches high. Vertical spacing shall be a minimum of three (3) inches between letters and numbers.
- d. Such advertising devices shall contain a default design that will freeze the device in one (1) position if a malfunction occurs.
- e. Public service announcements shall be allowed to display emergency information such as Amber Alerts, weather alerts, emergency evacuation information and similar emergency situations as deemed necessary by safety officials.

(2/14/2009) (#2009-015)

Section 700.15 Special Provisions for Automotive Fuel Stations

- A. Matter appearing on gasoline pumps as purchased or installed shall not be considered a sign for the purposes of this Zoning Resolution.

- B. In addition, to all other signs permitted by this Zoning Resolution, an Automotive Fuel Station may display one (1) sign, not larger than four (4) square feet above each pump island stating whether the area is a “self-service” or “full service” area and the current price per gallon of the gasoline sold at the station.

Section 700.16 Special Sign Regulations for the Town Center District

- A. Only one (1) of the following types of signs shall be used to identify the occupants of a commercial building or development regardless of the number of occupancies, in accordance with the requirements of Schedule 400.10.B.14
 - 1. Directory sign.
 - 2. Monument sign.
 - 3. Wall or projecting sign.
- B. Each ground floor occupant of a building may display up to two (2) of the following types of signs per street frontage, in accordance with the requirements of Schedule 700.13.C.
 - 1. Canopy and awning sign.
 - 2. Permanent window sign.
 - 3. Auxiliary entry sign.
- C. Each occupant in an upper level of a building may display only one of the following signs per street frontage, in accordance with the requirements of Schedule 700.13.C.
 - 1. Canopy and awning sign
 - 2. Permanent window sign
- D. Signs should be placed in locations so they are easily discernable by pedestrians and motor vehicle traffic.
- E. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.
- F. Materials: The use of wood and metal signs is strongly encouraged.
- G. Colors: Colors should be chosen to complement, not clash with the façade color of the building.

H. Size: The size of signs should be restricted to ensure that they do not overpower the facades to which they are affixed.

I. Portable or Moveable Signs

1. Portable or moveable signs are only permitted on State Route 43 and Tallmadge Road in the Town Center District. This area of the Town Center District has more of a pedestrian orientation and therefore, the smaller, personal scale of the freestanding, moveable sign may be appropriate.
2. In this area, portable or moveable signs made only of wood and/or metal, and standing on legs, that do not exceed four (4) feet in height as measured from ground level and six (6) square feet in sign face area may be permitted.
3. A maximum of one (1) portable or moveable sign is allowed per business. This sign must be located on the premises of the business. This sign may be located on the sidewalk and directly in front of the premise only during business operating hours, and shall not be placed more than three (3) feet in front of the building.

Section 700.17 Signage Along I-76

Signs used for advertising businesses on properties that border along I-76 and are located in an I-C, H-C, T-C, O-R and L-I Zoning Districts shall comply with the following requirements:

- A. The applicant shall provide written proof of compliance with all ODOT and other applicable state requirements.
- B. Only one advertising sign shall be permitted along I-76 per property. This sign is in addition to the other signs permitted on a property and/or business.
- C. The sign shall be located in the side or rear yard areas of the property.
- D. No sign shall be permitted closer than the sign's overall height, plus fifty (50) feet to a lot located in a residential zoning district.

Section 700.18 Private Signage Agreements

Nothing in this Section or elsewhere in this Zoning Resolution shall prevent any building owner or association of merchants from establishing any lease or other form of agreement containing sign regulations, which are more stringent than those set forth in this Zoning Resolution.

CHAPTER EIGHT LANDSCAPING AND BUFFERING

Section 800.00 Landscaping and Buffering

Section 800.01 Purpose

The purpose of these landscaping and buffering regulations shall be to minimize adverse visual impacts, noise, light and air pollution between various uses, which abut one another by altering the areas of transition between the land uses. In addition these regulations increase the desirability of living and working in Brimfield Township by improving the air quality and enhancing the visual character residential neighborhoods and commercial and industrial districts by protecting public and private investments, and promoting high-quality development.

Section 800.02 Applicability

These regulations shall apply to all multi-family, commercial and industrial uses within the township and specifically designated zoning districts.

Section 800.03 Approval Process

Landscaping and buffering shall be reviewed as part of the development review process.

Section 800.04 Alternative Methods of Compliance

Alternative materials and methods may be utilized if the alternative will equal these regulations in terms of quality, effectiveness, durability, hardiness, and performance. Requests for alternative landscaping methods to meet the requirements of this Section for plantings may only be justified if one of the following applies:

- A. The site involves space limitations or unusually shaped parcels.
- B. Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical.
- C. To preserve existing significant natural features.
- D. Due to a change of use of an existing site the required buffer yard is larger than can be provided.
- E. Safety considerations are involved.

Section 800.05 Plant Substitutions

Due to the seasonal planting problems and lack of plant availability, approved landscape plans may require minor revisions. Such revisions to planting plans may only be justified if one of the following applies:

- A. There is no reduction in the quality of plant material.
- B. There is no significant change in the size or location of plant materials.
- C. Proposed plants are of the same general category, (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.
- D. Proposed materials must be compatible with the area to ensure healthy tree growth.
- E. If these criteria are not full-filled, changes to the approved plans must be resubmitted and reviewed by proper reviewing authority.

Section 800.06 Landscaping Plan Preparation

All landscaping plans shall enhance the physical environment and the development's aesthetic character.

Section 800.07 Landscaping Plan Submittal Requirements

The landscaping plan shall contain at a minimum, the following:

- A. Location, general type and quality of existing vegetation, including specimen trees.
- B. Existing vegetation to be saved.
- C. Methods and details for protecting existing vegetation during construction and the approved sediment control plan if available.
- D. Locations and labels for all proposed plants.
- E. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
- F. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
- G. Planting and installation details as necessary to ensure conformance with all required standards.

Section 800.08 Landscaping Minimum Site Requirements

A. Minimum area to be landscaped (exclusive of parking lot landscaping requirements) is as follows:

<u>Site Area</u>	<u>Landscape Area</u>
0 - 2 acres	10% of site area
2 - 4 acres	09% of site area
4 - 6 acres	08% of site area
6 - 10 acres	07% of site area
10 acres +	06% of site area

B. The landscaping shall be either continuous and/or comprised of scattered arrangements situated on the lot.

At a minimum, landscaping shall be located in the following locations on a site in such a manner as to minimize adverse impacts associated with the proposed use and enhance the aesthetic character of the site:

1. A minimum distance of five (5) feet deep along the property frontage abutting a public right-of-way.
2. A minimum distance of five (5) feet deep along each property line that abuts a residential use.

C. The landscaped area must be covered by living vegetation such as ground cover, shrubs and trees.

1. Minimum size requirements for trees and shrubs shall be:

<u>Plant Type</u>	<u>Size at Planting</u>
Ornamental	1" to 1-1/2" caliper *
Deciduous	1" to 1-1/2" caliper *
Large Deciduous	1-1/2" to 2" caliper *
Evergreens (Sm.)	3' tall
Evergreens (Lg.)	5' tall

* Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and twelve-inches (12") above grade for trees four inches in diameter and larger.

Section 800.09 Fences

Fences may be used as an effective method of landscaping and screening in accordance with Section 510.06 Fences, Walls, Hedges.

Section 800.10 Berming

Berming is an earthen mound that is designed to provide visual interest, screen undesirable views, and decrease noise. Berming may be used as an effective method of landscaping and screening in accordance with Section 510.06 Fences, Walls, Hedges and the following guidelines:

- A. The berm shall be located between the right-of-way and the building setback lines.
- B. Berming shall generally vary in height, width and length to create a free-form naturalistic effect.
- C. The slope of a berm shall not exceed a 2.5:1 ratio.
- D. The design of berms shall include provisions for drainage that is tied into the entire site system if necessary or applicable.
- E. Berms shall be planted with ground cover and other plant materials to prevent erosion.
- F. Berms and other plant materials used collectively, shall be viewed as a unified element and must be in compliance with all provisions of this Resolution.

Section 800.11 General Requirements:

- A. In cases where quality woodlands exist, preservation of these existing trees should be incorporated as part of the landscaping. Additional plant material should be used if needed to achieve an effective visual buffer.
- B. Landscaped screens shall be designed to complement other landscaping occurring naturally on the site, planted previously, or approved additions that are part of a site plan review. Wherever possible, existing vegetation and land form shall be used to create screens.
- C. Species and sizes of plant material shall be chosen to best accomplish an adequate screen, e.g., evergreens for visual year-round screening and deciduous trees for seasonal screening.
- D. When noise is likely to be a concern, the screen shall be of sufficient construction to be an effective noise buffer.
- E. Natural slope and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the area from adjoining properties and roadways.
- F. All required landscaping and buffering shall be installed within eighteen (18) months following the issuance of a Certificate of Zoning Compliance.

- G. If weather conditions necessitate a delay in the installation of any landscaping or buffering, the applicant shall provide a schedule indicating the completion date for the approved landscaping in writing with the Township Zoning Inspector.
- H. Appendix A, Plant Guide for Landscaping and Buffering, of this Resolution contains a plant list to serve as a guide for the recommended plant materials. This list is based upon plants that are most likely to thrive in this climate and perform their intended function.

