

**ZONING RESOLUTION  
OF  
OLMSTED TOWNSHIP  
CUYAHOGA COUNTY, OHIO**

**Adopted  
March 9, 2000**

Amended May 22, 2013, Resolution 041-2013  
Amended May 18, 2021, Resolution 047-2021

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**TABLE OF CONTENTS**

**TITLE I PURPOSE, INTERPRETATION, ESTABLISHMENT**

**CHAPTER 101 Purpose, Interpretation**

- Section 101.01 Purpose.
- Section 101.02 Short Title.
- Section 101.03 Interpretation.
- Section 101.04 Compliance with Regulations.
- Section 101.05 Compliance with Building and Subdivision Regulations.
- Section 101.06 Compliance with Ohio Revised Code.
- Section 101.07 Validity and Separability.
- Section 101.08 Measures and Computations.
- Section 101.09 Effective Date.

**CHAPTER 110 Definitions**

- Section 110.01 Interpretation of Terms and Words.
- Section 110.02 Definitions.

**CHAPTER 120 Districts and Their Boundaries**

- Section 120.01 Establishment of Districts.
- Section 120.02 Zoning District Map.
- Section 120.03 Interpretation of District Boundaries.

**CHAPTER 130 General Provisions**

- Section 130.01 Required Lot Area to be Maintained.
- Section 130.02 Required Yards to be Maintained.
- Section 130.03 Visibility at Intersections.
- Section 130.04 Access to Other Districts Prohibited.
- Section 130.05 Zoning Lots to Front on a Street.
- Section 130.06 Open Dumping of Wastes Not Permitted.
- Section 130.07 Accessory Buildings and Uses.
- Section 130.08 Swimming Pools, Ponds and Lakes.
- Section 130.09 Satellite Dish Regulations.
- Section 130.10 Ditches and Swales.
- Section 130.11 Required Public Utilities.
- Section 130.12 Agricultural Use Exemption.
- Section 130.13 Public Utility Railroad and Telecommunications Towers Exemption.
- Section 130.14 Location of Permanently Sited Manufactured Home.
- Section 130.15 Construction of Fences in Easements.
- Section 130.16 Nuisances Prohibited.

**CHAPTER 140 Temporary Structures and Uses**

- Section 140.01 Purpose.
- Section 140.02 Permitted Temporary Uses and Structures.

- Section 140.03 General Standards for Temporary Uses and Structures.
- Section 140.04 Construction Dumpsters.
- Section 140.05 Construction Trailers.
- Section 140.06 Festivals and Open-Air Carnivals.
- Section 140.07 Mobile Food Facilities.
- Section 140.08 Outdoor Retail Sales Associated with Existing Retail Establishment.
- Section 140.09 Portable On-Demand Storage Units.
- Section 140.10 Real Estate Sales/Model Home.

**TITLE II DISTRICT REGULATIONS****CHAPTER 210 Single-Family Residential District Regulations**

- Section 210.01 Intent.
- Section 210.02 Use Regulations.
- Section 210.03 Schedule of Permitted Uses.
- Section 210.04 Lot Requirements.
- Section 210.05 Yard Requirements.
- Section 210.06 Height Regulations for Principal Buildings.
- Section 210.07 Dwelling Unit Area Requirements.
- Section 210.08 Accessory Use Regulations.
- Section 210.09 Regulations for Home Occupations.
- Section 210.10 Family Day Care Home, Type "B"
- Section 210.11 Agricultural Uses in Residential Districts.
- Section 210.12 Stormwater

**CHAPTER 230 Multi-Family Residential District Regulations**

- Section 230.01 Intent.
- Section 230.02 Use Regulations.
- Section 230.03 Schedule of Permitted Uses.
- Section 230.04 Area and Density Regulations.
- Section 230.05 Site Development Regulations.
- Section 230.06 Height Regulations.
- Section 230.07 Dwelling Unit Floor Area Requirements.
- Section 230.08 Accessory Use Regulations.
- Section 230.09 Landscaping and Screening Requirements.
- Section 230.10 Design Standards.
- Section 230.11 Site Improvement Standards.
- Section 230.12 Development Plan Review.

**CHAPTER 250 Business and Industrial District Regulations**

- Section 250.01 Intent.
- Section 250.02 Use Regulations.
- Section 250.03 Schedule of Permitted Uses.
- Section 250.04 Lot Requirements.
- Section 250.05 Building Setback Requirements.
- Section 250.06 Height Regulations.
- Section 250.07 Parking Setback Requirements.
- Section 250.08 Accessory Use Regulations.

- Section 250.09 Landscaping and Screening Requirements.
- Section 250.10 Performance Standards.
- Section 250.11 Supplemental Regulations for Gasoline Stations.
- Section 250.12 Development Plan Review.

**CHAPTER 260 Planned Development District Regulations**

- Section 260.01 Purpose.
- Section 260.02 Application of Planned Development Regulations.
- Section 260.03 Prior Planned Developments.
- Section 260.04 Planned Development District Types.
- Section 260.05 Approval of Planned Developments.
- Section 260.06 Minimum Project Area.
- Section 260.07 Permitted Principal Uses.
- Section 260.08 Accessory Uses.
- Section 260.09 Density and Intensity Standards.
- Section 260.10 Setback and Separation Requirements.
- Section 260.11 Required Open Space Standards.
- Section 260.12 Street, Common Drive and Sidewalk Requirements.
- Section 260.13 Owners' Associations.
- Section 260.14 Additional Requirements and Deviations.
- Section 260.15 Phased Development.
- Section 260.16 Plan Approval.

**CHAPTER 270 Conditional Use Regulations**

- Section 270.01 Intent.
- Section 270.02 General Criteria for all Conditional Uses.
- Section 270.03 Specific Standards for Conditional Uses in Residential Districts.
- Section 270.04 Schedule of Regulations for Conditional Uses in Residential Districts.
- Section 270.05 Specific Standards for Conditional Uses in Business and Industrial Districts.

**CHAPTER 280 Use-Specific Standards**

- Section 280.01 Intent.
- Section 280.02 Supplemental Standards for Residential Uses.
- Section 280.03 Supplemental Standards for Community Services/Facilities and Open Space/Recreation Uses.
- Section 280.04 Supplemental Standards for Business and Industrial Uses.
- Section 280.05 Supplemental Standards for Solar and Wind Energy Systems.
- Section 280.06 Adult Entertainment.

**CHAPTER 290 Design Standards and Guidelines**

- Section 290.01 Intent.
- Section 290.02 Applicability.
- Section 290.03 Consistency with Comprehensive Plan.
- Section 290.04 Design Guidelines Applicable to all Nonresidential Districts.
- Section 290.05 Town Center Planned Developments Mixed-Use Developments.
- Section 290.06 Business Park Planned Developments.

**TITLE III REGULATIONS APPLICABLE TO ALL DISTRICTS****CHAPTER 310 Off-Street Parking and Loading Regulations**

- Section 310.01 Intent.
- Section 310.02 Parking Facilities Required.
- Section 310.03 Units of Measure.
- Section 310.04 Required Off-Street Parking Spaces.
- Section 310.05 Allowance for Shared Parking.
- Section 310.06 Deferred Construction of Required Spaces.
- Section 310.07 Off-Street Waiting Spaces for Drive-thru Facilities.
- Section 310.08 Parking Spaces for Persons with Disabilities.
- Section 310.09 Parking Design Standards.
- Section 310.10 Regulations for Access Drives.
- Section 310.11 Off-Street Loading Requirements.
- Section 310.12 Improvement and Maintenance Standards.
- Section 310.13 Parking Lot Landscaping and Screening.
- Section 310.14 Development Plan Review.

**CHAPTER 320 Signs**

- Section 320.01 Intent.
- Section 320.02 Classification of Signs.
- Section 320.03 Computations.
- Section 320.04 Maximum Sign Area Permitted.
- Section 320.05 Regulations for Freestanding Signs.
- Section 320.06 Maximum Height of Freestanding Signs.
- Section 320.07 Supplemental Regulations.
- Section 320.08 Electronic Message Centers.
- Section 320.09 Signs Exempt from Regulation.
- Section 320.10 Prohibited Signs.
- Section 320.11 Criteria for the Design and Construction of Signs.
- Section 320.12 Maintenance.
- Section 320.13 Administrative Procedures.
- Section 320.14 Regulations of Nonconforming Signs.

**CHAPTER 330 Landscaping and Screening Requirements**

- Section 330.01 Intent.
- Section 330.02 Screening and Buffering When Lot Abuts a Residential District.
- Section 330.03 Landscaping along Streets and in Front Yards in non-residential districts.
- Section 330.04 Landscaping and Screening in Side and Rear Yards.
- Section 330.05 Screening and Landscaping of Parking Lots.
- Section 330.06 Screening of Accessory Uses.
- Section 330.07 Landscaping and Maintenance of Yards.
- Section 330.08 Lighting Standards.
- Section 330.09 Approval Process for Required Landscaping, Fences and Walls.

**CHAPTER 340 Non-Conforming Uses, Buildings, Lots and Structures**

- Section 340.01 Intent.
- Section 340.02 Nonconforming Buildings or Structures.
- Section 340.03 Nonconforming Use of Buildings and Land.
- Section 340.04 Nonconforming Parking Facilities.
- Section 340.05 Nonconforming Signs.
- Section 340.06 Nonconforming Lots.
- Section 340.07 Nonconforming Use due to Reclassification.
- Section 340.08 Change from Nonconforming Use.
- Section 340.09 Existing Use Deemed Conditional Use; Permit Required for Change.
- Section 340.10 Determination of Nonconforming Status.
- Section 340.11 Completion of Construction with Zoning Certificate.

**CHAPTER 350 Wireless Telecommunication Facilities Regulations**

- Section 350.01 Intent.
- Section 350.02 Definitions.
- Section 350.03 Permitted Locations.
- Section 350.04 Locations Requiring Conditional Use Approval.
- Section 350.05 Standards Applicable to all Wireless Telecommunication Tower Facilities.
- Section 350.06 FCC Compliance.

**CHAPTER 360 Oil and Gas Regulations**

- Section 360.01 Intent.
- Section 360.02 Districts in Which Permitted.
- Section 360.03 Location and Spacing.
- Section 360.04 Landscaping and Screening.
- Section 360.05 On-Site Oil Storage.
- Section 360.06 Disposal of Waste.
- Section 360.07 Lighting.
- Section 360.08 Access Road Standards.
- Section 360.09 Fences.
- Section 360.10 Dikes Required.
- Section 360.11 Performance Standards.
- Section 360.12 Plot Plan Required.

**CHAPTER 370 Land Clearing and Tree Preservation Regulations**

- Section 370.01 Purpose.
- Section 370.02 Permitted Land Clearing.
- Section 370.03 Regulations for Topsoil Removal.
- Section 370.04 Regulations for Tree Preservation.
- Section 370.05 Permit Required.
- Section 370.06 Completion of Land Clearing Activities.
- Section 370.07 Exemptions.

**CHAPTER 380 Riparian and Wetland Setbacks**

- Section 380.01 Intent.
- Section 380.02 Comprehensive Storm Water Management Legislation.

- Section 380.03 Application.
- Section 380.04 Designated Watercourses and Riparian Setbacks.
- Section 380.05 Establishment of Wetland Setbacks.
- Section 380.06 Procedure for Wetland Setbacks.
- Section 380.07 Delineation of Riparian and Wetland Setbacks.
- Section 380.08 Conditions to Be Maintained Within Delineated Riparian And Wetland Setbacks.
- Section 380.09 Uses Permitted in Riparian and Wetland Setbacks.
- Section 380.10 Uses Prohibited in Riparian and Wetland Setbacks.
- Section 380.11 Nonconforming Structures or Uses in Riparian and Wetland Setbacks.
- Section 380.12 Variances Within Riparian and Wetland Setbacks.
- Section 380.13 Boundary Interpretation and Appeals Procedure.
- Section 380.14 Inspection of Riparian and Wetland Setbacks.
- Section 380.15 Cost of Consultations.
- Section 380.16 Conflicts, Severability, Nuisances and Responsibility.
- Section 380.17 Violations and Penalties.

**TITLE IV ADMINISTRATIVE AUTHORITY****CHAPTER 410 Zoning Inspector**

- Section 410.01 Zoning Inspector.
- Section 410.02 Powers and Duties of the Zoning Inspector.

**CHAPTER 420 Zoning Commission**

- Section 420.01 Establishment of Commission.
- Section 420.02 Composition and Appointment.
- Section 420.03 Quorum.
- Section 420.04 Meetings.
- Section 420.05 Proceedings.
- Section 420.06 Powers and Duties.

**CHAPTER 430 Board of Zoning Appeals**

- Section 430.01 Establishment of Board.
- Section 430.02 Composition and Appointment.
- Section 430.03 Quorum.
- Section 430.04 Meetings.
- Section 430.05 Witnesses.
- Section 430.06 Proceedings.
- Section 430.07 Powers and Duties.

**TITLE V ADMINISTRATIVE PROCEDURES, ENFORCEMENT****CHAPTER 510 Zoning Certificates**

- Section 510.01 Zoning Certificate Required.
- Section 510.02 Agricultural Uses Exempt.
- Section 510.03 Zoning Certificate Application Requirements.
- Section 510.04 Review for Completeness.
- Section 510.05 Approval of Zoning Certificate.

- Section 510.06 Denial of Zoning Certificate When Violation(s) Exist.
- Section 510.07 Submission to Director of Transportation.
- Section 510.08 Expiration of Zoning Certificate.
- Section 510.09 Setting and Maintenance of Stakes.
- Section 510.10 Zoning Certificate to be Posted.
- Section 510.11 Appeal of Zoning Inspector Denial of Zoning Certificate.
- Section 510.12 Zoning Compliance Certificate.
- Section 510.13 Zoning Compliance Certificate Application Requirements.
- Section 510.14 Temporary Use Permits.

**CHAPTER 520 Development Plan Review**

- Section 520.01 Intent.
- Section 520.02 Review for Completeness.
- Section 520.03 Development Plan Review Required.
- Section 520.04 Submission of a General Development Plan for PDs.
- Section 520.05 General Development Plan Review Procedures.
- Section 520.06 Crucial Features of the General Development Plan.
- Section 520.07 Effect of Approval of General Development Plans.
- Section 520.08 Submission of a Detailed Development Plan.
- Section 520.09 Zoning Commission Review.
- Section 520.10 Zoning Commission Determination of a Detailed Development Plan.
- Section 520.11 Recommendation by Zoning Commission and Action by Township Trustees.
- Section 520.12 Timeframe of Approval.
- Section 520.13 Significance of an Approved Plan; Plan Revisions.
- Section 520.14 Modifications to Approved General or Detailed Development Plans.

**CHAPTER 530 Conditional Use Permits**

- Section 530.01 Intent.
- Section 530.02 Submission of Application.
- Section 530.03 Review for Completeness.
- Section 530.04 Distribution of Application.
- Section 530.05 Public Hearing and Notice by Board of Zoning Appeals.
- Section 530.06 Review Criteria.
- Section 530.07 Action by Board of Zoning Appeals.
- Section 530.08 Terms and Duration of Conditional Use Permit.
- Section 530.09 Reapplication.

**CHAPTER 540 Appeals and Variances**

- Section 540.01 Appeals to the Board of Zoning Appeals.
- Section 540.02 Initiation of Appeal.
- Section 540.03 Public Hearing by the Board.
- Section 540.04 Stay of Proceedings.
- Section 540.05 Decision of the Board.
- Section 540.06 Variance as a Type of Appeal.
- Section 540.07 Appeals to the Court of Common Pleas.

**CHAPTER 560 Amendments**

- Section 560.01 Authority for Amendments.

- Section 560.02 Initiation of Zoning Amendments.
- Section 560.03 Map Amendments Initiated by Property Owner(s).
- Section 560.04 Amendments Initiated by Zoning Commission.
- Section 560.05 Amendments Initiated by Trustees.
- Section 560.06 Amendments filed with the county.
- Section 560.07 Guidelines when Considering Amendments to the Zoning Map.

**CHAPTER 580 Enforcement and Penalty**

- Section 580.01 Zoning Inspector to Enforce Resolution.
- Section 580.02 Construction and Use to Comply with Approved Plans, Permits and Certificates.
- Section 580.03 Actions to Bring about Compliance with Zoning Regulations.
- Section 580.04 Penalty.

**TITLE I**  
**PURPOSE, INTERPRETATION, ESTABLISHMENT**

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**CHAPTER 101**  
**Purpose, Interpretation**

|        |   |        |                                    |
|--------|---|--------|------------------------------------|
| 101.01 | Purpose.  | 101.06 | Compliance with Ohio Revised Code. |
| 101.02 | Short title.  | 101.07 | Validity and separability.         |
| 101.03 | Interpretation.                                       | 101.08 | Measurements and computations.     |
| 101.04 | Compliance with regulations.                          | 101.09 | Effective date.                    |
| 101.05 | Compliance with building and subdivision regulations. |        |                                    |

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**SECTION 101.01 PURPOSE.**

The board of township trustees may regulate buildings and land uses in the township for public purposes as set forth in Section 519.02 of the Ohio Revised Code, except as otherwise provided by law. As such, Olmsted Township may divide all or any part of the township into districts, or zones of such number, shape, and areas as the Board determines. All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone, but the regulation or zone may differ from those in other districts or zones, except as otherwise permitted for Planned Development Districts.

**SECTION 101.02 SHORT TITLE.**

This resolution shall be known as the "Zoning resolution of Olmsted Township, Cuyahoga County, Ohio" and may be referred to herein as "this resolution" or "this zoning resolution."

**SECTION 101.03 INTERPRETATION.**

In their interpretation and application, the provisions of this resolution, and any amendments thereto, shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare as allowable by law. Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, including provisions within this resolution, the most restrictive, or that imposing the higher standards, shall govern unless otherwise clearly specified.

**SECTION 101.04 COMPLIANCE WITH REGULATIONS.**

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building, structure or land be used in a manner that does not comply with the district provisions established by these regulations for the district in which the building, structure or land is located.

**SECTION 101.05 COMPLIANCE WITH BUILDING AND SUBDIVISION REGULATIONS.**

All structures shall comply with the standards and requirements of the building regulations adopted and administered by the Olmsted Township Building Department; and, where applicable, the

Cuyahoga County Land Development Regulations as adopted and administered by the Cuyahoga County Planning Commission and the Cuyahoga County Department of Public Works.

**SECTION 101.06 COMPLIANCE WITH OHIO REVISED CODE.**

The Zoning Resolution of Olmsted Township, Cuyahoga County, Ohio shall follow all rules and regulations as set forth in the Ohio Revised Code.

**SECTION 101.07 VALIDITY AND SEPARABILITY.**

- (a) If any court of competent jurisdiction invalidates any provision of this resolution, or amendments thereto, such decision shall not affect the validity of the remaining portions of this resolution or amendments thereto.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

**SECTION 101.08 MEASUREMENTS AND COMPUTATIONS.**

- (a) Percentages and Fractions. When a calculation required by this resolution results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of 0.5 percent or less shall be rounded down to the next lower whole number and any percentage greater than 0.5 percent shall be rounded up to the next higher whole number.
- (b) Distance Measurements. Unless otherwise expressly stated, distances specified in this resolution are to be measured as the length of an imaginary straight line joining those points.

**SECTION 101.09 EFFECTIVE DATE.**

This resolution, and amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law.

- (a) Violations Continue. Any violation under previous zoning resolutions that applied to the township prior to the adoption or amendment of this zoning resolution shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under Chapter 580 Enforcement and Penalties, unless the use, development, construction, or other activity complies with the provisions of this zoning resolution.
- (b) Nonconformities Continue.
  - (1) Any legal nonconformity under any previous zoning resolutions that applied to the township prior to the adoption of this zoning resolution shall continue to be a legal nonconformity under this zoning resolution, as long as the situation

that resulted in the nonconforming status under the previous resolutions continues to exist.

- (2) If a legal nonconformity under any previous resolutions that applied to the township prior to the adoption of this zoning resolution becomes conforming because of the adoption of this zoning resolution, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.
- (c) Approved Projects.
  - (1) Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of a certificate of occupancy from the Olmsted Township Building Department.
  - (2) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.
  - (3) Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.
- (d) Vested Rights. The transitional rule provisions of Section 101.09 (a) through Section 101.09 (c) of this resolution are subject to Ohio's vested rights laws.

**CHAPTER 110**  
**Definitions**

110.01 Interpretation of terms and words. 110.02 Definitions.

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**SECTION 110.01 INTERPRETATION OF TERMS AND WORDS.**

For the purpose of this resolution, certain terms and words used herein shall be interpreted as follows:

- (a) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (d) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
- (e) The word "lot" includes the words "plot" or "parcel."

**SECTION 110.02 DEFINITIONS.**

- (a) Words used in this resolution are used in their ordinary English usage.
- (b) For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:

**ABUTTING OR ADJACENT:** The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**ACCESS DRIVE:** A paved strip which provides a vehicular connection between off-street parking spaces and a public street.

**ACTIVE PARK:** Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities with the exception of bike and hike trails and golf courses.

**ADMINISTRATIVE, PROFESSIONAL, BUSINESS OFFICES:** Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

**ADULT DAY-CARE FACILITY:** An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.

**AGRICULTURE:** The cultivating of land for the raising or production of crops, flowers, vegetables, trees, ornamental plants or grapes; the raising of livestock, poultry or bees on a commercial scale; and/or the breeding, raising and care of horses, dogs or similar domesticated animals. As used in Sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming, ranching; aquaculture; apiculture; horticulture; viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**ANIMAL CLINIC/VETERINARIAN OFFICE:** A place where animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use.

**ASSEMBLY HALL/MEETING PLACE/ COMMUNITY CENTER:** An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions, and which may include kitchen facilities.

**ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a planned residential development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.

**AUTOMATED TELLER MACHINE (ATM):** An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

**AUTOMOBILE SERVICE STATION (See also Gasoline Station):** A building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in AUTO REPAIR GARAGE shall not be permitted.

**AUTO REPAIR GARAGE:** A building or part of a building that is used for the major repair, rebuilding or reconstruction of motor vehicles or parts thereof including collision service, painting, washing and steam cleaning of vehicles.

**AUTOMOBILE WRECKING YARD:** A business enterprise involved in the dismantling or wrecking of used motor vehicles, mobile homes and trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**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 ESTABLISHMENT:** A single-family dwelling that offers sleeping accommodations in four or fewer rooms for rent on a temporary basis and which is used by the operator as his/her primary residence.

**BOARD OF ZONING APPEALS:** The Board of Zoning Appeals for Olmsted Township, Cuyahoga County, Ohio, also referred to as BZA.

**BUFFER:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**BUILDING:** Any structure, either temporary or permanent, that has a roof supported by columns or walls, and designed or intended for the enclosure, shelter or protection of persons, animals or property.

**BUILDING, ACCESSORY:** A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed subsequent to the main use of the principal building or land.

**BUILDING, AGRICULTURAL:** Any building incidental to the use of land for agricultural purposes. Typical agricultural buildings are barns, coops, sheds for storage of cultivating machinery and roadside stands for the sale of produce grown on the land occupied by the agricultural use.

**BUILDING 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.

**BUILDING ENVELOPE:** An area within a planned residential development that is designated as a location in compliance with the building setback and spacing requirements established by the township zoning regulations within which a dwelling unit is to be placed. A building envelope may or may not be located within a sublot and may or may not have frontage on a public street.

**BUILDING FRONTAGE:** See definition of "frontage, building."

**BUILDING LINE (FRONT FAÇADE):** A line that runs parallel and adjacent to the primary building façade.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS SERVICE USES:** Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

**BULK REGULATIONS:** Standards that control the height, density, intensity and location of structures.

**CAR/TRUCK SALES/RENTAL FACILITY:** Retail establishments selling and/or renting automobiles, trucks, vans and/or, motorcycles. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership; tire recapping establishments; businesses dealing exclusively in used parts; or service stations.

**CAR WASH:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

**CATERING ESTABLISHMENT:** An enterprise that prepares food and beverages for off-site consumption.

**CEMETERY FUNERAL HOME:** A building or part thereof used for human funeral services and located on the same lot as a cemetery. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) cremation; (d) the sale of funeral and related ancillary services; (e) the sale and storage of caskets, funeral urns, and other related funeral supplies; (f) funeral visitations and ceremonies; (g) the storage of funeral vehicles; and (h) all other funeral and related ancillary services as may be permitted under Ohio law.

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

**CHILD DAY-CARE CENTER:** Any place other than a family day-care home in which child day-care is provided.

**COMMERCIAL ENTERTAINMENT, FITNESS OR RECREATION (INDOORS):** Any commercial activity that is related to the entertainment, fitness, or sports industry, except adult entertainment establishments, that may include, but is not limited to motion picture theaters, indoor pools, bowling alleys, skating rinks, indoor tennis courts, membership sports/fitness clubs and similar activities.

**COMMERCIAL ENTERTAINMENT OR RECREATION (OUTDOORS):** Any outdoor commercial activity that is related to the entertainment or sports industry such as outdoor commercial swimming pools (subject to the community pool provisions), miniature golf, golf courses, driving ranges, and similar activities. See also the definitions for "active parks" and "commercial entertainment or recreation (indoors)."

**COMMON AREA:** Any land area, and associated facilities, that is held in common ownership by the owners and occupants of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.

**COMMON DRIVE:** A private way which provides vehicular access to at least two but not more than four dwelling units.

**COMMON OPEN SPACE:** The portion of the common area within a planned residential development that is of sufficient size and shape to meet the minimum zoning requirements.

**COMMUNITY GARDEN:** A lot, or portion of a lot, managed by a public or nonprofit organization or group of individuals to grow plants and harvest food or ornamental crops, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**COMPREHENSIVE PLAN:** A long-range plan for Olmsted Township that has been officially adopted by the Olmsted Township Board of Trustees which is intended to guide decisions regarding the growth and development of Olmsted Township. It includes recommendations for the Township's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the Township's goals and objectives for these elements.

**CONDITIONAL USE PERMIT:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district on a specific parcel.

**CONSTRUCTION DUMPSTER:** A container used for the temporary storage of rubbish or materials related to the related construction site or project.

**CONSTRUCTION TRAILER:** A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

**CULTURAL INSTITUTIONS:** Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

**DENSITY:** The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this resolution, density shall mean gross density as defined in "density, gross."

**DENSITY, GROSS:** Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development.).

**DENSITY, NET:** The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, rights-of-way, open space set-asides, and/or other public dedications.

**DEVELOPMENT:** Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filing, grading, paving, excavation, or drilling.

**DISTRIBUTION FACILITY:** An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including but not limited to the breakdown of large orders from a single source into smaller orders, or the consolidation of several orders into one large one.

**DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include "car wash", "gasoline station", and "automobile service station."

**DRIVEWAY, PRIVATE RESIDENCE:** A paved drive extending from the street pavement to a private

garage or garages on a residential lot which is used by residents of the lot for vehicular access to and from such street and for the temporary storage of registered and licensed motor vehicles.

**DWELLING:** Any building or structure (except a house trailer or mobile 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.

**DWELLING, APARTMENT:** A dwelling containing not less than three (3) nor more than twenty-four (24) dwelling units arranged so that entrances to two or more dwellings open onto a hallway or similar space.

**DWELLING, ATTACHED SINGLE-FAMILY:** Dwelling units which are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

**DWELLING, CLUSTER SINGLE-FAMILY:** A dwelling which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.

**DWELLING, DETACHED SINGLE-FAMILY:** A dwelling designed and used for one family situated on a parcel having a front, side and rear yard.

**DWELLING, TWO-FAMILY RESIDENTIAL:** A dwelling containing two (2) dwelling units arranged so that each dwelling unit has no less than two private exterior entrances at ground level.

**DWELLING UNIT:** Space within a dwelling, comprising 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 and its household employees.

**EASEMENT:** Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

**EXCAVATION:** The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

**EXPANSION:** An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

**FAÇADE:** The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**FAMILY:** One individual, any number of individuals related by blood, adoption or marriage plus no more than three (3) unrelated individuals, or not more than four (4) unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined.

**FAMILY DAY CARE HOME, TYPE B:** According to ORC 5104.01(E), "type B family day-care home"

and "type B home" mean a permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.

**FENCE:** Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.

**FINANCIAL ESTABLISHMENT:** A bank, trust company, bank and trust company, or savings bank organized under the laws of the state of Ohio, or any national banking association or affiliate exercising trust powers in Ohio.

**FLEET VEHICLES:** Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

**FLOOR AREA (COMMERCIAL AND INDUSTRIAL BUILDINGS):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar area.

**FLOOR AREA, DWELLING UNIT:** The sum of the gross horizontal area of the floors of a dwelling unit above the basement level, including those rooms and closets having a minimum ceiling height of 7 feet 6 inches, measured from interior face of exterior walls or from the centerline of party walls between attached units. In order to be included as part of a dwelling unit, rooms above the first floor shall be directly connected to one another by permanent stairs and halls.

**FRONTAGE, BUILDING:** The length of the facade of an enclosed building facing a public or private street.

**FRONTAGE, STREET:** The line(s), or portion of, bounding the perimeter of a lot, tract, or parcel which abuts, is coincident with and parallel to, the centerline of a public street right-of-way; or which abut and is coincident to the right-of-way line of a permanent public terminus or cul-de-sac. Further, "street frontage" shall not include the cross-section width of a stub street as defined by this chapter.

**FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**GAME COURT:** A structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volley ball, paddle tennis, handball, baseball, batting, handball, racquet ball, squash, basketball, or similar games. For the purposes of this Resolution, a

**GARAGE, PRIVATE:** A detached accessory building or portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building including travel trailers and/or boats, with no facilities for mechanical service or repair of a commercial or public nature.

**GASOLINE STATION** (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.

**GRADE, FINISHED:** The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.

**GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.

**GRASS:** A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

**GROUND COVER:** A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**HANDICAPPED:** A physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.

**HEDGE:** A line of closely spaced shrubs and tree species planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

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

**HEIGHT OF STRUCTURES:** The vertical distance measured from the surrounding natural grade to the top-most element of the structure.

**HOME FOR HANDICAPPED PERSONS, FAMILY:** A residential facility that provides room and board, personal care, rehabilitative or habitative services, and supervision in a family setting for 5 to 8 handicapped persons. (See HANDICAPPED.) One to 4 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Ordinance (see FAMILY), and are not subject to the conditional use regulations for family homes. The term "family home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.

**HOME FOR HANDICAPPED PERSONS, GROUP:** A residential facility that provides room and board, personal care, rehabilitative and habitative services, and supervision in a family setting for at least 9 handicapped persons. (See HANDICAPPED.) The term "group home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.

**HOME OCCUPATION:** A business enterprise conducted within the confines of a dwelling unit which is subordinate and incidental to the use of the premises as a dwelling, and which is carried on by a person who resides in such dwelling unit.

**HOTEL, MOTEL:** A building in which lodging, with or without meals, is offered for compensation and in which there are five or more sleeping rooms.

**HOUSE TRAILER:** Any self-propelling or non-self-propelling vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy therein for human habitation whether resting on wheels, jacks, or other foundations and used or so constructed as to permit its being used as a conveyance upon the public highways.

**IMPERVIOUS SURFACE:** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

**INOPERABLE MOTOR VEHICLE:** Any motor vehicle, licensed or unlicensed, without regard to its age or value, and which is apparently inoperable, or is in such condition that it could not be legally operated on the public streets, or is in an extensively damaged, dilapidated, or disassembled condition.

**INSTRUCTIONAL STUDIOS:** An establishment that provides educational programs, workshops, or classes in art or health and fitness, including but not limited to, art studios, dance studios, and photography studios.

**LANDSCAPED AREA:** An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material and which may include pedestrian walks and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

**LARGE LOT CEMETERY:** A cemetery occupying all or a portion of a lot of not less than two hundred fifty (250) acres.

**LAUNDRY, LARGE SCALE COMMERCIAL:** Establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and on-site carpet and upholstery cleaners. Does not include coin-operated laundries or dry-cleaning pick-up.

**LIGHT POLLUTION:** Artificial light that causes a detrimental effect on the environment or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

**LOT:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces are herein required. The term "zoning lot" is used synonymously with "lot" in this zoning resolution. Such lot shall have frontage on an

improved public street but not include any portion thereof, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**LOT AREA:** The area contained within the lot lines exclusive of any portion of the right-of-way of any public street.

**LOT, CORNER:** A lot abutting two streets at their intersection where the angle of the intersection is not less than 45 degrees nor more than 135 degrees.

**LOT, INTERIOR:** A lot abutting or with frontage on only one street.

**LOT COVERAGE:** That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

**LOT DEPTH:** The distance between mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**LOT LINE:** The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

- (1) **FRONT LOT LINE:** The line separating an interior lot from the street right-of-way on which the lot fronts, or the shortest line of a corner lot that abuts a street, except that when the lot lines abutting streets are of equal lengths, the front lot line shall be the lot line abutting the street having the longest block frontage.
- (2) **REAR LOT LINE:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lotline.
- (3) **SIDE LOT LINE:** Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the Cuyahoga County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front setback line.

**MAIN USE:** See definition of "Principal Use" under the broader definition of "use."

**MANUFACTURED HOME:** A dwelling unit fabricated at an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et. seq.).

**MEDICAL AND DENTAL OFFICES OR CLINICS:** Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This definition does not include hospitals or convalescent homes.

**MIXED USE DEVELOPMENT:** A lot or building that contains a mixture of uses that are permitted in the applicable zoning district.

**MOBILE FOOD FACILITY:** A licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately-owned lot where food items are sold to the general public.

**MODEL HOME:** A residential structure constructed as part of a residential development that, prior to occupancy as a residence, is used as office space by the subdivision developer or builder for marketing lots and/or units in the subdivision.

**NONCONFORMING STRUCTURE:** A building or other structure existing when this resolution or any amendment thereto became effective which does not conform to the regulations governing structures of the district in which it is located.

**NONCONFORMING LOT:** A lot lawfully existing on the effective date of this zoning resolution or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.

**NONCONFORMING SITE CONDITION:** Any structure lawfully existing on the effective date of this zoning resolution or any amendment thereto, which, on such effective date, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

**NONCONFORMING USE:** A use of a structure or land which was lawful when this resolution or any amendment thereto became effective but which does not conform to the use regulations, off-street parking and loading requirements, or performance standards of the district in which it is located.

**NURSING HOME:** An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.

**OUTDOOR DINING:** An outdoor area located on the same property as a restaurant, or retail food establishment that allows for tables and chairs for outdoor table service or self-service dining.

**OUTDOOR DISPLAY AND SALES:** The placement of products or materials for sale outside of a retail establishment. See Section 280.04 (j) Outdoor Display and Sales.

**OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours.

**OWNER:** A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; and person having a vested or contingent interest in the property in question.

**PARAPET OR PARAPET WALL:** That portion of a building wall that rises above the roof level.

**PARCEL:** A distinct portion or tract of land as is recorded and distinguished in the Cuyahoga County Auditor's property records. See also definition of "lot."

**PARKING AISLE:** The driveway or access drive by which a car enters and departs a parking space.

**PARKING LOT:** A paved area made up of marked parking spaces. Also known as a parking area.

**PARKING SPACE:** A paved, rectangular area outside the public street right-of-way defined on three sides by painted lines, raised curbs or a combination thereof which is used for the temporary storage of registered and licensed motor vehicles.

**PATIO, UNENCLOSED:** Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground.

**PASSENGER CAR:** Any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

**PERFORMANCE STANDARD:** A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.

**PERSONAL SERVICE ESTABLISHMENTS:** Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, informational and instructional services, tanning salons, and portrait studios.

**PLACES OF WORSHIP:** A building, structure, or other indoor or outdoor facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue" and "temple" and their uses and activities which are customarily related.

**PLAN, DEVELOPMENT:** Drawing(s) and map(s) illustrating the proposed design, layout and other features for the development of one or more lots.

- (1) **GENERAL DEVELOPMENT PLAN:** Drawings and maps including all the elements set forth in Section 520.04.
- (2) **DETAILED DEVELOPMENT PLAN:** Drawings and maps including all the elements set forth in Section 520.08.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land to be planned and developed as a single entity, in which a variety of housing units are accommodated under more flexible standards, such as lot size and setbacks, than those that would normally apply under single-family district regulations, allowing for the clustering of houses to preserve common open space.

**PORCHES OR DECKS:** An enclosed or unenclosed surface area attached to a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches.

**PORTABLE ON-DEMAND STORAGE UNITS:** Any container, storage unit, shed-like container or other portable structure that can or is used for the temporary storage of personal property of any kind and which is located outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

**PROJECT BOUNDARY:** The boundary defining the tract(s) of land which are included in a proposed development to meet the minimum required project area for a planned residential development or multi-family development. The term "project boundary" shall also mean "development boundary".

**PUBLIC HEARING:** A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.

**PUBLIC SAFETY FACILITY:** A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area.

**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, a railroad, whether publicly or privately owned, or a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**RADIO AND TELEVISION FACILITY:** Facilities used to produce, operate, or develop radio or television programs for distribution through various telecommunication formats but that do not include on-site towers or satellites.

**REAL ESTATE SALES/MODEL HOME:** A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**RESEARCH AND TESTING LABORATORY:** A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESTAURANT - COUNTER SERVICE:** A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.

**RESTAURANT - TABLE-SERVICE:** A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.

**RETAIL ESTABLISHMENT:** An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Zoning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.

**RIGHT-OF-WAY:** A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include

special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**RIGHT-OF-WAY LINE:** The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."

**ROADSIDE STAND:** A temporary structure used solely for the sale of produce grown on the premises by the owner or owners of the property.

**ROOF LINE:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**SALES OFFICES AND SHOWROOMS:** Office or retail space designed to provide an area to demonstrate or show certain goods and materials that are large-scale or not necessarily a component of typical retail commercial uses including, but not limited to, kitchen showrooms, plumbing supply sales, appliance showrooms, office furniture supplies, etc.

**SCHOOL FACILITIES:** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.

**SELF-STORAGE FACILITIES:** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

**SETBACK LINE (See also "Yard, Required"):** A line established by this zoning resolution generally parallel with and measured from the lot line, defining the limits of the required yard in which no building, or structure may be located above ground, except as may be provided in this zoning resolution. The term "setback line" shall also include "required setback line" and "setback."

**SIGN:** Any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations.

**SMALL SCALE WIND ENERGY FACILITY:** a wind energy facility with one or more wind turbines, with a rated nameplate capacity of not more than 100kW/0.1MW and which is used primarily to reduce on-site consumption of utility power.

**SOLAR ENERGY SYSTEM:** An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. Includes passive solar and active solar systems.

**STREET, CUL-DE-SAC:** A local street with one end open to traffic and the other end terminating in a vehicular turn-around.

**STREET, INTERIOR:** A street wholly within the boundaries of a multi-family residential development.

**STREET, LOCAL:** A street primarily for providing access to residential or other abutting property.

**STREET, MAJOR:** A street, also known as a collector, which primarily carries traffic from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

**STREET, PUBLIC:** An existing State, County, or dedicated Township Road or public road shown on the recorded subdivision plat.

**STREET, STUB:** A nonpermanent dead-end street that is intended to be extended in conjunction with the subdivision and development of the adjacent unplatte land. Access from the stub street shall be permitted only along the frontage of such street to the lots in the subdivision containing the stub street. Stub streets are considered temporary.

**STRUCTURAL ALTERATION:** Any change, other than incidental repairs, which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**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.

**SWIMMING POOL, PRIVATE OR COMMUNITY:** An outdoor structure whether above or below grade level, capable of containing in excess of two feet of water at its deepest point and having more than 100 square feet of water surface, that is designed to be used for personal recreation (private swimming pool) or as a recreational amenity to a larger development (community swimming pool).

**TOWNSHIP TRUSTEES:** The Board of Township Trustees for Olmsted Township, Cuyahoga County, Ohio.

**USE:** The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

**USE, ACCESSORY:** A use of land incidental to the principal use of a lot or building located on the same lot. **USE, CONDITIONAL:** A use permitted within a district only with a conditional use permit approval from the Board of Zoning Appeals. See Chapter 530.

**USE, PRINCIPAL:** The primary or main use or activity of a building or lot.

**USE, TEMPORARY:** Any use which is established only for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structure.

**VARIANCE:** A modification of the strict terms of this zoning resolution in accordance with the relevant provisions of this resolution's Chapter 540.

**WALKWAY:** A public way, four or more feet in width, for pedestrian use only, which may or may not be located along the side of a road.

**WAREHOUSES:** Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

**WETLANDS:** An area of land, as defined by the U.S. Army Corps of Engineers and the Ohio EPA, at the time a plan is submitted, that is inundated or saturated by surface or ground water at a

frequency and duration sufficient to support, and that under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**WIRELESS TELECOMMUNICATIONS FACILITIES:** Facilities consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**YARD:** An open space on the same lot with a main building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.

**YARD, FRONT:** The area across the full width of the lot between the front of the main building and the front line of the lot.

**YARD, REAR:** A yard across the full width of the lot immediately in the rear of the main building.

**YARD, REQUIRED (See also Setback Line):** The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this zoning resolution.

**YARD, SIDE:** The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.

**ZONING COMMISSION:** The Zoning Commission for Olmsted Township, Cuyahoga County, Ohio,

**ZONING DISTRICT MAP:** An accurate map depicting the Township and indicating the boundaries of the zoning districts established by this resolution.

**CHAPTER 120**  
**Districts and Their Boundaries**

|        |                             |        |  |
|--------|-----------------------------|--------|--|
| 120.01 | Establishment of Districts. | 120.03 | Interpretation of District Boundaries. |
| 120.02 | Zoning Districts Map.       |        |  |

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**SECTION 120.01 ESTABLISHMENT OF DISTRICTS.**

Zoning districts are hereby established for the unincorporated territory of Olmsted Township, Cuyahoga County, Ohio. These districts and the identifying symbol associated with each are as follows:

Single-Family Residential "R" Districts

R-R      Rural Residential  
R-40 Single Family Residential District - 40,000 sq. ft.  
R-30 Single Family Residential District - 30,000 sq. ft.  
R-15 Single Family Residential District - 15,000 sq. ft.

Multi-Family Residential "RMF" Districts

RMF-T    Multi-Family Townhouse District  
RMF-A    Multi-Family Apartment District

Business and Industrial Districts

R-B      Retail Business District  
L-I      Light Industrial District  
L-OI     Limited Office/Industrial District

Planned Development Districts

PRD     Planned Residential Development District  
CPRD    Conservation Planned Residential Development District  
LRPD    Limited Retail Planned Development District  
TCPD    Town Center Planned Development District  
BPPD    Business Park Planned Development District

**SECTION 120.02 ZONING DISTRICT MAP.**

The districts and their boundary lines are indicated upon the map entitled "Olmsted Township Zoning District Map" or "Zoning District Map" which said map is made a part of this resolution. This Zoning District Map together with all notations, references, and other matters shown thereon are hereby declared a part of this resolution. The Zoning District Map shall bear the signatures of the Zoning Commission and Township Trustees.

If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map on the effective date of the amendment. The Zoning District Map shall be maintained in the office of the Township Zoning Inspector.

**SECTION 120.03                   INTERPRETATION OF DISTRICT BOUNDARIES.**

The district boundary lines are intended to follow the dedicated center lines of streets or their extensions, or lot lines or their extensions. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (a) **Where Boundaries Approximately Follow Streets, Alleys Or Highways:**  
Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way line of highways, such lines shall be construed to be such district boundaries.
- (b) **Where Boundaries Parallel Street Right-Of-Way Lines, Alley Lines, Or Highway Right-Of-Way Lines:**  
Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or 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 Follow Rail Lines:**  
Where a district boundary is so indicated that it approximately follows a railroad line, such boundary line shall be construed to be located in the middle of the tracks of such railroad line.
- (d) **Where Boundaries Approximately Follow Municipal Corporation Limits:**  
When district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- (e) **Vacation Of Public Ways:**  
Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.
- (f) **Dispute Concerning Location of Boundaries:**  
All disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals. The Comprehensive Plan, officially adopted by the Township Trustees, shall serve as a guide in resolving such disputes.

## CHAPTER 130

### General Provisions

|        |                                       |        |  |
|--------|---------------------------------------|--------|--|
| 130.01 | Required lot area to be maintained.   | 130.11 | Required public utilities.                                       |
| 130.02 | Required yards to be maintained.      | 130.12 | Agricultural use exemption.                                      |
| 130.03 | Visibility at intersections.          | 130.13 | Public utility railroad and telecommunications towers exemption. |
| 130.04 | Access to other districts prohibited. | 130.14 | Location of permanently sited manufactured home.                 |
| 130.05 | Zoning lots to front on a street.     | 130.15 | Construction of fences in easements.                             |
| 130.06 | Open dumping of wastes not permitted. | 130.16 | Nuisances prohibited.  |
| 130.07 | Accessory buildings and uses.         |        |  |
| 130.08 | Swimming pools, ponds and lakes.      |        |  |
| 130.09 | Satellite dish regulations.           |        |  |
| 130.10 | Ditches and swales.                   |        |  |

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#### **SECTION 130.01 REQUIRED LOT AREA TO BE MAINTAINED.**

A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area, width and depth requirements of the district in which such land is located. A lot of record which conformed to the provisions of this zoning resolution and which was owned separately from adjoining lots on the effective date of this resolution or an amendment adopted thereafter which affected its conformity shall not be reduced in any manner that would increase its nonconforming situation.

#### **SECTION 130.02 REQUIRED YARDS TO BE MAINTAINED.**

The required yards surrounding an existing principal building shall not be separated in ownership from that part of the lot upon which the building is located, and no part of the required yard shall be considered as providing a yard for any other principal building. A yard shall not be reduced to less than the required dimensions for the district in which it is located, and a yard of less than the required width shall not be further reduced.

#### **SECTION 130.03 VISIBILITY AT INTERSECTIONS.**

On every corner lot there shall be no material impairment to visibility (whether by the location of structures including fences, landscaping or other means) between a height of 2 1/2 feet and a height of 6 feet above the natural grade, within the triangle formed by the right-of-way lines of two intersecting streets, and a line drawn between two points, one on each such right-of-way line, each 25 feet from the point of intersection of such right-of-way lines.

#### **SECTION 130.04 ACCESS TO OTHER DISTRICTS PROHIBITED.**

Driveways shall not be established from a road in a residential district to land in a nonresidential district.

#### **SECTION 130.05 ZONING LOTS TO FRONT ON A STREET.**

All zoning lots shall front on a dedicated public street or an approved private street unless approved as a planned residential development. All lots created as a result of lot splits or subdivisions

shall have frontage on a dedicated street or an approved private street in the amount required for the zoning district within which such lots are located.

**SECTION 130.06            OPEN DUMPING OF WASTES NOT PERMITTED.**

All garbage, refuse, scrap metal, rubbish, offal or dead animals shall be placed in suitable containers or in an E.P.A.-approved sanitary landfill and shall not be allowed to accumulate in the open. Failure to abide by this provision shall constitute a nuisance and shall not be permitted in any zoning district.

**SECTION 130.07            ACCESSORY BUILDINGS AND USES.**

Accessory buildings and uses shall be permitted in accordance with district regulations provided that any detached accessory building shall not be constructed until the principal building is completed.

**SECTION 130.08            SWIMMING POOLS, PONDS AND LAKES. (5/18/2001)**

Swimming pools, ponds and lakes shall comply with the following regulations, which are in addition to any locational and coverage requirements that may be set forth in specific districts.

**(a)        Swimming Pools.**

- (1)        All swimming pools, together with adjacent walkways, shall be enclosed by a wall or fence having a minimum height four (4) feet.
- (2)        All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than four inches in width, except for doors, gates or windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory buildings and walls of principal buildings may be used in place of, or as part of, the enclosure.

**(b)        Ponds and Lakes. All public or private ponds and lakes containing over one and one-half feet of water depth shall be considered structures and shall require a zoning certificate prior to installation to determine compliance with the requirements of this Section.**

- (1)        A zoning certificate is not required for a private pond or lake located on land used for agricultural purposes that is exempt from the regulations of this zoning resolution (See Section 130.12 Agricultural Use Exemption).
- (2)        Ponds are permitted in a front, side and rear yard a minimum of 60 feet from the street right-of-way and 10 feet from all other property lines. Where embankments are utilized, the setback shall be measured from the toe of the slope for said embankment.
- (3)        Ponds or lakes shall be at least 25 feet from the principal building.
- (4)        A zoning certificate shall be obtained prior to construction of a pond or lake. The applicant shall submit to the Zoning Inspector a copy of the proposed pond or lake plans and documentation that such pond or lake plan has been reviewed and stamped as approved by the Cuyahoga Soil and Water Conservation District.

**(c)        The construction and operation of a pool, pond or lake shall meet all applicable State and County regulations.**

**SECTION 130.09 SATELLITE DISH REGULATIONS. (5/18/2001)**

A satellite receiving dish as an accessory use shall be permitted only when all of the following conditions are satisfied:

- (a) Uses. The uses of the satellite receiving dish shall be as an accessory use to an existing permitted use or to a permitted use being concurrently constructed therewith.
- (b) Location. A satellite receiving dish shall be located in rear and side yards only.
- (c) Height. The highest point of the satellite receiving dish shall not exceed ten feet above the plane upon which it is mounted, which includes the height of any base upon which it is mounted.
- (d) Size. A satellite receiving dish shall not exceed 39.37 inches in diameter in the Multi-Family Districts. A satellite receiving dish shall not exceed 39.37 inches in the Single-Family Districts.
- (e) Setback. No part of a satellite dish antenna shall be within 10 feet of any side or rear lot line.
- (f) Safety Requirements. The satellite receiving dish shall be constructed and anchored in such a manner as to withstand winds of 100 miles per hour velocity. The receiving dish in a non-residential zoning area shall be enclosed with a six-foot fence and/or landscaping screening. In addition to the foregoing requirements, the satellite receiving dish shall be placed where it will not have an adverse effect on the surrounding property, including but not limited to sight lines and creation of any interference with electric appliances, equipment, or communication devices located on or within adjoining and/or surrounding properties.

An application for an accessory use for a satellite receiving dish other than a residential style satellite dish shall be submitted to the Zoning Inspector to obtain a zoning permit for construction.

**SECTION 130.10 DITCHES AND SWALES.**

All new drainage ditches shall be enclosed, except as otherwise permitted as part of a site's storm water management plan approved according to either the Olmsted Township or Cuyahoga County storm water management regulations. A swale shall be an open area of one (1) or more feet in depth, having three (3) foot side banks on each side for every foot of depth. Each lot shall have at least 4-inch drain tile which shall connect downspouts and storm sewers.

**SECTION 130.11 REQUIRED PUBLIC UTILITIES.**

Adequate public facilities, including but not limited to central water and sanitary sewer, gas and electric, shall be provided for a proposed subdivision, as may be required at the discretion of the Township Trustees.

**SECTION 130.12 AGRICULTURAL USE EXEMPTION.**

Agricultural uses, and buildings or structures that are incident to agricultural uses, shall be exempt from the requirements of this zoning resolution and property owners shall not be required to obtain a zoning certificate when the parcel on which the use is located meets the conditions set forth in Section

519.21 of the ORC.

- (a) Parcels with a lot area of five acres or more;
- (b) Parcels of less than five acres located in a nonresidential zoning district;
- (c) Parcels of less than five acres located in a residential zoning district except for parcels in a platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

**SECTION 130.13            PUBLIC UTILITY, RAILROAD AND TELECOMMUNICATIONS TOWERS EXEMPTION.**

Townships have no power to regulate buildings or structures of a public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business, except as otherwise set forth in ORC 519.211, including but not limited to the following:

- (a) "Public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under ORC Chapter 3734. or a construction and demolition debris facility that has been issued a permit under ORC Chapter 3714.
- (b) Telecommunications towers that are classified as a public utility may be subject to zoning when proposed to be located in an area zoned for residential use or within 100 feet of a residential use.
- (c) Buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent.

**SECTION 130.14            LOCATION OF PERMANENTLY SITED MANUFACTURED HOME.**

Permanently sited manufactured homes shall be permitted where they meet the following provisions:

- (a) The structure complies with all zoning requirements for a single-family dwelling in the applicable zoning district;
- (b) The structure is affixed to a permanent masonry or concrete foundation and is connected to appropriate facilities;
- (c) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;
- (d) The structure has a minimum 3:12 residential roof pitch, conventional residential siding,

and a six-inch minimum eave overhang, including appropriate guttering;

- (e) The structure was manufactured after January 1, 1995;
- (f) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.
- (g) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home.

**SECTION 130.15 CONSTRUCTION OF FENCES IN EASEMENTS.**

- (a) An applicant considering installing a fence within a storm sewer and storm drainage easement is required to complete a "Construction Within A Stormwater Management Easement Form" and present it, along with a to-scale plat or house location survey of their property with the proposed location of the structure.
- (b) Fences. Fences shall not impede the free flow of surface runoff nor have adverse effects on adjacent properties. Posts for fences should honor the natural flow of water and remain clear of any drainage swales. Allow for additional posts as necessary when installing a fence to honor the natural flow of water in any drainage easements.

**SECTION 130.16 NUISANCES PROHIBITED.**

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution and any additional conditions and requirements prescribed, may be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matters and water carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their lands.

**CHAPTER 140**  
**Temporary Uses and Structures**

|        |  |        |                                   |
|--------|--|--------|-----------------------------------|
| 140.01 | Purpose.   | 140.05 | Construction trailers.            |
| 140.02 | Permitted temporary uses and structures.             | 140.06 | Festivals and open-air carnivals. |
| 140.03 | General standards for temporary uses and structures. | 140.07 | Mobile food facilities.           |
| 140.04 | Construction dumpsters.                              | 140.08 | Portable on-demand storage units. |
|        |  | 140.09 | Real estate sales/model homes.    |

**SECTION 140.01 PURPOSE.**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**SECTION 140.02 PERMITTED TEMPORARY USES AND STRUCTURES.**

Schedule 140.02 summarizes the allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

| Temporary Use or Structure   | Maximum Duration   | Permit Required | Additional Requirements |
|--|--|-----------------|-------------------------|
| Construction dumpsters   | Until issuance of certificate of occupancy                         | No              | Section 140.04          |
| Construction-related activities (including construction trailers and employee parking) | Until issuance of certificate of occupancy                         | Yes             | Section 140.05          |
| Festivals and open-air carnivals   | 5 consecutive days, not more than 2 times per calendar year        | Yes             | Section 140.06          |
| Garage, yard, house sales  | 3 consecutive days, not more than 2 times per calendar year        | No              | NA                      |
| Mobile food facility   | 1 day per week, max 20 weeks per calendar year                     | Yes             | Section 140.07          |
| Outdoor retail sales associated with an existing retail establishment                  | Max 4 consecutive days, not more than four times per calendar year | Yes             | Section 140.08          |
| Portable on-demand storage units (POD)   | 30 days in any three-month period.                                 | Yes             | Section 140.09          |
| Real estate sales/model homes  | Until 80% of the occupancy in the phase is reached.                | Yes             | Section 140.10          |
| Temporary use of Township property   | As permitted by Twp Trustees                                       | Yes             | NA                      |

**SECTION 140.03 GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES.**

All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution and shall not violate the applicable conditions of approval that apply to a site or use on the site.

- (b) All temporary uses or structures shall:
  - (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - (2) Be compatible with the principal uses taking place on the site;
  - (3) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - (4) Not include permanent alterations to the site;
  - (5) Not maintain temporary signs associated with the use or structure after the activity ends;
  - (6) Not interfere with the normal operations of any permanent use located on the property;
  - (7) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement;
  - (8) Have proper security, trash removal, and other services the event may require to be provided by the operator; and
  - (9) Return the site to its original condition prior to the establishment of the use within 48 hours of its discontinuance.
  - (10) At no time shall a temporary structure be used for habitation.
- (c) Temporary signs shall comply with the regulations of Chapter 320 of this resolution.

**SECTION 140.04 CONSTRUCTION DUMPSTERS.**

Temporary trash receptacles or dumpsters shall be located outside public rights-of-way and shall comply with the following standards:

- (a) Be located to the side or the rear of the site, to the maximum extent feasible;
- (b) Be located as far as possible from existing residential dwellings;
- (c) Not be located within a floodplain or otherwise obstruct drainage flow; and
- (d) Not be placed within five feet of a fire hydrant or within a required landscaping area that has already been constructed.

**SECTION 140.05 CONSTRUCTION TRAILERS.**

Construction trailers shall be permitted on a construction site provided that the trailer is:

- (a) Located on the same site or in the same development as the related construction;
- (b) Not located within a required open space set-aside or landscaping area; and
- (c) Associated with development subject to valid building and zoning certificates.

(d) The property owner shall obtain a temporary use permit in accordance with Section 510.14.

**SECTION 140.06 FESTIVALS AND OPEN-AIR CARNIVALS.**

A temporary use permit for festivals and open-air carnivals may be issued to charitable and non-profit organizations in any use district in accordance with the following:

(a) Notwithstanding any other provision of this zoning resolution, issuance of such a permit shall constitute a temporary waiving of use restrictions, yard requirements, height regulations, and accessory off-street parking requirements.

(b) As used in this section, "charitable or non-profit organization" means any tax-exempt religious, educational, veteran's, fraternal, service, nonprofit medical volunteer rescue service, volunteer fireman's, senior citizens, youth athletic or youth athletic park organization. An organization is tax-exempt if the organization has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is exempt from federal income taxation.

(c) The property owner shall obtain a temporary use permit in accordance with Section 510.14.

**SECTION 140.07 MOBILE FOOD FACILITIES.**

Mobile food facilities including, but not limited to food trucks, shall only be located on a lot in compliance with the following:

(a) A mobile food facility shall not be established in Olmsted Township unless a final development plan indicating compliance with the following standards has been approved in accordance with Chapter 520.

(b) Shall be located on a lot containing a principal building(s) or use. A Plot plan showing the location of buildings, food truck layout (showing distance between food trucks to food truck and food truck distance off buildings) Number of food trucks per event, length of food truck is required. A 10 feet distance is per Ohio Fire Code 2018 is required between food trucks and between any structure or building. All vendors MUST show how they are getting utilities to food truck, i.e., electrical, water & generator location.

(c) Mobile food facilities in a nonresidential area shall be located a minimum 10 feet from the main entrance to any eating establishment or similar food service business and 10 feet from any outdoor dining area, as measured from the designated location on the lot accommodating the mobile food facility. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to a mobile food facility location being approved, nothing herein shall prohibit the property owner from continuing to operate at the approved location until the mobile food facility permit has expired.

(d) Mobile food facilities in a nonresidential area shall be located a minimum distance of 10 feet per Ohio Fire Code 2018 from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits or emergency access/exit ways, fire lanes or emergency call box and shall not be located within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic, so not to limit visibility of vehicular traffic. Mobile food facilities shall maintain a minimum standoff distance of 15 feet in all directions from a fire hydrant.

- (e) Mobile food facilities shall not occupy parking spaces required to fulfill the minimum requirements of the principal use as required in Chapter 310 of this resolution unless the principal use's hours of operation do not coincide with those of the mobile food facility's business. Nor shall any mobile food facility occupy parking spaces leased to other businesses and used to fulfill its minimum parking requirements.
- (f) No free-standing signage or audio amplification shall be permitted as part of the mobile food facility vending operation.
- (g) The mobile food facility's operator or his/her designee must be present at all times except in the cases of an emergency.
- (h) The mobile food facility's vendor shall remove all waste and trash from the approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas within five (5) feet of the truck clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, sanitary sewer system, storm drains or onto the sidewalks, streets, or other public space.
- (i) All mobile food facilities shall obtain all required County and State permits and licenses, and such permits and licenses shall be clearly displayed on the facility. LPG System testing per NFPA 58 is required at time of permit application submittal.
- (j) A mobile food facility permit shall be required through the building department to be renewed annually. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the permit for the mobile food facility shall be rendered null and void and the mobile food facility business shall be required to cease operation immediately. All permits MUST be displayed during event.
- (k) All inspections are required through the Olmsted Township Fire Department and Building Department. Inspection is required on the day of event and before the mobile food facility can operate.
  - (1) Must be able to pass the Mobile food truck unit checklist. (Check list attached)
  - (2) Applicant MUST contact Olmsted Township Fire Department 48 hours before operation to schedule inspections of food trucks. Inspection will be scheduled for the day of event. If no inspections are conducted before operation, you will be asked to cease operation immediately.
- (l) Contact the Cuyahoga County Board of Health for any permits and inspections you may need from them. This inspection MUST be completed and approved before a Mobile food truck can operate in the Township. Copy of approval MUST be submitted to the Building Department. Health Department and LPG system test MUST be done annually. Updated certificate MUST be submitted at time of application.
- (m) LPG System inspection, Testing & Certification is required before Food truck is approved to operate in the Township. Certificate MUST be submitted as part of the application process.

LPG System Inspection and testing facility:  
THE GAS HOUSE, 7125 KRICK RD., WALTON HILLS, OH 44146  
PH: 440-439-4474      FAX: 440-439-4413

LPG system test MUST be done annually. Updated certificate MUST be submitted at time of application.

**SECTION 140.08 OUTDOOR RETAIL SALES ASSOCIATED WITH EXISTING RETAIL ESTABLISHMENT.**

Sidewalk sales/outdoor retail sales associated with existing retail establishment may be permitted on a site in compliance with the following:

- (a) Temporary outdoor retail sales areas shall not occupy parking spaces required to fulfill the minimum requirements of the principal use as required in Chapter 310 of this resolution. Nor shall any temporary outdoor retail sales occupy parking spaces leased to other businesses and used to fulfill its minimum parking requirements.
- (b) No free-standing signage or audio amplification shall be permitted as part of the temporary outdoor retail sales.
- (c) The property owner or business tenant shall obtain a temporary use permit in accordance with Section 510.14.

**SECTION 140.09 PORTABLE ON-DEMAND STORAGE UNITS.**

Portable on-demand (POD) storage units shall be permitted on a site provided that the POD complies with the following:

- (a) No more than two POD storage units may be located on a premise at any one time.
- (b) POD storage units shall be located only on a driveway or other private parking area and shall not be located in a front yard or corner-side yard unless there is no access to other yards.
- (c) Portable on-demand storage units shall be securely locked at all times other than during actual loading or unloading.
- (d) In the event a dwelling unit is damaged by an event such as a fire, flood, or storm event, which renders the dwelling uninhabitable, the property owner may utilize a POD as a construction trailer, in which case the POD storage unit shall be permitted to remain on the site until a certificate of occupancy permit is obtained.
- (e) The property owner shall obtain a temporary use permit in accordance with Section 510.14.

**SECTION 140.10 REAL ESTATE SALES OFFICE/MODEL HOMES.**

A dwelling unit in an approved PD or subdivision shall be permitted to be utilized as a temporary sales office or model home to promote the sales of homes within the PD or subdivision, provided that it complies with the following:

- (a) A model home shall not be established in Olmsted Township unless a final development plan indicating compliance with the following standards has been approved in accordance with Chapter 520.
- (b) The purpose of the model home is to provide a public showroom indicating the type of homes to be constructed within the PD or subdivision and to that end, may have within it display maps, pictures, brochures, sample building materials, and information.
- (c) A building permit for a model home shall not be issued unless the lot has direct connection to sanitary sewer and water service and direct access to a street, all of which have been inspected and accepted by the Cuyahoga County Engineer.

- (d) After construction of a model home in accordance with all criteria herein, a temporary certificate of occupancy, which shall expire twenty-four (24) months after issuance, must be obtained from the Olmsted Township Building Department allowing the use of the building as a model home. Upon expiration of the temporary certificate of occupancy, a permanent certificate must be obtained.
- (e) A sales office may be located within the model home.
- (f) Only one (1) model home shall be allowed per builder. No sales trailers shall be allowed on site.
- (g) Once the PD or subdivision is 80% complete, use of the dwelling unit as a model shall cease and the dwelling shall be listed for sale within 90 days. The PD or subdivision shall be considered 80% complete, when 80% of the approved lots in the PD or subdivision have been sold.

**ARTICLE II**  
**DISTRICT REGULATIONS**

---

**CHAPTER 210**  
**Single-Family Residential District Regulations**

|        |   |        |   |
|--------|---|--------|---|
| 210.01 | Intent.                                     | 210.07 | Dwelling unit area requirements.            |
| 210.02 | Use regulations.                            | 210.08 | Accessory use regulations.                  |
| 210.03 | Schedule of permitted uses.                 | 210.09 | Regulations for home occupations.           |
| 210.04 | Lot requirements.                           | 210.10 | Family day care home, type "B"              |
| 210.05 | Yard requirements.                          | 210.11 | Agricultural uses in residential districts. |
| 210.06 | Height regulations for principal buildings. | 210.12 | Stormwater                                  |

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**SECTION 210.01        INTENT.**

Single-Family Residential Districts (R-R, R-40, R-30 and R-15) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To regulate the bulk and location of single-family dwellings to obtain proper privacy and useable open spaces on each lot appropriate for the various districts;
- (b) To regulate the density and distribution of population in accordance with the Comprehensive Plan, officially adopted by the Township Trustees, to avoid congestion and to provide adequate public services;
- (c) To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities;
- (d) To carry out the following specific purposes:
  - (1) The R-R District is established to provide for single-family residential uses with a minimum lot size of two acres in order to preserve open space and conserve the existing environmental and natural features in a manner that is consistent with the low-density and agricultural characteristics of the area.
  - (2) The R-40 District is established to provide for single-family residential uses with a minimum lot size of 40,000 square feet.
  - (3) The R-30 District is established to provide for single-family residential uses with a minimum lot size of 30,000 square feet primarily fronting on major streets.
  - (4) The R-15 District is established to provide for single-family residential uses in a standard subdivision with a minimum lot size of 15,000 square feet.
- (e) To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

**SECTION 210.02 USE REGULATIONS.**

(a) Schedule 210.03 sets forth the uses allowed in each R district:

- (1) A "P" in a cell indicates that a use is permitted by right as a principal use, provided that all requirements of this zoning resolution have been met.
- (2) A "C" in a cell indicates that a use is permitted as a conditional use provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 270 have been met according to the procedures set forth in Chapter 530.

(b) A use or structure listed below shall be permitted as an accessory use or structure in any R district. Such use or structure shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated as noted below.

- (1) Private garage and parking area, see also Section 210.08.
- (2) Accessory storage buildings, see also Section 210.08.
- (3) Residential swimming pools, see also Section 210.08.
- (4) Home occupations, see also Section 210.09.
- (5) Family day care home, "type B", see also Section 210.10.
- (6) Fences, walls, hedges, see also Section 210.08.
- (7) Storage of recreational vehicle, see also Section 210.08.
- (8) Signs, as regulated in Chapter 320.
- (9) Barns and other structures accessory to an agricultural use, see also Section 210.11.
- (10) Roadside stands, see also Section 210.08.
- (11) Satellite receiving dish, see also Section 130.09.
- (12) Community garden accessory to a place of worship or school facility, see also Section 280.03(c).
- (13) Game courts, see also Section 210.08.
- (14) Portable on-demand storage unit, see also Section 140.09.
- (15) Solar panels and building-mounted wind energy facility, see also Section 280.05.
- (16) HVAC units & Generators, see also Section 210.08.

(c) In addition to all other accessory uses permitted by this zoning resolution for a cemetery, a use or structure listed below shall be permitted as an accessory use or structure in an R-R or R-40 district as a subordinate building or use when it is incidental to or used in conjunction with and located on the same lot as a large lot cemetery:

- (1) Place of worship.
- (2) Cemetery funeral home.
- (3) Mausoleum.
- (4) Offices.

(d) Although a use may be indicated as a permitted principal, conditional or accessory use in a particular residential district, it shall not be approved on a parcel unless it can be located

thereon in full compliance with all of the standards and other regulations of this resolution applicable to the specific use and parcel in question, including but not limited to any supplemental use-specific standards in Chapter 280.

- (e) Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this resolution and/or the Zoning Map as provided in Chapter 560.

## SECTION 210.03 SCHEDULE OF PERMITTED USES.

| Land Use Category  | R-R             | R-40 | R-30 | R-15 |
|--|-----------------|------|------|------|
| <u>Residential</u>   |                 |      |      |      |
| (1) Single-family detached dwellings   | P               | P    | P    | P    |
| (2) Family home for handicapped persons  | C               | C    | C    | C    |
| (3) Group home for handicapped persons   | C               | C    | C    | C    |
| (4) Bed and breakfast establishments   | C               | C    | C    | NP   |
| (5) Mobile Homes   | NP              | NP   | NP   | NP   |
| (6) Container Homes  | NP              | NP   | NP   | NP   |
| (7) Trailer Homes  | NP              | NP   | NP   | NP   |
| <u>Open space/recreational</u>   |                 |      |      |      |
| (8) Agriculture  | P               | P    | P    | NP   |
| (9) Cemeteries   | C               | C    | C    | C    |
| (10) Common open space   | P               | P    | P    | P    |
| (11) Community gardens as the principal use of a Lot                             | C               | C    | C    | C    |
| (12) Large Lot Cemetery  | P               | P    | C    | C    |
| (13) Golf courses, public or private   | C               | C    | C    | C    |
| (14) Public parks  | P               | P    | P    | P    |
| (15) Swimming pools, as the principal use of a lot                               | C               | C    | C    | C    |
| <u>Community Services and Facilities</u>   |                 |      |      |      |
| (16) Places of worship   | C               | C    | C    | C    |
| (17) School facilities, public or private  | C               | C    | C    | C    |
| <u>Wireless telecommunication towers</u>   | SEE CHAPTER 350 |      |      |      |
| P = Principal Use permitted by right.  |                 |      |      |      |
| C = Conditional Use permitted only when approved by the Board of Zoning Appeals. |                 |      |      |      |
| NP = Not permitted.  |                 |      |      |      |

## SECTION 210.04 LOT REQUIREMENTS.

Lots created in an R District shall comply with the area and dimension requirements specified in Schedule 210.04 for the district in which the lot is located.

- (a) Minimum Lot Width and Lot Frontage. The width of a lot, measured at the building line, shall not be less than the width set forth in Schedule 210.04. This minimum lot width shall also be maintained along the front lot line, except that for lots fronting on a cul-de-sac the lot frontage shall not be less than set forth in Schedule 210.04.
- (b) Maximum Building Coverage: The foundation area of principal buildings shall not exceed the

percentage of lot area set forth in Schedule 210.04.

(c) One Dwelling per Lot: There shall not be more than one dwelling constructed on a lot.

| Schedule 210.04                                   |            |         |         |         |
|---|------------|---------|---------|---------|
|   | R-R        | R-40    | R-30    | R-15    |
| (1) Minimum Lot Area (in sq. ft.)                 | 2 acres    | 40,000  | 30,000  | 15,000  |
| (2) Minimum Lot Width                             | 150 ft.    | 100 ft. | 100 ft. | 100 ft. |
| (3) Minimum Lot Frontage for Lots on a cul-de-sac | 100 ft.    | 70 ft.  | 70 ft.  | 70 ft.  |
| (4) Minimum Lot Depth                             | 250 ft.    | 250 ft. | 200 ft. | 150 ft. |
| (5) Maximum Building Coverage                     | 15%        | 15%     | 20%     | 25%     |
| sq.ft. = square feet                              | ft. = feet |         |         |         |

## SECTION 210.05 YARD REQUIREMENTS.

Principal buildings shall be located on a lot in a manner that maintains the minimum front, side and rear yards set forth in this section for the district in which the lot is located.

(a) Front Yard. Each lot shall maintain a front yard as specified in Schedule 210.05, the minimum depth of which shall be based on the type of street on which the lot has frontage. Corner lots and through lots shall comply with the front yard setback for each street on which the lot has frontage.

(b) Side Yards: Each interior and through lot shall have and maintain two side yards. Schedule 210.05 sets forth the minimum width of any one side yard and the minimum total width of both side yards.

(c) Corner Lots. Corner lots shall maintain one side yard and one rear yard.

| Schedule 210.05   |        |        |        |        |
|---|--------|--------|--------|--------|
| Schedule of Yard Requirements   | R-R    | R-40   | R-30   | R-15   |
| (1) Front Yard <sup>(a)</sup>   |        |        |        |        |
| A. Local street <sup>(b)</sup>  | 35 ft. | 35 ft. | 35 ft. | 35 ft. |
| B. Major residential street <sup>(b)</sup>  | 50 ft. | 50 ft. | 50 ft. | 50 ft. |
| C. County/State roads   | 60 ft. | 60 ft. | 60 ft. | 60 ft. |
| D. Bagley or Columbia Roads   | 80 ft. | 80 ft. | 80 ft. | 80 ft. |
| (2) Side Yard   |        |        |        |        |
| A. Minimum for one side   | 10 ft. | 5 ft.  | 5 ft.  | 5 ft.  |
| B. Total for both   | 30 ft. | 20 ft. | 17 ft. | 15 ft. |
| (3) Rear Yard   | 50 ft. | 50 ft. | 50 ft. | 50 ft. |
| Notes to Schedule 210.05:   |        |        |        |        |
| (a) Except that open porches may project into a required front yard not more than 8 feet.   |        |        |        |        |
| (b) When 50% or more of the street frontage is developed, the required front yard for new construction shall be the average of front yard depths of the two adjacent dwellings. |        |        |        |        |

**SECTION 210.06 HEIGHT REGULATIONS FOR PRINCIPAL BUILDINGS.**

Principal buildings shall comply with the following height regulations.

- (a) The height of principal buildings shall not exceed 35 feet.
- (b) Chimneys, radio antennas and television antennas located on and constituted as an integral part of a principal building may be erected to a height not to exceed 50 feet.
- (c) The exterior of all principal structures including but not limited to the architectural style, color and texture of material, and color of paint shall be compatible and harmonious with the surrounding neighborhood.

**SECTION 210.07 DWELLING UNIT AREA REQUIREMENTS.**

In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following:

- (a) The minimum dwelling unit floor area shall be 1,100 square feet for dwelling units with basements and 1,250 square feet for dwelling units without basements.
- (b) The minimum foundation area for a dwelling unit with more than one story shall be:
  - (1) 950 square feet for a dwelling unit with 1.5 stories.
  - (2) 850 square feet for a dwelling unit with 2 stories.

**SECTION 210.08 ACCESSORY USE REGULATIONS.**

Accessory uses, buildings and structures permitted in R Residential Districts shall conform to the location, coverage and maintenance standards contained in this Section. Garages that are attached to a dwelling are subject to all yard requirements for principal buildings specified in Section 210.05.

- (a) Schedule 210.08(a), Minimum Yard Requirements for Accessory Uses. An accessory building or use permitted in an R District shall be located as set forth in Schedule 210.08(a); in compliance with all other accessory use regulations set forth in Section 210.08.

| Schedule 210.08(a)                          |                     |                |                      |                      |  |
|---|---------------------|----------------|----------------------|----------------------|--|
| Use   | Yard<br>Permitted   | Setback From:  |                      |                      |  |
|   |                     | Front Lot Line | Side Lot Line        | Rear Lot Line        |  |
| (1) Private Garages                         | Rear                | NA             | 5 ft.                | 5 ft.                |  |
| (2) All other accessory buildings           | Rear                | NA             | 5 ft.                | 5 ft.                |  |
| (3) Driveways                               | Front, Side, Rear   |                | 5 ft.                | 5 ft.                |  |
| (4) Accessory community garden              | Side, Rear          | NA             | 20 ft.               | 20 ft.               |  |
| (5) Compost bins/piles                      | Rear, Interior Side | NA             | 5 ft.                | 5 ft.                |  |
| (6) Fences, walls                           | Front, Side, Rear   | 0              | 0                    | 0                    |  |
| (7) Game Courts                             | Rear <sup>(a)</sup> | NA             | 5 ft. <sup>(b)</sup> | 5 ft. <sup>(b)</sup> |  |
| (8) HVAC Units                              | Side, Rear          | NA             | 20 ft.               | 20 ft.               |  |
| (9) Outdoor storage of materials            | Rear                | NA             | 5 ft.                | 5 ft.                |  |
| (10) Outdoor storage of recreation vehicles | Rear                | NA             | 20 ft.               | 20 ft.               |  |

|  |                   |        |        |        |
|--|-------------------|--------|--------|--------|
| (11) Rain barrels and above ground cistern | Front, Side, Rear | NA     | 5 ft.  | 5 ft.  |
| (12) Roadside stands                       | Front             | 10 ft. | 25 ft. | 25 ft. |
| (13) Swimming pools                        | Rear              | NA     | 10 ft. | 10 ft. |
| (14) Children play equipment               | Rear              | NA     | 10 ft. | 10 ft. |

Notes to Schedule 210.08:

<sup>(a)</sup> Except as otherwise permitted for basketball hoops and backboards in Section 210.08(g).

<sup>(b)</sup> Shall be measured from the edge of the fence if a fence is required in Section 210.08(g).

(b) Schedule 210.08 (b), Maximum Floor Area and Height of Accessory Buildings and Structures.

| Schedule 210.08 (b)  |                                |                |
|--|--------------------------------|----------------|
|  | Maximum Area                   | Maximum Height |
| (1) Garages  | 875 sq.ft.                     | 15 feet        |
| (2) Other accessory buildings and structures, unless specifically stated otherwise | 1 % of lot area <sup>(a)</sup> | 15 feet        |
| (3) Swimming pools   | 5 % of lot area                |                |
| (4) Roadside stands  | 32 sq.ft.                      | 10 feet        |

Notes to Schedule 210.08(b):

<sup>(a)</sup> Shall include the combined total area of all accessory buildings excluding the area of the garage.

(c) Additional Regulations for Parking Areas and Driveways. In addition to the area and locational requirements of Schedules 210.08(a) and 210.08(b), driveways and open, off-street parking areas shall comply with the following:

- (1) All motor vehicles shall be parked on a driveway or parked or stored in a garage.
- (2) Driveways shall be a minimum of 8 feet wide and shall extend from the pavement of the street upon which the lot fronts to the garage associated with the residence.
- (3) Driveways shall be paved in compliance with the provisions set forth in Section 310.12(a).
- (4) Driveways may be used for the following purposes:
  - A. The parking of passenger cars owned by the occupants of the dwelling and their visitors.
  - B. The parking of one commercial car or truck not exceeding one-ton rated capacity that is used in connection with said occupant's livelihood.
- (5) The repair and rebuilding of a vehicle owned by a resident is permitted, but only if conducted within an enclosed private garage. The dismantling or spray painting of vehicles is prohibited on a residential lot.

(d) Parking or Storage of Recreational Vehicles and Equipment. In addition to the locational requirements of Schedule 210.08(a), any recreational vehicle, camper, or boat, on or off wheels shall be either stored wholly within a garage or outdoors in compliance with the following regulations:

- (1) Not more than one recreational vehicle, camper or boat shall be stored outdoors.
- (2) Outdoor storage shall be permitted only in the rear yard on a paved or gravel surface, and shall be adequately screened from view from adjacent property.
- (3) Recreational vehicles, campers, and boats shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.
- (4) A recreational vehicle, camper, or boat may be parked in a driveway for loading or unloading purposes for a period not to exceed 48 hours in any seven-day period.
- (5) All recreational vehicles and equipment shall be kept in good repair and carry a current year's license plate and registration.

(e) Parking or Storage of Inoperable Motor Vehicles. The outdoor parking of an inoperable or unlicensed motor vehicle on a paved or gravel surface in a residential district shall be permitted for a period not to exceed 30 days. Such motor vehicle may be stored in an enclosed garage for an unlimited time. No repairs or dismantling shall be conducted in connection therewith while such vehicle is parked or stored inside the building except for repairs performed by the resident on his or her own vehicle, in accordance with subsection (c)(5), above. At no time shall vehicles be stored outdoors on blocks. Tarping or covering vehicles outdoors is prohibited. Carports are not permitted in front or side of property.

(f) Outdoor Storage of Materials or Equipment and Compost Piles. Any area for the outdoor storage of materials that exceeds two square feet shall be located in compliance with the regulations set forth in Schedule 210.08(a). Outdoor storage of materials shall be restricted to normal household accessories including such items as firewood, outdoor furniture, grills, picnic tables, children's play equipment or compost. It shall not include the storage of materials or equipment for a home occupation or other commercial business or any other type of material or equipment, including construction equipment, not typically associated with a residential dwelling. Trailers, tractors, snowplows, etc., for personal use shall be stored in an enclosed structure. Tarping of materials or equipment is prohibited.

(g) Swimming Pools. Residential swimming pools may be located in any R Residential District provided they comply with the locational and coverage requirements of Schedules 210.08(a) and 210.08(b) and the supplemental regulations set forth in Section 130.08.

- (1) All pools shall be fenced in with a self-closing lockable gate. Gate latch shall be located on inside of fence and out of reach of children.
- (2) Above ground pools with decks or platforms to enter pool shall have a self-closing lockable gate. Gate latch shall be located on inside of fence and out of reach of children.
- (3) Every swimming pool in excess of eighteen inches in depth shall be completely surrounded by a fence not less than four feet in height which shall be so constructed

as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure.

(4) A factory assembled twenty-four-inch-high security fence attached to the top rail of an above ground pool shall be an acceptable alternative to subsection (g) hereof.

(h) Game Courts.

(1) When a tennis court is located within 50 feet of a lot line, it shall be enclosed by a chain link or mesh fence having a height not less than 9 feet but not greater than 12 feet.

(2) Basketball hoops and backboards shall be permitted in a front or side yard when attached to a building or located on a pole on the driveway.

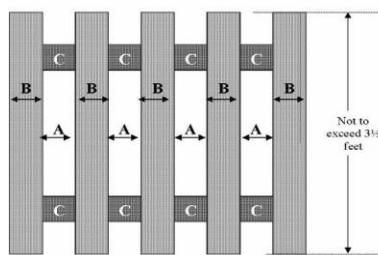
(i) Fences, Walls, and Hedges. Fences, walls, and hedges may be located in a front, side, or rear yard, provided they comply with the regulations of this Section.