Section 800.12 Landscape Standards and Specifications

- A. The following standards shall guide the number and placement of plantings for landscaping within the Township:
1. Shade Trees for Street Planting:
 - a. Shade trees shall be planted along the side of the property that fronts along any road, public or private, to ensure protection from noise, glare, and visual incompatibility. In locations where healthy and mature shade trees exist, the requirements for new trees may be waived or modified.
 - b. Such trees shall be spaced at intervals of no greater than forty (40) feet.
 - c. Tree species shall be selected according to the following criteria:
 1. Cast moderate shade to dense shade in the summer.
 2. Survive at least thirty (30) years.
 3. Mature height of at least: Fifty (50) feet for large trees, thirty to fifty (30-50) feet for medium trees, and thirty (30) feet for small trees.
 4. Tolerant of pollution and direct or reflected heat.
 5. Requires little maintenance by being structurally sound and insect and disease resistant.
 6. Be able to survive with no irrigation after establishment.
 7. Be of native origin, provided the tree meets the above criteria.
 - d. In Storefront areas, the street trees shall consist of deciduous species that branch above eight (8) feet to facilitate viewing of storefronts and signage.
 2. Perimeter/Buffer Landscaping and Screening
 - a. Screening shall be used to protect adjoining properties from noise, glare, and uses, which are visually incompatible with neighboring uses. Screening is required:

1. On sites which involve loading and unloading, (including storage of vehicles and boats), trash, or disposal areas.
 2. When noise not typically occurring in residential areas is expected to project onto nearby properties.
 3. Where any commercial or industrial use abuts a residential use.
- b. The screen shall be capable of providing at least seventy-five (75) percent opacity within two (2) years of installation.
- c. Screening shall consist of trees and plants and may include masonry or wood fencing used with or without berms. Screening shall consist of a functional and a well designed combination of the following:
1. Vegetative ground cover.
 2. Coniferous and deciduous shrubs.
 - a. Selected plant material will reach and maintain a height of at least five (5) feet at full growth.
 - b. Plants shall measure a minimum of three (3) feet in height at the time of planting and are expected to attain a height of five (5) feet in three (3) years.
 - c. Evergreen shrubs shall not normally be planted any closer than six (6) feet on center.
 - d. Shrubs shall not normally be planted closer than six (6) feet to planted trees, nor within the drip line of existing protected trees.
 - e. For buffer areas, evergreen shrubs shall be provided at the following rates:

Buffer Width	<i>One Shrub Per</i>
20 ft. or less	50 sq.ft. or buffer
21 to 30 ft.	75 sq.ft. of buffer
31 to 50 ft.	125 sq.ft. of buffer
Over 50 ft.	200 sq.ft. of buffer

3. Coniferous and Deciduous Trees:
 - a. Trees shall be distributed along entire length of any buffer area.
 - b. Trees shall be planted at the following rate:

Buffer Width	One Tree Per
20 ft. or less	200 sq.ft. or buffer
21 to 30 ft.	300 sq.ft. of buffer
31 to 50 ft.	350 sq.ft. of buffer
Over 50 ft.	400 sq.ft. of buffer

3. Parking Lot Landscaping:

All commercial and industrial parking lots or parking lots used for residential multi-unit purposes of six (6) spaces or more shall be landscaped with native trees and shrubs. The purpose of the requirement is to provide protection from noise, glare and pollutants, while providing shade and a partial visual screening of the activity on the lot.

a. Buffering and Screening

1. All parking lots and loading areas that abut a road right-of-way shall be landscaped in accordance to the requirements of Section 800.12.
2. Parking lots adjacent to residential properties require screening either through walls, opaque fences, berming or landscape screening that will be at least six (6) feet in height and provide at least seventy-five (75) percent opacity within two (2) years of installation.
3. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment must be planted with low shrubs and shade or ornamental trees.

b. Parking Lot Interior Landscaping

1. No less than ten (10) percent of the interior of parking areas shall be landscaped. This is necessary to break up the visual expansiveness of lots and to reduce glare and heat. Amounts greater than ten (10) percent interior landscaping may be necessary to effectively shade the parking lot, reduce the impact of noise and fumes as well as the visual impact of glare, headlights, parking lot lights from the public right of way and from adjoining properties.

To achieve these objectives, the following shall be utilized at a minimum:

- a. Create planting islands to be located throughout the lot and planted with shade trees, low shrubs and/or ground cover. These should be located at the ends of parking rows.

- b. Provide landscaped islands a minimum of nine (9) feet wide between every ten to fifteen (10-15) spaces that shall include shade trees. There shall be one shade tree planted and maintained on every island.
- c. All trees shall be no less than two-inches (2") diameter as measured twelve-inches (12") above grade. Each tree shall be provided with at least forty (40) square feet of unpaved area around its trunk.

2. General Guidelines for All Parking Lots

- a. Use deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots. Avoid tall shrubs or low branching trees that will restrict visibility.
- b. For planted islands that are parallel to spaces, islands should be a minimum of nine (9) feet wide to allow doors to open.
- c. For planted islands that are perpendicular to spaces, islands should be a minimum of eight (8) feet wide to allow for overhang of parked cars. If parking is only on one side of the island, an eight foot wide planted island is still required.

- 3. In large parking lots, separate pedestrian walkways are to be provided to allow safe movement within the lot. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of walkway locations within the lot and in providing erosion control and shade for the pedestrian.

Section 800.13 Enforcement and Maintenance

All plant material shall be installed within eighteen (18) months following the issuance of a Certificate of Zoning Compliance. The property owner shall ensure the proper maintenance of all plant material. If any plant material dies, the property owner must replace it. Failure to replace dead, or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.

Section 800.14 Tree Preservation and Care During Construction

- A. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site.
- B. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged.
- C. A mature tree, tree mass or woodland should remain on the site providing its does not pose any undue threat to the health, safety and welfare by its location with respect to any proposed improvements to the site.

- D. Mature trees, tree masses, or woodlands which the applicant intends on saving shall be designated "Tree Save Area" on landscaping plans.
- E. All "tree save areas" shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete. The barrier shall be shown on the landscape plan.
- F. The following practices are considered harmful in a "tree save area":
1. Grading or trenching.
 2. Placing backfill near trees.
 3. Driving or parking equipment in "tree save" areas.
 4. Dumping of trash.
 5. Storage of construction materials and supplies
- G. Mature trees, tree masses, or woodlands which the applicant intends on removing shall be designated "To Be Removed" on landscaping plans.
- H. The applicant shall justify the removal of any mature trees, tree masses and woodlands. The applicant must make evident that the vegetation removal is minimized by showing that no alternative site layouts are possible, and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands.
- I. Transplanting Existing Plant Material: Specimen trees or individual trees moved from woodlands or tree masses designated "To Be Removed" may be transplanted from one area of the site to another.
- J. Trees to be saved should be selected prior to siting the buildings, parking lots and other site improvements. Factors to consider include: existing and proposed grading, age, condition and type of tree, location of site improvements and utility connections.
- K. Grading should be done in a manner to avoid destruction and damage to trees and tree stands. Grading must take existing drainage patterns into consideration and the disruption of those patterns minimized.

CHAPTER NINE ADMINISTRATIVE AUTHORITY

Section 900.00 Purpose

This chapter sets forth the powers and duties of the Zoning Inspector, Zoning Commission, the Board of Zoning Appeals, and the Township Board of Trustees with respect to the administration of the provisions of this Resolution.

Section 901.00 Zoning Inspector

A Zoning Inspector designated by the Township Board of Trustees shall administer and enforce this Resolution. The Inspector may be provided with such assistants and secretaries as the Township Board of Trustees deems necessary. The terms conditions of employment and rate of compensation shall be set by the Township Board of Trustees.

Section 901.01 Responsibilities of the Zoning Inspector

The Zoning Inspector shall have the following duties:

- A. Apply and enforce the provisions of this Resolution.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the official zoning district map.
- C. Issue Zoning Certificates as provided by this Resolution, and keep a record of same with a notation of any conditions attached thereto.
- D. Act on all applications upon which he/she is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his/her refusal or disapproval of such application and the reasons for such refusal/disapproval.
- E. Conduct inspections of structures, buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action necessary to correct the violation, citing the section of this Resolution the violation pertains to.
- F. Maintain in current status the official zoning district map that shall be kept on permanent display in the township offices.
- G. Maintain permanent and current records required by this Resolution, including but not limited to: zoning certificates, inspection documents, records of variances, appeals, amendments, and conditional uses.

- H. Make such records available for the use of the Township Board of Trustees, the Zoning Commission, the Board of Zoning Appeals and make available for public inspection, and copying, upon request (at cost) and within a reasonable time from the time of the request¹, any records, and shall make available copies of this Resolution, any amendments, and current zoning district map for sale to the public at cost.
- I. Determine the existence of any violations of this Resolution and cause notifications or initiate any such other administrative or legal remedies as needed to address such violation. Such legal remedies will require the assistance of the Portage County Prosecutor.
- J. Cooperate with the County Prosecutor in the investigation and prosecution of all zoning violations not addressed by the responsible party in the time provided for them to do so, including, but not limited to attending all court proceedings as directed.
- K. Maintain a list of nonconforming uses and structures with the location and exact nature of the existing nonconformity, and date it became nonconforming if that can be ascertained.
- L. Prepare and submit an annual report to the Township Board of Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing the purpose of this Resolution.
- M. Attend public hearings of the Board of Zoning Appeals to report and give testimony as directed by such Board.
- N. Report any recommended amendments to this Zoning Resolution to the Zoning Commission in a timely manner.
- O. Such other duties and responsibilities as described in this Resolution and as directed in writing by the Township Board of Trustees.

Section 902.00 Zoning Commission

Section 902.01 Township Zoning Commission, Establishment of Terms and Compensation

The Brimfield Township Zoning Commission as established by the Brimfield Township Board of Trustees under ORC 519.04 shall consist of five (5) members who reside within the unincorporated area of the Township. The terms of the regular members shall be arranged so that the term of one member shall expire each year. The Board of Trustees may also appoint two (2) alternate members to the Zoning Commission who shall reside in the unincorporated territory of the Township, for terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to procedures prescribed by Resolution by the Township Board of Trustees.

Each regular or alternate member shall serve until his/her successor is appointed and qualified. Vacancies on the Zoning Commission shall be filled by the Township Board of Trustees.

¹ Reasonable shall be deemed to be 5-7 working days from date of request.

Members may be compensated and/or may have their expenses reimbursed as the Township Board of Trustees may approve and provide for. In addition, the Zoning Commission may within the limits of the moneys appropriated by the Township Board of Trustees, for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

Section 902.02 Procedure for Removal of Zoning Commission Member

Regular and alternate members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Township Board of Trustees and the Zoning Commission member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the un-expired term of the member affected.

Section 902.03 Authority and Responsibility of the Zoning Commission

The Brimfield Township Zoning Commission shall have all of the responsibilities conferred upon it by the Ohio Revised Code and subsequent amendments thereto, and such other duties as will aid in best carrying out the Ohio Revised Code requirements and which at a minimum include:

- A. Keep current the plan for Zoning Districts and regulations for such districts. Periodic review of the Zoning plan and district regulations in light of changing conditions, comprehensive plan consistency and amendments, community needs and best available planning practices, shall be undertaken by the Zoning Commission to meet this requirement.
- B. Initiate amendments to the Zoning Resolution text and/or district map to accomplish Item A of this Section or where such amendment could result in a better Resolution.
- C. Review Zoning Resolution amendments initiated by Township Board of Trustees or property owners and provide recommendations to the Township Board of Trustees on said amendments for their consideration and action at their public hearing.
- D. Employ or contract with planning consultants, public or private, as necessary to assist the Zoning Commission in carrying out their responsibilities, within the limits of monies appropriated by the Township Board of Trustees for that purpose.
- E. Utilize information and counsel available from appropriate public officials, departments, and agencies, which have information, maps and data pertinent to the Townships needs.
- F. All official actions shall require the vote of three (3) Zoning Commission members who shall constitute a quorum.