(1) Walls, Solid Fences, Open Fences. Walls shall not exceed a height of 2 feet. Solid or open fences shall be permitted as indicated.

(2) Front Yards. Solid fences and chain link fences shall not be permitted in a front yard. An open fence shall not exceed 3-1/2 feet in height above the natural grade, except that within 25 feet of a public right-of-way, a fence shall not exceed 2-1/2 feet in height. In the event a property is situated adjacent to two (2) or more streets, the setback and height requirements shall apply to all streets.

A. Definition of Openness. For the purpose of this section, an open fence shall be a fence, including gates, that has not less than 40% of the vertical surface area in open spaces which afford views through the fence when one is directly facing the fence. The openings of a fence shall be evenly spaced throughout the vertical surface.

B. Examples of such fences include but are not limited to wrought iron, picket and rail fences. Note: In the example below, the width of the open space (A) between fence pickets is equal to the width of the fence picket (B), though the overall area of open space is reduced by the horizontal support rails (C). Pickets (B) may be placed on opposite sides of the horizontal support rails (C) provided the spacing of the horizontal support rails does not decrease the open area below the required 40%.



- (3) Side and Rear Yards. In the side or rear yard, an open fence shall not exceed 6 feet in height above the natural grade.
- (4) Water Drainage Situation. For fences and any structures that are regulated by the storm water management plan, placement in easements or retention areas is prohibited.
- (5) Construction, Maintenance and Repair. Fences shall be of chain link, picket, split rail, sapling, louver or other design, and if painted, shall be one color. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the yard being fenced.

(j) Roadside Stands. A permit for the erection and operation of a roadside stand shall be issued for a 2-year period and may be renewed provided the operation of the roadside stand remains in compliance with the regulations set forth in this Chapter. Farm markets that derive at least fifty percent of their gross income from produce raised on farms owned or operated by the farm market operator in a normal crop year are permitted in any zoning district, subject to the following regulations:

- (1) Temporary and seasonal building, tents, trailers and other structures associated with a seasonal and temporary farm market shall be placed outside of the road right-of-way and located at least 25 feet from the edge of any round pavement so as to safely allow for adequate ingress and egress and for customer off-street parking. Seasonal and temporary farm markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. If a culvert is required in order to obtain access to a seasonal and temporary far market, then the farm market operator shall obtain a driveway and culvert permit from the Olmsted Township Building Department. Temporary and seasonal farm markets are farm markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal buildings, tents, trailers and other structures associated with a farm market remaining for more than ninety (90) days in a calendar year shall be considered structures associated with a permanent farm market and shall comply with the provisions of subsection (j)(2) below.
- (2) All buildings and structures associated with a permanent farm market shall comply with the applicable setback requirements for the underlying zoning district. Parking for permanent farm markets shall be graveled or paved and provide ingress and egress in accordance with the Olmsted Township Zoning Regulations. Operators of a permanent farm market shall obtain a driveway permit from the Olmsted Township Building Department. Off-street parking shall be provided at a ratio of one space for each 100 square feet of farm market. Permanent farm markets are farm markets open to the public and operator for more than ninety (90) calendar days in a calendar year.
- (3) No more than one sign for a permanent or temporary and seasonal farm market denoting the name and address of the operator, denoting produce or products for sale on the premises and denoting membership in organizations may be

permitted on a property. Farm market signs shall be located at least ten feet outside the road right-of-way and may not exceed twenty-four (24) square feet of area per side. Sign permit is required per Section 320.

- (k) Garage, Yard, House Sales. Temporary sales of household items, including garage sales, yard sales, and house sales shall be permitted in any residential district. Any family may conduct such sales for a maximum of three consecutive days not more than two times within a twelve-month period.
- (l) Raising of Domestic Animals. The raising of domestic animals shall be permitted in all residential districts within the Township in accordance with Section 519.21 of the Ohio Revised Code and the following additional restrictions:
  - (1) No person shall keep a horse, pony, cow, pig, or other similar animal on any lot within the Township unless a fenced coral and a stable to retain such animal are constructed on such lot. Stables shall comply with the area requirements for accessory buildings set forth in Schedule 210.08(b).
  - (2) In any platted subdivision of lots of 5 acres or less that are approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following restrictions shall also apply:
    - A. Not more than three dogs or cats more than four months old may be raised on a lot one acre or less in size. Any accessory structure or enclosure used as a shelter for such animals shall be located a minimum of 30 feet from a side or rear lot line. Such enclosures shall be located in the rear yard only.
    - B. One horse, pony, cow, pig, or other similar animal may be kept on a lot not less than two acres in area, if the stable and corral, exclusive of perimeter fences, in which they are kept are located in the rear yard not less than 300 feet from a street right-of-way line, not less than 200 feet from any existing residence on adjacent property existing at the time the stable and corral are erected and not less than 50 feet from an adjoining lot line; an additional half acre of land shall be provided for each additional animal.
- (m) Rain Barrels and Above Ground Cisterns. No permit is required to install rain barrels and above ground cisterns. When a rain barrel or above ground cistern is located in the front or side yard it shall be adequately screened so it is not visible from the street.
- (n) Signs. Signs may be located in any R Residential District provided they comply with the requirements of Chapter 320.
- (o) Outdoor Lighting. Outdoor lighting fixtures erected as an accessory structure on a lot in any R Residential District shall comply with the requirements of Section 330.08.

**SECTION 210.09 REGULATIONS FOR HOME OCCUPATIONS.**

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

- (a) A home occupation shall occupy no more than 20% of the floor area of the dwelling and shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.
- (b) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted, except that storage of equipment and supplies may be conducted in a garage to the extent that at all times the number of vehicles for which the garage was designed to accommodate shall be able to be parked in such garage.
- (c) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.
- (d) Any on-site business related in any manner to the home occupation shall be conducted only by occupants of the dwelling unit.
- (e) No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of generating any noise, vibration, glare, fumes, odors, or electrical interference, or which is found unsafe by the County Board of Health. The application of automotive finishes and other process shall not be used in any residential district. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
- (f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- (g) A zoning certificate shall be obtained prior to the establishment of a home occupation. Such zoning certificate shall be valid for a twelve-month period and may be renewed subject to compliance with these regulations.

**SECTION 210.10 FAMILY DAY CARE HOME, TYPE "B".**

This zoning resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well-being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type B family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type "B" family day-care home is a permanent residence of the provider where child care is provided for 1 to 6 children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type "B" family day-care homes are a permitted accessory use in residential districts, and do not require a zoning certificate.

- (a) An inspection with the Building and Fire departments shall be conducted before the day care opens and once per year for as long as the day care is in operation.

**SECTION 210.11                   AGRICULTURAL USES IN RESIDENTIAL DISTRICTS.**

According to the Ohio Revised Code a township shall have the authority to regulate agricultural uses in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate. In such areas, agriculture shall comply with the following:

- (a) On lots of one (1) acre or less: Agriculture, including the raising for private use, consumption or incidental sale of fruits, vegetables, or nursery stock, shall be permitted provided no products shall be sold except those which are produced on the premises.
- (b) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be permitted provided they are not larger than 1% of the lot area and are located a minimum of 50 feet from a public right-of-way and 25 feet from a side or rear lot line, except that buildings housing animals shall comply with Section 210.08(l).
- (c) Dairying and animal and poultry husbandry shall be permitted on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code.
- (d) A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this resolution.

This section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located.

**SECTION 210.12                   STORMWATER**

- (a) Homeowners are required to clean, maintain, and keep free from debris all swales, ditches located on their property.
- (b) If swales and/or ditches need to be re-established to property drain stormwater and is located on property owner's property, an application and approvals from Building Department, NEORSD and/or Cuyahoga County Public Works are required before work is to start.
- (c) Property owners with ditches and/or swales along county roads shall be kept free from debris and maintained by property owner. Re-establishing any ditch/swale shall be conducted by the Service Department.
- (d) Properties with a culvert pipe on property shall keep free from debris and maintain culvert pipe.

- (1) If a culvert pipe needs to be replaced, application from property owner must be submitted to the Building Department for approval from Olmsted Township, NEORSD and/or Cuyahoga County Public Works will need to be done before work is to start.
- (2) Size of culvert pipe shall be reviewed and determined by the Building Department, NEORSD and/or Cuyahoga County Public Works.

(e) Vehicular driveway bridges

- (3) Replacing bridge – application and approval from the Building Department, NEORSD and/or Cuyahoga County Public Works will need to be done before work is to start.
- (4) Bridge structure must be evaluated by a Licensed Engineer.
- (5) FEMA application and approval shall be done before work to start.

**CHAPTER 230**  
**Multi-Family Residential District Regulations**

|        |  |        |   |
|--------|--|--------|---|
| 230.01 | Intent.                                | 230.08 | Accessory use regulations.              |
| 230.02 | Use regulations.                       | 230.09 | Landscaping and screening requirements. |
| 230.03 | Schedule of permitted uses.            | 230.10 | Design standards.                       |
| 230.04 | Area and density regulations.          | 230.11 | Site improvement standards.             |
| 230.05 | Site development regulations.          | 230.12 | Development plan review.                |
| 230.06 | Height regulations.                    |        |   |
| 230.07 | Dwelling unit floor area requirements. |        |   |

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**SECTION 230.01 INTENT.**

Multi-Family Residential Districts (RMF) and their regulations are established in order to achieve, among others, the following purposes:

- (a) Regulation of bulk and location of dwellings to obtain proper privacy and useable open spaces appropriate for the various districts;
- (b) Regulation of density and distribution of population in accordance with the Comprehensive Plan, officially adopted by the Township Trustees, to avoid congestion and to provide adequate public services;
- (c) Protection of the desirable characteristics and promotion of stability of existing residential development;
- (d) Promotion of the most desirable and beneficial use of the land in conformity with the Comprehensive Plan;
- (e) The RMF-T District is established to provide for attached single-family units at not more than 7 dwelling units per acre;
- (f) The RMF-A District is established to provide for multi-family developments at not more than 12 dwelling units per acre.

**SECTION 230.02 USE REGULATIONS.**

- (a) Schedule 230.03 sets forth the uses allowed in each RMF district:
  - (1) A "P" in a cell indicates that a use is permitted by right as a principal use, provided that all requirements of this zoning resolution have been met.
  - (2) A "C" in a cell indicates that a use is permitted as a conditional use provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 270 have been met according to the procedures set forth in Chapter 530.
- (b) A use or structure listed below shall be permitted as an accessory use or structure in any RMF District. Such use or structure shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated as noted below.

- (1) Garages and off-street parking areas, see also Chapter 310;
- (2) Recreation and community facilities, including community gardens, intended for use by residents of the development;
- (3) Home occupations, in compliance with Section 210.09;
- (4) Signs, see also Chapter 320;
- (5) Fences, walls, hedges;
- (6) Storage buildings.
- (7) Satellite receiving dish, see also Section 130.09.
- (8) Portable on-demand storage unit, see also Chapter 140.
- (9) Solar panels and building-mounted wind, see also Section 280.05

(c) Although a use may be indicated as a permitted principal, conditional or accessory use in a particular residential district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this resolution applicable to the specific use and parcel in question, including but not limited to any supplemental use-specific standards in Chapter 280 and the design standards and guidelines in Chapter 290.

(d) Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this resolution and/or the Zoning Map as provided in Chapter 560.

### SECTION 230.03 SCHEDULE OF PERMITTED USES.

| Land Use Category   | RMF-T<br>Townhouses | RMF-A<br>Apartments |
|---|---------------------|---------------------|
| (a) Single-family detached dwellings  | P                   |                     |
| (b) Attached single-family dwellings  | P                   | P                   |
| (c) Multi-family dwellings  |                     | P                   |
| (d) Common open space   | P                   | P                   |
| (e) Community gardens as a principal use on a lot                                 | C                   | C                   |
| (f) Golf courses, public or private   | C                   | C                   |
| (g) Public parks  | P                   | P                   |
| (h) Places of worship   | C                   | C                   |
| (i) School facilities, public or private  | C                   | C                   |
| (j) Swimming pools, public or private   | C                   | C                   |
| P = Principal use permitted by right.   |                     |                     |
| C = Conditional use, permitted only when approved by the Board of Zoning Appeals. |                     |                     |

**SECTION 230.04 AREA AND DENSITY REGULATIONS.**

Land area shall be divided and developed, and buildings shall be erected, altered, moved or maintained in an RMF District only in compliance with the following area regulations.

- (a) Minimum Development Area. The gross area of a tract of land shall be not less than that set forth in Schedule 230.04. The entire tract of land to be developed shall be considered one zoning lot. The zoning lot shall have a minimum of 200 feet of frontage on a public street.
- (b) Maximum Density.
  - (1) The density of a residential development shall not exceed the number of dwelling units per acre set forth in Schedule 230.04 for the district in which the development is located.
  - (2) The total number of dwelling units permitted shall be calculated by multiplying the total development area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.
- (c) Maximum Building Coverage. The maximum building coverage of the lot, including all areas covered by principal and accessory buildings, shall not exceed the percentage of total area of the development project set forth in Schedule 230.04.

| Schedule 230.04  |                                    |                     |
|--|------------------------------------|---------------------|
| Area Requirements  | RMF-T<br>Townhouses <sup>(a)</sup> | RMF-A<br>Apartments |
| (1) Minimum Development Area   | 4 acres                            | 5 acres             |
| (2) Maximum Density  | 7 du/ac                            | 12 du/ac            |
| (3) Maximum Building Coverage  | 25 %                               | 30 %                |
| (4) Maximum Number of Units per Building   | 8                                  | 24                  |
| <sup>(a)</sup> Single-family detached units shall comply with the R-15 District standards. |                                    |                     |

**SECTION 230.05 SITE DEVELOPMENT REGULATIONS.**

The following regulations are established to regulate the design and development of buildings in an RMF district.

- (a) Setback from Existing Rights-of-Way. The setback of a principal building from an existing public right-of-way shall not be less than the distance set forth in Schedule 230.05 for the type of street, as defined in Chapter 110.
- (b) Setback from Project Boundary. The setback of a principal building from any project boundary shall not be less than the distance set forth in Schedule 230.05.

(c) **Building Spacing.** The minimum distance separating overlapping walls of buildings, or parts thereof, shall not be less than the distance set forth in Schedule 230.05. The following definitions shall apply to terms used in this Section.

- (1) **Main Wall.** The outside wall of a building which contains the primary windows of any living, family or dining room.
- (2) **End Wall.** The outside wall other than a main wall of a building which may be blank or contain windows not considered to be primary windows.

| Schedule 230.05  |                                    |                     |
|--|------------------------------------|---------------------|
| Yard Requirements  | RMF-T<br>Townhouses <sup>(a)</sup> | RMF-A<br>Apartments |
| (1) Setback from Existing Rights-of-way                      |                                    |                     |
| A. Local street  | 35 ft.                             | 35 ft.              |
| B. Major residential street                                  | 50 ft.                             | 50 ft.              |
| C. County/State Roads  | 60 ft.                             | 60 ft.              |
| D. Bagley or Columbia Roads                                  | 80 ft.                             | 80 ft.              |
| (2) Setback from project boundary                            |                                    |                     |
| A. When abutting R Districts                                 | 50 ft.                             | 50 ft.              |
| B. When abutting all other districts including RMF districts | 30 ft.                             | 30 ft.              |
| (3) Minimum distance between buildings.                      |                                    |                     |
| A. Between 2 main walls                                      | 100 ft.                            | 80 ft.              |
| B. Between main wall and end wall                            | 60 ft.                             | 50 ft.              |
| C. Between 2 end walls                                       | 30 ft.                             | 30 ft.              |

<sup>(a)</sup> Single-family detached units shall comply with the R-15 District standards.

## SECTION 230.06 HEIGHT REGULATIONS.

All buildings shall comply with the following height regulations:

- (a) The height of principal buildings shall not exceed 35 feet.
- (b) The height of accessory buildings shall not exceed 15 feet.
- (c) The height of chimneys and antennas located on principal buildings may be extend above the height of the principal building by a height not to exceed 10 feet.

## SECTION 230.07 DWELLING UNIT FLOOR AREA REQUIREMENTS.

In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following dwelling unit area requirements in Schedule 230.07.

| Schedule 230.07   |                                 |                  |
|---|---------------------------------|------------------|
|   | RMF-T Townhouses <sup>(a)</sup> | RMF-A Apartments |
| (1) Minimum width of units  | 20 ft.                          | 18 ft.           |
| (2) Minimum area per unit   |                                 |                  |
| A. 1 bedroom  | 800 sq. ft.                     | 750 sq. ft.      |
| B. 2 bedrooms   | 1,000 sq. ft.                   | 950 sq. ft.      |
| C. 3 bedrooms   | 1,250 sq. ft.                   | 1,150 sq. ft.    |
| (3) Minimum Utility/Storage Area Per Unit – which may be located in a common area | 100 sq. ft.                     | 100 sq. ft.      |

<sup>(a)</sup> Single-family detached units shall comply with the R-15 District standards.

## SECTION 230.08 ACCESSORY USE REGULATIONS.

Any accessory use permitted in an RMF District may either occupy a part of the principal building, occupy a separate accessory structure or constitute an accessory land use.

- (a) Location of Parking Areas. The site shall be designed so that the accessory parking area shall be located not more than 200 feet from the building entrance of the dwelling units to be served, the distance to be measured along pedestrian walks. Driveway entrances shall be designed and located in compliance with Chapter 310.
- (b) Distances from Accessory Uses to Buildings and Streets. The minimum distances from accessory uses such as storage garages, parking areas, driveways, walks and recreation areas to certain walls of main buildings, streets and boundaries of the development area shall be not less than set forth in Schedule 230.08.
- (c) Fence and Wall Regulations. Fences and walls shall not exceed a height of 6 feet except that game courts shall be enclosed by a metal chain link or mesh fence at least 9 feet in height but not more than 12 feet in height. Fences shall be of chain link, picket, split rail, sapling, louver or other design, and if painted, shall be one color. Chain link fences that are located in the front yard or that abut an "R" district shall have sufficient landscaping to screen a minimum of 50% of the fence, as viewed from the street or adjacent lot in an "R" district. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (d) Swimming Pools. Residential swimming pools accessory to the residential development shall comply with regulations set forth in Section 130.08.

| Schedule 230.08 Required Distances Between Accessory Uses And Other (in feet). |                           |     |                         |                   |                                |                             |
|--|---------------------------|-----|-------------------------|-------------------|--------------------------------|-----------------------------|
| Accessory Building or Use  | To Wall of Main Buildings |     | To Street Rights-of-Way |                   | To Lot Lines Abutting District |                             |
|  | Main                      | End | Public                  | Project           | R Districts                    | RMF and all other Districts |
| (1) Accessory Buildings, Storage Garage  | 50                        | 15  | 50                      | 20                | 40                             | 20                          |
| (2) Parking Area   | 30                        | 20  | 50                      | 10                | 30                             | 10                          |
| (3) Driveway   | 30                        | 20  | 50 <sup>(a)</sup>       | 10 <sup>(a)</sup> | 30                             | 10                          |
| (4) Project Walk   | 20 <sup>(b)</sup>         | 10  | N/A                     | N/A               | 10                             | 5                           |
| (5) Fences and Walls   | NA                        | NA  | 20                      | 10                | 0                              | 0                           |
| (6) Areas for Active Recreation  | 30                        | 15  | 50                      | 10                | 20                             | 15                          |
| (7) Accessory community gardens  | 30                        | 15  | 50                      | 10                | 20                             | 15                          |

NOTES TO SCHEDULE 230.08:

(a) Except as required to access the public or private street.

(b) A project walk may be less than 20 feet, but not less than 10 feet, from a main wall if all windows have sills at least 8 feet above the finished grade.

(c) Accessory uses for single-family detached units shall comply with the R-15 District standards.

N/A Not applicable.

## SECTION 230.09 LANDSCAPING AND SCREENING REQUIREMENTS.

- (a) Visual screening and landscaping shall be provided for multi-family developments in accordance with the provisions set forth in this Chapter 330.
- (b) Whenever an RMF District abuts a Single-Family (R) District, a landscaped buffer yard, with a minimum width of 10 feet shall be provided.

## SECTION 230.10 DESIGN STANDARDS.

The following design standards shall be observed in the development of any multi-family development.

- (a) Preservation of Natural Features. Buildings and accessory uses in a RMF development shall be located on a parcel in a manner which respects and incorporates the natural features of the site including streams, ponds, woodlands, and hillsides.
- (b) Topography. Streets and buildings shall be appropriately related to the topography of the site so as to minimize the amount of grading that is required.

**SECTION 230.11 SITE IMPROVEMENT STANDARDS.**

The following site improvement standards shall apply to all developments in an RMF District.

- (a) Underground Utilities. All utilities required to serve a development shall be located underground.
- (b) Sidewalks. Paved sidewalks shall be provided to each outdoor entryway in an RMF development and shall connect all units to adjacent streets and to any recreation facilities which are provided as part of the development.
- (c) Intersections. Streets and driveways developed as part of an RMF development shall intersect at or close to 90-degree angles.
- (d) Streets and Driveways. All streets and driveways in an RMF development shall be paved with asphaltic concrete or portland cement concrete. The minimum pavement width shall be:
  - (1) Major development streets - 26 feet,
  - (2) Minor streets - 22 feet,
  - (3) Driveways - 8 feet per lane.

**SECTION 230.12 DEVELOPMENT PLAN REVIEW.**

All uses in a RMF District shall be permitted only after development plans have been reviewed and approved by the Zoning Commission according to the procedures set forth in Chapter 520.

**CHAPTER 250**  
**Business and Industrial District Regulations**

|        |                                |        |   |
|--------|--------------------------------|--------|---|
| 250.01 | Intent.                        | 250.08 | Accessory use regulations.                      |
| 250.02 | Use regulations.               | 250.09 | Landscaping and screening requirements.         |
| 250.03 | Schedule of permitted uses.    | 250.10 | Performance standards.                          |
| 250.04 | Lot requirements.              | 250.11 | Supplemental regulations for gasoline stations. |
| 250.05 | Building setback requirements. | 250.12 | Development plan review.                        |
| 250.06 | Height regulations.            |        |   |
| 250.07 | Parking setback requirements.  |        |   |

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**SECTION 250.01        INTENT.**

Business and Industrial Districts (R-B, L-I and L-OI) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide in appropriate and convenient locations, sufficient areas for business activities, the exchange of goods and services;
- (b) To protect residential neighborhoods adjacent to business and industrial uses by restricting the types of establishments, particularly at the common boundaries, which would create congestion, noise or other objectionable influences;
- (c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- (d) To provide Retail Business Districts (R-B) for certain retail and personal service establishments in areas adjacent to residential neighborhoods and to ensure that these areas are developed in a manner appropriate for locations abutting residential areas;
- (e) To provide Light Industrial Districts (L-I) for establishments that utilize processes in which dust, smoke, fumes, glare, odors or other objectionable influences can be controlled, and which normally generate only limited outdoor activities in association with a principal activity that is conducted primarily indoors.
- (f) To provide Limited Office/Industrial Districts (L-OI) for limited office and light industrial activities in locations that are adequately served by major streets and other facilities. This district is established to encourage the grouping of large-scale offices and limited industrial establishments that have a clean and non-intrusive character and which normally generate only limited outdoor activities.
- (g) To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan, officially adopted by the Township Trustees.

**SECTION 250.02        USE REGULATIONS.**

- (a) Schedule 250.03 sets forth the uses allowed in each Business and Industrial district:

- (1) A "P" in a cell indicates that a use is permitted by right as a principal use, provided that all requirements of this zoning resolution have been met.
- (2) A "C" in a cell indicates that a use is permitted as a conditional use provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 270 have been met according to the procedures set forth in Chapter 530.
- (3) A "PT" in a cell indicates that a use is permitted on a temporary basis according to Chapter 140.

(b) A use or structure listed below shall be permitted as an accessory use or structure in any nonresidential district. Such use or structure shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses and structures are further regulated in subsequent sections, as noted below.

- (1) Off-street parking and loading areas as regulated by Section 250.07 and Chapter 310.
- (2) Signs as regulated by Chapter 320.
- (3) Vending area, snack bar or cafeteria primarily for employees.
- (4) Satellite receiving dish, see also Section 130.09.
- (5) Other uses of land or buildings which are clearly incident and subordinate to the principal use.

(c) Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this resolution applicable to the specific use and parcel in question, including but not limited to any supplemental use-specific standards in Chapter 280 and the design standards and guidelines in Chapter 290.

(d) Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this resolution and/or the Zoning Map as provided in Chapter 560.

## SECTION 250.03 SCHEDULE OF PERMITTED USES.

| LAND USE CATEGORY  | R-B<br>Retail<br>Business | L-I<br>Light<br>Industrial | L-OI<br>Limited Office<br>Industrial |
|--|---------------------------|----------------------------|--------------------------------------|
| <b>(a) Offices</b>   |                           |                            |                                      |
| (1) Administrative, professional, business offices                 | P                         | P                          | P                                    |
| (2) Animal clinic, veterinarian office                             | P                         | C                          |                                      |
| (3) Medical, dental offices and clinics                            | P                         |                            |                                      |
| (4) Research and testing laboratories                              |                           | P                          | P                                    |
| <b>(b) Retail/Services</b>   |                           |                            |                                      |
| (1) Automated teller machines freestanding kiosks                  | P                         |                            |                                      |
| (2) Business services  | P                         | P                          |                                      |
| (3) Catering establishment   | C                         |                            |                                      |
| (4) Drive thru facility in association with a permitted use        | C                         |                            |                                      |
| (5) Financial establishments                                       | P                         |                            |                                      |
| (6) Funeral home   | C                         |                            |                                      |
| (7) Garden centers   | P                         |                            |                                      |
| (8) Hotels, motels   | C                         |                            |                                      |
| (9) Instructional studios  | P                         |                            |                                      |
| (10) Mobile food facility  | PT                        |                            |                                      |
| (11) Outdoor dining  | P                         |                            |                                      |
| (12) Outdoor display and sales in association with a permitted use | P                         |                            |                                      |
| (13) Personal services establishments                              | P                         |                            |                                      |
| (14) Radio and television facilities                               | P                         | P                          |                                      |
| (15) Restaurants and other retail food services                    | P                         |                            |                                      |
| (16) Retail uses in completely enclosed buildings                  | P                         |                            |                                      |
| <b>(c) Auto Oriented</b>   |                           |                            |                                      |
| (1) Gasoline station   | C                         |                            |                                      |
| (2) Automobile service station                                     | C                         | C                          |                                      |
| (3) Auto repair garage   |                           | C                          |                                      |
| (4) Car or truck wash facility                                     | C                         | C                          |                                      |
| (5) Car/truck sales/rental facility                                |                           | C                          |                                      |
| <b>(d) Entertainment/recreation</b>                                |                           |                            |                                      |
| (1) Adult entertainment  |                           | C                          |                                      |
| (2) Assembly hall, meeting place, community center                 | C                         |                            |                                      |
| (3) Commercial entertainment or recreation, outdoor                | C                         | C                          |                                      |

| LAND USE CATEGORY   | R-B<br>Retail<br>Business | L-I<br>Light<br>Industrial | L-OI<br>Limited Office<br>Industrial |
|---|---------------------------|----------------------------|--------------------------------------|
| (4) Commercial entertainment, fitness or recreation, indoor                       | C                         |                            |                                      |
| (5) Sweepstakes café  | C                         | C                          |                                      |
| (e) <u>Supplies/Storage/Distribution</u>  |                           |                            |                                      |
| (1) Distribution facilities   |                           | P                          |                                      |
| (2) Large scale laundries   |                           | P                          |                                      |
| (3) Outdoor Storage, in association with a principal use                          |                           |                            |                                      |
| A. General storage of materials, vehicles, and equipment                          |                           | C                          | C                                    |
| B. Outdoor overnight storage of fleet vehicles used in operation of principal use |                           | P                          | C                                    |
| (4) Printing/publishing   |                           | P                          | P                                    |
| (5) Self-storage facilities   |                           | P                          |                                      |
| (6) Warehousing and wholesale trade   |                           | P                          | P                                    |
| (f) <u>Manufacturing, Packaging, Fabrication, Assembly</u>                        |                           |                            |                                      |
| (1) Commercial greenhouses  | P                         | P                          | P                                    |
| (2) Contractors' offices/storage  |                           | P                          |                                      |
| (3) Food preparation establishment  |                           | P                          |                                      |
| (4) Light manufacturing industrial uses   |                           | P                          | P                                    |
| (5) Rail and motor freight yards  |                           | C                          | C                                    |
| (g) <u>Community Services and Facilities</u>                                      |                           |                            |                                      |
| (1) Adult day care facility   | C                         |                            |                                      |
| (2) Child day care center   | C                         |                            |                                      |
| (3) Hospitals   | C                         |                            |                                      |
| (4) Cultural institutions (libraries and museums)                                 | C                         |                            |                                      |
| (5) Places of worship   | C                         |                            |                                      |
| (6) Public safety facilities  | P                         | P                          | P                                    |
| (7) Public service/maintenance facility   |                           | P                          | P                                    |
| (h) Freestanding small-scale wind energy facilities                               |                           | C                          |                                      |
| (i) Solar panels and wall mounted wind energy systems                             | P                         | P                          | P                                    |
| (j) Wireless telecommunication towers   | SEE CHAPTER 350           |                            |                                      |
| P = Principal Use permitted by right.   |                           |                            |                                      |
| C = Conditional Use permitted only when approved by the Board of Zoning Appeals.  |                           |                            |                                      |
| PT = Temporary use permitted only when in compliance with Chapter 140.            |                           |                            |                                      |

**SECTION 250.04 LOT REQUIREMENTS.**

The minimum lot requirements for uses in Business and Industrial Districts are specified in Schedule 250.4.

| Schedule 250.4   |                        |                         |                                      |
|--|------------------------|-------------------------|--------------------------------------|
|  | R-B<br>Retail Business | L-I<br>Light Industrial | L-OI<br>Limited Office<br>Industrial |
| (a) Minimum Lot Size   | 25,000 sq. ft.         | 2 acres                 | 20 acres                             |
| (b) Minimum Lot Width  | 100 ft.                | 200 ft. <sup>(1)</sup>  | 500 ft.                              |
| (c) Minimum Ground Floor Area of Building  | 1,200 sq. ft.          | 1,600 sq. ft.           | 1,600 sq. ft.                        |
| (d) Maximum lot coverage   | 80%                    | 60%                     | 60%                                  |
| Notes to Schedule 250.04:  |                        |                         |                                      |
| <sup>(1)</sup> On an existing public street. For lots on proposed internal streets, the lot shall be 150 feet. |                        |                         |                                      |

**SECTION 250.05 BUILDING SETBACK REQUIREMENTS.**

Every building shall be located on a lot in compliance with the setback requirements set forth in Schedule 250.05:

| Schedule 250.05                                    |                        |                         |                                      |
|--|------------------------|-------------------------|--------------------------------------|
|  | R-B<br>Retail Business | L-I<br>Light Industrial | L-OI<br>Limited Office<br>Industrial |
| (a) Setback from street right-of-way               |                        |                         |                                      |
| (1) For lots fronting on Bagley and Columbia Roads | 80 ft.                 | 80 ft.                  | 100 ft.                              |
| (2) For lots fronting on Cook and Stearns Roads    | 60 ft.                 | 60 ft.                  | 100 ft.                              |
| (3) For lots fronting on all other streets         | 60 ft.                 | 60 ft.                  | 80 ft.                               |
| (b) Setback from Side/Rear Lot Line                |                        |                         |                                      |
| (1) Adjacent to non-residential district           | 10 ft.                 | 15 ft.                  | 15 ft.                               |
| (2) Adjacent to residential district               | 30 ft.                 | 50 ft.                  | 100 ft.                              |

**SECTION 250.06 HEIGHT REGULATIONS.**

All buildings and structures shall comply with the following height regulations.

- (a) The height of all buildings shall not exceed 35 feet.
- (b) The height of chimneys, flag poles, towers, water tanks and other mechanical appurtenances located upon or constructed as an integral part of a building may be erected above the maximum height of buildings and shall not exceed 50 feet.

**SECTION 250.07 PARKING SETBACK REQUIREMENTS.**

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 250.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 330.

| Schedule 250.07                                  |                           |                         |                                      |
|--|---------------------------|-------------------------|--------------------------------------|
|  | R-B<br>Retail<br>Business | L-I Light<br>Industrial | L-OI<br>Limited Office<br>Industrial |
| (a) Setback from street right-of-way             | 20 ft.                    | 20 ft.                  | Not in front yard                    |
| (b) Setback from side lot line and rear lot line |                           |                         |                                      |
| (1) Adjacent to non-residential district         | 10 ft.                    | 10 ft.                  | 10 ft.                               |
| (2) Adjacent to residential district             | 25 ft.                    | 30 ft.                  | 100 ft.                              |

**SECTION 250.08 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in any Business, Commercial or Industrial District shall conform to the regulations of this Section.

- (a) Accessory Buildings. Accessory buildings shall conform to all lot and yard regulations and development plan review and approval requirements of the zoning district in which the parcel or lot is located.
- (b) Fences and Walls. Fences and walls may be erected in any Business, Commercial or Industrial District in compliance with the following:
  - (1) All fences and walls shall be of uniform design and shall be well maintained.
  - (2) Fences and wall used for buffering and screening shall comply with the regulations set forth in Chapter 330.
- (c) Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 250.07 and shall otherwise conform to the regulations of Chapter 310.
- (d) Signs. Signs shall be in compliance with the regulations specified in Chapter 320.

**SECTION 250.09        LANDSCAPING AND SCREENING REQUIREMENTS.**

- (a) Visual screening and landscaping shall be provided for all lots in Business and Industrial Districts in accordance with the provisions set forth in Chapter 330.
- (b) Whenever an R-B, L-I or L-OI District abuts a Single-Family (R) or Multi-Family Residential District (RMF), a landscaped buffer yard shall be provided having the minimum width set forth below.
  - (1) 20 feet in R-B and L-I Districts.
  - (2) 100 feet in L-OI Districts.

**SECTION 250.10        PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards.

- (a) Fire Hazards. Flammable or explosive materials shall only be permitted in structures having incombustible exterior walls.
- (b) Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- (c) Noise. No use shall emit noise which, when measured at the nearest residential district boundary, exceeds the average noise volume generated by vehicular traffic on the nearest residential street. In addition, no use shall emit intermittent or shrill noises which are perceptible at the nearest residential district.
- (d) Vibration. Vibrations which are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
- (e) Heat and Glare. No use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- (f) Smoke. No use shall emit smoke for longer than eight (8) minutes in any hour which is of a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines.
- (g) Odors. No use shall emit malodorous gas or matter which is discernible on any adjoining lot or property.
- (h) Air Pollution. No use shall emit fly ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property or which can cause excessive soiling.
- (i) Waste Matter. Solid waste, including empty packing crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.

- (j) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners in compliance with Section 330.08.
- (k) Storage of Materials. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (l) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless specifically permitted in these regulations.

**SECTION 250.11 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.**

In addition to the above regulations, all gasoline stations shall comply with the following standards. Conditionally permitted gasoline stations in the R-B district shall also comply with the regulations for conditional uses set forth in Chapter 270.

- (a) Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Section 250.07.
- (b) The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- (c) Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

**SECTION 250.12 DEVELOPMENT PLAN REVIEW.**

All uses in a nonresidential district shall be permitted only after development plans have been reviewed and approved by the Zoning Commission according to the procedures set forth in Chapter 520.

**CHAPTER 260**  
**Planned Development District Regulations**

|        |   |        |   |
|--------|---|--------|---|
| 260.01 | Purpose.  | 260.10 | Setback and separation requirements.            |
| 260.02 | Application of planned development regulations. | 260.11 | Required open space standards.                  |
| 260.03 | Prior planned developments.                     | 260.12 | Street, common drive and sidewalk requirements. |
| 260.04 | Planned Development District types.             | 260.13 | Owners' associations.                           |
| 260.05 | Approval of planned developments.               | 260.14 | Additional requirements and deviations.         |
| 260.06 | Minimum project area.                           | 260.15 | Phased development.                             |
| 260.07 | Permitted principal uses.                       | 260.16 | Plan approval.                                  |
| 260.08 | Accessory uses.                                 |        |   |
| 260.09 | Density and intensity standards.                |        |   |

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**SECTION 260.01        PURPOSE.**

Pursuant to the provisions of Ohio Revised Code §519.021, Planned Development District regulations are established to encourage and accommodate, in a unified project, planned developments that utilize innovations in the technology of land development. Planned Development Districts provide an optional method for approving developments that are not otherwise accommodated in conventional zoning districts yet are determined to be in the best interest of the Township and consistent with the objectives in the Comprehensive Plan, which.

These regulations are designed to achieve, among others, the following land use objectives:

- (a) To promote the economical and efficient use of land and resources in a manner that reduces infrastructure and other public service costs through unified development.
- (b) To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrians and vehicles; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting activity areas.
- (c) To provide flexibility in the development of larger sites in order to promote development that is more sensitive to the protection of natural resources, especially on sites that have natural features such as wetlands, natural ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas, which contribute to the character of Olmsted Township.
- (d) To preserve open spaces in ways that reduce erosion, improve water quality, reduce stormwater runoff, provide wildlife habitats, and retain scenic views.
- (e) To respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.
- (f) To ensure that Planned Developments are compatible with the surrounding land uses and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.

**SECTION 260.02 APPLICATION OF PLANNED DEVELOPMENT REGULATIONS.**

- (a) Planned development regulations shall apply to property only at the election of the property owner according to one of the following methods:
  - (1) Property owners who wish to have planned development regulations apply to their property may file an application to have the zoning map amended pursuant to Chapter 560 to rezone their property to a Planned Development District and no longer subject to any previously applicable zoning regulations; or
  - (2) The Zoning Commission and Township Trustees may amend the zoning map to apply a Planned Development District as an overlay district to specific property. The Planned Development Overlay District shall be in addition to and shall overlay the zoning district existing at the time the PD Overlay District is established, so that any parcel of land lying in the PD overlay district shall also lie in one or more of the standard zoning districts provided for in this resolution. The district designation of PD shall be superimposed over the existing zoning designation(s) on the Zoning Map.
- (b) Upon completion of the PD Plan approval process, the zoning use permitted within the development site governed by the approved Planned Development application shall be in accordance with these planned development district regulations.
- (c) In a PD, the use and dimensional specifications found elsewhere in the zoning resolution are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

**SECTION 260.03 PRIOR PLANNED DEVELOPMENTS.**

Any Planned Development (PD) approved prior to the effective date of this resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing Planned Developments shall be in accordance with this Chapter.

**SECTION 260.04 PLANNED DEVELOPMENT DISTRICT TYPES.**

There are five types of Planned Development Districts. In addition to the primary purposes of Planned Development districts established above, each PD district has a set of specific objectives set forth below:

- (a) **PRD: Planned Residential Development District.** The purpose of the PRD is to allow residential developments that provide for a variety of dwelling types, including single-family detached, clustered, and attached single-family units where the primary use of the land is residential with the ability to include public, institutional, and recreational uses as approved by the township.
- (b) **CPRD: Conservation Planned Residential Development District.** Conservation Development is intended to:
  - (1) Maximize the protection and preservation of existing natural features (wetlands, floodplains, stream corridors, forestry, and woodlands) while balancing

landowner rights to develop their property by clustering housing on a portion of a development site and preserving the remaining area as protected open space.

- (2) Conserve the proper ecological functioning and ecosystem benefits that natural areas provide through the preservation of large, unfragmented tracts of undisturbed natural area.
- (3) Ensure that open space and natural resources are preserved in perpetuity and available for the future passive recreation and nature appreciation for the broader community.
- (4) Preserve scenic views, viewsheds and the natural character of the area.

(c) **LRPD: Limited Retail Planned Development District.** The Limited Retail PD allows for the limited development of retail and service uses in order to:

- (1) Allow limited expansion of retail and service uses in areas adjoining existing retail uses and establishing a development plan review process to ensure that new retail development is compatible with the largely residential area.
- (2) Enable the township to limit the types of retail uses that can occupy/reoccupy existing and/or new buildings.

(d) **TCPD: Town Center Planned Development District.** The purpose of the Town Center PD District is to permit compact development that fosters a more traditional neighborhood design characterized as a walkable community and which facilitates more efficient use of services to encourage and enable the creation of a walkable town center. More specifically, the purposes of this district are to:

- (1) Permit a mix of retail, office and residential uses that is compatible with the surrounding area and fosters a sense of place for the township.
- (2) Ensure that new development and/or redevelopment will occur in a manner that provides adequate transition between more intense retail uses and lower density residential.
- (3) Ensure that new development incorporates community gathering areas and/or focal points and provides pedestrian connections from the commercial core of the town center to adjacent residential development.