Section 903.00 Board of Zoning Appeals

Section 903.01 Board of Zoning Appeals, Establishment of Terms and Compensation

The Board of Zoning Appeals as established by the Township Board of Trustees, shall consist of five (5) regular members who shall each serve a term of five (5) years except that the initial appointments shall be one member each for one, two, three, four and five year term. The Township Board of Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Township Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution by the Township Board of Trustees. Members shall be a residents of the unincorporated area of the Township. Each member shall serve until his or her successor is appointed and qualified.

Members may be compensated and/or may have their expenses reimbursed as the Township Board of Trustees may approve and provide for. The Board of Zoning Appeals may within the limits of the moneys appropriated by the Township Board of Trustees, for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

Section 903.02 Procedure for Removal of Board of Zoning Appeals Member

Members or alternates shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Township Board of Trustees. Written charges must be filed with the Township Board of Trustees and the Board of Zoning Appeals member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the un-expired term of the member affected.

Section 903.03 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its meetings and hearings and business in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and such other times as the Board of Zoning Appeals may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its official actions, all of which shall be a public record and immediately filed in the Office of the Township Board of Trustees. The Board of Zoning Appeals shall adopt the resolution required under Ohio Revised Code Section 121.22 to govern public notice of its meetings. All official actions shall require the vote of three (3) Board of Zoning Appeals members who shall constitute a quorum.

All hearings shall be held in accordance with the Ohio Revised Code, Chapter 519 and this Resolution. All of the powers listed in Section 903.03 may be exercised only within a hearing open to the public as

provided in this section unless otherwise provided in this Resolution. At all such hearings, the chairperson, or in his or her absence, the acting chairperson, shall administer an oath or affirmation to all witnesses giving testimony, and give the applicant or appellant, and those in opposition to the application or appeal, the opportunity to:

- A. Appear and be heard in person, or by an attorney, in support or opposition to the application or notice of appeal and:
 - 1. Present his or her position, arguments and contentions;
 - 2. Offer and examine witnesses and present evidence in support;
 - 3. Cross examine witnesses purporting to refute his or her position, arguments and contentions;
 - 4. Offer evidence to refute evidence and testimony offered in opposition to his or her position, arguments and contentions;
 - 5. Proffer any such evidence into the record, if the admission of it is denied by the Board of Zoning Appeals.
- B. Subpoena material witnesses, through the authority of the Board of Zoning Appeals and under its discretion and control, after a timely request to the Board of Zoning Appeals.

Section 903.04 Powers and Responsibilities of the Board of Zoning Appeals

The Board of Zoning Appeals shall have all the powers and responsibilities prescribed by the Ohio Revised Code, subsequent amendments thereto as well as other responsibilities, which will aid in carrying out its duties and at a minimum includes the following:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by any administrative official such as the zoning inspector, in the enforcement of this Resolution.
- B. To authorize upon appeal, in specific cases, variances from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship and so the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings or structures under the conditions specified in this Article, and the in the district regulations.
- D. To revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals if any condition of the variance or conditional certificate is violated. (ORC 519.14)

The Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under Item D of this section, of his/her right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if he/she so requests. If the holder requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he/she may present his position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board of Zoning Appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

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

Section 903.05 Authority of the Board of Township Trustees, Zoning Inspector, and Board of Zoning Appeals On Matters of Appeals

The authority of the Township Board of Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement. Under this Resolution, the Township Board of Trustees shall have the authority to consider and adopt or reject proposed amendments or the repeal of this Resolution as provided by law, as well as the other duties described in Section 904.00 of this Resolution.

All questions of interpretation and enforcement shall first be presented to the Zoning Inspector and such questions shall only be presented to the Board of Zoning Appeals upon appeal from the written decision of the Zoning Inspector.

The Board of Zoning Appeals shall have the authority to decide on all matters of appeal in accordance with the requirements as set forth in Section 203.00 of this Resolution. Recourse from any decision of the Board of Zoning Appeals shall be to the courts as provided by law. Any such appeal to the courts shall be made within thirty (30) days of the Board of Zoning Appeals' written decision.

However, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals with the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code.

Section 904.00 Township Trustees Powers and Duties Regarding This Zoning Resolution

- A. Approve appointments of members to the Zoning Commission.
- B. Approve the appointments of members to the Board of Zoning Appeals.
- C. Establish a schedule of fees as stated in Section 200.10 of this Resolution.

- D. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final Action upon a suggested zoning amendment shall be undertaken at a public hearing as specified in Chapter 2.
- E. Provide a liaison from the Township Board of Trustees who will meet with the Zoning Commission as needed.

CHAPTER TEN DEFINITIONS

Section 1000.00 **General Interpretation:**

For the purpose of this Resolution, certain words shall be interpreted as follows:

1. The word "person" includes a firm, association, organization partnership, trust, company, or corporation, as well as an individual.
2. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
3. The present tense includes future tense, the singular number includes the plural, and visa versa.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plat" or "parcel."
6. Any word or term not defined herein shall be given a meaning found in the latest publication of Webster's Dictionary.
7. References to specific sections of the Ohio Revised Code or other statutory or regulatory edicts or proclamations shall be understood to extend to successor citations should the specific numbers involved be changed or altered through the amendment process.

Section 1001.00 **Words, Terms or Phrases:**

1. Words, terms or phrases and any type of defining characteristic not listed in this section is prohibited use in all zoning districts. (3/14/2008) (#2008-100)
2. Words, terms, or phrases and any type of defining characteristic as defined in this section and not listed in any/all zoning district(s) is prohibited use in that/all zoning districts. (3/14/2008) (#2008-100)
3. The following listed words, terms, or phrases are defined as follows:

Abandonment:

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or re-arranging a facility, or during normal periods of vacation or seasonal closure.

Abutting:

Having property or district lines in common.

Access:

A pathway permitting ingress and egress by pedestrian or vehicular traffic; when intended for vehicular traffic, it shall have a solid and drained foundation bed, a twelve (12) foot minimum width, and shall be free from overhead obstruction.

Accessory Building:

Any enclosed building/structure not fit for human habitation. (#2004-427) (11/27/2004)

Accessory Structure/Use:

A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience or necessity of occupants, business, or industry in the principal building or principal use served; and, e) is located on the same lot as the principal building or use served.

Addition:

Any construction which increases the size of a building.

Adult Arcade:

Any place to which the public is permitted or invited, wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Book Store or Adult Video Store:

A commercial establishment which derives twenty-five (25) percent or more of its gross income from the sale and rental of, or utilizes twenty-five (25) percent or more of its retail selling area for the display of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas or;
2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult book store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store.

Adult Cabaret:

A nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string. (No public nudity is permitted.)

Adult Care Facility:

An Adult Care Facility provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services.

Adult Group Home (ORC Section 3722.01):

A residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three unrelated individuals. Typically, elderly persons occupy these types of units.

Adult Motion Picture Theater:

A commercial establishment which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Theater:

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Affordable Housing:

Housing that is affordable to very low to moderate income households as defined by the U.S. Department of Housing and Urban Development for Portage County, and is maintained for occupancy exclusively for such persons for a period of not less than thirty (30) years through the use of a covenant or deed restriction, a development agreement, or by transferring interest to a state, county housing agency or nonprofit housing organization.

Agriculture:

The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses, provided that any such accessory uses are secondary to that of the normal agricultural activities.

Airport:

Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

Aisle:

The traveled way by which cars enter and depart parking spaces.

Alley:
(see Street)

Alterations:
Any change, addition, modification in construction or occupancy of an existing structure.

Alteration, Structural:
Any change in the supporting members of a building or structure, such as bearing walls, columns, beam or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Amusement Arcade:
A building or part of a building in which five or more pinball machines, video games, or other similar player operated amusement devices are maintained.

Amendment:
A change in an adopted plan for site plans or to the Zoning Resolution.

Annexation:
The incorporation of land from an unincorporated area to a municipality.

Antenna:
Any structure or device used for the purpose of collecting or transmitting electromagnetic signals, including but not limited to directional antennae, such as panels, microwave dishes, and omni-directional antennae, such as whip antennas.

Apartment:
A room or a suite of rooms used and designed for use exclusively for rent or lease as a dwelling unit.

Applicant:
Owner of record, or his agent duly authorized in writing by the owner of record.

Appurtenance:
An addition or projection above or beyond the main building but upon the same foundation.

Aquifer:
A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area:
An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area:
A two-dimensional quantity that represents an amount or extent of surface. It can be measured or defined as a flat surface or a spherical surface.

Attached:

An accessory or main building having a shared wall(s) and roof with another accessory or main building.

Auditorium:

A room or space used or intended to be used at any time for assemblage but not intended principally for routine office tasks.

Authority:

A qualified and legally approved official; a written statement signed by the above.

Automotive, Mobile Home, Travel Trailer, Manufactured Home and Farm Implement Sales:

The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Repair:

The repair, rebuilding, reconditioning or servicing of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. (see Garage, Service Stations)

Automotive Wrecking:

The dismantling or wrecking of used motor vehicles, manufactured homes, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar:

1. Bar and/or Cocktail Lounge:

Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

2. Tavern:

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

Basement:

A story all or partly underground but having at least one half of its height below the average level of the adjoining ground.

Bed and Breakfast Inn:

A house, or portion thereof, where short term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Bedroom:

A room in a dwelling unit planned and intended for sleeping, usually separated from other rooms by a

door.

Bituminous (Bitumen):

Impregnated with, infiltrated by, or containing Bitumen; such as asphalt, crude petroleum or tar.

Blight:

Unightly conditions including the accumulation of debris, litter, rubbish, fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting, landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged and any other similar conditions of despair and deterioration.

Block:

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of water bodies, or boundary lines of political subdivisions.

Block Frontage:

Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting street, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Boarding House, Rooming House, Lodge:

A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for unrelated persons. These uses shall also be characterized by the joint use by the inhabitants of at least one of the following: kitchen area, dining room, restroom, bath area.

Brine: (Oil and Gas)

All saline geological formation water resulting, obtained or produced in connection with the exploration, drilling or production of oil or gas.

Buffer Zone: (also see Screening)

A strip of land, identified within the Resolution which protects one type of land use from another with which it is incompatible, which strip is normally landscaped and kept in open space.

Building:

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Height:

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the eaves.

Building Line:

A line parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as provided in this Resolution.

Building, Principal:

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

Business, Convenience:

Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry outs, dry-cleaning and laundry pickup facilities, and grocery stores if less than 10,000 square feet in floor area. Uses in this classification tend to serve day to day needs in the neighborhood.

Business, General:

Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole city. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

Business, Highway:

Commercial uses which generally require location on or near major arterials and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations, truck and auto sales and service, restaurants and motels, and commercial recreation.

Business, Office Type:

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

Business, Services:

Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

Business, Wholesale:

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale for use in the fabrication of a product, or for use by a business service.

Camp/ Campground:

A track of land, including its area of land and/or water, which is intended for recreation and vacation purposes, on which are located temporary or permanent buildings, cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal lodging.

Carry Out Restaurant: (see Restaurant, Fast Food)

Car stackers and mechanical garages:

Parking facilities that use various types of lifts and elevators to increase the number of vehicles that can fit in a parking structure.

Car Wash:

An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

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.

Central Sewer System:

A public utility sewage disposal system, to which individual units are connected.

Central Water System:

A public utility distribution system, to which individual units are connected.

Certificate of Compliance:

Official certification that a premise conforms to provisions of the Zoning Resolution and that such premise may be used or occupied.

Channel:

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Child Day Care:

Administering to the needs of infants, toddlers, preschool 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:

1. Child Day Care Center:

Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day Care Home:

A permanent residence of the administrator in which child day care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A

family day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Day Care Home:

A permanent residence of the provider in which child day care or child day care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the type B home shall be counted. The term "Type B family day care home": does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Church:

An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic:

A place used for the care, diagnosis and treatment of sick, ailing, infirmed, or injured persons, and those who are in need of medical and surgical attention, usually on an outpatient basis.

Club:

An organization of persons for special purposes for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

Cluster Development/Conservation Development:

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Entertainment Facilities:

Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Commercial Vehicles:

Any vehicle of 26,000 gross vehicle weight used or designated to be used for business or commercial purpose that includes but is not limited to a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck semi-tractor, semi-trailer and other commercial vehicles licensed by the state as commercial vehicles.

Common Land:

A parcel, or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development.

Community Center:

A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Composting:

To make a mixture consisting largely of decayed organic matter and used for fertilizing and conditioning land.

Comprehensive Development Plan:

A plan, or any portion thereof, adopted by the legislative authority of the Township of Brimfield, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use:

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Condominium:

A form of real estate ownership where there is a fee simple ownership of an individual unit and fractional ownership with other persons in the common areas of the development subject to the provisions of Ohio Revised Code, Chapter 5311. (7/31/07) (#2007-307)

Condominium Development:

A condominium property in which two or more individual residential or water slip units, together with their undivided interests in the common elements of the property, are offered for sale pursuant to a common promotional plan. (7/31/07) (#2007-307)

Congregate Living Facility:

Any residential facility in which the operator provides personal services except skilled nursing services for 4 or more elderly persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms.

Conservation Subdivision:

Grouping of houses or other structures on part of the property while maintaining a large amount of open space on the remaining land.

Contiguous:

Adjacent to and touching at or along some point or boundary.

Corner lot: (see Lot Types)

Cul-de-sac: (see Street)

Cultural Resources:

Sites, structures and artifacts which are associated with our heritage. Their significance is archaeological, historical, aesthetic, architectural or has a local cultural significance.

Cultural Resource District:

An area designated by ordinance or resolution which must contain one or more archaeological, historic, aesthetic, architectural or culturally significant features and/or landmarks, or the Cultural Resource District may have significance because of a collection of structures, artifacts or sites which may contribute to the overall integrity of the theme, but may have little significance individually.

Dead end Street: (see Street)

Dedication:

The transfer of property from private to public ownership.

Density:

A unit of measurement: the number of dwelling units per acre of land.

1. Gross density - the number of dwelling units per acre of total land to be developed.
2. Net density - the number of dwelling units per acre of land when the acreage involved includes only the land denoted to residential uses.

Depth (lot):

The mean distance from the street line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Detached:

Any accessory or main building that does not share a common wall and roof with any other accessory or main building.

District:

A part, zone, or geographic area within the township, within which certain zoning or development regulations apply.

Drive-Through Facility:

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Drilling Unit: (Oil and Gas)

The minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

Drive-Through Restaurant: (see Restaurant, Drive-In, and Restaurant, Fast Food)

Driveway:

A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Driveways, Types of:

1. Agriculture – a driveway providing access to a field or farm used for agricultural activities.
2. Residential – a driveway providing access to a single-family residence, a duplex, or to a multi-family building containing not more than 4 residential units.
3. Commercial – a driveway providing access to an office, business, retail or institutional building, or residential facility having five or more dwelling units. These establishments are customarily serviced by trucks as an incidental rather than a principal driveway use. Industrial plant driveways whose primary function is to serve administrative or employee parking lots are considered commercial driveways.
4. Industrial – A driveway directly serving substantial numbers of truck movements (equal of greater than 10 trucks per day) to and from loading docks of an industrial facility, warehouse, or truck terminal. A centralized retail development, such as community or regional shopping center, may have one or more driveways, specifically designed and located to provide access for trucks. These types of driveways are also classified as industrial driveways.

Dwelling:

Any building or structure (except a manufactured home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, but does not include hotels, or motels. (see Factory Built Housing)

Dwelling, Industrialized Unit:

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

Dwelling, Multi-Family:

A building consisting of four or more dwelling units, including condominiums *and apartments*, with varying arrangements of entrances and parting walls.

Dwelling, Row House/Town House:

Three or more one family dwelling units that are attached horizontally in a linear arrangement and each dwelling unit has a totally exposed front and rear wall to be used for private access for each dwelling unit.

Dwelling, Single Family detached:

A building designed as a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Three Family:

A building designed exclusively for or occupied exclusively by no more than three families living independently of each other in three separate dwelling units that are attached by shared wall(s) and roof.

Dwelling, Two Family:

A building designed exclusively for or occupied exclusively by no more than two families living independently of each other in two separate dwelling units that are attached by shared wall(s) and roof.

Dwelling Unit:

A building or space within a building containing living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family.

Easement:

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

Emergency Shelter/Mission:

A facility providing temporary housing and/or ancillary services for one or more individuals who are otherwise homeless, and/or indigent, or needy.

Facade:

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Factory Built Housing:

Factory built housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory built housing" shall include the following:

1. Manufactured Home – As stated in ORC 3781.06(4), “Manufactured home” means a building unit of assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403 and has a permanent label or tab affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and as stated in ORC 3781.06(5), ORC 3781.06(6) (a, b, c, d, e) as amended. (1/6/2016) (#2016-040)
2. Modular Home - Factory built housing certified as meeting the Local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.
3. Mobile Home - Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public

streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

Family:

A person living alone, two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, group home, motel or hotel dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

Farm:

A parcel of land used for growing or raising agricultural products, including related structures thereon.

Fast Food Restaurant: (see Restaurant, Fast Food, and Restaurant, Drive-in)

Fence:

A barrier constructed to enclose an area for protective screening purposes.

Flea Market:

A building or open area in which stalls or sales areas are rented or otherwise provided, and are set aside, which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade, not to include private garage sales.

Flood Plain:

That land, including the flood fringe and the flood way, subject to inundation by the regional flood (100 year interval average frequency).

Floodway:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floodway Fringe:

All that land in a flood plain not lying within a delineated flood way. Land within a flood way fringe is subject to inundation by relatively low velocity flows and shallow water depths.

Floor Area Living:

The sum of the gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use, porches, terraces, garages, or other spaces not in compliance with building code specifications for habitable space, measured from the interior faces of exterior walls.

Floor Area of a Non-Residential Building (to be used in calculating parking requirements):

The floor area of the specified use excluding stairs, washroom, elevator shafts, maintenance shafts and room, storage spaces, display windows, and dining room, and similar areas, measured from the interior faces of exterior walls.

Food Processing:

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garage, Private:

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Service Station:

Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, where in addition, the following services may be rendered and sales made, wholly within the building:

1. Sales and service of spark plugs, batteries, and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Radiator repair;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps and lines;
8. Minor servicing, and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers;
13. Provision of restroom facilities;
14. Warranty maintenance and safety inspections;

Uses permissible at a filling station do not include major mechanical and body work, straightening of

body parts, painting, welding and storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Gas:

All natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.

Glare:

A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade, Finished:

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grade, Natural:

The elevation of the undisturbed natural surface of the ground prior to an excavation or fill.

Hazardous Substances:

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Club:

Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Home Business and/or Occupation:

Is an accessory use of residential property, which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling. The use may be permitted in the residential dwelling and/or permitted within an accessory building(s).

Homeowners Association:

A private, nonprofit corporation or association of homeowners for the purpose of owning, operating, and maintaining various common properties.

Hospital:

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel or Motel and Apartment Hotel:

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory.

Household Pet:

Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

Hydronic Furnace:

A unit located outside of a building or structure, used to produce heat for the building or structure. The outdoor Hydronic furnace shall meet at minimum the EPA Phase II emission levels or less. They are not used for the boiling of water or hot water heaters. Hydronic Furnace does not include fire pits, wood-fire barbeques, grills or decorative fireplaces. (11/22/2010) (#2010-293)

Impervious Surface:

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Impound Lot:

Short term storage (not to exceed 60 days) of motor vehicles as described in ORC 4501.01(B).

Industrial Park:

A planned, coordinated development of a tract of land with two or more separate industrial buildings and related uses. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Industry, Heavy:

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light:

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Institution - Educational, Religious, Charitable:

Buildings and/or land designed to aid individuals in educational, religious, charitable or other such pursuits.

Institution - Human Care:

A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

Junk:

Waste, discarded or salvaged materials, such as: scrap metals, used building materials, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, barrels, and other similar type

materials.

Junk Shop, Junk Buildings, Junk Yards:

Any area of at least 75 square feet of land, buildings, or structures, whether for private or commercial purposes, where waste, discarded or salvaged materials, such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber cordage, barrels, etc. are sold, stored, or processed, any land used for storing or keeping of two or more junk motor vehicles in the open on any premises for more than 72 hours.

Junk Vehicles:

Any vehicle meeting the following:

1. Extensively damaged: such damage includes but is not limited to any one of the following: missing wheels, tires, motor or transmission, or;
2. Inoperable, or;
3. Unlicensed.

Kenel:

Any lot or premises on which 2 or more dogs, more than 3 months of age, are bred for sale or for hunting or are boarded.

Landscaping:

Changing or adding to the original vegetation or scenery of a piece of land to produce an aesthetic affect appropriate for the land use.

Landfill:

A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Lattice antenna:

Any self-supporting structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

Laundry, Self Service:

A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Living Area:

Space in a building, occupied or to be occupied, for residential or sleeping purposes, by one or more persons, permanently or transiently, and exclusive of basement area and public or shared corridors and utility rooms.