(e) **BPPD: Business Park Planned Development District.** The purpose of the Business Park PD District is to accommodate professional and corporate offices, research and development uses, light industrial uses and to a limited extent, warehouses within a cohesive, planned business park which is designed in a manner that ensures the uses are mutually compatible. Furthermore, the BPPD is intended to:

- (1) Ensure that the business park is in harmony with surrounding land uses, land use density, transportation facilities, connecting open space, and community facilities.
- (2) Ensure a development pattern that preserves and utilizes natural topography and geologic features, trees and other vegetation, prevents the disruption of natural drainage patterns, and conserves and protects the groundwater supplies.
- (3) Provide for a useful and environmentally beneficial pattern of open space areas.

- (4) Provide development and operational standards to minimize traffic congestion, noise, glare, air pollution, water pollution, fire and safety hazards, and drainage problems.
- (5) Prohibit those industrial uses, which, because of the potential emanation of dust, smoke, noise, fumes, odors, or vibrations, are inconsistent with the purpose of this district.
- (6) Promote “green” sustainable development and building practices.
- (7) Provide an internal street network, with common or shared parking areas to the extent practicable and a high degree of internal landscaping and open space so arranged as to create an attractive project.

**SECTION 260.05 APPROVAL OF PLANNED DEVELOPMENTS.**

In addition to the review procedures for zoning amendments, the Zoning Commission and Township Trustees shall review a proposed PD giving particular consideration to ensure that:

- (a) Buildings and uses within the proposed development shall be located so as to reduce any adverse influences of construction and development and to protect the character of areas adjacent to the development.
- (b) Buildings and uses within the proposed development shall be located so as to reduce the impacts to sensitive or valuable natural areas.
- (c) Significant buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
- (d) Significant buffer zones shall be provided between the proposed building and parking construction and on-site streams, wetlands, floodplains and other critical natural areas.
- (e) The bulk and height of buildings within the proposed development are compatible with the surrounding development.
- (f) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are so designed as to have access to public streets which minimize traffic hazards, or congestion.
- (g) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the existing or intended character of areas adjacent to the development.
- (h) The proposed development complies with the design standards and guidelines set forth in Chapter 280.

**SECTION 260.06 MINIMUM PROJECT AREA.**

- (a) An application for a PD shall be for property that is under a single ownership or, if under several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PD boundaries.

(b) The minimum gross area of a tract of land proposed to be developed as a Planned Development shall be as noted in Schedule 260.06 for each PD district:

Schedule 260.06

| PD District  | Minimum Project Area |
|--|----------------------|
| (1) PRD: Planned Residential Development               | 30 acres             |
| (2) CPRD: Conservation Planned Residential Development | 30 acres             |
| (3) LRPD: Limited Retail Planned Development           | 2 acres              |
| (4) TCPD: Town Center Planned Development              | 10 acres             |
| (5) BPPD: Business Park Planned Development            | 50 acres             |

(c) The Zoning Commission and Township Trustees may authorize a PD on a tract of land smaller than the minimum set forth in Schedule 260.06 if, upon written request by the owner of land, they find that either:

- (1) The requested smaller land area has unique natural features that would not be preserved if the parcel were developed as a conventional subdivision or development; or
- (2) The ownership of the property and surrounding land and/or other use and development restrictions abutting the property reasonably prevent the applicant from acquiring the additional land necessary to satisfy the minimum area required.

(d) All land within a PD shall be contiguous in that it shall not be divided into segments by any existing or proposed limited access highways or railroad right-of-way or by any tract of land not owned by or under the control of the applicant of the PD.

**SECTION 260.07 PERMITTED PRINCIPAL USES.**

(a) Schedule 260.07 sets forth the permitted uses within each PD District.

- (1) A "P" in a cell indicates that a use is permitted as part of a planned development.
- (2) A "C" in a cell indicates that a use is permitted as a conditional use when not authorized as part of the initial PD plan.
- (3) A "PT" in a cell indicates that a use is permitted on a temporary basis according to Chapter 140.
- (4) Supplemental standards for specific uses are set forth in Chapter 280.

(b) As part of the review and approval of a PD preliminary plan application, the Zoning Commission and Township Trustees may approve uses according to the following:

- (1) Conditions may be imposed on a proposed use that limit the operation, location or other aspects of the use.

(2) A determination may be made that a proposed use, which is not noted as a permitted use in the specific PD district, is similar to a use that is permitted and the proposed use is consistent with the purpose statements for the particular PD district in which the development is proposed.

(3) One or more uses may be specifically prohibited within the proposed PD preliminary plan application.

Schedule 260.07

| Land Use Category   | CPRD | PRD | LRPD Limited Retail | TCPD Town Center | BPPD Business Park |
|---|------|-----|---------------------|------------------|--------------------|
| <b>Residential</b>  |      |     |                     |                  |                    |
| 1. Bed and breakfast establishments                                 | C    | C   | P                   |                  |                    |
| 2. Single-family detached dwellings on individually subdivided lots | P    | P   | P                   |                  |                    |
| 3. Cluster single-family detached dwellings                         | P    | P   |                     |                  |                    |
| 4. Attached single-family dwellings                                 | P    | P   |                     | P                |                    |
| 5. Family home for handicapped persons                              | C    | C   |                     |                  |                    |
| 6. Group home for handicapped persons                               | C    | C   |                     |                  |                    |
| <b>Open Space/Recreational</b>                                      |      |     |                     |                  |                    |
| 7. Common open space  | P    | P   | P                   | P                | P                  |
| 8. Golf courses, public or private                                  | C    | C   |                     |                  |                    |
| 9. Public parks   | P    | P   | P                   | P                | P                  |
| <b>Community Services and Facilities</b>                            |      |     |                     |                  |                    |
| 10. Adult day care facility, child day care center                  |      |     | C                   | C                | C                  |
| 11. Cultural institutions (libraries and museums)                   |      |     |                     | C                |                    |
| 12. Hospitals   |      |     |                     | C                | C                  |
| 13. Places of worship   | C    | C   | C                   | C                |                    |
| 14. Public safety facilities  |      |     | P                   | P                | P                  |
| 15. School facilities, public or private                            | C    | C   | C                   | C                |                    |
| <b>Offices/Retail Service Uses</b>                                  |      |     |                     |                  |                    |
| 16. Administrative, professional, business offices                  |      |     | P                   | P                | P                  |
| 17. Animal clinic, veterinarian office                              |      |     | P                   | P                |                    |
| 18. Assembly Hall, meeting place, community center                  |      |     |                     | C                | C                  |
| 19. Automated teller machine kiosks                                 |      |     |                     | P                |                    |
| 20. Business Services   |      |     |                     | P                | P                  |
| 21. Commercial entertainment, fitness or recreation, indoor         |      |     |                     | C                |                    |
| 22. Commercial entertainment or recreation,                         |      |     |                     | C                |                    |

## Schedule 260.07

| Land Use Category  | CPRD | PRD | LRPD<br>Limited<br>Retail | TCPD<br>Town<br>Center | BPPD<br>Business<br>Park |
|--|------|-----|---------------------------|------------------------|--------------------------|
| <b>outdoor</b>   |      |     |                           |                        |                          |
| 23. Financial establishments   |      |     | P                         | P                      |                          |
| 24. Gasoline station   |      |     | C                         | C                      |                          |
| 25. Hotels, motels   |      |     |                           | C                      | C                        |
| 26. Instructional studios  |      |     | P                         | P                      | C                        |
| 27. Medical, dental offices and clinics  |      |     | P                         | P                      |                          |
| 28. Mobile food facility   |      |     |                           | PT                     | PT                       |
| 29. Outdoor dining   |      |     | P                         | P                      |                          |
| 30. Personal service establishments  |      |     | P                         | P                      |                          |
| 31. Restaurants, other retail food service<br>establishments                                 |      |     | P                         | P                      |                          |
| 32. Retail uses in completely enclosed buildings   |      |     | P                         | P                      |                          |
| <b>Industrial Uses</b>   |      |     |                           |                        |                          |
| 33. Distribution facilities  |      |     |                           |                        | P                        |
| 34. Light manufacturing industrial uses  |      |     |                           |                        | P                        |
| 35. Outdoor overnight storage of fleet vehicles used<br>in operation of a principal use      |      |     |                           |                        | P                        |
| 36. Outdoor storage of materials, vehicles, and<br>equipment associated with a principal use |      |     |                           |                        | C                        |
| 37. Printing/publishing  |      |     |                           |                        | P                        |
| 38. Rail and motor freight yards   |      |     |                           |                        | C                        |
| 39. Research and testing laboratories  |      |     |                           |                        | P                        |
| 40. Warehousing, wholesale trade   |      |     |                           |                        | P                        |
| <b>Utilities</b>   |      |     |                           |                        |                          |
| 41. Building mounted wind energy facilities  | P    | P   | P                         | P                      | P                        |
| 42. Freestanding small scale wind energy facilities  |      |     |                           |                        | P                        |
| 43. Solar panels   | P    | P   | P                         | P                      | P                        |
| 44. Wireless telecommunication tower   |      |     |                           | See Chapter 350        |                          |

**SECTION 260.08 ACCESSORY USES.**

Accessory uses in a PD District shall be subject to the following standards:

(a) Accessory uses and structures related to single-family dwellings in a PD shall be subject to the standards applied to accessory uses in R District as set forth in Chapter 210.

- (b) Accessory uses and structures related to attached single-family dwellings in a PD shall be subject to the standards applied to accessory uses in RMF Districts as set forth in Chapter 230.
- (c) Accessory uses and structures related to nonresidential uses shall be subject to the standards applied to the Business, Commercial, and Industrial District as set forth in Chapter 250.

#### **SECTION 260.09 DENSITY AND INTENSITY STANDARDS.**

Except as otherwise authorized by the Zoning Commission and Township Trustees, PD districts shall comply with the standards set forth this section.

| Schedule 260.09 (a)                  |      |      |               |   |         |
|--------------------------------------|------|------|---------------|---|---------|
|                                      | CPRD | PRD  | LRPD          | TCPD  | BPPD    |
| 1. Minimum Required Open Space       | 40%  | 20%  | None          | 20% overall,<br>30% within residential area | 25%     |
| 2. Maximum Gross Residential Density | 1.5  | 2.25 | N/A           | 7   | N/A     |
| 3. Min Lot Area                      | None | None | 25,000 sq ft. | None  | 2 acres |
| 4. Min Lot Width                     | None | None | 100 ft.       | None  | 200 ft. |
| 5. Max Lot Coverage                  | None | None | 60%           | 80%   | 60%     |

- (a) Minimum Required Open Space. Only permanently protected open space that meets the requirements of Section 260.11 shall be counted toward the required minimum percentage of total project area set forth in Schedule 260.09(a). For the TCPD District, the portion of the PD that is devoted to attached single family units shall designate 30% of the residential-only area for required open space.
- (b) Maximum Residential Density. The maximum permitted number of dwelling units in a PD shall be calculated by multiplying the total area of “residential developable land” by the maximum gross density.
  - (1) For the purposes of this calculation, “residential developable land” is any land area outside of land that is designated as rights-of-way that exist prior to the application, but not including rights-of-ways that are proposed as part of the application and land designated solely for nonresidential development.
  - (2) Requirements for Fee-Simple Subdivided Lots. Dwelling units may be clustered or located on any size lot and in any area of the development in accordance with this Chapter.
- (c) Residential Unit Restrictions. Dwelling units permitted in the CPRD, PRD, LRPD and TCPD District shall comply with the regulations set forth in Schedule 260.09(b).

## Schedule 260.09 (b)

|   | CPRD, PRD<br>Districts | LRPD   | MUPD   |
|---|------------------------|--------|--------|
| 1. Maximum units per building                                   | 2                      | 1      | 8      |
| 2. Maximum percentage of attached<br>units to total units in PD | 25%                    | 0      | 100%   |
| 3. Dwelling Unit Floor Area<br>Requirements, see Section noted  | 210.07                 | 210.07 | 230.07 |

**SECTION 260.10 SETBACK AND SEPARATION REQUIREMENTS.**

Except as otherwise authorized by the Zoning Commission and Township Trustees, PD districts shall comply with the following setback requirements set forth in Schedule 260.10.

- (a) Minimum Setback from Street Rights-of-Way. All buildings, structures and parking areas shall be located no closer to an existing or proposed street right-of-way than set forth in Schedule 260.10.
- (b) Minimum Perimeter Landscaped Buffer Area. No buildings, structures and parking areas shall be located in the minimum perimeter landscaped buffer area set forth in Schedule 260.10. The applicant may request, or the Zoning Commission may recommend and the Township Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions warrant such modifications including opportunities for connectivity to adjacent uses and developments, density of existing wooded areas, and limited future development potential of adjacent parcels.
- (c) Minimum Distance Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by at least 20 feet, except that for residential dwellings when the windows of living areas and patios, decks, and terraces face each other, they shall be separated by at least 60 feet. This distance may be reduced when the Zoning Commission and Trustees find that adequate landscaping and screening is provided to ensure privacy for residential units.

## Schedule 260.10

|   | CPRD   | PRD    | LRPD   | TCPD   | BPPD   |
|---|--------|--------|--------|--------|--------|
| 1. Minimum Setback from ROW of Proposed Streets                   |        |        |        |        |        |
| A. Interior residential street serving 50 or fewer dwelling units | 15 ft  | 15 ft  | N/A    | 10 ft. | N/A    |
| B. Interior public street   | 35 ft  | 35 ft  | 40 ft. | 10 ft. | 50 ft  |
| 2. Minimum Setback from ROW of existing streets:                  |        |        |        |        |        |
| A. Bagley or Columbia Roads                                       | 80 ft. | 80 ft. | 50 ft. | 50 ft. | 100 ft |
| B. County/State Roads   | 60 ft. | 60 ft. | 50 ft. | 50 ft. | 100 ft |
| C. Township Roads   | 50 ft  | 50 ft  | 50 ft. | 50 ft. | 100 ft |
| 3. Minimum Perimeter Landscaped Buffer:                           |        |        |        |        |        |
| A. Adjacent to non-residential district                           | N/A    | N/A    | 10 ft. | 10 ft. | 10 ft  |
| B. Adjacent to residential district                               | 20 ft. | 20 ft. | 30 ft. | 30 ft. | 100 ft |

**SECTION 260.11 REQUIRED OPEN SPACE STANDARDS.**

Land within a Planned Development proposed to be preserved as open space shall comply with the following standards in order to be classified as Required Open Space.

- (a) The open space shall be located and designed to the satisfaction of the Zoning Commission and Township Trustees and shall:
  - (1) Be sufficiently aggregated to preserve or create large areas of contiguous planned open space.
  - (2) Be contiguous. Not less than one-half of the required open space will be contiguous in order to reduce habitat fragmentation, with open space areas on abutting parcels wherever possible.
  - (3) Be not less than the required minimum set forth in Schedule 260.09(a).
  - (4) Be not less than 70 feet in width at any point.
  - (5) Conserve significant natural features as required in Section 260.11(e) to the extent practicable.
  - (6) Preserve scenic views to the extent practicable.
  - (7) Be easily accessible to residents, employees, or patrons of the PD.
  - (8) Strive to contain or preserve native plantings. Invasive species shall not be planted in created open spaces.

- (9) Wherever possible, open space should be located contiguous to open space, parks, and recreational lands adjacent to the subject property. Multiple small isolated parcels are discouraged.
- (b) The following areas shall not count as required open space:
  - (1) Public streets and associated rights-of-way;
  - (2) Public and private off-street parking areas, access drives, and driveways to residential units;
  - (3) Required perimeter landscaped buffer areas;
  - (4) Required building and parking setbacks from public streets;
  - (5) Required spacing between buildings and between buildings and parking areas;
  - (6) Private yards within subdivided lots;
  - (7) Area used for active recreation;
  - (8) Detention basins or any other storm water management facility required by local, state or federal regulations, or other constructed water body, unless such area is a rain garden, created wetland or other area deemed appropriate by the Zoning Commission and Township Trustees.
  - (9) Utility easements and rights-of-way, including land under high tension power lines.
- (c) Areas designated as required open space may be:
  - (1) Preserved as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; or
  - (2) Buffered areas along streams and wetlands as long as it is contiguous with the larger open space.
  - (3) Used for passive recreation.
  - (4) Any common open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Zoning Commission and Township Trustees. Where deemed appropriate by the Zoning Commission and Township Trustees, recreation areas shall be provided with sufficient parking and appropriate access.
- (d) Required open space shall be preserved as or used in a manner established within the specific PD and shall be:
  - (1) Owned by the township, county, state, park district, or other non-profit entity as may be approved by the Zoning Commission and Township of Trustees, subject to acceptance by the appropriate legislative body; or
  - (2) Protected by a conservation easement and as approved by the Zoning Commission and Township Trustees; and/or

(3) Owned jointly or in common by the developer and/or owners of the building lots with maintenance provided through a homeowners' or property owners' association (See Section 260.13):

(e) Resource Protection. The natural resources listed in this section are resources that are sensitive to development and shall be protected. Such open space may count toward the minimum required open space set forth in Schedule 260.09(a), provided it meets all other applicable standards of this Chapter.

(1) If the total area of land covered by the natural resources that must be protected exceeds the amount of open space required in Schedule 260.09(a), then the applicant shall be required to preserve the remaining natural resources in additional open space areas.

(2) Schedule 260.11 establishes the minimum percentages of those natural resource areas that are to be preserved as part of the open space requirements. The Zoning Commission and Township Trustees may reduce the percentages listed in Schedule 260.11 if they make a finding that:

A. The proposed alternative achieves the intent of resource protection to the same or better degree than the subject standard;

B. The proposed alternative achieves the goals and intent of this resolution and the land use plan to the same or better degree than the subject requirement; and

C. The proposed alternative results in benefits to the township that are equivalent to or better than compliance with the established percentage.

(3) Preliminary and final development plans shall include inventory maps of the resources identified in Schedule 260.11, and indicate those portions that will be protected within the open space required as part of the PD and permanently protected in accordance with this article.

**Schedule 260.11**

| <b>Natural Resource</b>           | <b>Percentage To Be Preserved</b>                                    |
|-----------------------------------|--|
| 1. Floodplains as defined by FEMA | 100%   |
| 2. Wetlands                       | Subject of U.S. Army Corps of Engineers and Ohio EPA requirement     |
| 3. Riparian Corridors             | As required by Township or County Storm Water Management regulations |
| 4. Woodlands                      | See Chapter 370.   |

(f) Further subdivision of the required open space or its use for other than those uses prescribed in the approved preliminary and final PD plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Zoning Commission and Township Trustees. Any

restrictions on the established open space shall be memorialized in a conservation easement.

**SECTION 260.12 STREET, COMMON DRIVE, AND SIDEWALK REQUIREMENTS.**

- (a) Street Requirements. All streets are required to be public, dedicated streets that are designed and constructed in compliance with the Cuyahoga County Subdivision Regulations and Township Street Design Standards
  - (1) The applicant shall purchase and install all roadway signage and roadway markings as specified by the Township Trustees.
  - (2) Street lighting shall be adequate for safety and security.
- (b) Common Drives: Common drives may be permitted in compliance with the following requirements:
  - (1) A common drive shall serve no more than four units.
  - (2) A common drive shall extend from a public street and shall not connect to any other existing or planned public street.
  - (3) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Olmsted Township Police and Fire Departments.
  - (4) Right-of-ways are not required for common drives; however, utility easement(s) may be required along the length of the common drive.
  - (5) All common drives shall be paved with a minimum width of 18 feet. Dead-end drives providing access to more than two units shall be designed with a turn-around, which shall be entirely paved.
- (c) Disclosure for Common Drives: Whenever a common drive is included in a planned development deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated, common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive.”
- (d) Pedestrian Circulation System. A pedestrian circulation system shall be included in the RD according to the following:
  - (1) The system should be designed to ensure that pedestrians can walk safely and easily throughout the development, without having to walk or utilize the street for travel. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public street within the development, “pedestrian crossing” signs shall be posted.
  - (2) A trail system may be provided within required open space. The system should be designed to minimize disturbance of the site with regard to the natural

drainage system and topography. To the maximum extent feasible, natural materials should be used in the construction and maintenance of the trail system.

(3) When developed adjacent to contiguous to a public trail, park, or recreation area, the development shall provide pedestrian access from the development to the public area by way of connecting walkway, trail, boardwalk, or bridge.

**SECTION 260.13 OWNERS ASSOCIATIONS.**

As part of a planned development an owners' association, community association, condominium association or similar legal entity shall be created so that, pursuant to Section 260.09, such association is responsible for the maintenance and control of common areas, including but not limited to the required open space. At the time of General Development Plan approval, the applicant shall provide the township's legal advisor with copies of the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association, et al). No General Development Plan shall be approved without a written opinion by the township's legal advisor that these submitted documents demonstrate full compliance with the provisions of this subsection in that these documents, read in their entirety, contain appropriate provisions implementing all of the following requirements.

(a) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be either as provided for by statute (Condominium Association) or as specified in the Association's Declaration or Code of Regulations (Homeowners Association, et al).

(b) The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including common open space, without (i) an affirmative vote of seventy-five (75) percent of its members, (ii) having established a successor entity to take over said property pursuant to the township's zoning resolution including no subdivision of the common open space and compliance with all the other common open space requirements set forth in Section 260.118; and (iii) the approval of the township board of trustees.

(c) The Association shall:

(1) Be responsible for maintenance, control and insurance of common areas, including the required common open space;

(2) Impose assessments on members for the maintenance, control and insurance of common open space, and have the power to place liens against individual properties for failure to pay assessments either as provided for by statute (Condominium Association) or in the Code or Regulations (Homeowners' Association, et al.); and

(3) Have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common open space by such means as reasonable monetary fines, suspension of the right to vote and the right to use any recreational facilities in the

common area, the right to suspend any services provided by the Association to any owner, and the right to exercise self-help to cure violations.

(d) The Association shall convey to the township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

**SECTION 260.14 ADDITIONAL REQUIREMENTS AND DEVIATIONS.**

(a) Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PD general development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PD.

(b) The Zoning Commission and Township Trustees may approve deviations from any of the development standards in this Chapter except standards for maximum density.

(1) Such deviation must be reviewed and jointly approved as part of the general development plan.

(2) In approving a deviation from these standards, the Zoning Commission and Township Trustees must find that:

A. The proposed alternative achieves the purposes of the PD district to the same or better degree than the subject standard;

B. The proposed alternative achieves the goals and intent of this resolution and the land use plan to the same or better degree than the subject requirement; and

C. The proposed alternative results in benefits to the township that are equivalent to or better than compliance with the established standard.

**SECTION 260.15 PHASED DEVELOPMENT.**

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

**SECTION 260.16 PLAN APPROVAL.**

The applicant for a planned development shall submit development plans in accordance with Chapter 520.

**CHAPTER 270**  
**Conditional Use Regulations**

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|        |   |        |   |
|--------|---|--------|---|
| 270.01 | Intent.   | 270.04 | Schedule of regulations for conditional uses in residential districts.        |
| 270.02 | General criteria for all conditional uses.                        | 270.05 | Specific standards for conditional uses in business and industrial districts. |
| 270.03 | Specific standards for conditional uses in residential districts. |        |   |

**SECTION 270.01        INTENT.**

Certain types of principal uses are classified as conditional uses because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, or potential for significant impact on a particular district. Consequently, the conditional use procedures call for a more flexible and equitable procedure for properly accommodating such activities in the community. The forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the Township's inhabitants.

In order to accomplish such a dual objective, provision is made in the zoning resolution for a more detailed consideration of each land use designated a conditional use in the district regulations as it may relate to the proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, and amount and kinds of public facilities and services required, together with many other factors. Review of this information by the Board of Zoning Appeals is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Chapter 530.

**SECTION 270.02        GENERAL CRITERIA FOR ALL CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Chapter 280. Furthermore, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- (a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this resolution and with the objectives for the district in which located and with the Comprehensive Plan, officially adopted by the Township Trustees;

- (b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- (d) The hours of operation of the proposed use are similar to a use permitted in the district.
- (e) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (f) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (g) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (h) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;
- (i) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- (j) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;
- (k) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 310, "Off-Street Parking and Loading Regulations," and shall provide for interconnecting circulation among adjacent parcels.
- (l) If the conditional use is proposed on a local street in a residential district, the proposed use would generate only a minimum of traffic through a residential neighborhood.

**SECTION 270.03                    SPECIFIC STANDARDS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.**

In addition to the general criteria established in Sections 270.01 and 270.02, the following specific conditions pertaining to each use or group of uses shall apply when such uses are located in Residential Districts.

- (a) Supplementary Conditions and Safeguards Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in

addition to these requirements in order to ensure compliance with the criteria set forth in Section 270.02.

- (b) Conformance with District Regulations. A conditional use located in a Residential District shall conform to the regulations of the district in which it is located and to other substantive requirements of this zoning resolution, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.
- (c) Exception to Height Regulations. A non-residential building permitted as a conditional use in a residential district may be erected to a height not exceeding 50 feet, provided the front, side and rear yards shall have a depth equal to not less than one-and-one-half the height of the building wall abutting on such yard, except that church spires, cupolas, domes, towers, and flag poles, located upon or constituted as an integral part of an institutional building may exceed the above height limitation as permitted by the Board of Zoning Appeals.
- (d) Specific Development Standards.
  - (1) The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
  - (2) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties in accordance with Section 330.08.
  - (3) All points of entrance or exit for non-single-family uses on lots larger than one acre shall be located no closer than 100 feet from an intersection.
- (e) Regulations for Accessory Structures.
  - (1) Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in residential districts in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent residential property.
  - (2) All trash receptacles shall be screened according to Chapter 330 with a fence, wall or building.
- (f) Specific Area, Width and Yard Regulations. Schedule 270.04 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations. Supplemental requirements pertaining to such uses are set forth in Chapter 280.

**SECTION 270.04****SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.**

| CONDITIONAL USE   | Minimum Lot Requirements |                    | Building Setback (ft) |           | Parking Setback (ft) |           | See also<br>Chapter 280 |
|---|--------------------------|--------------------|-----------------------|-----------|----------------------|-----------|-------------------------|
|   | Area                     | Width (feet)       | Front                 | Side/Rear | Front                | Side/Rear |                         |
| 1. Bed and Breakfasts   | (a)                      | (a)                | (a)                   | (a)       | NP                   | 20        | 280.0 ()                |
| 2. Cemeteries   | 25 acres                 | 200                | 75                    | 75        | NP                   | 20        | --                      |
| 3. Community Gardens  | N/A                      | N/A                | (a)                   | (a)       | NP                   | 20        | 280.0                   |
| 4. Golf Courses, public or private  | 25 acres                 | 200                | 75                    | 75        | NP                   | 20        | 280.                    |
| 5. Home for handicapped, family   | (a)                      | (a)                | (a)                   | (a)       | (a)                  | (a)       | 280.                    |
| 6. Home for handicapped, group  | 1 acre                   | 150                | (b)                   | (b)       | (b)                  | (b)       | 280.                    |
| 7. Places of worship  | 5 acres                  | 200                | 75                    | 75        | NP                   | 20        | 280.                    |
| 8. Schools (public or private) and associated facilities and uses   | 5 acres                  | 200                | 75                    | 75        | NP                   | 20        | 280.                    |
| 9. Swimming pool, public or private   | 5 acres                  | 200                | 75                    | 75        | NP                   | 20        | 280.                    |
| NOTES FOR SCHEDULE 270.04   |                          |                    |                       |           |                      |           |                         |
| (a) Shall comply with the district regulations for a single-family dwelling.<br>(b) Shall comply with the district regulations for principal buildings. |                          |                    |                       |           |                      |           |                         |
| NA = Not Applicable   |                          | NP = Not Permitted |                       |           |                      |           |                         |

**SECTION 270.05****SPECIFIC STANDARDS FOR CONDITIONAL USES IN BUSINESS AND INDUSTRIAL DISTRICTS.**

In addition to the general criteria established in Section 270.01 and 270.02, the following specific conditions pertaining to each use or group of uses in business and Industrial Districts shall apply.

- (a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 270.02.
- (b) Compliance with District Regulations. A conditional use located in a Business or Industrial District shall conform to the regulations of the district in which it is located. Additional requirements pertaining to specific uses are set forth in Chapter 280
- (c) Specific Development Conditions.
  - (1) All outside lighting shall be shielded from adjacent properties in compliance with 330.08.
  - (2) The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.

**CHAPTER 280**  
**Use-Specific Standard**

|        |  |        |   |
|--------|--|--------|---|
| 280.01 | Intent.  | 280.04 | Supplemental standards for business and industrial uses.  |
| 280.02 | Supplemental standards for residential uses.   | 280.05 | Supplemental standards for solar and wind energy systems. |
| 280.03 | Supplemental standards for community services/ facilities and open space/ recreation uses. | 280.06 | Adult entertainment.                                      |

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**SECTION 280.01        INTENT.**

This Chapter establishes supplement standards that apply to specific uses which are in addition to the general district requirements, conditional use criteria set forth in Chapter 270 and standards applicable to all districts set forth in Title III.

**SECTION 280.02        SUPPLEMENTAL STANDARDS FOR RESIDENTIAL USES.**

- (a)     Bed and Breakfast Establishments.
  - (1)     The owner of the establishment shall reside full-time in the dwelling.
  - (2)     No more than four (4) bedrooms in the dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
  - (3)     One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
  - (4)     There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
  - (5)     Meals provided shall only be served to guests who are lodging at the establishment. Guestrooms in the establishment shall not contain cooking facilities.
  - (6)     Guests shall be permitted to reside at the establishment for not longer than two continuous weeks.
- (b)     Home for Handicapped Persons, Family:
  - (1)     The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
    - A.     The resident intends to live at the dwelling on a continuing basis; and,
    - B.     The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.

- (2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Board of Zoning Appeals for each handicapped person who resides in the home after a conditional use permit is granted;
- (3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;
- (4) In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;
- (5) Signs or other means of identification as a family home for handicapped persons shall not be permitted;
- (6) The applicant shall comply with the applicable parking regulations of the zoning resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
- (7) In considering whether to grant the conditional use permit, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for handicapped persons is located;
- (8) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
- (9) The residential home shall meet local fire safety requirements for the proposed use and level of occupancy.
- (10) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing Township regulations.

(c) Home for Handicapped Persons, Group:

- (1) Each facility shall comply with the minimum lot area required in Schedule 270.04, and the beds per lot area ratio shall not exceed one bed for every 3,000 square feet of lot area

- (2) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- (3) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
- (4) The applicant shall comply with the applicable parking regulations of the zoning resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
- (5) In considering whether to grant the conditional use permit, Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for handicapped persons is located;
- (6) Residents shall either be handicapped as defined by the zoning resolution or be 62 years of age or older.

**SECTION 280.03****SUPPLEMENTAL STANDARDS FOR COMMUNITY SERVICES/FACILITIES AND OPEN SPACE/RECREATION USES.**

- (a) Adult Day Care Facility:
  - (1) Outside areas for activities shall be fenced for the protection of the adults.
  - (2) Parking spaces required for the facility shall be on the same lot as the principal use.
  - (3) The location and design of the facility shall provide for the protection of the adults from the traffic, noise, and other hazards of the area and/or the arterial street location.
- (b) Child Day Care Center:
  - (1) Outside areas for activities shall be fenced for the protection of the children.
  - (2) Parking spaces required for the day care facility shall be on the same lot as the principal use.
  - (3) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children.
  - (4) The location and design of the facility shall provide for the protection of the patrons from the traffic, noise, and other hazards of the area.

(5) A child day-care home, as defined in the zoning resolution, is considered a residential use of property for zoning purposes and shall be permitted by right in all residential zoning districts.

(c) Community Gardens:

- (1) Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables including the cultivation and tillage of soil and the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodity.
- (2) The owner(s) shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, and the distribution of garden plots.
- (3) The name and telephone number of the owner(s) and any person designated in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the zoning inspector.
- (4) The keeping of livestock or other animals shall comply with the requirements for agricultural uses set forth in Section 210.11.
- (5) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.
- (6) The premises on which the community garden is located shall be maintained free of litter and debris.
- (7) The application shall identify and show the location of any proposed compost bins or rain barrels or other proposed structures.
- (8) Maintenance of the community garden will not cause a nuisance or disturbance to neighboring properties.
- (9) A community garden accessory to a principal use shall obtain a zoning certificate; a community garden that is the principal use of a lot shall obtain a conditional use permit from the Board of Zoning Appeals.

(d) Golf Courses:

- (1) Vehicular access to such uses shall be located on a major street.
- (2) All loudspeaker systems shall be approved by the Board of Zoning Appeals and shall not create a nuisance for adjacent properties.

(e) Hospitals:

- (1) The minimum lot area requirement is 2 acres with a minimum lot width of 200 feet.
- (2) Such use shall be located on a major street.

- (3) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.
- (f) Places of Worship and School Facilities and their associated facilities and uses.
  - (1) Such uses should be located on a major street or have direct access to a major street without going through a residential neighborhood so as to lessen the impact on residential areas.
  - (2) In any district, the Board of Zoning Appeals may require (when appropriate) all outdoor children's activity areas to be completely fenced to minimize traffic hazards.
  - (3) Associated uses such as a convent, cafeteria, fieldhouse and/or infirmary shall be located on the same lot as a place of worship or public or private school and when located in a residential district shall comply with the building setback requirements set forth in Sections 270.04.
- (g) Swimming Pools, Public or Private (not including swimming pools that are accessory to a dwelling or multi-family development):
  - (1) Vehicular access to such uses shall be located on a major street.
  - (2) All pools shall be located within an enclosed structure or completely surrounded by a fence or wall having a height not less than five feet, and shall be kept locked at all times the pool is not in use. No part of such fence or enclosure shall be located in a required yard.
  - (3) Pools shall comply with additional requirements set forth in Section 130.08.

**SECTION 280.04****SUPPLEMENTAL STANDARDS FOR BUSINESS AND INDUSTRIAL USES.**

- (a) Animal Clinics, veterinarian office:
  - (1) Such use shall be located in a building having adequate sound proofing and odor control.
  - (2) In a R-B District, there shall be no facilities for the overnight boarding of animals except to allow indoor overnight lodging only as necessary for animals receiving medical attention.
  - (3) In C-S and I-1 Districts, a kennel facility may be permitted as an accessory use to an animal clinic.
- (b) Auto Repair Garage and Automobile Service Station:
  - (1) All activities, including cleaning, washing, and drying operations, shall take place inside the building unless otherwise permitted by the Board of Zoning Appeals.

- (2) No junk, inoperative, or unlicensed vehicle shall be permitted to remain outdoors on the property except in a completely screened storage area.
- (c) Car or Truck Wash Facility:
  - (1) The area for the facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars/truck prior to the time the cars/trucks are actually serviced.
  - (2) A car/truck wash facility may be combined with a gasoline station provided that the minimum lot area for the combined uses shall be one acre.
- (d) Commercial Entertainment, Fitness or Recreation, Indoor:

The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- (e) Commercial Entertainment or Recreation, Outdoor:
  - (1) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
  - (2) All active recreation areas shall be enclosed by a fence having a minimum height of 5 feet, unless a different enclosure is approved by the Board of Zoning Appeals.
  - (3) All structures including lighting fixtures shall have a maximum height of 35 feet.
  - (4) Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of fire arms shall not be permitted.
  - (5) Public restrooms shall be provided and maintained.
- (f) Drive-Thru Facilities in Association with a Permitted Use:
  - (1) Such facility and associated access drives should be located so as to be the least disruptive to pedestrian traffic;
  - (2) For locations where such facility abuts a residential district an additional buffer area may be required.
- (g) Funeral Homes. The minimum lot area requirement is 1 acre with a minimum lot width of 200 feet.

- (h) Gasoline Station:
  - (1) Such facility and associated access drives should be located so as to be the least disruptive to pedestrian traffic;
  - (2) Shall also comply with the standards and regulations set forth in Section 250.11.
- (i) Outdoor Dining:
  - (1) The facility shall only be used in conjunction with, and under the same management and control of a restaurant located on the same property.
  - (2) Outdoor dining shall not be located in a public right of way.
  - (3) Parking spaces shall be provided in compliance with the requirement for restaurants.
  - (4) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the application. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining areas. No railing or fencing is required if outdoor dining areas is not adjacent to vehicular traffic.
  - (5) There shall be no use of electronics in the outdoor dining area that generates excessive noise.
- (j) Outdoor Display and Sales. Outdoor display and sales of merchandise shall only be permitted in association with a permitted use and shall comply with principal building setbacks established for the district in which the use is located in accordance with the following:
  - (1) Outdoor display and sales areas shall require the issuance of a zoning certificate.
  - (2) Outdoor display and sales areas shall be located in the side or rear yard or in front of a building on the sidewalk or walkway adjacent to the building.
  - (3) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
  - (4) Outdoor display and sales areas may be permitted in the front yard, away from sidewalks and buildings, under the following provisions:
    - A. The outdoor display and sales area shall not be located in areas intended for traffic circulation according to the development plan.
    - B. The outdoor display and sales area shall not reduce the amount of off-street parking spaces provided to a number below the minimum number of required spaces; and

C. No more than 2,400 square feet of the front yard (exclusive of display areas on a sidewalk or walkway) shall be dedicated to outdoor display and sales.

(k) Outdoor Storage of Materials, Vehicles, Trucks and Equipment including the outdoor storage of goods and supplies used in the operation of the principal use:

- (1) General storage of materials shall include the storage of goods, materials, products or waste materials in containers associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- (2) Outdoor activities shall be located in the side or rear yard only and shall comply with the principal building setbacks established for the district in which the principal use is located.
- (3) The bulk storage of sand, gravel, salt and other similar materials shall not be permitted unless the material is effectively prevented from spreading.
- (4) All materials, goods, equipment and overnight storage of vehicles shall be enclosed with a solid wall or fence, including solid gates.

(l) Rail or Motor Freight Yards:

- (1) The parking areas for rail cars and trailers shall be located in compliance with the principal building setbacks in the I-1 District.
- (2) The rail or motor freight yard shall be completely enclosed with a fence not less than 8 feet in height and completely screened from view with landscaping.
- (3) All loudspeaker systems shall be approved by the Board of Zoning Appeals and shall not create a nuisance for adjacent properties.
- (4) The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.

(m) Self-Storage Facilities:

- (1) There shall be a minimum lot area requirement of five acres.
- (2) There shall be a minimum setback of 150 feet between all residential lot lines and all buildings related to the self-service storage use.
- (3) The leases for all self-storage units shall include clauses prohibiting the following:
  - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.
  - B. The use of property for uses other than dead storage.
- (4) The Olmsted Township Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
- (5) The maximum size of individual storage compartments shall be 500 square feet.
- (6) The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage

spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.

(7) Temporary auction sales of storage unit contents may be permitted up to six times per calendar year.

(n) Sweepstakes Cafés in Retail Business and Light Industrial Districts: Olmsted Township has determined that for the health, safety and general welfare of its residents, it is necessary to adopt reasonable regulations for the control of computerized sweepstakes devices, sweepstakes cafes and similar operations to prevent the adverse effects of concentration or clustering of sweepstakes cafes and to prevent the negative effects of such uses individually upon an area.

The objectives of this subsection are to prevent safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy.

(1) Definitions. The following definitions shall apply for the purposes of regulating sweepstakes cafes:

A. "Computerized Sweepstakes Device" means any computer, machine, game, apparatus or Internet access device which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value, whether or not the value is predetermined, provided that such use is not in violation of any applicable law, regulation or ordinance regarding illegal gambling. This term includes, but is not limited to internet cafes, internet sweepstakes, sweepstakes terminal cafes, electronic gaming operations or cybercafés. This does not include any machines designated for use by the State Lottery Commission.

B. "Sweepstakes Cafe" means any parcel upon which any "Computerized Sweepstakes Device" is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

C. "Sweepstakes" means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which may be predetermined.

(2) Sweepstakes cafes shall be located in accordance with the following distance requirements:

A. A minimum of five hundred (500) feet from any residence or residential zoning district.

- B. A minimum of five hundred (500) feet from any church, religious institution, day care center, public or private school, public park or playground, public library, or recreation center or facility regularly housing children.
- C. A minimum of one thousand (1000) feet from any existing sweepstakes cafe, establishment with a liquor permit, tattoo and/or body piercing establishment, or adult entertainment use.
- D. All measurements shall be based on the shortest distance from property line to property line.
- E. The above distance requirements shall not apply to property lines that abut the Ohio Turnpike (Interstate 80), except at the point where a property line intersects with a public street right-of-way that provides access to parcels on the opposite side of the Ohio Turnpike, such as but not limited to Stearns Road.

(3) The computerized sweepstakes devices shall not be prohibited by state or federal law.

(4) Configuration:

- A. There shall be a minimum of 30 square feet of floor space required for each device.
- B. A minimum of 1.5 parking spaces shall be provided for every two computerized sweepstakes devices.
- C. The gaming operations shall be visible and open to the store front.
- D. No exterior window shall exceed a window tint of 35%.
- E. All devices shall be located on the premises in conformity with the floor plan filed with the application for the zoning permit and shall:
  1. not impair ingress or egress to the premises; and
  2. not interfere with free and unfettered passage through the premises; and
  3. be located so to permit a clear and unobstructed view of the entire portion of the premises devoted to the operation of computerized sweepstakes devices immediately upon entry.