Loading Space, Off Street:

Space logically and conveniently located for bulk pickups and deliveries, scaled to deliver 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 as off-street parking space 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.

Location Map: (see Vicinity Map)

Lot:

A lot is a parcel of land sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required and having its principal frontage on a public street or private street built to Portage County Subdivision Regulation standards.

Lot Coverage:

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth:

The mean horizontal distance between the right-of-way line and the rear lot line.

Lot Frontage:

The horizontal distance measured between the side lot lines at the street right-of-way line.

Lot Line, Front (also see Yard, Front):

The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

Lot Line, Rear:

The rear property line of a lot is that lot line opposite to the front property line.

Lot Line, Side:

Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

Lot, Minimum Area of (size):

The area of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

Lot of Record:

A lot which is 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 prior to the effective date of the Zoning Resolution.

Lot, Types of:

1. Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the

side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2. Interior Lot - A lot with only one frontage on the street.
3. Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot - A lot on which frontage is a right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. Flag Lot - A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot Width:

The horizontal distance measured between the side lot lines at the building setback line.

Maintenance Guarantee:

A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Resolution and regulation, or to maintain same.

Maintenance and Storage Facilities:

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Major Thoroughfare Plan:

The portion of the Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufactured Home: (see Factory Built Home)

Manufactured Home Park:

Any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Manufacturing, Extractive:

Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing, of any mineral natural resources.

Manufacturing, Heavy:

Manufacturing uses which are generally major operations and extensive in character; require large sites their own storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

Manufacturing, Light:

Manufacturing uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Marquee:

Any hood or awning of permanent construction projecting from the wall of a building, above an entrance over a street or sidewalk, or portion thereof.

Massage Parlor:

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered. Unless, such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Mean:

The center most number or average of the two center most numbers from a series of numbers arranged in ascending numerical order; the mean distance to a straight line is the average of the distances to its extremities.

Mini-Storage Facility:

A building or group of buildings containing varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares.

Mobile Home:

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding across weight of four thousand five hundred (4500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (also see Factory Built Housing #3)

Mobile Home Park:

Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

Monopole:

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

Motel: (see also Hotel)

A building or group of detached or connected buildings designed or used primarily for providing

sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Nightclub (see also Bar):

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment provided and includes the term "cabaret."

Nonconformities:

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Nudity or State of Nudity:

The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

Nuisance:

Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursery, Plant Materials:

Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening and landscaping.

Nursing Home:

1. Institutional - A state licensed home or facility for the care and treatment of people on a long term basis.
2. Non-institutional - A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Office:

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park:

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Oil:

Crude petroleum oil and all other hydrocarbons, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

Oil and Gas Wells:

All wells as defined herein for the production or extraction or injection of oil and/or associate waste brines.

Open Space:

An area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, water areas, swimming pools, and tennis courts, and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and required side, front and rear yards shall not be included. Bodies of water as well as any area within a designated flood hazards area, may be counted toward up to 50% of the open space area requirements.

Open Space, Common:

Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

ORC:

The Ohio Revised Code.

Outdoor Boiler: (See Hydronic Furnace) (11/22/2010) (#2010-293)

Outdoor Storage:

The keeping in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

Overlay District:

A district described by the Zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

Owner: (Oil and Gas)

The person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.

Park:

Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot:

An area where motor vehicles may be stored for the purposes of short-term temporary, daily, or overnight off-street parking.

Parking, Shared:

The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

Parking Space (off-street):

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle with room for opening doors on both sides, exclusive of driveways and isles.

Parties of Interest:

Shall include the applicant and the property owners adjoining and within 500 feet of the property lines of the subject property, as they appear on the county auditor's current tax list or the treasurer's mailing list.

Performance Guarantee:

Security provided by a developer of land for the amount of the estimated construction/improvements cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

Person:

Shall mean and include any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization.

Personal Services:

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

Planned Unit Development:

An area of land in which a variety of housing types and subordinate commercial and industrial facilities may be accommodated in a unified, preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Planning Commission/Regional Planning Commission:

The public body empowered to prepare plans.

Plat:

A map of a subdivision.

Pollution:

The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the township, or such discharge of any liquid, gaseous, or solid substance into/on the land, air or any water of the township that will or is likely to create a nuisance or render such air or waters harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, agricultural, recreational, or other beneficial uses, or to livestock, animals or aquatic life.

Pool: (Oil and Gas)

An underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other

zone in the same structure may contain a separate pool.

Principal Building:

A building in which the primary use of the lot on which the building is located is conducted.

Principal Use:

The primary use and chief purpose of a lot or structure.

Print Shop:

A retail establishment that provides duplicating services using photocopy, blueprint, and off set printing equipment, including collating of booklets and reports.

Private Street or Road:

A street or road, including a new easement of access, subject to platting in accordance with the Portage County Subdivision Regulations and held in private ownership for which the State, County, or Township shall not assume any maintenance responsibility. The construction of a private street or road shall conform with the rules, standards, and specifications for road improvements adopted by the Board of County Commissioners pursuant to Section 711.101 of the Ohio Revised Code.

Professional Activities:

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

Professionally Drawn:

Plans that are prepared by a professional engineer, architect, or surveyor, as applicable and shall have their respective seal on the plans. The Plans shall be legible, drawn to consistent scale, with dimensions indicated, accurately depicting all of the required information for review and evaluation.

Public Improvement:

Any roadway, drainage way, parkway, sidewalk, pedestrian way, bikeway, public way, trees, off street parking area, lot improvements, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

Public Service Facility:

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses:

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

Public Utility:

Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public; electricity, gas, steam, telephone, telegraphy, transportation, or water. (For the purpose of the Resolution, wireless telecommunication services shall not be considered public utility uses, and are defined separately.)

P.U.C.O.:

The Public Utility Commission of Ohio which sets rates and revenues for various public utilities in the State of Ohio.

Public Way:

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-Public Use:

Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

Recreation Facilities:

Public or private facilities that may be classified as either "extensive" or "intensive" depending on the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, bowling alleys, and tennis courts.

Recreational Vehicle (RV) Park:

Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Collection Point:

An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Recycling Facility:

A building in which recyclable materials are processed for sale; materials are collected in enclosed containers. Materials limited to household and office paper, magazines, cardboard, plastic materials 1 through 7 Global Recycling Network various materials, aluminum cans and tin cans. (August 14, 2009) (#2009-155)

Research Activities:

Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on

within entirely enclosed buildings, and no noise, smoke, glare, vibration, radiation or odor shall be detected outside of said building.

Restaurant:

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This includes outdoor cafes.

Restaurant, Drive-In:

An establishment that delivers prepared food and/or beverages to customers motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, Fast Food:

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or girdled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

Rest Home or Nursing Home (noninstitutional):

A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Retirement Facility:

A facility providing living quarters, either owned or rented to persons age fifty-five (55) years of age or older. Such facility may be a single structure or a group of structures, and may include medical, recreational and commercial services if such services are available and predominantly designed for residents and their guests. Developed as a Planned Unit Development.

Right-of-way:

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Roads: (see Streets or Roads)

Roadside Stand:

A temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products sold are from the premises.

Rooming House:

A residential structure that provides lodging with or without meals for not more than five (5) guests, is available for long term permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guest.

Screening: (see also Buffer Zone)

The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Seat:

For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

Self Service Station:

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self Service Storage Facility:

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Setback Line:

A line established by the Zoning Resolution parallel with and measured from the lot line, defining the limits of a yard in which no building, accessory building, or structure may be located, except as provided for in this Resolution.

Sewers, On-site:

A septic tank, or similar installation on an individual lot which utilizes an aerobic bacteriological processor or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health department or other officials having jurisdiction.

Sewers, Sanitary:

A sewer to dispose of sewage, but not water from ground, surface, or storm.

Sexually Oriented Businesses:

1. "Adult" arcades;
2. "Adult" bookstores and "adult" video stores;
3. "Adult" cabarets;
4. "Adult" motion picture theaters;
5. "Adult" theaters;
6. "Adult" parlors.

Shopping Center:

A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk:

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian

traffic.

Sign:

Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign Area - That area within a regular geometric form, or combination comprising all of the display area of the sign except frames and structural members not being used for advertising.
2. Animated or Moving Sign - A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
3. Sign, Awning, Canopy, or Marquee - A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.
4. Sign, Banner - A temporary sign made of fabric or any nonrigid material with no enclosing framework.
5. Sign, Directional - Signs that are designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas.
6. Sign, Directory - A sign or group of signs either attached to the building or freestanding that lists the names, uses, or locations of various businesses or activities conducted within a building or group of buildings.
7. Sign, Electronic Message Board - Any sign that uses alphabetic, pictographic, or symbolic, informational content to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes.

(1-7) (2/14/2009) (#2009-015)

8. Sign Face - The area or display surface used for the message.
9. Sign, Freestanding (ground pole) - A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign, and does not exceed an overall height of six (6) feet above final grade.
10. Sign, Height - The vertical distance from the average ground elevation at the sign supports or base of a freestanding sign to the highest point of the sign structure.
11. Sign, Illuminated - Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
12. Sign, Informational and Directional - Sign that are used to direct traffic flow, to indicate parking areas, or to provide other essential information to guide vehicular or pedestrian traffic flow.

13. Sign, Lawn - To include but not limited to Real estate signs, Contractor identification signs, Property owner announcement signs
14. Sign, Lighting Device - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
15. Sign, Monument - A free standing sign which is generally of a monolithic design with the sign face attached to a base having a width of at least one-half the width at the widest part of the sign face. The sign face is supported by two or more supports or braces and may be constructed of decorative block, brick or architecturally treated metal.
16. Sign, Off Premises - Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
17. Sign, On Premises - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
18. Sign, Pole - A free standing sign that is designed to be mounted on a pole or other similar structure, that is itself not an integral part of or attached to a building or other structure, so that the bottom edge of the sign face is at least six (6) feet or more above the final grade.
19. Sign, Portable - A sign that is not permanently affixed to a building, other unmovable structure, or the ground.
20. Sign, Projecting - Any sign which projects from the exterior of a building.
21. Sign, Roof - Any sign erected upon, against, or directly above a roof or roof eaves, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eaves.
22. Sign, Temporary - A sign intended for use for a limited period of time.
23. Sign, Wall - A sign painted on or attached to the wall of a building with the exposed face of the sign in a plane parallel to the plane of the wall.
24. Sign, Window - A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

Site Plan:

A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Specified Anatomical Areas:

Less than complete and opaquely covered human genitals, pubic region, buttocks, and female breasts, below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in the state of sexual stimulation or arousal.
2. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts.
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
4. Masturbation, actual or simulated.
5. Excretory functions as part of, or in connection with, any of the activities set forth in one (1) through four (4) above.

Story:

That part of a building between the surface of a floor and the ceiling immediately above.

Story, Half:

Any top story whose floor area exclusive of storage space is 75% or less of the floor area immediately below.

Street or Road:

A street or road, for the purposes of this Resolution are classified as structures the full width between property lines, with a part thereof to be used for vehicular traffic and designated as follows. A street or road shall comply with all applicable requirements of this Resolution and the Portage County Subdivision Regulations when applicable.

1. Alley - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
3. Collector Street - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-sac - A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Cul-de-sac Circle - The vehicle turnaround portion of a cul-de-sac.
6. Dead-end Street - A street temporarily having only one (1) outlet for vehicular traffic.
7. Local Street - A street primarily for providing access to residential or other abutting property.
8. Loop Street - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty

(180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

9. Marginal Access Street - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage street)
10. Private Street - A thoroughfare not dedicated for public use which provides access to abutting property.
11. Public Street - A thoroughfare, dedicated and accepted by a city which provides access to abutting property.

Structure:

Anything, constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include roads, buildings, walls, fences, and signs.

Subdivision:

The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development or lease.

Swimming Pool, Private:

An in ground or above ground structure, chamber or tank containing a body of water for swimming, diving or wading. Excludes portable pools with diameter less than 12 feet or with an area of less than 100 sq. ft. and not more than 2-1/2 feet deep.

Swimming Pool, Family:

A pool as defined above used exclusively by the residents and their nonpaying guests of the dwelling unit.

Swimming Pool, Commercial/Club:

A pool as defined above constructed by an association of property owners or by a private club or association, for use and enjoyment by members and their families.

Temporary Building:

A building constructed or placed for a limited stipulated time.

Temporary Place of Business:

Any public or quasi-public place including, but not limited to a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad care or motor vehicle that is temporarily occupied for the purpose of making retail sales of goods to the public. A place of business is not temporary if the same person conducted business at the place continuously for more than six (6) months, or if the person intends it to be a fixed place of business.

Temporary Seasonal Tent.

A portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, or any similar portable lodge designed for temporary recreational use.

Temporary Shelter:

A building operated under the full time supervision of a nonprofit agency in which emergency lodging and meals are provided for a period not to exceed fourteen (14) days.

Through Lot: (see Lot, Types of)

Tower:

A building or structure that is relatively high for its length and width, either standing alone or forming a part of another building. The purpose of said tower being the reception and/or transmission of audio, video, cellular, and like signals.

Towing Business:

A business engaged in the moving of disabled or wrecked vehicles, enforcement towing and providing emergency road service.

Tract:

A single, individually taxed, parcel of land appearing on the tax list.

Transient:

A visitor who does not reside or is not employed within a fifty (50) mile radius of Brimfield Township.

Transient Vendor:

Any person who leases titled motor vehicles, titled water craft or titled outboard motors, or in the usual course of his business transports inventory, stock of goods or similar tangible personal property to a temporary place of business in a county in which he has no fixed place of business, for the purpose of making retail sales of such property.

Transitional Use:

A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Director:

The Director of the Ohio Department of Transportation.

Truck Terminal:

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use:

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

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 practical difficulty or unnecessary hardship.

Veterinary Animal Hospital or Clinic:

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map:

A drawing located on the plat or drawing which sets forth by dimensions or other means, the relationship of the proposed subdivision or development, or use to the other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Warehouse:

A building used primarily for the storage of goods and materials.

Warehousing and Distribution:

A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Waste: (Oil and Gas)

Includes (1) physical waste, as such term is generally understood in the oil and gas industry; (2) inefficient storing of oil or gas; (3) locating, drilling, equipping, operating or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary to excessive surface loss or destruction of oil or gas; (4) other underground or surface waste in the production or storage of oil, gas or condensate, however caused.

Water or Water of the Township:

All streams, ditches, lakes, ponds, marshes, watercourses, waterways, wells, springs, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the township or any portion thereof.

Well:

Any hole or holes, bore or bores, to any depth for the purpose of production, recovery, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters.

Wetlands:

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wild and Dangerous Animals:

Includes, but is not limited to: any animal, reptile, bird, fish, insect, or arachnid, which either bites, claws, injects venom, strangles, or constricts prey in a manner which could cause serious harm to humans, or if released or escaped could create a threat to the local ecology.

Wireless telecommunication service facility:

A facility, consisting of equipment, structures, parking area, and accessory development, involved in transmitting and/or receiving electromagnetic signals.

Wireless telecommunication services:

Licensed wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Wireless telecommunication tower:

Any structure including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of supporting one or more antenna or similar apparatus.

Wireless telecommunication tower, multi-user:

A tower to which is attached the antennas of more than one wireless telecommunication service provider or government entity.

Wireless telecommunication tower, single user:

A tower to which is attached only the antenna of a single user, although the tower may be designed to accommodate the antenna of multiple users as requested in the Resolution.

Yard:

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

1. Yard, Front - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

2. Yard, Rear - A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.
3. Yard, Side - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yield Plan:

A graphical plan that consists of conventional lot and street layouts, and must conform to the Township's zoning regulations (governing lot dimensions, parking, etc.), utilizing land suitable for development (not including floodplains, wetlands, steep slopes, etc. for buildings, septic systems and other improvements) and must conform to the County Subdivision Regulations (roadway design, storm water management, open space, etc.) and other governmental regulations governing the improvement of land. Although such plans are conceptual and are not intended to involve significant engineering costs, the yield plan must be realistic, and not show potential improvements in areas that would not ordinarily be legally permitted in a conventional layout.¹

Zero Lot Line Development:

An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is not less than the sum of the required offsets. A housing development where houses have a zero foot (legally 1 inch) setback from one or more lot lines. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

Zoning Inspector:

The person designated by the Brimfield Township Trustees to perform the task of zoning enforcement.

Zoning Map:

The official zoning district map which shows the boundaries of districts within Brimfield Township.

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.

¹ Designing open Space Subdivisions, Natural Lands Trust September 1994, Randall Arendt, page 135.

DESIGN GUIDELINES

A. Purpose

The purpose of this Section is to establish procedures to serve as a guide for the design, location and relationship of new development with respect to adjacent properties and the already existing development within the Township. The appearance of space and the appearance and congestion of buildings and other structures has a significant relationship to the public health, safety, welfare and property values within the community.

Additionally, the Township wishes to retain any remaining examples of physical design and construction that reflects its heritage, history, and culture. The guiding principles contained within this Section are not intended to restrict innovation, variety or to dictate a particular style. The guidelines are intended to encourage the revitalization of the buildings and structures, and the advancement of more harmoniously designed developments within the Township in relationship to surrounding properties, while mitigating the effects of incompatible development on the character of the community.

Therefore, these guidelines encourage design principles that will result in the creation of suitable developments by eliminating the destruction of the natural environment; preventing drainage and erosion problems on adjacent properties; and ensuring that the construction and alteration of buildings and structures is not out of scale and harmony with the local neighborhood.

B. Design Guidelines and Standards

The following guidelines are intended to give general and specific guidance to the shape and appearance of development within the Township. These guidelines and standards are to serve as the guidelines for appropriate community design.

Relationship to adopted Plans and Policies:

1. The site plan shall conform to and reflect all Township plans and policies; all community master plans or comprehensive plans; and other adopted plans or policies related to the development of the Township.
2. The site plan shall conform to all Federal, State, Regional, and County adopted rules, regulations, plans and/or policies that relate to the development and redevelopment of the Township.
3. The site plan shall conform to the statement of intent for the zoning district in which it is located.

C. Objectives of the Design Criteria

The allure of a community is sustained by preserving its historic buildings and structures, building profiles and significant features, both natural and manmade, and by ensuring compatible development, which correspondingly enhances the community's heritage, history, and culture. The

preservation of historic buildings and significant features are of primary importance. Preservation and conservation of historic buildings and structures as well as other significant features associated with the site need to be an integral part of any project's design. The removal or alteration of historic buildings or structures or significant features should only take place after all other alternatives have been considered.

The objectives of the design guidelines and standards are to evaluate the relationship of the proposed development's features in order to minimize the possibility of adverse impacts upon surrounding properties and the community. The overall design of the project should show the following:

1. That a proper relationship exists between thoroughfares, driveways and parking areas to ensure pedestrian and vehicular safety.
2. That the design of the buildings are developed with consideration to the adjacent properties in terms of building height, material and overall character.
3. That the building location and placement should be developed with consideration given to minimize the removal of trees and change of topography.
4. That the on-site vehicle circulation is designed to ensure adequate access for fire and police protection.
5. That the project's design provides for adequate screening of the site, parking lots and service areas from surrounding properties by landscaping.

D. Design Elements

1. Building Design Standards

Building design should be appealing and compatible with surrounding building in terms of massing, roof shapes, heights, and window proportions. The exterior form of the building should be emphasized through variations in horizontal and vertical orientation, colors, textures and materials.

a. Scale, Height and Mass

The scale, height and mass of structures should be related to and compatible with its site and with the use, scale and architectural of the buildings that have a functional or visual relationship to the proposed structure. For instance, taller buildings should be stepped down to lower buildings along the property periphery. Where structures out of scale with surrounding land uses are unavoidable, it is preferable that landscaping techniques be utilized to give the appearance of a reduction in building height to a scale more compatible with neighboring buildings.

It is generally desirable for the building to be composed of either one primary form that is carved into or added upon to give the building some distinction.

Another approach is to create a composition of distinct forms and connect them through common elements such as bands of material, window rhythm, etc. This is especially important when you have large buildings such as industrial structures.

Using office spaces, loading areas, entrances, etc. to break up large facades is quite effective. Small areas can receive distinctive treatments in color, canopies, awnings, columns and the like to break down the over bearing nature of the building.

Roof shapes and pitches for additions should be compatible with those of the main building and should match neighboring structures as pitch and general proportion.

b. Colors and Materials

The exterior colors and materials used on a building should compliment with surrounding buildings and blend with the natural setting. The use of natural materials and earth tones is highly desirable, however, bright colors may be appropriate for some structures.

c. Lighting of building and Signs

External lighting should enhance building design and landscaping, as well as provide for safety and security. External lighting shall be designed to function without creating glare on adjoining properties and/or streets.