(5) Operations:

- A. Each sweepstakes café shall be operated in compliance with any and all pertinent rules and regulations of the Federal Trade Commission and State of Ohio.
- B. Hours of operation shall be limited to 1:00 pm until midnight Sunday and 10:00 am until midnight Monday through Saturday.
- C. No person under the age of 18 shall be permitted on the premises.

- D. There shall be no sleeping facilities and/or living quarters located on the premises.
- E. No alcoholic beverages shall be served or be permitted to be consumed on the premises.
- F. The operation of the sweepstakes café shall not:
  - 1. Create any obstruction to a public street, sidewalks, alleys or walkways in the vicinity of any entrance or exit of the sweepstakes cafe.
  - 2. Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding properties.

(6) Application requirements. Each application for conditional use approval for a sweepstakes café shall be required to submit a detailed development plan in accordance with Section 520.08, plus the additional information set forth below:

- A. A floor plan of the premises indicating the location and dimensions of the building floor area indicating the proposed locations of the computerized sweepstakes devices, cashier terminal, storage spaces, the location of any other taking place within the premises, exit locations, and windows locations. All areas of the premises must be clearly labeled for their proposed use.
- B. A map of the area within 1,500 feet of the proposed sweepstakes café indicating the distance from all residences, religious institution schools, day care center, public or private school, public park or playground, public library, or recreation center or facility regularly housing children, any existing electronic gaming operation, establishment with a liquor permit, tattoo and body piercing establishment or adult and sexually oriented business.
- C. Specifications of the days of the week and the hours of the day during which the sweepstakes café will be open.
- D. The applicant shall provide copies of applicable licenses and provide a certificate or report from an authorized independent testing laboratory showing that the computerized sweepstakes devices comply with all state requirements.

**SECTION 280.05****SUPPLEMENTAL STANDARDS FOR SOLAR AND WIND ENERGY SYSTEMS.**

- (a) Solar Energy Systems:
  - (1) Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
  - (2) All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.

- (3) A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
- (4) A solar energy system may be building-mounted or ground-mounted.
- (5) Building-Mounted Systems: A building-mounted system may be mounted on a principal building or accessory building in the following locations:
  - A. When mounted on a roof, the panel may be elevated no more than five feet.
  - B. Solar panels may be mounted on a side or rear building facade and project up to four (4) feet from the façade, provided the panel is located no closer than five (5) feet to the side or rear property line.
  - C. Solar panels on the front or corner side building facades are permitted only in nonresidential districts with approval of the Architectural Board of Review.
  - D. The height of a building mounted solar panel system shall not exceed the maximum building height of the zoning district for the building type (principal or accessory structure) or project not more than five (5) feet above the building roof, whichever is less. Height is measured from the roof surface, on which the system is mounted, to the highest edge of the system.
- (6) Ground Mounted Systems. A ground mounted system, in which the panels are mounted on poles or other structures for securement or elevation, is permitted only in the rear yard and must be set back a minimum of five (5) feet from any lot line.
  - A. A ground mounted system shall not exceed the maximum building height for accessory buildings.
  - B. Single-family residential lots shall be permitted the larger of either one-hundred square feet of panels or one (1) square foot of solar panels for every one hundred (100) square feet of lot area.
- (7) Solar Access Protection: For the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement in accordance with Ohio Revised Code §5301.63 (Solar access easement requirements). Such easements must be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument that grants a solar access easement must include all requirements required by Ohio law.

(b) Small Scale Wind Energy Facilities

- (1) All systems shall comply with the applicable sections of the State of Ohio Building Code.
- (2) Prior to installation of a wind turbine, the wind viability of a location must be tested and verified. A wind map of the location must be submitted with the

proposed plan and a wind study conducted that shows the turbine placement and performance as a viable location.

- (3) The sound levels of the wind turbine shall not exceed sixty (60) decibels (dBA), as measured at the site property line. This does not include sound levels during short-term events, such as severe wind storms and utility outages.
- (4) Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker must be addressed either through siting or mitigation measures.
- (5) Advertising, including signs, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials are prohibited. The manufacturer and equipment information, warning signs or ownership information is allowed on the wind turbine and equipment.
- (6) A wind energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
- (7) The wind turbine must comply with all applicable Federal Aviation Administration (FAA) regulations and all state and local regulations.
- (8) Building-mounted systems: Wind turbines may be mounted on principal buildings, subject to the following:
  - A. The maximum height of any wind turbine mounted on a principal structure is ten (10) feet above the height limit of the applicable zoning district.
  - B. The maximum height is calculated as the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower.
- (9) Ground-Mounted Systems:
  - A. The maximum height shall be 150 feet measured from the average grade to the highest point on the blade.
  - B. A ground-mounted tower shall be set back from all lot lines equal to 110% of the height of the tower, and in compliance with the front yard building setback. Additional equipment outside of the tower, including guy wire anchors, must be ten (10) feet from any side or rear lot line and in compliance with the front yard building setback.
  - C. Artificial lighting is prohibited unless such lighting is required by the Federal Aviation Administration (FAA).
  - D. All electrical wires associated with a ground-mounted wind turbine, other than wires necessary to connect the wind generator to the tower wiring,

the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

**SECTION 280.06 ADULT ENTERTAINMENT USES****(a) Adult Entertainment Uses:**

- (1) Olmsted Township has determined that permitting adult uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult use-oriented retail uses. Therefore, in order to prevent potential deterioration in Olmsted Township's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult uses, as defined in this Section, shall be permitted only in the L-I Limited Industrial District subject to the following requirements.
- (2) For purposes of this resolution adult uses shall include but not be limited to any of the following:
  - A. Adult book/video store. An establishment which utilizes 5 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and video cassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this Section.
  - B. Adult motion picture theater. An enclosed motion picture theater which regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.
  - C. Adult motion picture drive-in theater. An open-air drive-in theater which regularly uses or utilizes 5 percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.
  - D. Adult only live entertainment business. An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
    1. Entertainment or services which constitute adult material as defined in this section; or
    2. Exhibitions, dance routines, or gyration choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material as defined in this Section.

(3) To further determine whether the above facilities are adult uses, the following definitions shall apply.

- A. Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
  1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
  2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- B. Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.
- C. Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- D. Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
- E. Sexual activity. Sexual conduct or sexual contact, or both.
- F. Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
- G. Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

(4) Adult uses shall be located in accordance with the following distance requirements:

- A. A minimum of 2,000 feet from the boundaries of any lot containing a church, library, public park or playground, day care center, school or any other institution where children are kept day or night;
- B. A minimum of 2,000 feet from any residentially zoned parcel or existing residential use in Olmsted Township or any adjacent community; and
- C. A minimum of 1,000 feet from any other adult use.

## CHAPTER 290

### Design Standards and Guidelines

|        |                                      |        |   |
|--------|--------------------------------------|--------|---|
| 290.01 | Intent.                              | 290.04 | Design guidelines applicable to all nonresidential districts. |
| 290.02 | Applicability.                       | 290.05 | Town Center Planned Developments.                             |
| 290.03 | Consistency with Comprehensive Plan. | 290.06 | Business Park Planned Developments                            |

#### SECTION 290.01 INTENT.

The purpose of this Chapter is to provide standards and guidelines that address building massing, streetscapes and other details of development that improve the general appearance of built environment and ensure the long-term viability of business and industrial development in the Township.

#### SECTION 290.02 APPLICABILITY.

The following standards and guidelines shall apply to development in nonresidential districts and the LRPD, TCPD, and BPPD districts.

#### SECTION 290.03 CONSISTENCY WITH COMPREHENSIVE PLAN.

The arrangement of land uses, public open spaces and streets should be consistent with and advance the goals and policies of the Olmsted Township Comprehensive Plan.

#### SECTION 290.04 DESIGN GUIDELINES APPLICABLE TO ALL NONRESIDENTIAL DISTRICTS.

- (a) Pedestrian Access and Circulation
  - (1) A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.
  - (2) Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
  - (3) Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.
  - (4) Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas
- (b) Parking Lot Design and Layout
  - (1) Parking should be located along the side and/or rear of buildings.
  - (2) The visual impact of off-street parking lots shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.
  - (3) The edges of parking lots shall be screened through landscaping or other methods such as decorative fences in accordance with Chapter 330.

- (4) Shared access between properties should be encouraged where feasible
- (5) Semi-pervious paving materials, such as permeable pavers, porous asphalt or porous concrete, are encouraged so as to permit natural percolation of water. Such materials shall be installed and maintained in accordance with industry and manufacturer's standards and the following:
  - A. The manufacturer's specifications are applicable to the subject property's particular soil type and slope (gradient) so that vehicles are supported without rutting and water percolation is achieved.
  - B. Semi-pervious parking areas must allow storm water to percolate into the ground at a rate sufficient to accommodate the five-year, 24-hour storm event.
  - C. For non-residential uses, if only a portion of the parking area is designated for semi-pervious materials, the area designated for semipervious parking shall be located at the perimeter of the parking lot, and if possible, remote or furthest removed from the principal building.
- (6) Parking structures shall be designed to be compatible with the adjacent buildings and district architecture and shall provide clearly marked pedestrian connections to the sidewalk.

(c) Landscaping and Screening

- (1) Landscaping shall be used to define public entrances using signature landscaping elements.
- (2) A year-round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.
- (3) Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.
- (4) Landscaping should be designed and constructed to promote on-site water management and infiltration through the use of native plants and porous landscape detention, swales, and filter strips.

(d) Streetscape Improvements

- (1) The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.
- (2) Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming the pedestrian scale.
- (3) Furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be provided as part of the development plan.

- (e) Service Area and Mechanical Screening. Services areas and mechanical equipment shall be screened from public view.
- (f) Sustainability Guidelines. To the maximum extent practicable, development is encouraged to incorporate one or more of the following features:
  - (1) Low-Impact Development (LID) stormwater management features; designed for on-site stormwater mitigation through low impact development techniques, including the use of rain gardens, green roofs, swales, cisterns, and other green infrastructure to slow water runoff.
  - (2) Porous paving blocks and pervious paving materials are encouraged as material for parking lots and/or sidewalks.
  - (3) Energy-efficient materials, including recycled materials that meet the requirements of this resolution.

**SECTION 290.05                    TCPD MIXED-USE DEVELOPMENTS.**

The arrangement of land uses, public open spaces and streets in a TCPD shall be consistent with and advance the goals and policies of the Olmsted Township Comprehensive Plan.

- (a) Building Use and Site Design
  - (1) Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged floors above ground level.
  - (2) Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.
  - (3) Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture.
  - (4) Buildings shall be designed and arranged to define the public and private space with open views and surveillance for public areas and privacy for private areas.
  - (5) All buildings that are attached along a single block should be of similar height. Variation in the heights of the buildings should not be greater than one story.
- (b) Building Scale
  - (1) To ensure a comfortable pedestrian experience, the scale of large buildings shall be visually reduced by elements that divide a large building into smaller proportions.
  - (2) Building walls shall be subdivided and proportioned using features such as windows, entrances, storefronts, arcades, arbors, awnings, trellises, or other similarly-scaled architectural details. These features shall cover at least 90% of the building front wall length and at least 60% of other building wall lengths. The full width of each vertical building bay that contains the previously-listed

details shall be counted towards the minimum length of the building that must contain these details.

- (b) Building Facades. The façade of the building influences the legibility and interest within the public realm.
  - (1) In order to prevent uninterrupted, flat and monotonous building facades, each front building facade shall be delineated into segments, building bays, or otherwise incorporate design elements for each 30 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions.
  - (2) Building facades shall have highly visible customer entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features.
  - (3) Primary entrances should face, and be visible from, the street on which they are located and shall be directly accessible and visible from the sidewalk.
  - (4) Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.
  - (5) First floor facades facing streets or pedestrian ways should incorporate large amounts (at least 60% of the facade) of clear windows that permit views into the interior of the building and/or product display areas.
- (c) Activity Placement.
  - (1) The most active uses within the building should be along the building edge adjacent to the public realm.
  - (2) Solid waste storage, electrical, mechanical, and utility rooms and equipment should be separated from the public realm and screened by landscaping or enclosure (should complement the materials of the building).
  - (3) Plaza, outdoor dining, and landscaped areas can count toward fulfilling the open space requirements when located and designed for maximum public use.
- (d) Signage and awnings facilitate the legibility of the public realm and add to its interest and pedestrian scale.
  - (1) Awnings that extend over a sidewalk must have at least 9 feet of clearance.
  - (2) Signage is permitted on awnings per Chapter 320
  - (3) Awnings shall fit the character and design of the building and be pedestrian-scaled.

**SECTION 290.06****BUSINESS PARK PLANNED DEVELOPMENTS.**

The arrangement of land uses, public open spaces and streets in a BPPD shall be consistent with and advance the goals and policies of the Olmsted Township Comprehensive Plan.

- (a) Overall Business Park Layout.
  - (1) Development in the business park should be oriented toward the internal streets and not be permitted to front on Cook or Stearns Road in order to minimize impacts on preexisting residential areas.
  - (2) Larger office type buildings should be positioned along the main internal street, in the most visible portions of the development.
  - (3) Position land uses that generate heavy trucks traffic and require loading docks on secondary roads in the business park.
  - (4) Reserve the area along the railroad tracks for businesses that require/rely on rail service.
  - (5) Entrances to the business park should be provided from both Cook Road and Stearns Road to lessen the travel on Stearns and Cook.
  - (6) The Cook Road entrance should be directly opposite Barton Road to take advantage of road improvements already constructed.
- (b) Design Consistency and Compatibility.
  - (1) The entire development should have a cohesive, park-like appearance that uses the site's natural features and topography to its advantage.
  - (2) Consistent architectural design, including general building details shall be carried throughout all building in the development in a way that avoid monotonous.
  - (3) The project shall create a complementary design aesthetic between the new development and existing adjacent developments through the use of certain iconic structures, vegetation, landscaping, and views.
- (c) Building Scale. All facades of larger buildings that are visible from adjoining properties and/or public streets should be designed in a manner that visually reduces the massive build and uniform appearance of the large building mass.
- (d) Parking, Loading and Access.
  - (1) Parking structures are prohibited in front of principal buildings.
  - (2) Loading and maneuvering areas may be located at the rear, or sides, of the building, except that all side loading and maneuvering shall be screened. No loading door may be closer than 100 feet from the street Right-of-Way Line.
  - (3) When a proposed development is adjacent to an established commercial or industrial development, the proposed development shall be designed to promote the shared use of access points, utilities, stormwater, and more.

(e) Roofs

- (1) Building roofs shall be designed and constructed with positive drainage so as to prevent water ponding and to shed water in a reasonable time.
- (2) Roof color shall be white or of a light color range. All rooftop equipment, piping, flashing, and other items exposed shall be finished to match the roof surfacing color or shall blend with the roof surface and building aesthetic.

**TITLE III**  
**REGULATIONS APPLICABLE TO ALL DISTRICTS**

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**CHAPTER 310**  
**Off-Street Parking and Loading Regulations**

|        |  |        |   |
|--------|--|--------|---|
| 310.01 | Intent.  | 310.08 | Parking spaces for persons with disabilities. |
| 310.02 | Parking facilities required.                         | 310.09 | Parking design standards.                     |
| 310.03 | Units of measure.                                    | 310.10 | Regulations for access drives.                |
| 310.04 | Off-street parking standards.                        | 310.11 | Off-street loading requirements.              |
| 310.05 | Allowance for shared parking.                        | 310.12 | Improvement and maintenance standards.        |
| 310.06 | Deferred construction of required spaces.            | 310.13 | Parking lot landscaping and screening.        |
| 310.07 | Off-street waiting spaces for drive-thru facilities. | 310.14 | Development plan review.                      |

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**SECTION 310.01            INTENT.**

The following regulations specify the manner in which off-street parking and loading areas and the driveways providing access thereto are to be provided for uses in Olmsted Township. The intent of these regulations is to protect the public health, safety and welfare by requiring that all uses be provided with off-street parking areas or a combination of off-street parking areas and loading areas and that those parking and loading areas be improved in a fashion which ensures the long-term desirability of the use they are accessory to.

**SECTION 310.02            PARKING FACILITIES REQUIRED.**

Accessory off-street parking spaces shall be provided as a condition precedent to the occupancy or use of any building, structure or land in conformance with the provisions of this Chapter whenever:

- (a) A building is constructed or a new use is established;
- (b) An existing building is altered and/or there is an increase in the number of dwelling units, seating capacity and/or floor area of a building; or
- (c) The use of an existing building or structure or use of land is changed to a use requiring more off-street parking facilities.

**SECTION 310.03            UNITS OF MEASURE.**

In computing the number of parking spaces required by this resolution, the following rules shall apply:

- (a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
- (b) Seating Capacity. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not

indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.

- (c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.
- (d) Fractional Numbers. Fractional numbers shall be increased to the next whole number.
- (e) Parking for Mixed Uses. A building occupied by two or more uses, or one use that has specific parking requirements for different components of the use, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

#### **SECTION 310.04 OFF-STREET PARKING STANDARDS.**

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 310.04. For a use not specified in Schedule 310.04, the Zoning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

#### **Schedule 310.04** **Required Off-Street Parking Spaces**

| <u>Principal Building or Use</u>  | <u>Minimum Spaces Required<sup>(a)</sup></u>   |
|---|--|
| (a) <u>Residential Uses:</u>  |  |
| (1) Single-family Dwellings and Two-family Dwellings  | 2 spaces per dwelling unit, both of which shall be enclosed  |
| (2) Attached Single-family Dwellings  | 2 spaces per dwelling unit, both of which shall be enclosed  |
| (3) Multi-family Units  | 2 spaces per dwelling unit, both of which shall be enclosed  |
| (b) <u>Office, Professional Service Uses:</u>   |  |
| (1) Business, Professional and Administrative Offices and Services (excluding Medical and Dental) | 1 space per 250 sq. ft. of floor area  |
| (2) Medical, Dental Offices and Clinics, including Urgent Care Clinic                             | 1 space per 200 sq. ft. of floor area  |
| (3) Funeral Homes   | 1 space per 50 sq. ft. of floor area of assembly room or 1 space for every 4 seats, whichever is greater, but in no case shall there be fewer than 20 spaces |

| <u>Principal Building or Use</u>   | <u>Minimum Spaces Required<sup>(a)</sup></u>  |
|--|---|
| (4) Hospitals  | 1 space for every 2 beds, plus 1 space for every 3 employees  |
| (5) Animal Clinics   | 1 space per 400 sq. ft. of floor area, plus 1 space for every 2 employees   |
| <b>(c) <u>Retail/Service Uses:</u></b>   |   |
| (1) Retail or Personal Service Uses (except as otherwise specified below)  | 1 space per 200 sq. ft. of floor area   |
| (2) Financial Establishments   | 1 space per 250 sq. ft. of floor area   |
| (3) Beauty Parlors and Barber Shops  | 2 spaces per beauty or barber chair   |
| (4) Self-Serve Laundry   | 1 space for every 4 washing machines  |
| (5) Restaurants--Table Service   | 1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus one space for each delivery vehicle |
| (6) Restaurants--Counter Service when located in a shopping center <sup>(b)</sup>  | 10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle                                    |
| (7) Restaurants--Counter Service when located as the only use in a free-standing building  | 20 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle                                    |
| (8) Snack bars in association with a principal use   | 1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater   |
| (9) Furniture and Appliance; Builders' Supply; Showrooms of Plumbers, Decorators, Electricians or similar trades; Nursery and Garden Supply Establishments | 1 space per 400 sq. ft. of floor area   |
| (10) Hotels and Motels   | 1 space per guest room or suite, plus 1 space per every 2 employees   |
| <b>(d) <u>Automotive Uses:</u></b>   |   |
| (1) Gasoline Stations  | 1 space per employee  |
| (2) Automobile Service Station, Repair Garage, other similar auto oriented businesses  | 2 spaces per service bay, plus 1 space per employee   |
| (3) Car /Truck Wash Facilities   | 1 space per employee  |

| <u>Principal Building or Use</u>   | <u>Minimum Spaces Required<sup>(a)</sup></u>  |
|--|---|
| (4) Car/Truck Sales Facilities   | 1 space per 400 sq. ft. of floor area of sales room, plus<br>1 space for each service stall in the service room |
| (5) Automobile/Truck Rental Facilities   | 1 space per 400 sq. ft. of floor area of sales room, plus<br>1 space for each service stall in the service room |
| (e) <u>Commercial Entertainment/Recreation Uses:</u>   |   |
| (1) Movie Theaters,  | 1 space for every 3 seats of seating capacity   |
| (2) Auditoriums and other places of public assembly  | 1 space for every 4 seats of seating capacity   |
| (3) Dance Halls, Skating Rinks, Private Clubs, Lodges  | 1 space per 50 sq. ft. of floor area (including lounging and spectator area)                                    |
| (4) Bowling Alleys   | 4 spaces per lane   |
| (5) Membership Sports Fitness Center   | 1 space per 200 sq. ft. of exercise area, including locker and equipment rooms                                  |
| (6) Golf Course (Nine holes or more)   | 8 spaces per green  |
| (7) Miniature Golf   | 2 spaces per hole   |
| (8) Golf Driving Range   | 3 spaces per tee  |
| (9) Tennis, Racquet Ball, Handball Courts  | 4 spaces per court  |
| (10) Swimming Pools, Public and Private (not associated with residences)                               | 1 space per 50 sq. ft. of defined active recreation area, including water, lawn, deck and bathhouse             |
| (11) Outdoor Commercial Recreation   | 1 space for every 4 seats of bleacher or stadium capacity   |
| (f) <u>General Commercial and Industrial Uses:</u>   |   |
| (1) Wholesale Marketing and Distribution of Goods; Storage; Warehousing of Goods; Printing; Publishing | 1 space per 800 sq. ft. of floor area   |
| (2) Research and Testing Laboratories  | 1 space per 400 sq. ft. of floor area   |
| (3) All other types of industrial uses   | 1 space per 400 sq. ft. of floor area   |
| (g) <u>Educational Facilities:</u>   |   |

| <b><u>Principal Building or Use</u></b>   | <b><u>Minimum Spaces Required<sup>(a)</sup></u></b>   |
|---|---|
| (1) Elementary and Junior High Schools  | 2 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall   |
| (2) Senior High Schools   | 1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 4 seats in largest assembly hall |
| (3) Child Day Care Center   | 1 space per 8 students, based on center's regulated maximum capacity  |
| (4) Adult Day-Care Facility   | 1 space per 10 students, based on facility's regulated maximum capacity   |
| <b>(h) <u>Community Facilities:</u></b>   |   |
| (1) Churches and other places of worship  | 1 space for every 4 seats of seating capacity in the principal assembly area  |
| (2) Library, Museum, Art Gallery, Community Center or similar public or semi-public buildings | 1 space for every 4 seats in any assembly area plus 1 space per 500 sq. ft. of remaining floor area   |

**NOTES TO SCHEDULE 310.04:**

<sup>(a)</sup> A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.

**SECTION 310.05 ALLOWANCE FOR SHARED PARKING.**

The Zoning Commission may approve a development plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations when it is determined that:

- (a) In a mixed-use project or a single-use project for which the different components of the use have different parking requirements, because of varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which is required based on the sum of the various uses computed separately.
- (b) The required parking spaces for a proposed use can be accommodated on an adjacent or nearby site and binding arrangements are made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements. In such case not more than 50 percent of the required parking spaces shall be shared.

**SECTION 310.06 DEFERRED CONSTRUCTION OF REQUIRED SPACES.**

If the number of parking spaces required in Schedule 310.04 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

- (a) The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Schedule 310.04.
- (b) Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 310.04. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this resolution.
- (c) The Zoning Commission, upon reevaluation of the project's parking needs, may at any time direct that some or all of the parking spaces identified in subsection (b) be constructed.
- (d) Any additional parking shall be provided according to the approved development plan.

**SECTION 310.07 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.**

Drive-thru establishments and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 310.04, in accordance with the following requirements:

- (a) Minimum Number of Waiting Spaces:

- (1) Establishments serving and/or selling food and/or drinks: 25 waiting spaces

|     |   |  |
|-----|---|--|
| (2) | Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure: | 25 waiting spaces  |
| (3) | Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities:                | 10 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls |
| (4) | Self-serve car wash facilities:   | 4 waiting spaces per stall   |
| (5) | Gasoline stations:  | 2 waiting spaces per accessible side of a gasoline pump island   |

In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

(b) Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

**SECTION 310.08 PARKING SPACES FOR PERSONS WITH DISABILITIES.**

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces which are designed and constructed to be readily accessible to persons with disabilities in compliance with the following:

(a) Required Spaces. The required number of accessible parking spaces shall be:

| <b>Total Parking Spaces in Lot</b> | <b>Minimum Number of Accessible Spaces</b> |
|------------------------------------|--|
| (1) 1 to 25                        | 1  |
| (2) 26 to 50                       | 2  |
| (3) 51 to 75                       | 3  |
| (4) 76 to 100                      | 4  |
| (5) 101 to 150                     | 5  |
| (6) 151 to 200                     | 6  |
| (7) 201 to 300                     | 7  |
| (8) 301 to 400                     | 8  |
| (9) 401 to 500                     | 9  |
| (10) 501 to 1,000                  | 2 percent of total                         |
| (11) 1,001 and over                | 20, plus 1 for each 100 over 1,000         |

(b) Location of Spaces. Accessible parking spaces shall be distributed to serve all accessible entrances and shall be located on the shortest possible route to the accessible entrance.

(c) Dimensions of Accessible Spaces. Accessible spaces shall be 8 feet wide, with an adjacent access aisle that is 5 feet wide. One in every 8 accessible spaces shall have an access aisle 8 feet wide and shall be signed "van accessible."

(d) In the event there is a conflict between these regulations and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADAAG shall govern.

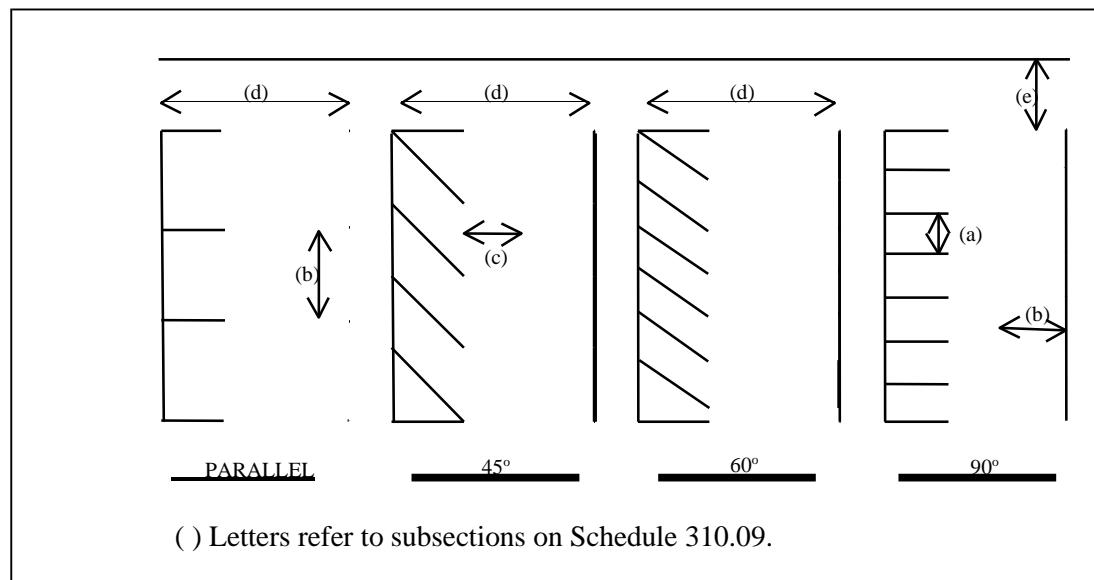
**SECTION 310.09 PARKING DESIGN STANDARDS.**

Off-street parking areas shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule 310.09, based on the angle of the spaces. Figure 310.09 illustrates the requirements for each angle scenario.

Schedule 310.09

|   | 45°   | 60°     | 90°   | PARALLEL |
|---|-------|---------|-------|----------|
| (a) Width of Parking Space                | 12 ft | 10 ft   | 9 ft  | 9 ft     |
| (b) Length of Parking Space               | 19 ft | 19 ft   | 19 ft | 23 ft    |
| (c) Width of Parking Aisle                | 13 ft | 17.5 ft | 25 ft | 12 ft    |
| (d) Width of Double-loaded Parking Module | 51 ft | 55.5 ft | 63 ft | 30 ft    |
| (e) Width of Access Driveway              | 17 ft | 14 ft   | 14 ft | 14 ft    |

Figure 310.09



**SECTION 310.10 REGULATIONS FOR ACCESS DRIVES.**

The location, width and number of entrance and exit access drives to accessory parking spaces shall be provided in accordance with the following:

- (a) Location. Access drives shall be located in such a manner as to interfere as little as possible with the use of adjacent residential property and the flow of traffic on adjacent streets, and to avoid undue interference with pedestrian access to street corners.
  - (1) Access drives on corner lots shall be located as far from the street intersection as practicable.
  - (2) For parking areas having a capacity of 10 or more vehicles, the center line of the access drive apron shall be located not less than 75 feet from the nearest street intersection right-of-way line.
  - (3) Access drives shall be located not less than 30 feet from another access drive, measured from the edge of the pavement.
- (b) Number of Access Drives.
  - (1) Parking areas having a capacity of 25 spaces or less shall have one combination entrance/exit drive.
  - (2) Parking areas having a capacity of more than 25 spaces shall be provided with two access drives and, whenever possible, the access drives should be limited to one-way only drives.
  - (3) For lots with more than 150 feet of frontage on one street, one additional two-way drive or pair of one-way drives may be permitted.
- (c) Width. The width of access drives for multi-family dwellings and non-residential uses shall comply with the following:

|     | <u>Number of Lanes</u> | <u>Minimum</u> | <u>Maximum</u> |
|-----|------------------------|----------------|----------------|
| (1) | 1                      | 10             | 12             |
|     | 2                      | 18             | 24             |
|     | 3                      | 27             | 33             |

  - (2) Access drives shall not exceed 3 lanes in width.
- (d) Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

**SECTION 310.11 OFF-STREET LOADING REGULATIONS.**

Off-street loading spaces shall be provided and maintained for all business and industrial buildings in compliance with the following regulations:

- (a) All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.
- (b) Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
- (c) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.
- (d) Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

**SECTION 310.12 IMPROVEMENT AND MAINTENANCE STANDARDS.**

All off-street parking and loading facilities including parking spaces, loading spaces, waiting spaces, access drives and aisles shall be provided in accordance with the following improvement standards and specifications:

- (a) Paving. All parking and loading areas, access drives, aisles and private driveways shall be improved with asphalt bituminous concrete, portland cement concrete, or equivalent paved surfacing. Such paving material and base materials related thereto shall be capable of supporting all anticipated loads without damage. The owner shall, at his own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place.
- (b) Drainage. All parking areas shall be sloped so as to direct rainwater to a storm drain or ditch which is of a size adequate to accept such water so that the adjacent properties and rights-of-way including public sidewalks shall not be subject to flooding by run-off water from the proposed parking area.
- (c) Lighting. Parking areas and loading areas shall be thoroughly illuminated whenever necessary to protect the public safety as determined by the Zoning Commission. All lighting used to illuminate such areas shall be so arranged as to direct the light away from adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.
  - (1) No open light sources such as the stringing of light bulbs shall be permitted.
  - (2) Light poles in Business, Commercial, and Industrial Districts shall be a minimum of 20 feet from a residential district.
- (d) Curbs and Wheel/Bumper Guards. All sides of parking areas for 5 or more cars that abut a public right-of-way shall be defined by curbing. Additional curbing, wheel guards or bumper guards, as may be necessary, shall be provided in connection with any off-street parking area for 5 or more cars to define parking areas, contain the cars on sloping surfaces, and to prevent bumper over-hang or other encroachment into the required aisles and spaces.

- (e) Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.
- (f) Signs. Signs shall be provided in accordance with Chapter 320.
- (g) Maintenance. A parking area or loading space shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

**SECTION 310.13 PARKING LOT LANDSCAPING AND SCREENING.**

Off-street parking and loading facilities shall be screened and landscaped in accordance with the requirements of Chapter 330.

**SECTION 310.14 DEVELOPMENT PLAN REVIEW.**

Any off-street parking area, loading area, aisle, or driveway which is constructed, reconstructed or changed as to location, materials, or drainage facilities requires the submission of a development plan according to the procedures specified in Section 520.

**CHAPTER 320**  
**Signs**

|        |                                       |        |  |
|--------|---------------------------------------|--------|--|
| 320.01 | Intent.                               | 320.08 | Electronic message centers.                        |
| 320.02 | Classification of signs.              | 320.09 | Signs exempt from regulation.                      |
| 320.03 | Computations.                         | 320.10 | Prohibited signs.                                  |
| 320.04 | Maximum sign area permitted.          | 320.11 | Criteria for the design and construction of signs. |
| 320.05 | Regulations for freestanding signs.   | 320.12 | Maintenance.                                       |
| 320.06 | Maximum height of freestanding signs. | 320.13 | Administrative procedures.                         |
| 320.07 | Supplemental regulations.             | 320.14 | Regulations of nonconforming signs.                |

**SECTION 320.01        INTENT.**

In the interest of promoting the general health, safety and welfare of the residents of the Township, these regulations are herein established to provide for the use, location and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area. More specifically, the purpose of these regulations is to:

- (a) Ensure that signs are consistent with the community's development objectives, thereby maintaining the community's heritage.
- (b) Promote and maintain attractive, high value residential, retail, commercial and industrial districts, and preserve the scenic and natural beauty of designated areas.
- (c) Provide reasonable, yet appropriate, conditions for identifying institutions, businesses, and commercial and industrial establishments.
- (d) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (e) Provide review procedures that enable the Township to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.
- (f) Eliminate any confusion or hazardous conflict between identification signs and traffic control signs and devices.
- (g) Provide broadly for the expression of individual opinions through the use of signs on private property.
- (h) Prohibit all signs not expressly permitted by this Chapter.

In establishing these purposes, the Township has determined that any sign that does not conform to the regulations of this resolution, or any subsequent amendment thereto, is a public nuisance and, as such, must be abated. Nonconforming signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public. The regulations contained in this Chapter are the minimum regulations necessary to abate the nuisance and to achieve the stated purpose of this Chapter.

**SECTION 320.02 CLASSIFICATION OF SIGNS.**

For the purposes of these regulations, a sign shall include any device that is intended to announce, direct or advertise. A sign may include banners, lights and other site or building features, and may be represented by words or letters, figures, symbols or characterizations, or other insignia, or devices. Signs shall further be classified by physical design or structure, and function or purpose based on the following.

**(a) Physical Characteristics.**

- (1) **Banner Sign:** Any sign of lightweight fabric or similar material that is mounted to a building at one or more edges. National flags, state or the official flag of any institution or business shall not be considered banners.
- (2) **Changeable Copy Sign:** A sign such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over manually or by electronic or mechanical devices. Electronic changeable copy signs may also be referred to as electronic message centers.
- (3) **Freestanding Sign:** A sign which is supported from the ground or a structure, other than a building.
- (4) **Building Marker:** Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building, at the time the building was constructed to convey a memorial, the name of the building, address or date of construction, or similar message.
- (5) **Canopy or Awning Sign:** A sign attached to the soffit or fascia of an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance or window.
- (6) **Roof Sign:** A sign erected on or over the roof of a building.
- (7) **Wall Sign:** A sign erected parallel to, or painted on the surface or on the outside wall of any building, and not extending more than 18 inches therefrom, and which does not project above the roof line or beyond the corner of the building.
- (8) **Window Sign:** A sign on the inside of a building affixed to, or near a window for the purpose of being visible to and read from the outside of the building.

**(b) Function.**

- (1) **Commercial Message:** Any sign, wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
- (2) **Directional Sign:** A permanent sign located on private property, at or near the public right-of-way, that is designed to direct pedestrian or vehicular traffic from the street onto private property.

(3) Identification Sign: A sign intended, but not limited, to identifying the principal use of a lot, development, building or building unit according to the following:

- A. Business Identification Sign: A sign intended to announce or promote the use, activity, service or business on the premises, and which may include a directory of occupants.
- B. Institution Identification Sign: A sign displaying the name and/or organization occupying the premises of a public or quasi-public use such as but not limited to: churches and other places of worship, hospitals, public or semi-public recreational facilities, schools.
- C. Development Identification Sign: A freestanding sign identifying the name and address of a completed residential subdivision or multi-family development, or institutional, office or industrial use in a campus setting having two or more buildings, or a multi-tenant commercial building.

(4) Instructional Sign: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered or methods of payments accepted.

(5) Name Plate: A sign indicating only the name and address of the person, business, profession or activity occupying the lot, building(s) or part of the operation or maintenance of any equipment which is placed on the building or site.

(6) Project Construction Sign: A temporary sign identifying the name of a subdivision, building or public works project or facility during the time of construction.

(7) Temporary Sign: A sign which is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, structure or on the ground.

**SECTION 320.03 COMPUTATIONS.**

The following principals shall control the computation of sign area and sign height:

(a) Determining Sign Area or Dimension.

(1) For a sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area or dimensions shall include the entire portion within such background or frame.

(2) For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, or an irregular shaped freestanding sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes which form or approximate the perimeter of all the elements

in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or combination of forms, which comprise all the display area, including the space between the elements.

- (3) The sign area shall include the frame but shall not include the pole or other structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display device.
- (4) The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (5) In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Commission shall have the final responsibility for making such determination.

(b) Determining Sign Height. The height of a sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the top most element of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.

(c) Determining Building Frontage and Building Unit. The length of the building that faces the principal street or the length of the wall of the building that contains the main entrance to the uses therein shall be considered the building frontage.

- (1) The building frontage shall be measured along the front wall between the exterior faces of the exterior side walls.
- (2) In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
- (3) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance. The sign area that is located on a particular building wall shall not exceed the area permitted for such building wall.
- (4) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**SECTION 320.04 MAXIMUM SIGN AREA PERMITTED.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedule 320.04(e), except as specified in subsection (a) through (d).

(a) Identification Signs in Business, Industrial, LRPD, TCPD, and BPPD Districts. The maximum permitted area for identification signs in business and industrial districts and LRPD, TCPD, and BPPD Districts, for both permitted and conditional uses shall comply with the following:

(1) Signs Attached to Buildings in a R-B Business, LRPD or TCPD District. The maximum permitted area for signs attached to a building shall be one and one- half square feet for every lineal foot of building frontage. This maximum area shall be the sum of the areas of all identification signs attached to the building, including awning and canopy signs, and shall include the area of instructional signs unless the Zoning Commission determines such instructional signs are exempt pursuant to subsection (b) below. Notwithstanding the above standard, each building shall be permitted a minimum of 40 square feet of identification signs attached to the building.

(2) Signs Attached to Buildings in Industrial and BPPD Districts. The maximum permitted area for signs attached to a building shall be two square feet for every lineal foot of building frontage. This maximum area shall be the sum of the areas of all identification signs attached to the building and shall include the area of instructional signs unless the Zoning Commission determines such instructional signs are exempt pursuant to subsection (b) below. Notwithstanding the above standard, each building shall be permitted a minimum of 40 square feet of identification signs attached to the building. No sign shall exceed 500 square feet.

(3) Freestanding Identification Signs. The maximum permitted area for freestanding identification signs in business, industrial, LRPD, TCPD, and BPPD districts shall comply with the maximum permitted area specified in Schedule 320.04(e) and the regulations of sections 320.05 and 320.06.

(4) Window Signs. The maximum permitted area for permanent identification signs placed in or painted on a window shall be 25 percent of the window area.

(b) Instructional Signs. The area of instructional signs that are clearly intended for instructional purposes, as determined by the Zoning Commission, shall not be included in the sum of the area of identification signs, provided such signs comply with the following:

(1) The sign is not larger than necessary to serve the intended instructional purpose, and

(2) The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign.

- (c) Other Signs. Signs for which no maximum area limitations are specified are subject to the review and approval of the Zoning Commission, subject to the procedures and requirements of Section 320.12.
- (d) Architectural Features. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. An architectural feature is any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms complementing the site in general.
- (e) See Schedule 320.04(e) below for the maximum sign area.

Schedule 320.04(e)  
MAXIMUM SIGN AREA (in square feet)

| Sign Type                                      | Single-Family Districts | Multi-Family Districts | R-B LRPD, TCPD District | L-I Light Industrial, BPPD |
|--|-------------------------|------------------------|-------------------------|----------------------------|
| 1. Nameplate                                   | 2                       | 6 <sup>(a)</sup>       | 4 <sup>(b)</sup>        | 4 <sup>(b)</sup>           |
| 2. Institution Identification Sign             | 30 <sup>(c)</sup>       | 30 <sup>(c)</sup>      | (d)                     | (d)                        |
| 3. Residential Development Identification Sign | 30                      | 30                     | NA                      | NA                         |
| 4. Business Identification Sign                |                         |                        |                         |                            |
| a. Attached to buildings                       | NP                      | NP                     | (e)                     | (f)                        |
| b. Freestanding Sign                           | NP                      | NP                     | 50                      | 50                         |
| c. Window Sign                                 | NP                      | NP                     | (g)                     | (g)                        |
| 5. Directional Sign                            | NP                      | 4                      | 4                       | 4                          |
| 6. Temporary Signs                             | 6                       | 6                      | (h)                     | (h)                        |
| 7. Instructional Signs                         | (i)                     | (i)                    | (i)                     | (i)                        |

NP - Not permitted.     NA - Not applicable

- (a) Per building; no greater than 2 sq.ft./unit for units having separate outdoor entrances.
- (b) Per separate street address.
- (c) May be either a wall sign or a ground sign.
- (d) Shall be permitted the allowable sign area for business identification signs in the districts in which the use is located. See also Sections 320.04(a) thru (d).
- (e) See Section 320.04(a)(1).
- (f) See Section 320.04(a)(2).
- (g) See Section 320.04(a)(4).
- (h) See Section 320.07(b) for temporary signs.
- (i) Considered an identification sign unless exempt pursuant to Section 320.04(b).