External lighting of signs is preferred

d. Compatibility with Neighboring Buildings and Structures

Structures should relate in size and general appearance to adjacent buildings and to the local neighborhood and be aesthetically compatible. A building's design, architecture features and landscaping are ways by which a proposed building can be made compatible with neighboring properties.

e. Public Spaces

Formal and informal outdoor places for the public to congregate should include access to and protection from the sun as well as protection from the wind and rain. The area should be landscaped utilizing shade trees to whatever extent possible and designed in a manner to provide a strong connection to the surrounding neighborhood and the street if located in close proximity to the roadway.

f. Intrusive Impacts

The design of any proposed development should include techniques to minimize visual and auditory intrusion impacts. The development should be designed in such a manner as to contain any potential nuisances. The development should also be designed to protect individual occupants from any potential nuisances originating from adjoining sites. Design should incorporate mitigation of any potential noise impact on sleeping quarters through building layout and/or orientation on the site, landscaping arrangements as well as the use of sound insulation materials.

g. Additions and Accessory Structures

Any proposed building additions and accessory structures should be compatible with the original structure(s) so that the result appears to be an integrated whole. Moreover, design specifications should ensure that the proposal blends with the natural terrain and vegetation of the site.

h. Residential Conversions to Other Uses

Any residential dwelling converted to another use should retain its residential appearance in order to be compatible with the surrounding residential neighborhood. Conversions should be done in manner so that the exterior only appears as a commercial use by means of screening walls, awnings, new windows and doors, landscaping, walkways and permissible signage.

2. Energy

Buildings should be designed to minimize reliance on mechanical heating and cooling through insulation and design. All proposed buildings should be designed and oriented to make use of sunlight for direct heating, solar water heating and illumination whenever possible. Also, natural ventilation and shading should be used to help keep buildings cool. Site layout, building design and positioning, and landscaping should all be coordinated to maximize energy conservation.

3. Existing Structures

All existing structures on property proposed for development should be examined regarding their potential value for continued use. Any structure, which provides potential housing, architectural or historic value that exists on the property in good condition, then the following options should be considered in the order given. The structure should be:

1. Integrated into the plans for the proposed development,
2. Moved to another site where it might be utilized,
3. Materially recycled, or
4. Demolished.

Reduction of parking, setback or other requirements may be considered if it would facilitate preservation of a structure. Projects using existing structures of historic or architectural value should respect the traditional exterior style of the building.

4. Landscaping

Landscaping must be included on all development plans in accordance with Chapter 8 of this Resolution. The landscaping must relate to the whole development, be integrated with building design, enhance the appearance and enjoyment of the project, and soften any adverse impacts of buildings and pavement. In addition, landscaping is important in controlling ground erosion,

managing storm water runoff and enhancing energy conservation strategies. The landscaping should consist of a combination of trees, shrubs and ground cover. The landscaping of any development should blend with the existing vegetation on nearby properties if the neighboring vegetation is healthy and in compliance with these requirements. Moreover, innovation in landscape designs and choice of plants is encouraged to serve both aesthetic and functional purposes.

5. Pedestrian and Bicycle Enhancements

The advancement of pedestrian and bicycle facilities to enhance non-motorized transportation opportunities should be incorporated in all development plans when it is determined that the design of such is both desirable and feasible in accordance with Section 560.00 of this Resolution. The community's primary objective is to link residential areas, commercial and employment centers, parks and open space areas with improvements that can be safely used by residents and tourists for non-motorized transportation and recreational purposes.

**PLANNED RESIDENTIAL DEVELOPMENT (PRD)
DENSITY FORMULA**

- A. The residential density of a PRD subdivision development is permitted to contain more dwelling units than the number of dwelling units permitted if the site were developed as a conventional subdivision.
- B. The number of residential dwellings permitted on a parcel to be developed as a PRD subdivision development shall be based on the following formula¹ (rounded to the nearest whole number):

$$\{ \{ \text{TA} - (\text{PR} + \text{OP} + \text{CNA}) \} / \text{Z} \} / \text{DBF} = \text{PD}$$

Where:

TA = The total acreage of the proposed development area, excluding all acreage in existing road and other public right-of-ways.

PR = The assumed roadway acres necessary to develop the site as a conventional subdivision. This figure will represent ten (10) percent of total acreage of the proposed development area, excluding any existing road right-of-way.

OP = The acreage required by the Portage County Subdivision Regulations for open space. This figure will represent five (5) percent of total acreage of the proposed development area, excluding acreage calculated for PR. This figure is only used on lots of twenty (20) acres or more in size.

CNA = The total acreage of the site comprised of the following Critical Natural Area characteristics and features: steep slopes of eighteen (18) percent or more; permanent bodies of water to include lakes, ponds, rivers, streams, etc.; wetlands, floodplains and areas of the site determined to contain threatened and/or endangered animal and plant species.

Z = The minimum lot area acreage required for the proposed types of dwelling units in the corresponding zoning district.

DBF = The Density Bonus Factor applied to increase the base density. The following values shall be used to represent the " DBF " value in each of the Zoning Districts.

O-C District = 0.90

R-R District = 0.90

R-1 District = 0.50

R-2 District = 0.60

R-3 District = 0.90

R-4 District = 1.00

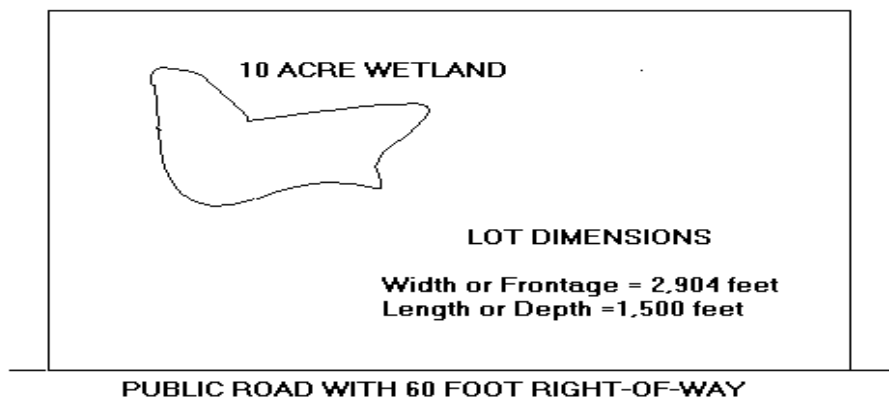
T-C District = 0.90

¹ In the event an applicant disagrees with the results of the formula, the applicant may present a yield plan. The yield plan shall graphically show the proposed site developed in accordance with the conventional zoning requirements of the zoning district the property is located in. In addition, the yield plan shall identify all of the critical natural areas of the site in order for the Board of Zoning Appeals to determine the appropriate number of buildable lots associated with the site.

PD = The maximum number of residential dwelling units permitted in the PRD subdivision development.

EXAMPLE USING DENSITY FORMULA

PROPOSED DEVELOPMENT SITE
100 ACRES OF LAND



100 ACRE SITE LOCATED IN A R-3 ZONING DISTRICT

$$\{ \{ TA - (PR + OP + CNA) \} / Z \} / DBF = PD$$

Where:

$$\begin{aligned} TA &= 100 \text{ acres} - (\text{existing road r-o-w}) \\ &= 100 \text{ acres} - (2,904 \text{ feet} \times 30 \text{ feet}) \\ &= 100 \text{ acres} - (87,120 \text{ square feet}) \\ &= 100 \text{ acres} - (87,120 \text{ sq.ft.} / 43,560 \text{ sq.ft.}) \\ &= 100 \text{ acres} - 2 \text{ acres} \\ &= 98 \text{ acres} \end{aligned}$$

$$\begin{aligned} OP &= (TA - PR) \times 5\% \\ &= (98 \text{ acres} - 9.8 \text{ acres}) \times 5\% \\ &= 88.2 \times 5\% \\ &= 4.4 \text{ acres} \end{aligned}$$

$$\begin{aligned} CNA &= (\text{wetlands} + \dots) \\ CNA &= 10 \text{ acres} \end{aligned}$$

$$\begin{aligned} PR &= TA \times 10\% \\ &= 98 \text{ acres} \times 10\% \\ &= 9.8 \text{ acres} \end{aligned}$$

$$Z = 1 \text{ dwelling unit per } \frac{1}{2} \text{ acre or } .5$$

$$DBF = .90$$

$$\{ \{ 98 - (9.8 + 4.4 + 10) \} / .5 \} / .90 = PD$$

$$\{ \{ 98 - 24.2 \} / .5 \} / .90 = PD$$

$$\{ 73.8 / .5 \} / .90 = PD$$

$$147.6 / .90 = PD$$

$$164 = PD$$

**Brimfield Township
Appendix D**

SCHEDULE OF RESIDENTIAL ZONING DISTRICTS¹

	Open Space Conservation District	Rural Residential District	R-1 Residential District	R-2 Residential District	R-3 Residential District	R-4 Residential District
Minimum Lot Size ²	5.0 acres	3.0 acres	1.5 acres	1.0 acres	0.5 acres	10,890 square feet
Minimum Density of Use	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit
Minimum Lot Width	300 feet	250 feet	150 feet	125 feet	100 feet	80 feet
Minimum Lot Frontage	300 feet	250 feet	150 feet	125 feet	100 feet	80 feet
On cul de sac	100 feet	100 feet	60 feet	60 feet	50 feet	
Minimum Front Setback from R-O-W	100 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum Rear Setback						
1. Adjacent to lots non-residential use	50 feet	25 feet	25 feet	25 feet	25 feet	25 feet.
2. Adjacent to a residential use	50 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Side Yard Setback						
1. Adjacent to a non-residential use	25 feet each side	15 feet each side	15 feet each side	15 feet each side	15 feet each side	12 feet each side
2. Adjacent to a residential use	25 feet each side	15 feet each side	15 feet each side	15 feet each side	15 feet each side	12 feet each side
Maximum Impervious Surface Area	20%	20%	30%	40%	40%	50%

¹ All the information listed on this Table has to do with the minimum requirements for a single-family residential dwelling. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

² Exclusive of road right-of-way.