**SECTION 320.05 REGULATIONS FOR FREESTANDING SIGNS.**

Freestanding signs shall be permitted in compliance with the following regulations:

(a) Freestanding Identification Signs in Business, Industrial, LRPD, TCPD, and BPPD Districts. A freestanding identification sign shall be permitted only in compliance with the following requirements.

(1) Minimum Building Setback and Lot Width. Freestanding signs are permitted only when the principal building is set back from the street right-of-way a minimum of 60 feet and the site has a continuous lot frontage of not less than 75 feet. The owner of a facility or parcel that does not possess such minimum required frontage may enter into an agreement with adjacent property owners, subject to the approval of the Township's legal advisor, which secures the rights to such freestanding sign from those adjacent property owners who are otherwise so entitled to a freestanding sign.

(2) Maximum Number of Freestanding Signs. One freestanding sign shall be permitted per project or development, except for facilities on corner lots, pursuant to Section 320.05(a)(7) and bonuses as established for large lots, pursuant to Section 320.05(a)(8).

(3) Minimum Sign Setback from Street. Freestanding identification signs shall be located no closer than 10 feet from the street right-of-way line, and shall be placed so as not to obstruct sight lines for vehicles or pedestrians.

(4) Minimum Sign Setback from Side Lot Lines. Freestanding signs shall be located no closer than 10 feet from any side lot line, except that when a side lot line coincides with a residential zoning district boundary line, the minimum setback shall be 40 feet.

(5) Landscaping. Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots.

(6) Multi-Tenant Facilities. When a freestanding sign is permitted on a site that has more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor tenant, all tenants, or some combination thereof.

(7) Additional Area for Corner lots. One additional freestanding sign may be permitted for a corner lot provided that:

- A. The total lot frontage of both streets is not less than 300 feet;
- B. The area of each freestanding identification sign complies with Schedule 320.04(e), and the total area of both freestanding signs shall not exceed 175 percent of the maximum area permitted for a single sign;
- C. The second freestanding sign is clearly located to provide identification along the secondary street; and

D. The two signs may be aggregated into a single sign at the corner provided that the area of any freestanding sign face shall not exceed 75 square feet.

(8) Additional Area for Large lots. The area and number of freestanding signs on large lots may be increased according to the following:

- A. The allowable area of any freestanding sign face may be increased by 5 square feet of area for every 20 lineal feet of building frontage greater than 200 lineal feet.
- B. The allowable area pursuant to this section may be distributed to one freestanding sign for each 250 feet of the lot frontage or fraction thereof.
- C. Notwithstanding any provision of this section, the area of any freestanding sign shall not exceed 75 square feet.

(9) Changeable Copy. Permanent freestanding signs may have a portion of the permitted sign area devoted to changeable copy, in compliance with the following:

- A. A maximum of 75% of the sign panel shall be permitted to be changeable copy.
- B. Electronic message centers shall comply with the regulations set forth below and in Section 320.08.
  1. Setback from Residential Districts. The leading edge of the sign shall be a minimum distance of 100 feet from an abutting residential district boundary or residential use in a residential district;
  2. Setback From Other Electronic Changeable Copy Signs. Electronic changeable copy signs shall be separated from other electronic changeable copy signs by at least 35 feet; and
  3. Orientation. When located within 150 feet of a residentially- used lot in a residential district, all parts of the electronic changeable copy sign shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on such residential lot.

(b) Freestanding Identification Signs in Residential Districts.

(1) One freestanding residential identification sign shall be permitted for each entrance to a residential subdivision, planned residential development, or multi-family development, or institutional use pursuant to the area limitations of Schedule 320.04(e) and the height limitations of Schedule 320.06 in compliance with the following regulations:

- (2) Such signs shall be placed on private property no closer than 5 feet to the street right-of-way line, and shall be located no closer than 25 feet to a side lot line.
- (3) A maximum of two sign faces shall be permitted per entrance: either as a double-sided freestanding sign or as two single-sided signs either freestanding or mounted on a wall or other entrance feature.
- (4) Changeable Copy on Institutional Identification Signs. Permanent freestanding signs for institutional uses in residential districts shall be permitted to have a change copy sign according to the following:
  - A. A maximum of 75% of the sign panel shall be permitted to be changeable copy.
  - B. Manual changeable copy signs shall be permitted by right.
  - C. Electronic message centers shall require conditional use approval and shall be located a minimum of 100 feet from an adjacent residential parcel (not counting residential parcels across a public right-of-way), and a minimum of 120 feet from a residential structure. Electronic message centers shall also comply with the regulations set forth in Section 320.08.

**SECTION 320.06 MAXIMUM HEIGHT OF FREESTANDING SIGNS.**

The maximum height of freestanding signs, when permitted, shall conform to the standards set forth in Schedule 320.06 below.

| Sign Type                                      | Single-Family Districts | Multi-Family Districts | R-B Retail, LRPD, TCPD | L-I Light Industrial, BPPD |
|--|-------------------------|------------------------|------------------------|----------------------------|
| 1. Institution Identification Sign             | 6                       | 6                      | 6                      | 6                          |
| 2. Residential Development Identification Sign | 4                       | 4                      | NP                     | NP                         |
| 3. Business Identification Sign                | NP                      | NP                     | 6                      | 6                          |
| 4. Directional Signs                           | NP                      | 4                      | 4                      | 4                          |
| 5. Temporary Signs                             | 4                       | 4                      | 6 <sup>(a)</sup>       | 6 <sup>(a)</sup>           |
| 6. Instructional Signs                         | (b)                     | (b)                    | (b)                    | (b)                        |
| NP = Not permitted.                            |                         |                        |                        |                            |
| (a) See Section 320.07(b).                     |                         | (b) No height limit.   |                        |                            |

**SECTION 320.07 SUPPLEMENTAL REGULATIONS.**

The following regulations are in addition to the maximum sign area and height regulations set forth in Sections 320.04 through 320.06.

(a) Temporary Signs in Residential Districts. Temporary signs are permitted in Residential Districts subject to the following provisions:

- (1) Each residential unit shall be permitted to erect one temporary sign either in a window or as a freestanding sign in the front yard. Such temporary sign shall be displayed for a duration not to exceed 30 days.
- (2) Temporary freestanding signs shall be located no closer than 10 feet from a public right-of-way or a side lot line.
- (3) Commercial signs shall not be permitted in residential districts except that one temporary sign promoting a garage sale or other similar household sale shall be permitted. Such sign shall be posted on private property for a period not to exceed 72 hours, no more than 2 times in a year.

(b) Regulations for Temporary Signs in Business, Industrial, LRPD, TCPD, and BPPD Districts. Temporary signs are permitted subject to the following provisions:

- (1) Temporary window signs shall be attached to the interior of the building and shall comply with the following:
  - A. The area of temporary window signs, either affixed thereto or visible from the outside, shall not exceed 50 percent of the window area. This area is in addition to the allowable sign area for identification signs permanently attached to windows.
  - B. All temporary window signs shall be displayed no longer than 30 days after placement, after which time such sign shall either be removed or replaced.
- (2) One freestanding temporary sign or one banner attached to the front of the building shall be permitted for a period not to exceed 30 days no more than once per calendar year. A temporary freestanding sign shall be located no closer than 10 feet from the street right-of-way line. Such temporary freestanding sign or banner shall not exceed 30 square feet in area.

(c) Additional Area for Business Identification Wall Signs in Business and Industrial, LRPD, TCPD, and BPPD Districts.

- (1) Corner Lots and Side and Rear Entrances. For any building which has one of the following characteristics: is on a corner lot; faces a side street; or has a customer entrance facing a parking lot and such parking lot does not face the main street, the maximum allowable area for identification signs attached to such building pursuant to Schedule 320.04(e) may be increased for each such additional building frontage. The increase for each such building frontage shall

be equal to 40 percent of the allowable sign area if the additional building frontage were considered the principal building frontage, provided that:

- A. The allowable increase by virtue of the side street(s) or entrance(s) is not aggregated with or used with the allowable sign area along the principal street; and
- B. The sign area permitted on the principal building frontage may, however, be redistributed along the secondary frontage(s) provided that the total sign area facing the secondary street(s) or parking lot, does not exceed one and one-half square feet per lineal foot of building frontage facing the secondary street(s) or parking lot.

- (2) **Large Building Setbacks.** The maximum allowable area for identification wall signs may be increased by one-half square foot of sign area for each foot of building frontage when the principal building is set back more than 200 feet from the principal street on which the building is located. The sign area may also be increased by one-half square foot of sign area for each lineal foot for that portion of the building which is more than 200 feet from the street and facing such street when the additional sign area is included in a sign placed on that portion of the building.

**SECTION 320.08 ELECTRONIC MESSAGE CENTERS.**

An electronic message center, when permitted on a lot, shall meet the following standards.

- (a) Permitted Duration: Electronic message centers shall only be permitted in compliance with the following:
  - (1) All portions of the message shall have a minimum duration of 10 seconds and must be a static display.
  - (2) The maximum duration of the transition of the electronic image or message change shall be no more than two seconds.
  - (3) The electronic display background color tones, lettering, logos, pictures, illustrations, and symbols shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display.
  - (4) Electronic message centers with static display with travel or scrolling transitions or similar transitions and frame effects that have text or animated images that appear to move or change in size or be revealed sequentially rather than all at once shall only be permitted as a conditional use.
- (b) Electronic message centers shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(c) Electronic message centers shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before legal sunset and one half-hour after legal sunrise. Additional illumination restrictions may be placed on conditionally permitted electronic message centers in residential districts.

**SECTION 320.09 SIGNS EXEMPT FROM REGULATION.**

The following signs shall be exempt from regulation under the zoning resolution.

- (a) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- (b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
- (c) Works of art that do not include a commercial message.
- (d) Religious, community events and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- (e) Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
- (f) Signs bearing no commercial message and installed by employees or officials of a township, county, state or federal agency in the course of their governmental duties.
- (g) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message needed to identify the use or owner.
- (h) No person shall display a temporary sign in any district which fails to comply with the following regulations:
  - (1) Such signs may be displayed in a window on the premises or in a yard, provided that such yard signs are located a minimum of 5 feet from any lot line and that the height of such signs does not exceed 4 feet from grade. Such signs may be displayed only if the owner or legal occupant has given approval.
  - (2) A sign may not exceed 5 square feet in area per side.
  - (3) Such signs shall not be illuminated.
  - (4) No such sign shall be displayed on any utility pole, tree lawn, or any public right-of-way.
  - (5) The Zoning Administrator may remove any such signs posted on a public right-of-way, tree lawn, or utility pole. He or she may determine the cost of removal and assess such cost to the person, business, organization, or entity who posted the sign(s).

**SECTION 320.10 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 320.09 are prohibited in the Township. Such signs include but are not limited to the following:

- (a) Animated, flasher, blinker, racer type, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, except those exempt under the previous section, and other similar features;
- (b) Signs on temporarily placed vehicles;
- (c) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
- (d) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- (e) Signs shall not be located on or in the public right-of-way or on utility poles.

**SECTION 320.11 CRITERIA FOR THE DESIGN AND CONSTRUCTION OF SIGNS.**

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

- (a) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.
- (b) The number of items, letters, symbols and shapes shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- (c) The shape of the sign shall be simple, and the sign should be consolidated into a minimum number of elements.
- (d) A ratio between the message and the background shall permit easy recognition of the message.
- (e) The size, style and location of the sign shall be appropriate to the activity of the site.
- (f) 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.
- (g) Signs shall have an appropriate contrast and be designed with a limited number of, and harmonious use of, colors.
- (h) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.

- (i) Instructional 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.
- (j) A sign should be constructed with a minimum of different types of material so as to provide a consistent overall appearance.
- (k) Illumination. Signs shall be permitted to be illuminated in Business Industrial, LRPD, TCPD, and BPPD Districts, and as permitted for electronic message centers in compliance with the following:
  - (1) Signs may be illuminated by internally or reflected light provided that:
    - A. Light sources shall be shielded from all adjacent buildings and streets.
    - B. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.
    - C. No flashing, moving or intermittent lighting shall be used except for permitted time, temperature and message signs, except as otherwise permitted for electronic message centers.
  - (2) Signs shall not be lighted to obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices. These regulations shall not apply to Christmas display lighting.
- (l) Construction Standards.
  - (1) Signs shall be structurally sound and located so as not to pose any threat to pedestrian or vehicular traffic.
  - (2) Signs shall be fabricated on and of material which are of good quality, good durability and are complimentary to the building of which they become a part.
  - (3) The construction, erection, safety and maintenance of signs shall comply with the Ohio Basic Building Code and the Ohio Revised Code.
  - (4) Signs shall be structurally designed to withstand wind pressure of 30 pounds per square foot in any direction.

**SECTION 320.12 MAINTENANCE.**

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 erecting the sign. Such information shall be placed on the frame or other supports and large enough to be read by a person standing on the ground, sidewalk or parking lot nearest the sign.

- (c) If the sign is deemed by the Zoning Inspector to be in an unsafe condition, the owner of the business shall be immediately notified, in writing, and shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the 48 hours, the Zoning Inspector may remove, or cause such unsafe sign to be removed, repaired or maintained at the expense of the property owner or lessee, sign owner or sign lessee.
- (d) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering 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 320.13 ADMINISTRATIVE PROCEDURES.**

- (a) Signs Requiring a Permit. The following signs shall require a permit prior to the erection or alteration of the sign.
  - (1) The Zoning Commission shall review sign applications for compliance with the design and construction criteria set forth in Section 320.11 and
    - A. The Zoning Commission shall have the power to review and approve, or disapprove, the following signs:
      - 1. Directional signs with logo or emblem;
      - 2. Business and institution identification signs, including electronic message centers except when permitted as a conditional use;
      - 3. Residential development identification signs; and
      - 4. Building markers.
    - B. The Zoning Commission may, at the request of the Zoning Inspector, review:
      - 1. Directional signs that have no logo or emblem,
      - 2. Nameplates,
      - 3. Temporary signs for uses other than single family dwellings,
      - 4. Instructional.
  - (2) The Zoning Commission shall act on a sign application within 45 days from the meeting at which the application was first considered. If the Zoning Commission has not so acted, the sign, as submitted, shall be considered approved unless the time for action has been mutually extended by the applicant and the Zoning Commission.

- (3) Requests for variances from the zoning requirements for signs shall be reviewed and approved by the Board of Zoning Appeals in accordance with the procedures set forth in Chapter 540.
- (b) Signs Not Requiring Permit. Temporary signs for single-family dwellings shall be permitted without a property owner first obtaining a permit provided that all applicable regulations of this Chapter are complied with.
- (c) Application Requirements. An application for a sign permit shall be made to the Zoning Inspector. The application shall include two copies; one copy depicting the actual colors of the building and sign, either drawing or photo, with the second copy at eight and one half by eleven size and suitable for reproduction. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:
  - (1) A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks;
  - (2) Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, and materials of the sign and the frame or structure; and
  - (3) Construction, erection or fastening details.
  - (4) Certified documentation of illumination level(s).
- (d) Review Procedures.
  - (1) The Zoning Inspector shall review the application submitted pursuant to subsection (c) hereof to assure that it complies with all applicable numerical and submission standards of this chapter.
    - A. If the application, as determined by the Zoning Inspector, does not so comply it shall be disapproved by the Zoning Inspector and returned to the applicant with written notation indicating the section with which the application does not comply.
    - B. When the Zoning Inspector finds that the application does satisfactorily comply, then the application shall be presented to the Zoning Commission for consideration.
  - (2) The application shall be received by the Zoning Inspector a minimum of 7 days prior to the next scheduled regular or special meeting of the Zoning Commission. If the application is not received at least 7 days in advance, consideration of the application shall then be deferred until the next regular meeting of the Zoning Commission or, at the discretion of the Zoning Commission, a special meeting scheduled.
  - (3) The Zoning Commission shall review the sign for compliance with all applicable provisions of this Chapter.

- A. Upon approval of an application by the Zoning Commission, the Zoning Inspector shall issue a sign permit within three business days, provided that the proposed signs(s) comply with all other applicable regulations.
- B. If the sign application is disapproved by the Zoning Commission, the Zoning Commission shall convey its reasons for disapproval to the applicant, in writing, within 5 days. The Zoning Commission may suggest modifications which, if incorporated by the applicant, could bring the sign into compliance with this Chapter.

**SECTION 320.14 REGULATIONS FOR NONCONFORMING SIGNS.**

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 320.12.
- (b) Alteration and Removal of Nonconforming Signs.
  - (1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 320.12 shall conform to all requirements of this Chapter:
    - A. When more than 50 percent of the value of the sign has been destroyed or has been taken down;
    - B. When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days; and
    - C. Following 5 years from the date of this amendment to this Chapter which made the sign nonconforming.
  - (2) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:
    - A. When the existing use has new ownership which results in a change in the name of the use or business on the property;
    - B. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation; or
    - C. A new sign pursuant to this subsection may be changed by replacing a sign panel or by repainting a sign face only. Such alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this Chapter.

**CHAPTER 330**  
**Landscaping, Screening and Lighting Requirements**

|        |   |        |  |
|--------|---|--------|--|
| 330.01 | Intent.   | 330.05 | Screening and landscaping of parking lots.                   |
| 330.02 | Screening and buffering when lot abuts a residential district.            | 330.06 | Screening of accessory uses.                                 |
| 330.03 | Landscaping along streets and in front yards in nonresidential districts. | 330.07 | Landscaping and maintenance of yards.                        |
| 330.04 | Landscaping and screening in side and rear yards.                         | 330.08 | Lighting standards   |
|        |   | 330.09 | Approval process for required landscaping, fences and walls. |

**SECTION 330.01**      **INTENT.**

Visual screening or landscape buffers shall be provided for the following purposes: to remove, reduce, lessen or absorb the impact between one use or zone and another; to break up and reduce the impact of large parking areas; provide interest and lessen the monotony of the streetscape; to obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas; and to provide protection from soil erosion.

**SECTION 330.02**      **SCREENING AND BUFFERING WHEN LOT ABUTS A RESIDENTIAL DISTRICT.**

When a lot in any Business or Industrial District abuts a Single-Family (R) or Multi-Family Residential (RMF) District, and when a RMF District abuts a R District, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations and shall be approved as part of the development plan required by Chapter 520.

- (a) Width of Buffer Yard. Each required buffer yard shall have the minimum width specified below for the district in which it is located:
  - (1) When a RMF District abuts an R District the buffer yard shall be at least 10 feet wide.
  - (2) When a Business, Commercial, or Industrial District abuts an R or RMF District, the buffer yard shall be at least 20 feet wide.
- (b) Screening. Screening within the buffer yard shall consist of one or a combination of the following:
  - (1) A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.
  - (2) A non-living opaque structure such as a solid masonry wall, or a solid fence.
  - (3) A fence with openings through which light and air may pass together with a landscaped area at least 5 feet wide.
  - (4) A landscaped mound or berm at least 5 feet wide.

The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect as determined by the Zoning Commission.

(c) Height of Screening. The height of screening shall be in accordance with the following:

- (1) Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect, except for fences and walls in a front yard which shall comply with Section 330.05(b).
- (2) Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect, except for fences and wall in a front yard which shall comply with Section 330.05(b). The required height shall be achieved no later than twelve months after the initial installation.

**SECTION 330.03            LANDSCAPING ALONG STREETS AND IN FRONT YARDS IN NONRESIDENTIAL DISTRICTS.**

All areas within the required building and parking front yard setback, excluding driveway openings, shall be landscaped and maintained with the following minimum requirements:

- (a) Within this area, three deciduous trees and ten shrubs for every 100 linear feet of street frontage, not including drive entrances.
- (b) Areas not devoted to trees and shrubs shall be planted with grass, ground cover, or other live landscape treatment, excluding paving or gravel, including land in the street right-of-way that is not occupied by street or sidewalk pavement, or mulch.
- (c) Landscaping materials shall not be fruit or nut bearing nor have thorns or briars.
- (d) Landscaping materials may be placed in any manner and do not have to be equally spaced. Applicants are strongly encouraged to locate trees and shrubs in a manner that will prevent damage from salt and other materials used to melt snow from the roads.

**SECTION 330.04            LANDSCAPING AND SCREENING IN SIDE AND REAR YARDS.**

In Multi-family, Business and Industrial Districts, fences, walls and mounds shall not exceed 8 feet in height, except as otherwise required by this zoning resolution.

**SECTION 330.05            SCREENING AND LANDSCAPING OF PARKING LOTS.**

Perimeter and interior landscaping of parking lots shall be provided in accordance with the following requirements.

(a) Interior Parking Lot Landscaping. For any parking area designed to accommodate 20 or more vehicles, a minimum of 5 percent of the parking lot shall be planted as landscaped island areas. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.

- (1) Such islands shall be developed and distributed throughout the parking lot so as to provide visual and climatic relief from broad expanses of pavement.
- (2) Each island shall be a minimum of 10 feet in any horizontal dimension
- (3) Each island shall provide at least one major shade tree having a clear trunk height of at least 6 feet and a minimum caliper of 2 inches. Shrub plantings adjacent to a

building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping.

(4) Recessed Islands. When landscaped islands are designed to be at or below the grade of the parking lot to provide storm water management, the parking areas must slope towards the recessed islands at a minimum of 2%. The island must drain all collected water within a 72-hour window and at a rate of 0.3 inches per hour or greater, or it needs to include a perforated subdrain that is connected to a stormwater system. Other guidelines include:

- A. Recessed island should be densely planted with native plants that are salt-tolerant plants for snowy months.
- B. Each island should be designed to hold 6-8 inches of ponded water, with 3 inches above the ponding depth.
- C. An overflow outlet shall be installed above the ponded water depth that connects to a stormwater system.
- D. The island shall be lined with filter fabric/material to filter out pollutants.

(b) Additional Plantings Along Public Streets: Whenever parking areas consisting of 5 spaces or more are located such that the parked cars will be visible from a public street, landscaping, in addition to the interior landscaping required in subsection (a) above, shall be planted and maintained between the street and the parking lot. Such landscaping shall be a minimum height of two and one-half feet, located adjacent to the parking lot and shall be placed to effectively obscure a minimum of 50 percent of the parking area.

**SECTION 330.06 SCREENING OF ACCESSORY USES.**

In Multi-family, Business and Industrial Districts, dumpsters and loading areas shall be screened by an opaque fence or wall a minimum of six (6) feet in height placed adjacent to the dumpster, storage or loading area so as to effect screening from any adjacent streets and any adjoining properties. Permitted accessory outdoor storage of goods, supplies or equipment used in the operation of an establishment, where permitted, shall comply with the regulations of the district.

**SECTION 330.07 LANDSCAPING AND MAINTENANCE OF YARDS.**

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- (a) Each lot shall maintain open space with landscaping in compliance with the minimum percentage of the area of the lot specified in the district regulations.
- (b) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
- (c) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.

(d) Vehicle parking shall not be permitted in landscaped areas.

**SECTION 330.08 LIGHTING.**

The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting in order to preserve, protect and enhance the character of the township and the safety of its residents.

(a) All outdoor lighting fixtures located on the site (including lighting for signs and on buildings) shall be arranged so as to:

- (1) Provide safety, utility and security;
- (2) Control light trespass and glare on adjacent properties and public roadways; and
- (3) Reduce atmospheric light pollution.

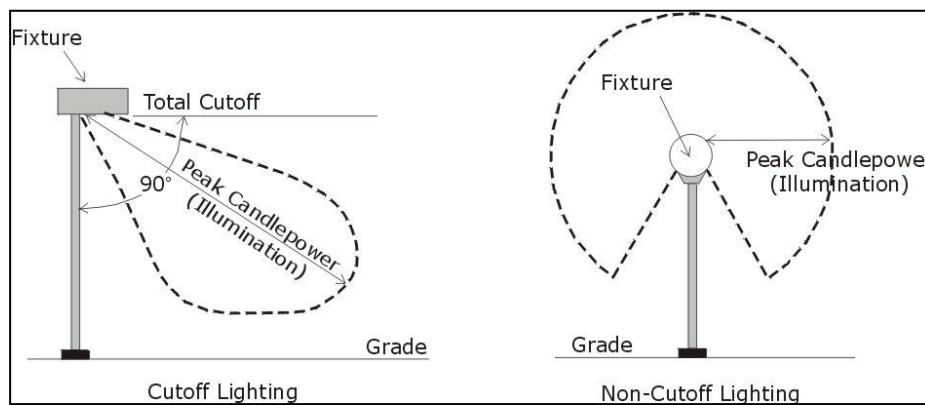
(b) Application:

- (1) Residential Sites: The overall height of lighting fixtures (including base) shall not exceed 15 feet above ground level, unless it is a decorative fixture, in which case it shall not exceed 12 feet.
- (2) Non-Residential Sites: Except as provided in the following exemptions listed below, the overall height of lighting fixtures (including base) on all non-residential sites shall not exceed 25 feet above ground level. Lighting plans shall be submitted for approval with all applications for zoning permits in the nonresidential and planned development districts and for all nonresidential uses in residential districts unless specifically exempted below.

(c) Outdoor Lighting Standards:

- (1) All outdoor lighting fixtures (including but not limited to lighting fixtures used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping), shall be full cut-off type fixtures, except for decorative light fixtures (See Figure 330.08).

Figure 330.08



- (2) Lighting attached to a canopy or awning (e.g., for uses such as gasoline stations, service stations, and drive-thru) shall be recessed ceiling fixtures.
- (3) The maximum height for decorative lighting fixtures shall be 12 feet above grade.
- (4) The maximum level of light trespass at a property line shall be 0.5 footcandles at the property line.
- (5) Exterior lighting shall not be designed or located in such a way as to shine directly into an adjacent dwelling unit, regardless of the applicable zoning district.
- (6) The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but should be placed as to avoid conflict with parking lot trees that can obscure the lighting.
- (7) Outdoor lighting shall not be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians. Mercury lighting shall be prohibited.
- (8) Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required lighting plan.
- (9) Lighting attached to a building shall not be designed, located, or mounted so as to exceed the height of the building.
- (10) For statues, monuments, fountains, flags, or other objects for which it may not be possible to reliably and consistently illuminate with full cutoff lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest.
- (11) Any lighting of the game court shall be turned off during the hours between 10:00 p.m. and 7:00 a.m. and will not shine directly into an adjacent residential dwelling.
- (12) The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

(d) Exemptions

- (1) Lighting plans shall not be required for single-family and two-family dwellings, regardless of where the use is located.
- (2) Decorative outdoor lighting fixtures with bulbs that do not exceed 25 watts, installed seasonally, are exempt from the requirements of this article.
- (3) Street lights shall be exempt from the provisions of this article.
- (4) Temporary construction or emergency lighting is exempt from the requirements of this article. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

- (5) All outdoor lighting fixtures existing and legally installed prior to the effective date of this article shall be exempt from the requirements of this article. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this article.
- (6) Nothing in this section shall apply to lighting required by the Federal Aviation Administration or any other federal regulatory authority.

**SECTION 330.09 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.**

The location of proposed landscaping, fence or wall shall be reviewed and approved as part of a development plan pursuant to Chapter 520. However, when a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Inspector when the Zoning Inspector determines that the proposal:

- (a) Complies with the requirements of this Section;
- (b) Is consistent with any previously approved plan;
- (c) Is compatible with the current site development if there is no approved plan; and
- (d) Will have a minimum adverse impact to the surrounding areas.

If, because of the nature and location of the proposed fence or wall, the Zoning Inspector does not make such a determination, the request shall be referred to the Zoning Commission and considered by the Commission according to the development plan procedures in Chapter 520.

**CHAPTER 340**  
**Nonconforming Uses, Buildings, Lots and Structures**

|        |  |        |  |
|--------|--|--------|--|
| 340.01 | Intent.                                  | 340.07 | Nonconforming use due to reclassification.                       |
| 340.02 | Nonconforming buildings or structures.   | 340.08 | Change from nonconforming use.                                   |
| 340.03 | Nonconforming use of buildings and land. | 340.09 | Existing use deemed conditional use; permit required for change. |
| 340.04 | Nonconforming parking facilities.        | 340.10 | Determination of nonconforming status.                           |
| 340.05 | Nonconforming signs.                     | 340.11 | Completion of construction with zoning certificate.              |
| 340.06 | Nonconforming lots.                      |        |  |

**SECTION 340.01        INTENT.**

The purpose of this Chapter is recognizing the existence of uses, buildings, lots and structures which lawfully existed at the time of this resolution's enactment, or amendment thereto, but which do not conform with one or more of the regulations contained in this resolution. While it is the intent of this zoning resolution to permit such nonconforming status to continue until abandoned, removed or abated, a nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists and with the land use plan of the Township and should be discouraged. It is further the intent of these regulations that any nonconforming use, building or structure shall not be reconstructed, enlarged, restored, expanded or extended, except in accordance with the regulations contained in this Chapter. A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning restriction.

**SECTION 340.02        NONCONFORMING BUILDINGS OR STRUCTURES.**

A building or other structure existing lawfully at the time this zoning resolution, or any amendment thereto, became or becomes effective, but which does not conform to setback, building size, lot coverage, height of building or other regulations of the district in which it is located, is a lawful, nonconforming building or structure. A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located 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 may be maintained and repaired provided that no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.
- (b) Additions and Moving. A nonconforming building or structure shall not be altered, added to, enlarged or moved unless the additions and original building or structure or parts moved are made to conform to the regulations of the district in which it is located.
- (c) Change in Principal Use of Building. The principal use of a nonconforming building may be changed to any other use permitted in the district in which it is located so long as the new use complies with all regulations of this zoning resolution specified for such use except the regulations to which the building did not conform prior to the change in use.

(d) Restoration of Damaged Building or Structure. If a nonconforming building or structure occupied by a conforming use is damaged or destroyed by any cause, those portions so destroyed or damaged may be restored to the original footprint, floor area and height, provided such restoration is completed within a period of one year from the date of damage or destruction. Restorations which exceed the original footprint and/or floor area shall comply with Subsection 340.02(b).

(e) Damage Or Destruction Of A Nonconforming Structure Containing A Conforming Use.

- (1) If a nonconforming structure is damaged and/or completely destroyed, the owner may rebuild the structure to the same height, and setbacks as the original nonconforming structure as existed prior to the damage or destruction. Such work shall require the owner to obtain a zoning certificate.
- (2) If an owner rebuilds a legally nonconforming structure, they may expand the structure provided, as stated in Section 340.02(b), any expansion or change does not increase the nonconformity that existed prior to the damage.
- (3) If the owner voluntarily removes the structure or reduces the nonconformity, that owner shall not be permitted to rebuild the structure to the original height, size, or setback and shall be required to bring the structure into compliance with these regulations to the maximum extent feasible.

**SECTION 340.03****NONCONFORMING USE OF BUILDINGS AND LAND.**

Where at the time of adoption of this resolution, a lawful use of land or structures exists that would not be permitted by the regulations of this resolution, the use may continue so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a) Nonconforming Residential Uses. Notwithstanding the provisions in this section to the contrary, a nonconforming residential use shall be governed by the following:
  - (1) A nonconforming residential use may be expanded, increased or improved regardless of the district in which it is located.
  - (2) If a nonconforming residential use is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot. Such reestablishment shall require the issuance of a zoning permit.
- (b) Nonconforming Nonresidential Uses.
  - (1) Alteration, Reconstruction or Improvement. No building or structure occupied by a nonconforming nonresidential use shall be altered, improved or reconstructed except upon prior approval of the Board of Zoning Appeals and then only if the cumulative cost of the alteration, reconstruction or improvement does not exceed 60% of the building's replacement value.
  - (2) Expansion of Nonconforming Use of Building. A nonconforming nonresidential use of a building shall not be expanded.

- (3) Expansion of Nonconforming Use of Lot. A nonconforming nonresidential use of a lot or part thereof, including outdoor storage, shall not be expanded or extended.
- (4) Damage or Destruction. In the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 60% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.
- (c) Substitution of Use. A nonconforming use of a building, structure or land shall not be substituted or changed except to a use permitted in the district in which the building, structure or use is located.
- (d) Discontinuance of Use. Discontinuance of the nonconforming use of a building, part of a building, lot or part of a lot for a continuous period of two (2) years or longer shall constitute voluntary abandonment of such use and thereafter establishment or re-establishment of a use shall conform to the use regulations of the district in which the building or lot is located.
- (e) Nonconforming as to Performance Standards. A use existing lawfully at the time the enactment of this zoning resolution, or an amendment thereto, became or becomes effective, but which fails to conform to one or more performance standards, shall not be required to comply therewith except in the event that the use is substituted or expanded in conformance with these regulations.

**SECTION 340.04                    NONCONFORMING PARKING FACILITIES.**

A building or use existing lawfully at the time this zoning resolution, or an amendment thereto, became or becomes effective, but which does not comply with off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided so that the nonconforming parking condition is not increased.

**SECTION 340.05                    NONCONFORMING SIGNS.**

A sign, lawfully existing at the time this zoning resolution, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs may be maintained, and structural and electrical parts may be repaired to a safe condition. A nonconforming sign shall not, however, be altered in any other way or moved unless the sign is made to conform with the regulations of the district in which it is located.

**SECTION 340.06                    NONCONFORMING LOTS.**

A lot of record which does not comply with the lot area, width and/or depth regulations of the district in which the lot is located on the effective date of this zoning resolution or any amendment thereto which causes the lot to become nonconforming, may be used as follows:

- (a) Residential Lots. If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this zoning resolution, with the exception of the lot area and the lot width regulations. The number of dwelling units shall not be increased unless all regulations, including lot area, are complied with.

(b) Single Nonconforming Lots of Record. If a non-conforming lot is in separate ownership and not of continuous frontage with other lots in the same ownership, the following provisions shall apply:

- (1) In any single-family district, a vacant nonconforming lot that was created prior to the enactment of this original zoning resolution (Ordinance, 1952) may be developed with a single-family dwelling when the single-family dwelling unit, and uses and structures accessory thereto, can be located on the lot in compliance with the front, side, and rear yard setbacks, and all other requirements of the district except those that pertain to the lot area or lot width requirements. In such case, the Zoning Inspector shall have the authority to issue a zoning certificate.
- (2) The Board of Zoning Appeals shall review and approve uses, buildings and structures proposed for the following:
  - A. Single vacant nonconforming lots in single-family districts that do not meet the criteria set forth in Subsection (1) above.
  - B. Single vacant nonconforming lots in all non-single-family districts.

(c) Lots in Combination. If a vacant nonconforming lot adjoins one or more lots with continuous frontage and in common ownership on the effective date of this resolution or applicable amendment thereto, such lot shall be replatted to create conforming lots as a prerequisite for development. However, if replatting of such lots cannot be affected reasonably without resulting in an average lot width, depth, or area less than the minimum required for the district, the Board of Zoning Appeals may reduce such requirements by not more than ten (10) percent.

**SECTION 340.07            NONCONFORMING USE DUE TO RECLASSIFICATION.**

The provisions of this chapter shall also apply to the buildings, structures, land or other uses hereafter becoming nonconforming as a result of amendments made to this zoning resolution or Zoning Map.

**SECTION 340.08            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 or resumed.

**SECTION 340.09            EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.**

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this zoning resolution or amendment thereto, is listed as a condition use in the district in which it is located, shall be deemed without further action to be a conforming use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in ownership shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for conditional uses set forth in Chapter 530.

**SECTION 340.10            DETERMINATION OF NONCONFORMING STATUS.**

At the time of application for a zoning certificate or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Board of Zoning Appeal to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

**SECTION 340.11        COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE.**

Nothing in this zoning resolution shall prohibit the completion of the construction and the use of nonconforming buildings for which a zoning certificate has been issued prior to the effective date of this zoning resolution, or amendments thereto, provided that construction is commenced within 90 days after such effective date and completed within two years after the issuance of the zoning certificate.

**CHAPTER 350**  
**Wireless Telecommunications Facility Regulations**

|        |  |        |                                      |
|--------|--|--------|--------------------------------------|
| 350.01 | Intent.  | 350.05 | Standards applicable to all wireless |
| 350.02 | Definitions.                                     | 350.06 | telecommunications facilities.       |
| 350.03 | Permitted locations.                             |        | FCC compliance.                      |
| 350.04 | Locations requiring conditional use<br>approval. |        |                                      |

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**SECTION 350.01      INTENT.**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities to the extent permitted by the ORC for the following purposes:

- (a) To protect property values;
- (b) To regulate a commercial use so as to provide for orderly and safe development within the Township;
- (c) To maintain the aesthetic appearance of the Township;
- (d) To provide for and protect the health, safety, morals and general welfare of the residents of the Township;
- (e) To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities;
- (f) To promote colocation of wireless telecommunication facilities in order to decrease the number of towers in the Township; and
- (g) To maintain, where possible, the integrity of the existing regulations contained in the zoning resolution.

**SECTION 350.02      DEFINITIONS.**

- (a) **Colocation:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (b) **Lattice tower.** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- (c) **Monopole:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

- (d) **Telecommunications**: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- (e) **Wireless telecommunications antenna**: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (f) **Wireless telecommunications facility**: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- (g) **Wireless telecommunications tower**: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**SECTION 350.03 PERMITTED LOCATIONS.**

A wireless telecommunication tower and facility may be located in the following areas, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector. Efforts shall be made to locate in the areas listed in the order of priority listed.

- (a) **First priority**: New wireless antennas may collocate on existing towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, cooling towers.
- (b) **Second priority**: A wireless telecommunication tower and/or antenna facility may be located in an L-1 Limited Industrial zoning district as set forth on the Zoning Map.
- (c) **Third priority**: A wireless telecommunication tower and/or antenna facility may be located within a recorded electric high tension power line, easement, or adjacent to and within 100 feet of such an easement, as indicated on the Zoning Map

**SECTION 350.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL:**

A wireless telecommunication tower and facility may be located in the following areas as a conditional use only upon approval of the Board of Zoning Appeals provided the applicant demonstrates compliance with the following standards as well as the applicable standards set forth in Chapter 270 and the procedures set forth in Chapter 530.

- (a) **Locations**. Efforts shall be made to locate wireless telecommunication towers and facilities in the following areas in the order of priority listed.
  - (1) In the R-B Business and C-S Commercial Service Districts.
  - (2) In an R or RMF Residential District located at least 1,000 feet from an existing residential dwelling.

(b) In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that:

- (1) There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available in a permitted location as set forth in Section 350.03; or
- (2) If another tower, building or structure set forth in Section 350.03 is technically suitable, the applicant must show that it has requested to collocate on the existing tower, building or structure and the colocation request was rejected by the owner of the tower, building or structure; or
- (3) If an area set forth in Section 350.03 is technically suitable, the applicant must show that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 350.03 under reasonable terms and that each request was rejected.

With the conditional use permit application, the applicant must demonstrate that a technically suitable location is not available in any area set forth in Section 350.03 and shall list the location of every tower, building or structure and all of the areas set forth in Section 350.03 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

(c) As a condition of issuing a conditional zoning permit to construct and operate a tower in the Township, the owner/operator of the telecommunications tower shall agree to allow colocation until said tower has reached full antenna capacity, but in no event fewer than two additional antenna platforms for two 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 documentation shall be presented to the Zoning Inspector evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this Section.

**SECTION 350.05 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS FACILITIES.**

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

- (a) Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- (b) The minimum setback from all property shall be:
  - (1) The height of the tower plus 20 feet, or
  - (2) When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum setback shall be:
    - A. 40 feet from any property line abutting a nonresidential lot.
    - B. 75 feet from any property line abutting a residential lot.

- (c) Towers located as a permitted use in accordance with Section 350.03 shall not exceed a height of 200 feet and may be either single monopole structures or lattice-type structures.
- (d) Towers located as a conditional use in accordance with Section 350.04 shall not exceed a height of 200 feet and shall be single monopole structures.
- (e) The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.
- (f) Prior to approving a new tower, a tower height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited, to: height, opportunities for colocation, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).
- (g) The base of the tower, including any guy wires, shall be completely enclosed with a secure fence having a minimum height of 8 feet. The fence shall be completely screened from view by at least one row of evergreens planted five feet on center maximum.
- (h) Existing vegetation surrounding the fenced area shall be preserved to the maximum extent possible.
- (i) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (j) Any accessory buildings shall comply with the regulations set forth for the district in which the tower is located.
- (k) "No Trespassing" signs shall be posted on the required fence in a clearly visible location with a telephone number of who to contact in the event of an emergency. No other signs or advertising shall be located anywhere on the facility.
- (l) The applicant shall submit a reclamation plan at the time of the development plan review. All towers, structures and equipment shall be removed by the owner of the tower, and the site restored to its original state within six (6) months following the date that the tower is no longer operational."