**Brimfield Township
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SCHEDULE OF MIXED-USE (RESIDENTIAL/COMMERCIAL) ZONING DISTRICTS³

	Residential Office District	Town Center District	Integrated Commercial District
Residential Use 1. Minimum Lot Size ⁴ 2. Minimum Density of Use	0.5 acres 2 apartments, if part of commercial building	0.25 acres Per any type of dwelling unit, unless otherwise stated	0.25 acres on 1/4 of site Per any type of dwelling unit, unless otherwise stated
Commercial Use 1. Minimum Lot Size ⁵ 2. Maximum Intensity of Use	0.5 acres Can not exceed 3,000 square feet of total floor area per building	No minimum lot size Can not exceed 6,000 square feet of total floor area per 20,000 square feet of lot area	20,000 square feet No maximum requirements established
Minimum Lot Width	100 feet	60 feet	100 feet
Minimum Lot Frontage	100 feet	60 feet	100 feet
On cul de sac	60 feet	60 feet	60 feet
Minimum Front Setback from R-O-W	35 feet	20 feet	40 feet
Minimum Rear Setback 1. Adjacent to non-residential use 2. Adjacent to a residential use	25 feet 25 feet	25 feet 25 feet	25 feet 35 feet
Minimum Side Yard Setback 1. Adjacent to a non-residential use 2. Adjacent to a residential use	12 feet each side 25 feet each side	10 feet each side 20 feet each side	12 feet each side 35 feet each side
Maximum Impervious Surface Area	50%	50%	90%

³ All the information listed on this Table has to do with the minimum requirements for a commercial use, unless otherwise stated. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

⁴ Exclusive of road right-of-way.

⁵ Exclusive of road right-of-way.

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SCHEDULE OF COMMERCIAL ZONING DISTRICTS⁶

	General Commercial District	Highway Commercial District	Office Research District
1. Minimum Lot Size ⁷ 2. Maximum Intensity of Use	1.0 acre No maximum requirements established	1.0 acre No maximum requirements established	20,000 square feet No maximum requirements established
Minimum Lot Width	100 feet	100 feet	100 feet
Minimum Lot Frontage	100 feet	100 feet	100 feet
On cul de sac	60 feet	60 feet	60 feet
Minimum Front Setback from R-O-W	50 feet	50 feet	40 feet
Minimum Rear Setback			
1. Adjacent to non-residential use	30 feet	30 feet	12 feet
2. Adjacent to a residential use	40 feet	40 feet	20 feet
Minimum Side Yard Setback			
1. Adjacent to a non-residential use	12 feet each side	12 feet each side	12 feet each side
2. Adjacent to a residential use	20 feet each side	20 feet each side	20 feet each side
Maximum Impervious Surface Area	80%	80%	80%

⁶ All the information listed on this Table has to do with the minimum requirements for a commercial use, unless otherwise stated. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

⁷ Exclusive of road right-of-way.

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SCHEDULE OF INDUSTRIAL ZONING DISTRICTS⁸

	Light Industrial District	Heavy Industrial District
1. Minimum Lot Size ⁹	0.5 acre	1.0 acre
2. Maximum Intensity of Use	No maximum requirements established	No maximum requirements established
Minimum Lot Width	100 feet	100 feet
Minimum Lot Frontage	100 feet	100 feet
On cul de sac	60 feet	60 feet
Minimum Front Setback from R-O-W	50 feet	50 feet
Minimum Rear Setback		
1. Adjacent to non-residential use	25 feet	25 feet
2. Adjacent to a residential use	75 feet	100 feet
Minimum Side Yard Setback		
1. Adjacent to a non-residential use	25 feet each side	25 feet each side
2. Adjacent to a residential use	75 feet each side	100 feet each side
Maximum Impervious Surface Area	80%	80%

⁸ All the information listed on this Table has to do with the minimum requirements for an industrial use, unless otherwise stated. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

⁹ Exclusive of road right-of-way.

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SCHEDULE OF USES

- A. The Schedule of Uses is not a comprehensive list of every use permitted or conditionally permitted by the Brimfield Township Zoning Resolution. For exact information on the types of uses permitted or conditionally permitted refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.
- B. A use listed in shall only be permitted as a principal use in the designated district when denoted by the letter “P”.
- C. A use listed shall be permitted as a conditional use in the designated district when denoted by the letter “C”. Therefore, for any proposed conditionally permitted use to be allowed in the corresponding district, the Board of Zoning Appeals must determine that all of the requirements and conditions, as set forth in this Resolution are satisfied.

	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
A. Lot Configuration														
1. Flag Shape	c	c	c											
B. Residential Uses														
1. Single-family Dwelling	p	p	p	p	p	p		p						
2. Two-family Dwelling					c	p		c						
3. Three-Family Dwelling						p		c						
4. Multi-Family Dwellings (4 du/ac)						p		p			p			
5. Multi-Family Dwellings (5 du/ac)						c		c						
6. Multi-Family Dwellings (12 du/ac)											c			
7. Apartments (2 du/ac)							p							
8. Apartments (4 du/ac)							p				p			
5 Conversion of single family to two-family dwelling					c									

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	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
6. Conversion of single family to three-family dwelling							c	c						
7. Conversion of single family to professional office							c							
8. Agritourism	c	c												
9. Bed and Breakfast	c	c	c					c						
10. Farm Based Businesses	c	c												
11. Home Occupations	p	p	p	p	p	p	p	p			p			
12. Home Based Businesses	c	c	c	c	c	c	c	c						
13. Planned Residential Development	c	c	c	c	c	c		c						
14. Rooming/Boarding Houses		c	c					c						
C. Retail Business Uses														
1. Adult Uses													c	c
2. Antique Shop								p	p		p			
3. Apparel Stores, Dressmaking Shops, Haberdasheries, Shoe Stores, and Tailor Shops								p	p		p			
4. Appliance Sales and Service								p	p		p			
5. Art Galleries and Sales								p	p		p			
6. Bakeries, retail								p	p		p			
7. Bars, taverns & nightclubs								c	c		c			
8. Bicycle Sales and Repair								p	p		p			
9. Book, Magazine and Newspaper Stores								p	p		p			
10. Camera and Photography Supply Stores								p	p		p			
11. Candy and Confectionery Stores								p	p	p	p			

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	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
12. Carpentry & Cabinet making, plumbing, heating air conditioning								c	c		c			
13. China and Glassware Stores								p	p		p			
14. Cigar, Cigarette and Tobacco Stores								p	p		p			
15. Coin, Stamp, and other Similar Collector Items Shops and Stores								p	p		p			
16. Delicatessens								p	p	p	p			
17. Drug Stores and Pharmacies								p	p		p			
18. Florists								p	p		p			
19. Food and Grocery Stores								p	p	p	p			
20. Garden Supply Store								p	p		p			
21. Gasoline Service Stations										c				
22. Gift Shops								p	p		p			
23. Hardware Stores								p	p		p			
24. Ice Cream Stores								p	p	p	p			
25. Jewelry Stores								p	p		p			
26. Musical Instrument Sales And Repair								p	p		p			
27. Office Equipment and School Supply Stores								p	p		p			
28. Optician's Sales, retail								p	p		p			
29. Pet Stores								p	p		p			
30. Pizza Shops								p	p	p	p			
30. Restaurants								p	p	p	p			
31. Sporting Good Stores								p	p		p			
32. Souvenir and Curio Shops								p	p		p			
D. Service Uses														
1. Artist's Studio								p	p		p			

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	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
2. Automobile, Boat, Camper, Mobile Homes, Motorcycle, Recreational Vehicles Sales and Service Garages										c	c			
3. Automobile & Truck Washes									c	c	c			
4. Automobile & Truck Rentals										c	c			
5. Banks & Financial Institutions								p	p	p	p			
6. Barber Shops and Beauty Parlors								p	p		p			
7. Catering Establishments								p	p	p	p			
8. Cemeteries			c	c				c						
9. Churches, places of worship		c	c	c	c			c	c	c	c			
10. Clothes Rental Agencies								p	p		p			
11. Dance Studios								p	p		p			
12. Dry Cleaners and Laundries								p	p		p			
13. Equipment Rental and Leasing Service														
14. Funeral Home				c				c	c					
15. Hotel/Motel										c				
16. Mini /self Storage Facilities									c				c	c
17. Private Parking Lots								c	c	c	c			
18. Travel Agencies							p	p	p		p			
E. Office Uses														
1. Administrative Offices							p	p	p		p	p	p	
2. Advertising, Copying Offices							p	p	p		p	p	p	
3. Doctor's, Surgeon, Physician's Office							p	p	p		p	p		

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	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
4. Office and Drafting Supply											c			
5. Political Organization Office							p	p	p		p	p		
6. Professional Services (i.e. financial, legal)							p	p	p		p		p	
7. Publisher's Office							p	p	p		p	p		
8. Real Estate Office							p	p	p		p	p		
9. Reproduction and duplicating facilities											c	c	p	
10. Research facilities												c	p	
F. Health, Medical and Care Facilities														
1. Animal Hospital, Veterinary Office		c	c	c			c	c						
2. Congregated Care/Assisted Living facilities				c				c	c		c			
3. Day Care Facilities		c	c	c	c	c	c	c	c		c	c		
4. Health Clinics								c	c		c			
5. Hospitals								c	c		c			
6. Nursing Homes								c	c		c			
G. Public, Education, and Utility Uses														
1. Elementary Schools				c										
2. High Schools and				c										
3. Institutions of higher education				c			c	c	c		c	p		
4. Park and Ride Lots									c	c	c		c	c
5. Private Schools				c			c	c	c		c	p		

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	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
6. Public facilities/utilities (i.e. libraries, fire & police station, post office, museums, etc.		c	c	c	c	c		c	c				c	c
7. Wireless Telecommunication Service Facilities proposed by a public utility	c	c	c	c	c	c								
8. Wireless Telecommunication Service Facilities proposed by other than a public utility							c	c	c	c	c	c	c	c
H. Recreational And Social Facilities														
1. Bowling Alleys								c	c		c			
2. Golf Courses, 9 or 18 hole,	c	c	c	c	c	c		c	c		c			
3. Golf Course Driving Ranges	c	c	c	c	c	c		c	c		c			
4. Golf Courses, par-three	c	c	c	c	c	c		c	c		c			
5. Ice Skating and Roller and Skating Rinks								c	c		c			
6. Indoor Archery Ranges								c	c		c			
7. Lodges and Fraternal Organizations								p			p			
8. Miniature Golf									p					
9. Parks and Playgrounds (public or private)	c	c	c	c	c	c		c	c		c			
10. Riding Academies	c	c	c					c	c		c			
11. Swimming facilities								c	c		c			
12. Tennis Clubs								c	c		c			
13. Theaters								p	p		p			

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	O-C	R-R	R-1	R-2	R-3	R-4	R-O	T-C	G	H-C	I-C	O-R	L-I	H-I
K. Industrial Facilities														
1. Contractor yards														c
2. Manufacturing cosmetics, food products, pharmaceuticals, toiletries													p	p
3. Manufacturing, processing, assembly													p	p
4. Ohio EPA Composting Facility														c
5. Research & testing Facilities													c	c
6. Warehousing													p	p
7. Wholesale Establishments													p	p
8. Recycling Center														c
9. Strip Mining & Gravel Extraction														c
10. Wholesale Storage of Petroleum, Gasoline, etc.														c