**SECTION 350.06            FCC COMPLIANCE.**

Prior to receiving final inspection by the Zoning Inspector, documented certification shall be submitted to the Zoning Inspector certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

**CHAPTER 360**  
**Oil and Gas Regulations.**

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|        |                               |        |                        |
|--------|-------------------------------|--------|------------------------|
| 360.01 | Intent.                       | 360.07 | Lighting.              |
| 360.02 | Districts in which permitted. | 360.08 | Access road standards. |
| 360.03 | Location and spacing.         | 360.09 | Fences.                |
| 360.04 | Landscaping and screening.    | 360.10 | Dikes required.        |
| 360.05 | On-site oil storage.          | 360.11 | Performance standards. |
| 360.06 | Disposal of waste.            | 360.12 | Plot plan required.    |

**SECTION 360.01            INTENT.**

The intent of this Chapter is to provide regulations which ensure that oil and/or gas wells established in the Township do not threaten the public health, safety or general welfare of the residents or reduce its continued desirability as a residential community, except as otherwise restricted by the ORC.

**SECTION 360.02            DISTRICTS IN WHICH PERMITTED.**

Oil and/or gas wells shall be permitted as a principal or accessory use in all districts provided the location and operation of the oil and/or gas well complies with the regulations of this Chapter.

**SECTION 360.03            LOCATION AND SPACING.**

- (a) The location of oil and/or gas wells relative to tract, lot or drilling unit boundaries, other wells, public streets and railroads shall not be less than that required by Chapter 1501.9 of the Ohio Administrative Code for wells of the depth proposed for drilling.
- (b) All oil and gas wells, storage tanks, and separator units shall be placed no closer than 200 feet to any residence or public building. Nor shall any such new residential, commercial, industrial or public building be erected within 200 feet of any existing oil or gas well, storage tank and/or separator units.
- (c) All new roads and streets shall be located at least 100 feet away from any existing oil or gas well, storage tank and/or separator units.

**SECTION 360.04            LANDSCAPING AND SCREENING.**

Oil and/or gas wells and associated equipment located within 500 feet of an existing residence shall be effectively screened from such residence. Such screening shall consist of dense evergreen shrubs placed so as to create a substantially opaque visual barrier between the well and the affected residence. A combination of evergreen shrubs and landforms such as earthen berms may also be used as a visual screen.

**SECTION 360.05            ON-SITE OIL STORAGE.**

All oil storage shall be in approved storage tanks. Tanks required for the storage of oil shall be considered an integral part of an oil well and shall be subject to the minimum site and yard regulations specified for oil wells in Chapter 1501.9 of the Ohio Administrative Code.

No more than two oil tanks (each with a maximum capacity of 210 barrels) shall be permitted at an oil and/or gas well site at any one time.

**SECTION 360.06 DISPOSAL OF WASTE.**

Waste substances such as waste oil, frac water, brine or acids used in connection with or resulting from drilling operations shall be stored in pits and/or containers as approved by the State of Ohio. All such waste substances shall be removed from the oil and/or gas well site via tank truck, along with all tanks for the storage of such substances. All pits shall be filled with soil and returned to original grade within 30 days of the completion of drilling operations for such well and/or commencement of production therefrom, whichever comes first.

**SECTION 360.07 LIGHTING.**

Lighting, when provided at an oil or gas well site, shall be erected and maintained so as not to shine directly on adjacent or nearby residences or public roads.

**SECTION 360.08 ACCESS ROAD STANDARDS.**

Permanent, unobstructed access roads meeting the following requirements shall be provided between oil and/or gas wells and public roads:

- (a) Pavement. Any portion of an oil and/or gas well access road within 200 feet of an existing residence and that portion of an access road within 100 feet of the public road from which access is derived shall be paved with gravel or slag and maintained in a dust-free condition. All other portions of access roads shall be improved and maintained so as to be useable at all times of the year.
- (b) Width. An oil and/or gas well access road shall be a minimum of 24 feet in width at the right-of-way line of the public street from which access is being derived and for the first 50 feet in length from such right-of-way line. The minimum width of the portion of the access road which is beyond 50 feet of the public road shall be 12 feet.
- (c) Location. No oil and/or gas well access road shall be located closer than 50 feet from the side or rear lot line of the lot upon which the well is located. No oil and/or gas well access road shall intersect a public road closer than 30 feet from where such road is intersected by another road or driveway.
- (d) Turnaround at Well End. A turnaround area of a size adequate to accommodate the largest contemplated oil tank truck shall be provided at the well end of an oil well access road.

**SECTION 360.09 FENCES.**

A continuous fence, not less than 6 feet in height, shall be provided around all oil and/or gas wells and associated equipment and maintained in good repair for the duration of the well's production.

**SECTION 360.10 DIKES REQUIRED.**

Earthen dikes shall be provided around all oil well pumping units and storage tanks for the purpose of containing any oil spill resulting from a leaking pumping unit or ruptured tank. Such dike

shall be of a height capable of containing all foreseeable leaks but shall in no event be less than 2 feet in height.

**SECTION 360.11 PERFORMANCE STANDARDS.**

The following performance standards shall apply to all oil and/or gas wells. Non-compliance with one or more of these standards shall be considered a violation of these regulations.

- (a) Noise. No oil and/or gas well shall emit an intermittent or shrill noise that exceeds 45 dB(A) when measured at the nearest residence not in the drilling unit as defined in Chapter 1501.9 of the Ohio Administrative Code.
- (b) Odors. No malodorous gas or matter shall be emitted by any oil and/or gas well which is discernible at any residence not in the drilling unit.
- (c) Vibrations. Vibrations which are perceptible without the aid of instruments shall not be permitted beyond the drilling unit occupied by an oil and/or gas well.

**SECTION 360.12 PLOT PLAN REQUIRED.**

An oil and /or gas well plot plan, at a scale of not less than 1" = 400', shall be submitted to the Township Zoning Inspector not less than 14 days before drilling is to commence for an oil and/or gas well. Such plot plan shall show the location of the proposed well, existing structures on the lot and drilling unit and other information necessary to determine compliance with this resolution.

**CHAPTER 370**  
**Land Clearing and Tree Preservation Regulations**

|        |                                    |        |   |
|--------|------------------------------------|--------|---|
| 370.01 | Purpose.                           | 370.05 | Permit Required.                        |
| 370.02 | Permitted land clearing.           | 370.06 | Completion of land clearing activities. |
| 370.03 | Regulations for topsoil removal.   | 370.07 | Exemptions.                             |
| 370.04 | Regulations for tree preservation. |        |   |

**SECTION 370.01 PURPOSE.**

Olmsted Township has determined that conserving existing vegetation and top soil is beneficial to the community. Therefore, in order to protect and further the public health, safety and general welfare and to promote the coexistence of development and the natural environment, this Chapter establishes regulations for soil removal and tree preservation in connection with the clearing and grading of land for construction-related or other purposes. More specifically the purposes of these regulations are to:

- (a) Encourage responsible development and minimize the negative environmental impacts that can be associated with development.
- (b) Encourage the preservation of trees in order to reduce air and water pollution and reduce noise pollution, reducing the quantity of storm water run-off, protecting natural stream assets; and protecting, and, where possible, enhancing valuable natural water resources.
- (c) Ensure that residential subdivisions, commercial, industrial and multi-family developments, and Planned Developments (PDs) are carefully planned, designed and constructed to maintain and preserve the natural features of the site.
- (d) Ensure that proposed development integrates the natural features of a site into the development in ways that maximize the site's ecosystem benefits, including natural surface drainage and stabilization by minimizing grading activities, the destruction of trees and the removal of topsoil to the extent practicable.
- (e) Improve property values by ensuring the natural and unique features of the site are conserved, including mature trees, which studies show increase the value of real estate, thereby increasing the amount of property taxes collected by the Township.

**SECTION. 370.02 PERMITTED LAND CLEARING.**

Any nonagricultural related land clearing activity including tree clearing, trenching, removal of soil, placement of fill or excavation of gravel or other earth materials shall only be permitted when approved according to Sec. 370.05 and only for purposes of grading or excavating an area in preparation for construction thereon of dwellings, buildings or structures permitted in the district in which the area is located. All such land clearing activities shall comply with the regulations set forth in this Chapter.

**SECTION. 370.03 REGULATIONS FOR TOPSOIL REMOVAL.**

- (a) Whenever topsoil is to be removed from land within the Township, a minimum of four inches of topsoil shall remain or be replaced above the subsoil, clay or other unproductive grounds after completion of the operation. The removal, stockpiling, or replacement of the soil shall comply with other applicable regulations to prevent surface run-off.

(b) A grading permit and storm water pollution prevention plan shall be approved as part of this activity.

**SECTION. 370.04 REGULATIONS FOR TREE PRESERVATION.**

Existing woodlands shall be maintained and preserved on the site according to the following regulations:

(a) Definitions. The following terms are defined for the purposes of these regulations:

- (1) Diameter at breast height (DBH). The diameter of the trunk of a tree measured at a height of 4.5 feet above the natural grade. If the tree splits into multiple trunks below 4.5 feet, the trunk shall be measured at its most narrow point beneath the split.
- (2) Mature Woodlands. A stand of trees in which there are 10 or more trees that have a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the stand of trees.
- (3) Stand of Trees. A grouping of two or more trees with contiguous canopies.
- (4) Young Woodlands. A stand of trees in which there are 10 or more individual trees having a DBH of at least 6 inches whose combined canopies cover at least 50% of the area encompassed by the stand.

(b) Residential Uses: In a multi-family development, residential major subdivision or planned residential development (PRD) or conservation planned residential development (CPRD), trees shall be maintained and preserved according to the following:

- (1) A minimum of 50 percent of mature woodlands shall be preserved.
- (2) A minimum of 25 percent of any young woodland shall be preserved.
- (3) Any tree that is not classified as part of a mature woodland or young woodland shall be maintained and preserved, to the extent practicable, when the tree meets the following criteria:
  - A. The DBH of the tree is 8 inches or more.
  - B. The tree is not located within the area to be occupied by a permanent structure together with fifteen feet on all sides, subject to approval of the location of the structure.
  - C. The tree is not located within the area to be occupied by driveways, accessory buildings, sidewalks, utility installations and similar necessary development subject to approval of the location of said improvements.
- (4) In order to implement the standards set forth in Subsection 370.04(b)(1) thru (b)(3) above in the best manner possible, the Board of Zoning Appeals in the case of a multi-family or single-family major subdivision and the Zoning Commission and Township Trustees in review of a PRD or CPRD may approve a plan with reduced lot sizes or setback requirements are required by the applicable zoning district in order to permit more of the proposed site to be preserved. In reviewing such a plan, the Board of Zoning Appeals, or Zoning Commission and Township Trustees as applicable, shall determine that:

- A. The total number of lots do not exceed the number of lots that could be developed if the tree preservation regulations were not imposed;
- B. The design of the subdivision or planned residential development substantially complies with the purposes, intent and basic objectives of the zoning district in which the subdivision or planned residential development is located;
- C. The proposal results in a development of equivalent or greater quality than that which could be achieved through strict application of such standards and requirements; and
- D. The proposed development shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

(c) **Nonresidential Uses:** On parcels devoted to nonresidential uses, trees shall be retained and preserved according to the following:

- (1) Trees that are located within the proposed development area of the site may be removed upon the Zoning Commission's approval of the location of such structures and improvements. For the purposes of this section, the development area of the site shall include the area to be occupied by permanent structures, access roads, parking areas, sidewalks, utility installations, and similar necessary improvements, and an additional 15 fifteen feet on all sides of the proposed area to be occupied by such improvements.
- (2) On all other portions of the site:
  - A. A minimum of 50 percent of the mature woodlands shall be preserved.
  - B. A minimum of 25 percent of any young woodland shall be preserved.
  - C. Individual trees that are not within a mature or young woodland but which have a DBH of 8 inches or greater shall be preserved to the extent practicable, as determined by the Zoning Commission.

(d) **Reforestation.** Upon the approval of the Zoning Commission, a property owner or developer may clear more area than permitted in this Section by agreeing to reforest another part of the site at a ratio of 1.2 times the area or the diameter of the trees otherwise required to be preserved. Such approval shall be granted only when it has been determined that alternative measures to preserve these trees are not feasible.

**SECTION 370.05 PERMIT REQUIRED.**

Any land clearing activity shall be permitted only when an application for a land clearing permit is reviewed and approved by the Zoning Commission in accordance with the procedures for development plan review in Chapter 520.

(a) In addition to complying with the applicable submission requirements, the property owner shall also file the following items with the Zoning Commission:

- (1) A location map that clearly depicts the areas to be disturbed and the location of

buildings on adjacent properties, roads and the specific location of all natural features.

- (2) A map indicating the proposed changes in the contours and natural features that will result from the land clearing activity. The contour interval of this map shall be no more than 5 feet in an area where the slope exceeds 10 percent and two feet where the slope is less than 10 percent.
  - A. Information on the anticipated disturbance, depth of the excavation or amount of fill to be approved for the proposed site.
  - B. A tree removal/preservation plan, whenever trees are to be removed. Such plan shall clearly indicate the following:
    - C. The location, common name and size of the following individual trees and groups of trees:

- (b) The limits of any mature woodlands and young woodlands, as defined in Sec. 370.4(a).
- (c) Trees that have a DBH of eight inches or greater, and which are not otherwise included within the limits of a mature woodlands or young woodlands.
- (d) All existing trees and woodlands that are to remain on the site after construction.
- (e) All existing trees and woodlands that are to be removed from the proposed site.
- (f) The location, common name and size of all new trees to be planted on the proposed site.
- (g) A soil removal plan which sets forth the amount of soil to be removed, the proposed disposition, including reuse of the topsoil, and a siltation prevention plan.
- (h) No such permit shall be issued for land clearing unless the Zoning Commission has determined that:
  - (i) Such land clearing will not create a nuisance because of dust, erosion, soil or water runoff, or other unsafe or unhealthy conditions including damage to water quality in affected waterbodies.
    - (1) Adequate drainage shall continue to exist on the land to be cleared so that stagnant water or other conditions dangerous to health and safety will not be created.
    - (2) The land clearing shall not adversely affect adjacent properties.
- (j) Appropriate professional consultants may be retained by the Township to review the land clearing application and provide expert advice to the Zoning Commission. The applicant shall pay the cost of review by the consultant.
- (k) A land clearing permit may be issued simultaneously with a development plan, when required, pursuant to Chapter 520, or with a grading plan when required pursuant to the building code.

Any portion of land that is cleared shall be reseeded or replanted with grass or other satisfactory planting within three (3) months from such disturbance or before the onset of winter, whichever comes first, in order to prevent erosion, creation of dust or other conditions of nuisance.

**SECTION 370.07 EXEMPTIONS.**

The following are exempt from the regulations of this Chapter.

- A. Trees, woodlands or portions thereof which do not comply with the definitions in Section 370.04(a).
- B. The removal of dead trees and diseased or damaged trees that threaten life or property or that cannot be revived.
- C. The removal of trees in time of emergency or which pose potential danger to life or property.
- D. Any lot in an R-R, R-40, R-30 or R-15 District with an area less than 10 acres and occupied by a single-family dwelling.

**CHAPTER 380**  
**Riparian and Wetland Setbacks**

- 380.01 Intent.
- 380.02 Comprehensive Storm Water Management Plan.
- 380.03 Application.
- 380.04 Designated Watercourses and Riparian Setbacks.
- 380.05 Establishment of Wetland Setbacks.
- 380.06 Procedure for Wetland Setbacks.
- 380.07 Delineation of Riparian and Wetland Setbacks.
- 380.08 Conditions to Be Maintained Within Delineated Riparian And Wetland Setbacks.
- 380.09 Uses Permitted in Riparian and Wetland Setbacks.
- 380.10 Uses Prohibited in Riparian and Wetland Setbacks.
- 380.11 Nonconforming Structures or Uses in Riparian and Wetland Setbacks.
- 380.12 Variances Within Riparian and Wetland Setbacks.
- 380.13 Boundary Interpretation and Appeals Procedure.
- 380.14 Inspection of Riparian and Wetland Setbacks.
- 380.15 Cost of Consultations.
- 380.16 Conflicts, Severability, Nuisances and Responsibility.
- 380.17 Violations and Penalties.

**Section 380.01****INTENT.**

The system of wetlands, riparian areas, rivers, streams, and other natural watercourses within Olmsted Township contributes to the health, safety, and general welfare of the residents. The specific purpose and intent of this part of these regulations is to regulate uses and developments within riparian and wetland setbacks that would impair the ability of riparian and wetland areas to:

- (a) Establish practical standards to improve storm water quantity and quality, minimize degradation of water resources, prevent damage to public and private property, and promote and maintain the health, safety, and welfare of the residents of Olmsted Township.
- (b) Preserve to the maximum extent practicable the natural drainage characteristics of Olmsted Township, the scenic beauty and environment of the Township, and thereby preserving the character of the Township.
- (c) Protect the receiving stream's physical, chemical, and biological characteristics and to maintain stream functions, including:
  - (1) Preservation of natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
  - (2) Prevention of unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.
  - (3) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
  - (4) Assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.
  - (5) Provide watercourse habitats with shade and food.
  - (6) Provide habitat to a wide array of aquatic organisms, wildlife, many of which are on Ohio's Endangered and/or Threatened Species listings, by maintaining diverse and connected riparian and wetland vegetation.

- (d) Prevent degradation and aid in the restoration of waterways from stormwater pollution by filtering, settling, and absorbing pollutants in runoff both before they enter watercourses and after they are present.
- (e) Benefit the Township economically by:
  - (1) Minimizing the need for costly engineering solutions stormwater and flooding such as dams, retention basins, and rip rap; and
  - (2) Minimizing the need to construct, repair, and replace enclosed storm drain systems.
  - (3) Reducing the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate storm water control due to the loss of riparian areas and wetlands.
  - (4) Protect structures and reduce property damage, thereby preserving property values.

The following regulations have been enacted to protect these services of riparian and wetland areas by providing reasonable controls governing structures and uses within a wetland and/or riparian setback along designated watercourses in the Township.

**SECTION 380.02 COMPREHENSIVE STORM WATER MANAGEMENT LEGISLATION.**

COMPREHENSIVE STORMWATER MANAGEMENT REGULATIONS, OLMSTED TOWNSHIP, OHIO dated January, 2017 adopted by Resolution 020-2017.

**SECTION 380.03 APPLICATION.**

The provisions of this Chapter shall apply to:

- (a) Development Areas. All development involving new or relocated projects that including but not exclusive to: infrastructure projects such as highways, underground cables, pipelines; residential projects such as property subdivision, and parcel splits; industrial projects; commercial projects; building activities on farms; and redevelopment of urban areas and all other land uses not specifically exempted. The provisions of this chapter do not apply to:
  - (1) Land disturbing activities related to producing agricultural crops or silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (OAC 1501:15-3-01 to 1501: 15-3-09) and existing at the time of passage of this regulation
  - (2) Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
  - (3) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (b) Plan and Permit Applications. The following development plan and permit processes and procedures for development areas that are located in Olmsted Township and that include or border, in part or in whole, designated watercourses and wetlands as defined in these regulations:
  - (1) These regulations shall apply to property subdivision and parcel split plan approval, site

plan approvals, and land development plan approvals requested of the Township.

- (2) These regulations shall apply to all building permits, which involve soil disturbing activities.
- (3) The Township shall issue no approvals or permits without full compliance with the terms of these regulations.

**SECTION 380.04 DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS.**

- (a) Designated watercourses shall include those watercourses meeting any one of the following criteria:
  - (1) All watercourses draining an area greater than  $\frac{1}{2}$  square mile, or
  - (2) All watercourses draining an area less than  $\frac{1}{2}$  square mile and having a defined bed and bank.
  - (3) In determining if watercourses have a defined bed and bank, the Township may consult with a representative of the Cuyahoga SWCD or other technical experts as necessary.
- (b) Riparian setbacks on designated watercourses are established as follows:
  - (1) A minimum of 300 feet on both sides of all watercourses draining an area greater than 300 square miles.
  - (2) A minimum of 120 feet on both sides of all watercourses draining an area greater than 20 square miles and up to and including 300 square miles.
  - (3) A minimum of 75 feet on both sides of all watercourses draining an area greater than  $\frac{1}{2}$  square mile and up to and including 20 square miles.
  - (4) A minimum of 25 feet on both sides of all watercourses draining an area less than  $\frac{1}{2}$  square miles and having a defined bed and bank as determined above.
- (c) Riparian Setback Map.
  - (1) The Township shall use the latest edition of the official soil survey that shows drainage features, on the paper maps in the back of the book, as the map identifying designated watercourses and their riparian setbacks. The drainage features identified on the paper maps in the official soil survey and the information contained therein shall be believed to be accurate.
  - (2) At the time of application of this regulation, if any discrepancy is found between the Riparian Setback Map and the criteria for designated watercourses or riparian setbacks as set forth in these regulations, the criteria shall prevail.
  - (3) In reviewing and interpreting the maps the Township may consult with a representative of the Cuyahoga SWCD and other technical experts as necessary.

**SECTION 380.05 ESTABLISHMENT OF WETLAND SETBACKS.**

Wetland setbacks are established as follows:

- (a) A minimum of 120 feet surrounding and including all Ohio EPA Category 3 Wetlands, or current equivalent Ohio EPA classification.
- (b) A minimum of 75 feet surrounding and including all Ohio EPA Category 2 Wetlands, or current equivalent Ohio EPA classification.
- (c) A minimum of 25 feet surrounding and including all Ohio EPA Category 1 Wetlands, or current - equivalent Ohio EPA classification.

These setbacks do not apply to wetlands permitted to be filled by U.S. Army Corps of Engineers and Ohio EPA permits issued.

**SECTION 380.06 PROCEDURE FOR WETLAND SETBACKS.**

(a) No Change to Parcel Boundaries or Land Use Change.

(1) Upon filing a request for a building permit that does not involve changing of any parcel boundaries, or changes in land use, the applicant will check for indicators of wetlands on the National Wetlands Inventory maps, and Ohio Wetlands Inventory map, and the Cuyahoga County Wetlands Inventory (if applicable). A photocopy of the applicable section of each map will be attached to the permit application

(2) If a potential wetland is shown on any of the maps or if there is reason for the Township to believe that an unmapped wetland exists on or within 120 feet of the project site, the applicant will retain a qualified wetland professional to evaluate the proposed project site for wetlands or wetland buffer areas. If no wetland or wetland buffer areas are found, the applicant shall submit a letter from the qualified wetland professional with the preliminary plat or permit application verifying his or her negative findings.

(b) New Residential or Commercial or Other Type Development and Projects Involving a Change to Parcel Boundaries or a Land Use Change.

(1) Upon filing a request for approval of a preliminary plat or building permit for new residential, Commercial or other type of development that involves changes in any parcel, boundaries or changes in land use, the applicant or his or her designated representative shall retain a qualified wetland professional to survey the proposed development site for wetlands. If no wetlands are found, the applicant or his or her designated representative shall submit a letter with the preliminary plat or permit application verifying that a qualified wetland professional has surveyed the site and found no wetlands.

(2) If wetlands are found, the following procedures shall be followed. A qualified wetland professional, acceptable to the Township, shall determine the presence of Ohio EPA Category 1, 2 or 3 wetlands (or current equivalent Ohio EPA classification) on the proposed development site using the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of this regulation. Acceptance of this determination shall be subject to approval by the Township.

(3) If Ohio EPA Category 1, 2 or 3 wetlands (or current equivalent Ohio EPA classification) are located on the proposed development site, the applicant or his or her designated representative shall delineate these wetlands and the wetland setback in conformance with these regulations. The applicant or his or her designated representative shall identify all delineated wetlands and their associated setbacks

(4) on all property subdivision/property/parcel split plans, land development plans, and/or permit applications submitted to the Township.

A. Wetlands shall be delineated by a site survey, approved by the Township, using delineation protocols accepted by the US Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply.

B. Wetland setbacks shall be delineated through a metes and bounds, or higher level, survey subject to approval by the Township.

(5) Prior to any soil or vegetation disturbing activity, the applicant or his or her designated representative shall delineate wetland setbacks on the development site in such a way that they can be clearly viewed, and such delineation shall be maintained throughout construction.

(6) No approvals or permits shall be issued by the Township prior to delineation of wetland setbacks in conformance with this regulation.

(c) Upon Completion of an Approved Property Subdivision/Property/Parcel Split, Commercial Development or Other Land Development or Improvement. Upon such completion, riparian and wetland setbacks shall be permanently recorded on the plat records for the Township and shall be maintained as open space thereafter through a permanent conservation easement granted to a third party, that is not the landowner, permittee or the Township, and which is allowed by State law to be granted conservation easements. If no such third party will accept the conservation easement, the Township shall accept it and protect it in perpetuity.

**SECTION 380.07 Delineation of Riparian and Wetland Setbacks.**

(a) Prior to any land clearing or soil disturbing activity, riparian and wetland setbacks shall be clearly delineated on site by the applicant or his or her designated representative, and such delineation shall be maintained throughout soil disturbing activities.

(b) Riparian and wetland setbacks shall be measured in a perpendicular and horizontal direction outward from the ordinary high-water mark of each designated watercourse and defined wetland boundary.

(c) No approvals or subdivision plan approval, site plan approval, nor land development plan approval shall be issued by the Township prior to on-site delineation of riparian and wetland setbacks in conformance with these regulations. No building permits which include land clearing or soil disturbing activities shall be issued by the Township prior to delineation of riparian and wetland setbacks in conformance with these regulations.

(d) Upon completion of an approved property subdivision/property/parcel split, land development, or other improvement, riparian and wetland setbacks shall be permanently recorded on the plat records of the Township.

**SECTION 380.08 Conditions to be Maintained Within Delineated Riparian and Wetland Setbacks.**

(a) Except as otherwise provided in this regulation, riparian and wetland setbacks shall be preserved in their natural state, except that nonconforming structures and nonconforming uses existing at the time of passage of this regulation may be continued in their existing state as determined in the Section 380.12 of this Chapter. Riparian setbacks shall be established and marked in the field prior to any soil disturbing or land clearing activities.

(b) Where the Regulatory 100-year floodplain (a determined by FEMA) is wider than a riparian setback on either or both sides of a designated watercourse, the riparian setback shall be extended to the

outer edge of the 100-year floodplain. Where wetlands are identified within a riparian setback the minimum riparian setback width shall be extended to the outer boundary of the wetland. In addition, wetlands shall be protected to the extent detailed in these regulations.

- (c) Wetlands shall be delineated by a site survey approved by the Township using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply.
- (d) The applicant or his or her designated representative shall be responsible for delineating riparian and wetland setbacks, including any expansions or modifications as required by these regulations, and identifying these setbacks on all subdivision/property/parcel commercial development or other land development plans, and/or building permit applications submitted to the Community. This delineation may be done by a metes and bounds, or higher level, survey and shall be subject to review and approval by the Township. As a result of this review, the Township may consult with a representative of the Cuyahoga SWCD or other technical experts as necessary.

**SECTION 380.09 USES PERMITTED IN RIPARIAN AND WETLAND SETBACKS.**

- (a) By-Right Uses Without A Permit. Open space uses that are passive in character shall be permitted in riparian and wetland setbacks. No use permitted under these regulations shall be construed as allowing public trespass on privately held lands. The following is a non-inclusive list of such open space uses permitted:
  - (1) Recreational activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, fishing, hunting, picnicking and similar uses
  - (2) Removal of damaged or diseased trees. Damaged or diseased trees may be removed.
  - (3) Revegetation and/or reforestation. Riparian and wetland setbacks may be revegetated with non-invasive plant species.
  - (4) Maintenance of lawns, gardens and landscaping. Lawns, gardens and landscaping, that existed at the time this section was passed, may be maintained as long as they are not increased in size.
- (b) By-Right Uses with A Permit. The following uses are permitted with a permit: Selective harvesting of timber. Selective harvesting of timber may be allowed upon presentation of a Forest Management and Harvest Plan prepared by a Qualified Forester and accepted by the Township in accordance with Section 370 of the Township Zoning Regulations.
- (c) Stream Bank Stabilization and Erosion Control Measures. Stream bank stabilization and erosion control measures may be allowed provided that such measures are ecologically compatible and substantially utilize natural materials and native plant species where practical. The stream bank stabilization and erosion control measures shall only be undertaken upon approval of a Soil Erosion and Sediment Control Plan by the Township.

- (d) Crossings. Crossings of designated watercourses and through riparian setbacks by publicly and privately-owned roads, drives, sewer and/or water lines and public and private utility transmission lines shall only be allowed upon approval of a Crossing Plan by the Township. Such crossings shall minimize disturbance in riparian setbacks watercourse substrate and shall mitigate any necessary disturbances. Soil materials will not be used in making stream crossings.
- (e) Construction of Fencing. Construction of fencing shall be allowed with the condition that reasonable efforts be taken to minimize the destruction of existing vegetation, provided that the fence does not impede stream or flood flow, and the disturbed area is replanted to the natural or preexisting conditions before the addition of the fence, as approved by the Township.

**SECTION 380.10 USES PROHIBITED IN RIPARIAN AND WETLAND SETBACKS.**

Any use not authorized under these regulations shall be prohibited in riparian and wetland setbacks. By way of example, the following uses are specifically prohibited; however, prohibited uses are not limited to those examples listed here.

- (a) Construction. There shall be no structures of any kind.
- (b) Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for non-commercial composting of uncontaminated natural materials, and except as permitted under Section 380.09 of these regulations.
- (c) Roads or Driveways. There shall be no roads or driveways permitted in riparian and/or wetland setback area, except as permitted under Section 380.09 of these regulations. There shall be no roads or driveways permitted in wetlands or watercourses without a permit issued by the U.S. Army Corps of Engineers and/or the Ohio EPA.
- (d) Motorized Vehicles. There shall be no use of motorized vehicles, except as permitted under Section 380.10 of these regulations.
- (e) Disturbance of Natural Vegetation. There shall be no disturbance, including mowing, of the natural vegetation, except for such conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with this regulation; for such disturbances as are approved under these regulations; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of this regulation. Nothing in this regulation shall be construed as requiring a landowner to plant or undertake any other activities in riparian and wetland setbacks.
- (f) Parking Lots. There shall be no parking lots or other human-made impervious cover, except as permitted under these regulations.
- (g) New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian and wetland setbacks shall not be used for the disposal or treatment of sewage except in accordance with local county Board of Health regulations in effect at the time of application of this regulation.
- (h) Crossings. Crossings of designated riparian and wetland setbacks by publicly and privately-owned sewer and/or water lines and small public and small private utility transmission lines without a permit issued by the U.S. Army Corps of Engineers and/or the Ohio EPA.

**SECTION 380.11****NONCONFORMING STRUCTURES OR USES IN RIPARIAN AND WETLAND SETBACKS.**

- (a) A non-conforming use within a riparian and wetland setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the use shall not be changed or enlarged unless it is changed to a use permitted under these regulations.
- (b) A non-conforming structure within a riparian and wetland setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the existing building footprint or roofline may not be expanded or enlarged in such a way that would move the structure closer to the stream or wetland.
- (c) A non-conforming structure or use or deteriorated structure within a riparian and wetland setback which is in existence at the time of passage of this regulation, and which is discontinued, terminated or abandoned for a period of six (6) months or more, may not be revived, restored, or re-established. This section shall not apply to a residence that is vacant and which is not subject to condemnation orders by the Building Commissioner. This section shall also not prohibit ordinary repairs to a residence or residential accessory building that are not in conflict with other provisions in this regulation.
- (d) A non-conforming structure or use that is discontinued may be resumed any time within six (6) months from such discontinuance but not thereafter. No change or resumption shall be permitted that is more detrimental to riparian and wetland setbacks, as measured against the intent and objectives of these regulations as determined by the Township, than the existing or former non-conforming structure or use.
- (e) In the case of a non-conforming structure within a riparian or wetland setback, the Township will allow a ten (10) foot maintenance access zone measured perpendicular to the structure, to temporarily extend further into the setback as long as disturbance to existing vegetation is minimized and vegetation is restored to the preexisting state, as near as practical, upon completion. If any soil disturbance in a wetland will occur as part of any such maintenance activity, a permit from the U. S. Army Corps of Engineers or the Ohio EPA, as appropriate, must be submitted prior to the onset of the soil disturbing activity.
- (f) In the case of a non-conforming residential structure, the Township may allow minor upgrades to the structure, such as awnings, provided the modifications do not extend further toward the watercourse than the original foundation of the structure existing at the time of passage of this regulation, and further provided that the modification will not impair the function of the riparian zone nor destabilize any slope nor stream bank, as determined by the Township.

**SECTION 380.12****VARIANCES WITHIN RIPARIAN AND WETLAND SETBACKS.**

- (a) The Township may grant a variance from this regulation as provided herein. In determining whether there is unnecessary hardship or practical difficulty such as to justify the granting of a variance, the Township shall consider the potential harm or reduction in riparian and/or wetland area functions that may be caused by a proposed structure or use.

(b) In making a variance determination, the Township shall consider the following:

- (1) Varying the front, rear and side yard setback before the riparian and wetland setbacks are varied.
- (2) Variances should not be granted for asphalt or concrete paving in the riparian and wetland setbacks in any situation where gravel or porous pavement (i.e., porous pavers, and similar products) will do the job.

(c) In making a variance determination, the Township may consider the following:

- (1) A parcel existing at the time of passage of this section is made unbuildable.
- (2) The soil type natural vegetation of the parcel, as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of the Township's flood damage prevention regulations may be used as guidance when considering variances in the 100-year floodplain.
- (3) The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection, or other functions of the riparian and/or wetland area. This determination shall be based on sufficient technical and scientific data.
- (4) The degree of hardship this regulation places on the landowner, and the availability of alternatives to the proposed activity.
- (5) Soil disturbing activities permitted in a riparian and/or wetland setback through variances should be implemented in order to minimize clearing to the extent possible, and to include Best Management Practices necessary to minimize soil erosion and maximize sediment control.
- (6) The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in riparian setback areas compromises their benefits to the Township.
- (7) A reduction in storm water infiltration into the soil in wetland areas will occur.
- (8) A requested above ground fence does not increase the existing area of mowed grass or lawn.
- (9) Modifying parking requirements before varying the riparian setback.
- (10) Modifying building shape, size or design to avoid or minimize intrusion into the riparian setback.
- (11) In the case of a lot made unbuildable by this regulation, consider the minimum variance needed to make it buildable for an appropriately sized and compatibly designed structure, while following the guidance provided in this section.
- (12) Whether the variance will increase the likelihood for flood or erosion damage to either the applicant's property or to other properties.
- (13) Culverting of watercourses should be avoided.
- (14) Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the riparian zone.

**SECTION 380.13 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.**

(a) When an applicant or his or her designated representative disputes the boundary of a riparian or wetland setback or the ordinary high-water mark of a watercourse, the applicant or his or her designated representative shall submit documentation to the Township which describes the

boundary, the applicant's proposed boundary, and justification for the proposed boundary change.

- (b) The Township shall evaluate this documentation and shall make a written determination within a reasonable period of time, not to exceed sixty {60} days, a copy of which shall be submitted to the applicant. If during this evaluation the Township requires further information, it may be required of the applicant. In the event that the Township requests such additional information, the sixty (60) day limit on the Township's review shall be postponed until the applicant provides such information.
- (c) Any party aggrieved by any wetland or riparian setback determination under this regulation may appeal to the Building and Zoning Board of Appeals.

**SECTION 380.14 INSPECTION OF RIPARIAN AND WETLAND SETBACKS.**

The delineation of riparian and/or wetland setbacks shall be inspected by the Township, as follows:

- (a) Prior to any soil disturbing activities authorized by the Township under a property subdivision/property/parcel split, land development plan, and/or building permit. The applicant or his or her designated representative shall provide the Township with at least five (5) working days' notice prior to starting soil disturbing or land clearing activities.
- (b) Prior to starting any of the activities authorized by the Township under Section 380.09 of these regulations, the applicant or his or her designated representative shall provide the Township with at least five (5) working days' notice prior to starting such activities.
- (c) Any time evidence is brought to the attention of the Township that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

**SECTION 380.15 COST OF CONSULTATIONS.**

In implementing these regulations, the Township or other Community officials may consult with the Cuyahoga County Soil and Water Conservation District (SWCD), state and federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

**SECTION 380.16 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.**

- (a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Community provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.
- (b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.
- (c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on his or her property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.
- (d) Failure of the Township of Olmsted Township to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the Community, its officers, employees, or agents being responsible for any condition or damage

resulting there from.

(e) Neither submission of a plan under the provisions herein, non-compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

**SECTION 380.17 VIOLATIONS AND PENALTIES.**

(a) No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

(b) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(c) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(d) Upon notice from the Township, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Township may require that work be stopped upon verbal order pending issuance of the written order.

(e) The imposition of any other penalties provided herein shall not preclude the Township, by or through its Director of Law, from instituting an appropriate action or proceeding in a court of competent jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Township.

**DEFINITIONS.**

As used in this chapter, the following words and phrases have the following meaning:

(a) APPROVING AUTHORITY: The official responsible for administering the applicable program(s).

(b) BEST MANAGEMENT PRACTICE (BMP): Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.

(c) CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A person that has subscribed to the Code of Ethics and has met the requirements established by the CPESC Council of Certified Professional in Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

(d) CHANNEL: A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.

(e) CONCENTRATED STORM WATER RUNOFF: Surface water runoff which converges and flows

primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(f) CONSERVATION: The wise use and management of natural resources.

(g) DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; leaning as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling.

(h) DETENTION BASIN: A storm water management pond that does not maintain a permanent pool of water.

(i) DESIGNATED WATERCOURSE: A watercourse that is contained within, flows through, or borders the Township and meets the criteria set forth in these regulations.

(j) DETERIORATED STRUCTURE: A structure which has sustained substantial damage from any origin whereby the cost of restoring the structure to its before damaged condition would be equal to, or greater than 50% of the market value of the structure before the damage occurred.

(k) DEVELOPMENT AREA: Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.

(l) DITCH: An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.

(m) DUMPING: The grading, pushing, piling, throwing, unloading or placing of soil or other material.

(n) EARTH DISTURBING ACTIVITY: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(o) EROSION: The process by which the land surface is worn away by the action of water, wind, ice or gravity.

(p) EXISTING: In existence at the time of the passage of this section and these regulations.

(q) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program.

(r) GRADING: Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

(s) IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.

(t) INTERMITTENT STREAM: A natural channel that may have some water in pools but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.

(u) LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(v) LANDSLIDE: The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

(w) CUYAHOGA SWCD: The local county Soil and Water Conservation District.

(x) NATIONAL WETLANDS INVENTORY MAP: Wetland maps that were created by the Fish and Wildlife Service, United States Department of Interior.

(y) NATURAL RESOURCES CONSERVATION SERVICE (NRCS): An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

(z) NPDES PERMIT: A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.

(aa) NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of these regulations shall prevail.

(bb) OHIO EPA: The Ohio Environmental Protection Agency.

(cc) OHIO WETLANDS INVENTORY MAP: Wetland maps that were created by the Natural Resources

Conservation Service, USDA and the Ohio Department of Natural Resources.

(dd) ORDINARY HIGH-WATER MARK: The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(ee) OUTFALL: An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.

(ff) PERSON: Any individual, corporation, partnership, limited liability company, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

(gg) PERENNIAL STREAM: A natural channel that contains water throughout the year, except possibly during periods of extreme drought.

(hh) PROFESSIONAL ENGINEER: A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

(ii) QUALIFIED FORESTER: Any forester employed by the Ohio Department of Natural Resources, Division of Forestry, or any person attaining the credential of Certified Forester as conferred by the Society of American Foresters.

(jj) QUALIFIED WETLAND PROFESSIONAL: An individual competent in the areas of botany, hydric soils, and wetland hydrology, and who is acceptable to the Township.

(kk) REDEVELOPMENT: The demolition or removal of existing structures or land uses and construction of new ones.

(ll) RETENTION BASIN: A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.

(mm) RIPARIAN AREA: This shall mean land adjacent to watercourses that if naturally vegetated and/or appropriately revegetated and appropriately sized, limits erosion, reduces flood flows, and/or filters and settles out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.

(nn) RIPARIAN SETBACK: Those lands within the Township which are alongside streams, and which fall within the area defined by the criteria set forth in these regulations.

(oo) SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.

(pp) SEDIMENT CONTROL: The limiting of sediment being transported, by controlling erosion or detaining sediment-laden water, and allowing the sediment to settle out.

(qq) SEDIMENT POLLUTION: A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.

(rr) SENSITIVE AREA: An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

- (1) Ponds, wetlands or small lakes with less than five acres of surface area;
- (2) Small streams with gradients less than ten feet per mile with average annual velocity of less than 3.5 feet per second containing sand or gravel bottoms.
- (3) Drainage areas of a locally designated or an Ohio designated Scenic River.
- (4) Riparian and wetland areas.

(ss) SHEET FLOW: Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.

(tt) SILVICULTURE: The theory and practice of controlling forest establishment, composting and growth.

(uu) SLIP: A landslide as defined under "Landslides."

(vv) SLOUGHING: A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

(ww) SOIL: Unconsolidated erodible earth material consisting of minerals and/or organics.

(xx) SOIL CONSERVATION SERVICE, USDA: The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

(yy) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface, where natural or human made ground cover is destroyed and which may result in, or contribute to, soil erosion and sediment pollution.

(zz) SOIL EROSION AND SEDIMENT CONTROL PLAN: A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.

(aaa) SOIL EROSION AND SEDIMENT CONTROL PRACTICES: Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.

(bbb) SOIL SURVEY: The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

ccc) STORM WATER CONVEYANCE SYSTEM: All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

(ddd) STREAM: A body of water running or flowing on the earth's surface, or a channel in which such flow occurs. Flow may be seasonally intermittent.

(eee) SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or greater than 50% of the market value of the structure before the damage occurred.

(fft) USEPA: The United States Environmental Protection Agency.

(ggg) 100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. For the purposes of this regulation, the 100-year floodplain shall be defined by FEMA or a site-specific Floodplain Delineation in conformance with standard engineering practices and approved by the Township.

(hhh) WATERCOURSE: This shall mean any natural, perennial, or intermittent lake, pond, channel, stream, river, creek or brook with a defined bed and bank or shore.

(iii) WATER RESOURCES: All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this State, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.

(jjj) WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(kkk) WETLAND, OHIO EPA CATEGORY 2 WETLANDS: Those wetlands classified by the Ohio EPA as Category 2 wetlands under OAC 3745-I-54(C)(2), or current equivalent Ohio EPA classification, in accordance with generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(III) WE1LAND, OHIO EPA CATEGORY 3 WETLANDS: Those wetlands classified by the Ohio EPA as Category 3 wetlands under OAC 3745-I-54(C)(3), or current equivalent Ohio EPA classification, in accordance with generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(mmm) WETLAND SETBACK: Those lands within the Township that fall within the area defined by the criteria set forth in these regulations.

(nnn) WINTER: October 1<sup>st</sup> to April 1<sup>st</sup> of each year.

**TITLE IV**  
**ADMINISTRATIVE AUTHORITY**

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**CHAPTER 410**  
**Zoning Inspector**

410.01 Zoning Inspector.

410.02 Powers and duties of the Zoning Inspector.

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**SECTION 410.01 ZONING INSPECTOR.**

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of township zoning inspector, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

**SECTION 410.02 POWERS AND DUTIES OF THE ZONING INSPECTOR.**

The zoning inspector shall have the following duties:

- (a) To accept and review all applications for zoning certificates as required herein.
- (b) To issue zoning certificates as provided by this zoning resolution where all applicable provisions of this resolution are complied with in the application therefore and keep a record of same with a notation of any special conditions involved.
- (c) To deny the issuance of a zoning certificate in those cases where one or more applicable provisions of this resolution are not complied with in the application thereto.
- (d) Maintain in current status the Zoning District Map which shall be kept on permanent display in the Township.
- (e) Maintain permanent and current records required by this resolution including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.
- (f) Respond to questions concerning applications for amendments to the zoning resolution and the Zoning District Map.
- (g) Conduct inspections of buildings and uses of land to determine compliance with this resolution.
- (h) Determine the existence of any violations of this resolution and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- (i) Enforce all provisions of this resolution uniformly throughout the township.
- (j) Submit a written monthly report to the Township Trustees that summarizes the Zoning Inspector's actions related to the above duties.

**CHAPTER 420**  
**Zoning Commission**

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|        |                              |        |                    |
|--------|------------------------------|--------|--------------------|
| 420.01 | Establishment of commission. | 420.04 | Meetings.          |
| 420.02 | Composition and appointment. | 420.05 | Proceedings.       |
| 420.03 | Quorum.                      | 420.06 | Powers and duties. |

**SECTION 420.01 ESTABLISHMENT OF COMMISSION.**

In accordance with O.R.C. §519.04, the Zoning Commission of Olmsted Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

**SECTION 420.02 COMPOSITION AND APPOINTMENT.**

The Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Olmsted Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The members of the Zoning Commission shall serve without compensation.

**SECTION 420.03 QUORUM.**

Three (3) members of the Commission shall constitute a quorum at all meetings. A vote of three shall be necessary to affect an order, take action, make decisions, or act on any authorization.

**SECTION 420.04 MEETINGS.**

The Commission shall elect a chairman from its membership and shall adopt rules and procedures not in conflict with the provisions of this resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Township Trustees shall appoint a Recording Secretary. The Commission shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Commission shall be open to the public.

**SECTION 420.05 PROCEEDINGS.**

The Commission shall keep minutes of its proceedings, including a record of the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

**SECTION 420.06 POWERS AND DUTIES.**

The Zoning Commission shall have the following powers and duties.

- (a) To prepare the zoning resolution,
- (b) To review all development plans required by this resolution.

- (c) To review all planned development plans required by this resolution, and to make its recommendations to the Township Trustees for approval, disapproval, or modification thereof.
- (d) To review all sign applications required by this resolution.
- (e) To transmit all proposed amendments to the County Planning Commission for their recommendation and to consider at a public hearing the County Planning Commission's recommendations.
- (f) To review all proposed amendments to the zoning resolution and Zoning District Map and to submit a recommendation to the Township Trustees.
- (g) To propose on its own initiative such amendments to the zoning resolution and Zoning District Map as it may deem consistent with the purposes of this zoning resolution.
- (h) To advise the zoning inspector, upon request, as to the interpretation and enforcement of the resolution.

**CHAPTER 430**  
**Board Of Zoning Appeals**

|        |                              |        |                    |
|--------|------------------------------|--------|--------------------|
| 430.01 | Establishment of board.      | 430.05 | Witnesses.         |
| 430.02 | Composition and appointment. | 430.06 | Proceedings.       |
| 430.03 | Quorum.                      | 430.07 | Powers and duties. |
| 430.04 | Meetings.                    |        |                    |

**SECTION 430.01 ESTABLISHMENT OF BOARD.**

In accordance with O.R.C. §519.13, the Board of Zoning Appeals of Olmsted Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

**SECTION 430.02 COMPOSITION AND APPOINTMENT.**

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Olmsted Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.

**SECTION 430.03 QUORUM.**

Three (3) members of the Board shall constitute a quorum at all meetings. A vote of 3 shall be necessary to affect an order, take action, make decisions, or act on any authorization.

**SECTION 430.04 MEETINGS.**

The Board of Zoning Appeals shall adopt rules and procedures not in conflict with the provisions of this resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Board shall elect a chairperson from its membership. The Township Trustees shall appoint a Recording Secretary. Meetings of the Board shall be held at the call of the chairperson, and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

**SECTION 430.05 WITNESSES.**

The Board Chairperson, or in the Chairperson's absence the acting Chairperson, may administer oaths, and the Board may compel the attendance of witnesses in all matters coming within the purview of the board.

**SECTION 430.06 PROCEEDINGS.**

The Board shall keep minutes of its proceedings including a record of the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall, upon approval of the minutes, be immediately filed in the office of the Township Trustees and shall be a public record.

**SECTION 430.07 POWERS AND DUTIES.**

The Board of Zoning Appeals shall have the following powers:

- (a) The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this resolution.
- (b) The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morale and in furtherance of the purposes and intent of this resolution. The Board of Appeals shall have no authority to permit a use which is not permitted in the use district involved.
- (c) The Board shall have the power to grant Conditional Zoning Certificates for the use of the land, buildings, or other structures as specifically provided for elsewhere in this resolution and review such plans as specifically provided in this resolution.
- (d) The Board shall have the power to make a determination that a proposed use that is not listed or provided for in this resolution is a similar use by virtue of being substantially similar to a principal or conditional use that is listed and provided for in this resolution.
- (e) The Board shall have the power to resolve any disputes with respect to the precise location of a zoning district boundary.

**TITLE V**  
**ADMINISTRATIVE PROCEDURES, ENFORCEMENT**

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**CHAPTER 510**  
**Zoning Certificates**

|        |   |        |  |
|--------|---|--------|--|
| 510.01 | Zoning certificate required.                          | 510.08 | Expiration of zoning certificate.                        |
| 510.02 | Agricultural uses exempt.                             | 510.09 | Setting and maintenance of stakes.                       |
| 510.03 | Zoning certificate application requirements.          | 510.10 | Zoning certificate to be posted.                         |
| 510.04 | Review for completeness.                              | 510.11 | Appeal of Zoning Inspector denial of zoning certificate. |
| 510.05 | Approval of zoning certificate.                       | 510.12 | Zoning compliance certificate.                           |
| 510.06 | Denial of zoning certificate when violation(s) exist. | 510.13 | Zoning compliance certificate application requirements.  |
| 510.07 | Submission to Director of Transportation.             | 510.14 | Temporary use permits.                                   |

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**SECTION 510.01            ZONING CERTIFICATE REQUIRED.**

No building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Olmsted Township prior to the issuance of a Zoning Certificate, and no such Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with the regulations set forth in this zoning resolution. This Chapter specifies the manner in which Zoning Certificates are applied for and obtained in Olmsted Township.

**SECTION 510.02            AGRICULTURAL USES EXEMPT.**

In accordance with O.R.C. §519.21, any use determined by the Zoning Inspector to be an agricultural use that is located on a lot larger than 5 acres shall be exempt from the Zoning Certification requirements. No zoning certificate shall be required for such agricultural use or any building or structure specifically accessory thereto. No agricultural building shall be occupied by a use other than an agricultural use without first obtaining a zoning certificate in accordance with this Chapter.

**SECTION 510.03            ZONING CERTIFICATE APPLICATION REQUIREMENTS.**

A Zoning Certificate application shall be filed with the Zoning Inspector for all buildings or uses requiring such permit. Such application shall include two (2) copies of a completed application form of the type required by the Zoning Inspector and the application fee established by the Township Trustees for Zoning Certificate applications.

(a) Zoning Certificates for Single-Family Dwellings and Uses Accessory Thereto. In those cases where the proposed action involves a new single-family dwelling or accessory use of a single-family lot, or the alteration or expansion of an existing single-family structure or use, the Zoning Certificate application shall include the following additional items:

(1) Two (2) copies of a plot plan and other drawings sufficient to determine if the proposed new or altered structure or use meets all applicable height, yard, lot

area and other regulations specified herein for the use and district. Such plans shall be legibly drawn to scale and shall be based on an accurate survey.

- (2) A permit or other form of certification that the proposed use can tie into an existing centralized sewer system or that an individual on-lot septic system has been designed for the proposed use that is acceptable to the appropriate regulatory agency.
- (b) Zoning Certificates for Uses Requiring Zoning Commission Review. Applications for uses that require review by the Zoning Commission shall include the items required for review of development plans as set forth in Sections 520.04 and 520.08, as applicable.
- (c) Zoning Certificates for Uses Requiring Board of Zoning Appeals Review. Applications for uses that require review by the Board of Zoning Appeals shall include the items required for conditional uses as set forth in Section 530.02.

**SECTION 510.04 REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

**SECTION 510.05 APPROVAL OF ZONING CERTIFICATE.**

The Zoning Inspector shall take action on a Zoning Certificate application:

- (a) For all single-family dwellings and uses accessory thereto, a Zoning Certificate shall be issued by the Zoning Inspector within 30 days from when an application is determined complete for applications which, in his/her determination, meet all requirements of this resolution, including the application requirements specified herein.
- (b) Applications for Zoning Certificates for permitted uses requiring review of development plans shall be transmitted to the Zoning Commission according to Chapter 520.
- (c) Applications for Zoning Certificates for conditional uses shall be transmitted to the Board of Zoning Appeals according to Chapter 530.
- (d) Applications for Zoning Certificates for which a variance is requested shall be transmitted to the Board of Zoning Appeals according to Chapter 540.

A Zoning Certificate shall not be issued where, in the determination of the Zoning Inspector, the structure or use, as proposed, would violate one or more provisions of this resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan and other drawings submitted to the Zoning Inspector.

**SECTION 510.06 DENIAL OF ZONING CERTIFICATE WHEN VIOLATION(S) EXISTS.**

A Zoning Certificate shall not be issued where evidence indicates that there is an existing zoning violation on the premises for which the application has been submitted. All existing violations shall be corrected before a new zoning certificate shall be issued.

**SECTION 510.07 SUBMISSION TO DIRECTOR OF TRANSPORTATION.**

According to ORC 5511.01, before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new state highway or a state highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (ODOT) or any land within a radius of 500 feet from the point of intersection of said centerline with any state highway, the Zoning Inspector shall give notice, by registered mail, to the Director of ODOT and shall not issue a zoning certificate for 120 days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning certificate shall not be issued. If notified that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period or any agreed upon extension thereof, a zoning certificate shall be granted if the application is in conformance with all provisions of this resolution.

**SECTION 510.08 EXPIRATION OF ZONING CERTIFICATE.**

A Zoning Certificate shall become void at the expiration of 12 months after the date of issuance unless, prior thereto, construction is begun, or an extension has been granted by the Zoning Inspector. If no construction is begun within one year of the date of the certificate and an extension has not been granted, a new application and certificate shall be required. Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed. The date of expiration shall be noted on the zoning certificate.

**SECTION 510.09 SETTING AND MAINTENANCE OF STAKES.**

Prior to building construction, stakes based on an actual survey shall be set. The Zoning Inspector shall be notified of the setting of stakes associated with any use or structure for which a Zoning Certificate has been obtained. All stakes shall be maintained in their proper location on the property during construction.

**SECTION 510.10 ZONING CERTIFICATE TO BE POSTED.**

During construction of a new structure, or addition to an existing structure, a copy of the Zoning Certificate shall be posted on the premises in a conspicuous location visible from the street.

**SECTION 510.11 APPEAL OF ZONING INSPECTOR DENIAL OF ZONING CERTIFICATE.**

Any person deeming himself/herself wronged by a decision of the Zoning Inspector to deny the issuance of a Zoning Certificate may appeal such decision to the Board of Zoning Appeals under the provisions of Chapter 540 of these regulations.

**SECTION 510.12 ZONING COMPLIANCE CERTIFICATE.**

No new structure, nor any addition to a structure, shall be occupied or used for any purpose until it has been determined by the Zoning Inspector that such structure or addition meets all requirements of this resolution and any specific conditions set forth at the time the approval was granted for a development plan, conditional use and/or variance, and the Zoning Inspector indicates so by issuing a Zoning Compliance Certificate for such uses. A Zoning Compliance Certificate shall not be required for

those uses occupying or using existing unaltered structures provided that such use meets all other requirements of this zoning resolution.

**SECTION 510.13            ZONING COMPLIANCE CERTIFICATE APPLICATION REQUIREMENTS.**

A Zoning Compliance Certificate application shall be filed with the Zoning Inspector. The application shall include the application fee established by the Township Trustees for such application.

**SECTION 510.14            TEMPORARY USE PERMITS.**

- (a)      Temporary uses and structures that require a zoning permit as established in Chapter 140 shall be required to obtain a temporary zoning permit in accordance with the procedures set forth above for approval of a zoning certificate.
- (b)      A temporary zoning permit shall be valid for a period of 60 days, unless the Zoning Inspector authorizes a longer period or it is approved in accordance with Chapter 140.

**CHAPTER 520**  
**Development Plan Review**

|        |   |        |  |
|--------|---|--------|--|
| 520.01 | Intent.   | 520.09 | Zoning Commission review.  |
| 520.02 | Review for completeness.                          | 520.10 | Zoning Commission determination of a detailed development plan.      |
| 520.03 | Development plan review required.                 | 520.11 | Recommendation by Zoning Commission and action by Township Trustees. |
| 520.04 | Submission of a general development plan for PDs. | 520.12 | Timeframe of Approval.   |
| 520.05 | General development plan review procedures.       | 520.13 | Significance of an approved plan; plan revisions.                    |
| 520.06 | Crucial features of the general development plan. | 520.14 | Modifications to approved general or detailed development plans.     |
| 520.07 | Effect of approval of general development plans.  |        |  |
| 520.08 | Submission of a detailed development plan.        |        |  |

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**SECTION 520.01            INTENT.**

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses permitted or conditionally permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

**SECTION 520.02            REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall within two weeks of receiving a submitted application for a general development plan or a detailed development plan review it to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

**SECTION 520.03            DEVELOPMENT PLAN REVIEW REQUIRED.**

- (a) The review and approval of a general development plan by the Zoning Commission and Township Trustees are required for all planned developments.
- (b) The review and approval of a detailed development plan by the Zoning Commission and Township Trustees is required for the following:
  - (1) New construction of all permitted uses in multi-family, business and industrial districts;
  - (2) Any existing or previously approved development meeting the criteria of (a) above which proposes to alter, reconstruct or otherwise modify a use or site including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

- (3) Any planned development involving a multi-family, business, commercial and/or industrial use.
- (c) The Board of Zoning Appeals shall review development plans for conditional uses when the conditional use involves new construction of a building or structure or any change or alteration to a condition use that expands the floor area of the permitted use, increases the number of dwelling units in a multi-family development, or changes the use which requires an increase in the amount of parking or a change in the site's circulation.

**SECTION 520.04 SUBMISSION OF A GENERAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENTS (PD).**

An application for a proposed Planned Development shall include the review and approval of a general development plan which shall include the entire area of the proposed PD. The general development plan for the entire area shall indicate:

- (a) The location of all existing structures, parking areas, and access points and the general location of all proposed structures, parking areas, and access points;
- (b) Existing and proposed topography, major vegetation features, and wooded areas;
- (c) The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.
- (d) The general location of required open space areas.
- (e) A summary table showing total acres of the proposed development, the number of acres devoted to each type of residential use including streets and open space and the number of dwelling units by type;
- (f) Such other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.

**SECTION 520.05 GENERAL DEVELOPMENT PLAN REVIEW PROCEDURES.**

- (a) Preapplication Conference:
  - (1) The applicant should request a preliminary, informal meeting with the Zoning Inspector and/or Zoning Commission to discuss the initial concepts of the proposed PD and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
  - (2) Discussions that occur during a preapplication conference or a preliminary meeting with staff or the Zoning Commission are not binding on the township and do not constitute official assurances or representations by Olmsted Township or its officials regarding any aspects of the plan or application discussed.
- (b) General Development Plan Application:

- (1) A complete application for a general development plan review shall be submitted to the Zoning Inspector and shall include all such forms, maps, and information, as prescribed in Section 520.04.
- (2) Each application shall be signed by all of the owners or the owners' authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (3) All applications shall be submitted with the required fees as established in the Olmsted Township fee schedule.
- (4) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.
- (5) A general development plan review application for a planned development proposed on land that is not yet zoned to a Planned Development District shall be accompanied by a PD zoning map amendment application so that the review of the zoning map amendment and general development plan can occur simultaneously in accordance with the procedures in this Chapter as well as in Chapter 560.

(c) Distribution of Plans. The application shall be transmitted to the Zoning Commission as well as other agencies as follows:

- (1) The application may be transmitted to appropriate administrative departments, and professional consultants for review and comment.
- (2) Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.

(d) Public Hearing and Recommendation by the Zoning Commission:

- (1) Upon the filing of a general development plan application, the Zoning Commission shall set a date for a public hearing regarding the general development
  - A. The public hearing shall not be less than 20 or more than 40 days after the date the application was submitted.
  - B. Notification shall be given in accordance with Section 519.12 of the ORC.
- (2) Within 30 days after the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed General Development Plan, and submit such recommendation together with such application and general development plan, to the Board of Trustees.

(3) In recommending approval of a general development plan, the Zoning Commission shall determine that:

- A. The general development plan is consistent with the Comprehensive Land Use Plan.
- B. The appropriate use and value of property within and adjacent to the area will be safeguarded.
- C. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- D. The development will have adequate open spaces that meet the objectives of the Comprehensive Plan.

(e) Public Hearing and Decision by the Board of Trustees:

- (1) Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall set a time for a public hearing on such general development plan.
  - A. The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
  - B. Notification shall be given in accordance with Section 519.12 of the ORC.
- (2) Within 20 days after its public hearing, the Township Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
- (3) Approval of the general development plan shall include density, intensities, land uses and their inter-relationship, design standards, and building location. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed development plans.

**SECTION 520.06 CRUCIAL FEATURES OF THE GENERAL DEVELOPMENT PLAN.**

The Township may incorporate a list of "crucial features of the Planned Development" as part of a general development plan approval.

(a) The crucial features of the PD are those items or features that the Township finds crucial or indispensable to the PD approval and as such, the township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PD (See Section 520.14, Modifications to Approved General or Detailed Development Plans.). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.

- (b) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustee's decision.
- (c) If a list of crucial features is included in the decision on the general development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PD records.

**SECTION 520.07****EFFECT OF APPROVAL OF GENERAL DEVELOPMENT PLANS.**

- (a) Whenever a general development plan is approved simultaneously with a map amendment to a Planned Development District, the amendment and general development shall become effective 30 days after the date of such adoption.
- (b) Whenever a general development plan that includes a major subdivision as defined by the Cuyahoga County Subdivision Regulations is approved by the Township Trustees, the applicant shall initiate the subdivision approval process with the Cuyahoga County Planning Commission.
  - (1) No grading or land clearing permit shall be approved for the site until the applicant has received approval of the preliminary subdivision plan and subdivision improvement plans from Cuyahoga County.
  - (2) The final subdivision plat shall be in substantial conformance with the general development plan approved by the Township, all pursuant to County Subdivision Recommendations.
- (c) For projects requiring approval of a detailed development plan, once the general development plan has been approved by the Board of Trustees, the applicant shall proceed with the preparation of the detailed development plan(s) in whole or in phases.
- (d) An approved general development plan shall remain valid for a period of 12 months following the date of its approval, unless the Township Trustees authorize a longer period at the time of approval.
  - (1) Approval of the general development plan shall expire at the end of the authorized period if a detailed development plan has not been submitted to the Township.
  - (2) An applicant may request an extension of approval of the general development plan. The Township Trustees may consider the status of subdivision approval with the Cuyahoga County Planning Commission in determining whether or not to grant an extension.
- (e) Phased Developments. For phased developments, the Zoning Commission and Township Trustees may approve a phasing plan as part of the general development plan approval.

In such case, the approved time frames shall establish when the approved development plans expire.

- (f) An expired general development plan shall be of no effect unless resubmitted and reapproved by the Township Trustees.

**SECTION 520.08 SUBMISSION OF A DETAILED DEVELOPMENT PLAN.**

The detailed development plan shall be prepared by a qualified professional and drawn to an appropriate scale, and shall disclose all uses proposed for the development, their location, extent and characteristics. The application for detailed development plan review shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector. A detailed development plan may be reviewed simultaneously with a general development plan:

- (a) An accurate legal description prepared by or certified by a registered surveyor of the state;
- (b) A property location map showing existing property lines, easements, utilities and street rights-of-way;
- (c) A detailed development plan indicating:
  - (1) Use, location and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;
  - (2) Location and configuration of off-street parking and loading areas, the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
  - (3) Adjacent streets and property including lot lines, buildings, parking and drives within 200 feet of the site;
  - (4) Proposed and existing fences, walls, signs, lighting;
  - (5) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
  - (6) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
  - (7) Dimensions of all buildings, setbacks, parking lots, drives and walkways.
- (d) Topographic maps showing existing and proposed grading contours, and major vegetation features, including existing trees over six inches in diameter, wooded areas; wetlands and other environmental features;

- (e) Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and the existing trees to be removed;
- (f) Preliminary architectural sketches of buildings and other structures, floor plans, site construction materials and signs;
- (g) Summary table showing total acres of the proposed development; number of acres devoted to each type of residential and/or non-residential use including streets and open space; number of dwelling units by type;
- (h) Other features necessary for the evaluation of the development plan as deemed necessary by the Zoning Inspector or Zoning Commission (or Board of Zoning appeals for Conditional Uses).

**SECTION 520.09                    ZONING COMMISSION REVIEW OF DETAILED DEVELOPMENT PLANS.**

- (a) Distribution of Plans. The application shall be transmitted to the Zoning Commission as well as other agencies as follows:
  - (1) The application may be transmitted to appropriate administrative departments, and professional consultants for review and comment.
  - (2) Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
- (b) Review Criteria. The Zoning Commission shall review the application to determine that such application complies with the zoning requirements of the district in which the proposed development is located.
- (c) Requests for Additional Information. The Zoning Commission may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development.
- (d) Informal Meetings. In reviewing any application, the Zoning Commission may meet informally with the applicant, however, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Commission.
- (e) Public Hearing. A public hearing on the application shall be scheduled within thirty (30) days from when the application was deemed complete as set forth in Section 520.02.

**SECTION 520.10                    ZONING COMMISSION DETERMINATION OF DETAILED DEVELOPMENT PLAN.**

In recommending approval of a detailed development plan, the Zoning Commission shall find that:

- (a) The plan is consistent with any plan for the orderly development of the Township.
- (b) The appropriate use and value of property within and adjacent to the area will be safeguarded.

- (c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- (d) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
- (e) The development will have adequate public service and open spaces.
- (f) The development will preserve and be sensitive to the natural characteristics of the site in a manner which is in compliance with the applicable regulations set forth in this resolution.
- (g) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
- (h) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

**SECTION 520.11 RECOMMENDATION BY ZONING COMMISSION AND ACTION BY BOARD OF TRUSTEES.**

- (a) The Zoning Commission shall recommend either:
  - (1) Approval of the detailed development plan as submitted; or
  - (2) Approval of the detailed development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or
  - (3) Denial of the detailed development plan. If the Commission finds that a proposed plan does not meet the requirements and purposes of these regulations, it shall deny the plan and shall submit its findings in writing, to the applicant, upon the applicant's request.
- (b) The Zoning Commission's recommendation on the detailed development plan shall be submitted in writing immediately to the Township Trustees for approval, approval with further conditions, or disapproval, which action shall be taken at the next regular meeting of the Township Trustees after the action taken by the Zoning Commission. Such action shall be pursuant to a hearing at which the applicant and other interested persons may be present and be heard.

**SECTION 520.12 TIMEFRAME OF APPROVAL.**

An approved plan shall remain valid for a period of 12 months following the date of its approval unless the Township Trustees authorizes a longer period at the time of approval. If, at the end of that time, construction has not begun, then approval of such plan shall expire and shall be of no effect unless

resubmitted and reapproved by the Township Trustees. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

**SECTION 520.13 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.**

An approved general or detailed development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Township Trustees. A request for such a transfer or change of ownership shall be presented to the Township Trustees and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original development plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Chapter.

**SECTION 520.14 MODIFICATIONS TO APPROVED GENERAL OR DETAILED DEVELOPMENT PLANS**

If an applicant proposes to modify an approved general development plan or detailed development plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs (a) and (b) below.

- (a) The proposed modifications shall be classified as a minor or major modification based on the following:
  - (1) Major Modifications. Major modifications shall include, but are not limited to, changes to the approved plan that involve:
    - A. A change of use or density to a more intense use or density than permitted by the approved preliminary development plan or changes to the location or amount of land designated for a specific land use or open space;
    - B. A reduction of more than five percent in the number of parkingspots;
    - C. Any change that will increase demand on any on- or off-site infrastructure including modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.
  - (2) Minor Modifications. A minor modification shall include anything not classified as a major modification above, unless the Zoning Commission determines, after review, that a proposed modification should be forwarded to the Board of Trustees as a major modification.
- (b) Review of Minor Modifications. The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved general development plan or detailed development plan.
  - (1) Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.
  - (2) The decision of the Zoning Commission on minor modifications shall be deemed

administrative.

- (3) If a general development plan is amended, any future detailed development plan shall comply with the amended general development plan.
- (c) Review of Major Modifications:
  - (1) Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the general development plan pursuant to Section 520.05 General Development Plan Review Procedure.
  - (2) If a general development plan is amended, any future detailed development plan shall comply with the amended preliminary development plan.

**CHAPTER 530**  
**Conditional Use Permits**

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|--------|---|--------|---|
| 530.01 | Intent.   | 530.06 | Review criteria.                              |
| 530.02 | Submission of application.                            | 530.07 | Action by Board of Zoning Appeals.            |
| 530.03 | Review for completeness.                              | 530.08 | Terms and duration of conditional use permit. |
| 530.04 | Distribution of application.                          |        |   |
| 530.05 | Public hearing and notice by Board of Zoning Appeals. | 530.09 | Reapplication.                                |

**SECTION 530.01        INTENT.**

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the following.

**SECTION 530.02        SUBMISSION OF APPLICATION.**

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional use permit accompanied by payment of the required fee established by Trustees. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent and characteristics and shall include a development plan and associated documentation as required in Section 520.02 unless specific items required in Section 520.04 are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

**SECTION 530.03        REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Board of Zoning Appeals.

**SECTION 530.04        DISTRIBUTION OF APPLICATION.**

The application shall be transmitted to the Board of Zoning Appeals as well as other agencies as follows:

- (a) The application may be transmitted to appropriate administrative departments and professional consultants for review and comment.
- (b) Any department reports, comments or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board of Zoning Appeals' review.

**SECTION 530.05 PUBLIC HEARING AND NOTICE BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall hold a public hearing on the application. Notice of such public hearing shall be given by first class mail to the property owners within 500 feet of the property line of the property on which the use is proposed. Further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

**SECTION 530.06 REVIEW CRITERIA.**

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this zoning resolution. In making such a determination, the Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 270 of this resolution, is satisfied by the establishment and operation of the proposed use. In addition, the Board of Zoning Appeals:

- (a) Shall review the development plan for the proposed conditional use according to the development plan review procedures set forth in Sections 520.06 and 520.07.
- (b) Shall review any request for variance of any regulation set forth in this zoning resolution pertaining to the proposed conditional use, according to variance procedures set forth in Section 540.06.
- (c) May require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

**SECTION 530.07 ACTION BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall take one of the following actions:

- (a) If the proposed conditional use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the conditional use application. As part of the approval, the Board of Zoning Appeals may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this resolution for the protection of individual property rights and the public health, safety and general welfare of the community and ensuring that the intent and objective of this zoning resolution are observed.
- (b) If the proposed use is found not to be in compliance with the specifications of this zoning resolution, or not appropriate to or in keeping with the purpose, policies and intent of the Comprehensive Plan, the Board of Zoning Appeals shall reject the application.

Failure of the Board of Zoning Appeals to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the application.

**SECTION 530.08            TERMS AND DURATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit is non-assignable and shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by Board of Zoning Appeals. The breach of any condition, safeguard or requirement shall automatically invalidate the conditional use permit granted, and shall constitute a violation of the zoning resolution. Such violation shall be punishable as per Chapter 580. A conditional use permit issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the permit and only to the applicant to whom the permit is issued, unless a transfer of such permit for the same use has been approved by the Zoning Inspector.

**SECTION 530.09            REAPPLICATION.**

An application for a conditional use permit which has been denied wholly or in part by the Board of Zoning Appeals and is resubmitted to the Board of Zoning Appeals shall comply with all the requirements of this Section, including payment of the required fee.

**CHAPTER 540**  
**Appeals and Variances**

|        |   |        |                                       |
|--------|---|--------|---------------------------------------|
| 540.01 | Appeals to the Board of Zoning Appeals. | 540.05 | Decision of the Board.                |
| 540.02 | Initiation of appeal.                   | 540.06 | Variance as a type of appeal.         |
| 540.03 | Public hearing by the Board.            | 540.07 | Appeals to the Court of Common Pleas. |
| 540.04 | Stay of proceedings.                    |        |                                       |

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**SECTION 540.01 APPEALS TO THE BOARD OF ZONING APPEALS.**

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Township, deeming himself or itself to be adversely affected by any decision or action of the Zoning Inspector or by any administrative officer deciding matters relating to this zoning resolution.

**SECTION 540.02 INITIATION OF APPEAL.**

Notice of appeal shall be filed with the officer from whom the appeal is taken and with the secretary of the Board of Zoning Appeals within 20 days after the date of any adverse order, requirement, decision, or determination. Such written notice of appeal shall specify therein the grounds and reasons for the appeal. The officer from whom the appeal is taken shall transmit to the secretary of the Board of Zoning Appeals all data pertaining to the subject matter upon which the action so appealed was taken.

**SECTION 540.03 PUBLIC HEARING BY THE BOARD.**

Upon receipt of the material related to the proposed action, the Board of Zoning Appeals shall set a date for a public hearing to consider the appeal. Notice of such hearing stating the time, place, and object of the hearing shall be sent by first class mail, addressed to the parties making the request for appeal, at least 10 days prior to the date of the scheduled hearing. Not less than 10 days prior to the date set for such hearing or appeal, written notice of such hearing shall be sent by first class mail to any person, firm, or corporation owning premises located within 500 feet of the property line to which such appeal or application relates. Failure of delivery of such notice shall not invalidate action taken on such application. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Any person may appear before the Board at the public hearing on the application and state their reasons for or against the proposal.

**SECTION 540.04 STAY OF PROCEEDINGS.**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by either the Board of Zoning Appeals or a court having lawful jurisdiction.

**SECTION 540.05 DECISION OF THE BOARD.**

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end the Board of

Zoning Appeals shall have all of the powers of the officers from whom the appeal is taken, and it may direct the issuance of a certificate.

- (a) The Board shall render a decision on the appeal without unreasonable delay.
- (b) If the Board fails to act within 30 days from the date the appeal was received by the Board, or an extended period of time as may be agreed upon, the appellant may assume the appeal has been denied.
- (c) Within 5 days of the Board's decision, the secretary of the Board shall send written notification of the decision to the appellant and the Zoning Inspector.
- (d) The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep records of its official actions.
- (e) Once the appellant has received the Board's decision, he/she may submit an application that complies with the Board of Zoning Appeal's decision. A copy of the Board of Zoning Appeal's decision shall be attached to the application.

**SECTION 540.06 VARIANCES AS A TYPE OF APPEAL.**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest according to the following procedures:

- (a) Application Requirements. An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
  - (1) Name, address and phone number of applicant(s);
  - (2) Proof of ownership, legal interest or written authority;
  - (3) Description of property or portion thereof;
  - (4) Description or nature of variance requested;
  - (5) Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (b) below;
  - (6) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
  - (7) Payment of the application fee as established by the Trustees;
  - (8) Any other documents deemed necessary by the Zoning Inspector.

Upon receipt of a written request for variance, the Zoning Inspector shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(b) Review by the Board of Zoning Appeals. According to the procedures established for appeals in Section 540.03, the Board shall hold a public hearing and give notice of the same.

(c) Review Criteria. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this resolution and evidence demonstrates that the literal enforcement of this resolution will result in practical difficulty or unnecessary hardship.

(1) Area/Dimension Variance. The following factors shall be considered and weighed by the Board in determining practical difficulty. Not all factors may be applicable in each case. Each case shall be determined on its own facts:

- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- F. Whether special conditions or circumstances exist as a result of actions of the owner;
- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(2) Use Variance. In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant;
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. The granting of the variance will not adversely affect the public health, safety or general welfare;
- F. The variance will be consistent with the general spirit and intent of the zoning requirement; and
- G. The variance sought is the minimum that will afford relief to the applicant.

(d) **Requests for Additional Information.** The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to adequately review and evaluate the request for a variance.

(e) **Additional Conditions and Safeguards.** The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

(f) **Action by the Board.** The Board shall either approve, approve with supplementary conditions as specified in subsection (d), or disapprove the request for variance according to the procedures established for appeals in Section 540.05. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

(g) **Reapplication.** If a variance has been denied by the Board, the Board need not reconsider the same request for a variance if resubmitted within six months after date of decisions, unless the underlying conditions have substantially changed.

(h) **Term and Extension of Variance.** Variances shall be non-assignable and shall expire one year from the date of their enactment, unless prior thereto, construction has begun in accordance with the granted variance. Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this Section.

**SECTION 540.07 APPEALS TO THE COURT OF COMMON PLEAS.**

Decisions by the Board of Zoning Appeals granting or denying variances shall be final within the Township. Appeals shall be subject to judicial review by the Court of Common Pleas of Cuyahoga County, Ohio, in accordance with the laws of the State of Ohio.

**CHAPTER 560****Amendments**

|        |  |        |   |
|--------|--|--------|---|
| 560.01 | Authority for amendments.                      | 560.05 | Amendments initiated by Trustees.                         |
| 560.02 | Initiation of zoning amendments.               | 560.06 | Amendments filed with the County.                         |
| 560.03 | Map amendments initiated by property owner(s). | 560.07 | Amendments to be filed with the County.                   |
| 560.04 | Amendments initiated by Zoning Commission.     | 560.08 | Guidelines when considering amendments to the zoning map. |

**SECTION 560.01 AUTHORITY FOR AMENDMENTS.**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may amend, revise, rearrange, renumber or recodify this zoning resolution or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in Section 519.12 of the Ohio Revised Code and summarized herein.

**SECTION 560.02 INITIATION OF ZONING AMENDMENTS.**

Amendments to the zoning resolution may be initiated in one of the following ways:

- (a) By motion of the Township Zoning Commission;
- (b) By the passage of a resolution therefor by the Board of Township Trustees which shall be certified to the Zoning Commission for commencement of the Commission's review; or
- (c) By the filing of an application therefore with the Zoning Commission by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed Amendment.

**SECTION 560.03 MAP AMENDMENTS INITIATED BY PROPERTY OWNER(S).**

An application for a map amendment initiated by at least one owner within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- (a) Discussion with Zoning Commission. Prior to submitting an application for an amendment to the Zoning Map, the applicant shall appear before the Zoning Commission to informally discuss the proposed rezoning. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Commission.
- (b) Application Requirements. Applications for amendments to the Zoning Map adopted as part of this resolution shall be submitted to the Zoning Inspector and shall contain at least the following information, unless otherwise instructed by the Zoning Commission during the preliminary discussion in Subsection 560.03(a).
  - (1) The name, address and phone number of the applicant and the property owner if other than the applicant;

- (2) An accurate legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (3) A statement of the reason(s) for the proposed amendment;
- (4) Present use and zoning district, and the proposed use and zoning district;
- (5) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- (6) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 300 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
- (7) The last known names and addresses of the owners of all properties lying within 350 feet of any part of the property on which the zoning map amendment is requested, as shown upon the County auditor's current tax list;
- (8) A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
- (9) The payment of the application fee as established by Trustees.

(c) Referral to Zoning Commission. After the filing of an application by an owner, the Zoning Inspector shall transmit the application to the Zoning Commission for its consideration and recommendation.

(d) Public Hearing and Notice by Zoning Commission. The Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than 20 nor more than 40 days from the date of the filing of the application. Notice of such hearing shall be given by the Zoning Commission by publication in one or more newspapers of general circulation in the Township at least 10 days prior to the date of the hearing. The published notice shall include the date, time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. Also included should be the name of the Zoning Commission conducting the public hearing on the proposed amendment; A statement indicating that the application is an amendment to Olmsted Township's zoning resolution; The time and place where the application information including any maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing; the name of the person responsible for giving notice of the public hearing by publication; A statement that after the conclusion of such public hearing the matter will be submitted to the Olmsted Township Board of Trustees for its action; Any other information requested by the Olmsted Township Zoning Commission.

(e) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the day of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the

addresses of such owners appearing on the County Auditor's current tax list. The notice shall contain the same information as required of notices published in newspapers as specified in Subsection (e) above and shall also state the present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property. Failure of delivery of such notice shall not invalidate any such amendment.

(f) Recommendation by Zoning Commission. The Zoning Commission shall, within 30 days after such public hearing, recommend one of the following:

- (1) That the amendment be approved as requested;
- (2) That the amendment be denied.

The secretary of the Zoning Commission shall forthwith submit to the Trustees the recommendation from the Zoning Commission.

(g) Public Hearing and Notice by Trustees. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing. The published notice shall include the date, time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 10 days, the text of the proposed amendment, the maps or plans, if applicable, and the recommendations of the Zoning Commission shall be on file for public examination in the office of the Clerk of Township or in such other office as is designated by Trustees.

(h) Action by Trustees. Within 20 days after the public hearing required by Subsection (h), above, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees elect to overrule or modify the recommendation of the Zoning Commission, majority vote of the Trustees shall be required.

(i) Amendments adopted by the Trustees shall become effective in 30 days after the date of adoption unless, within 30 days after the adoption of the amendment, there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township equal to not less than eight 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, requested the Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

The Zoning Commission on its own initiative may, by the passage of a motion, initiate amendments to the zoning resolution and Zoning Map. The Zoning Commission and Township Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 560.03(d) through 560.03(j), inclusive.

**SECTION 560.05 AMENDMENTS INITIATED BY TOWNSHIP TRUSTEES.**

Amendments to the zoning resolution or Zoning Map initiated by the passage of a resolution by the Township Trustees shall comply with the following:

- (a) Referral to Zoning Commission. After the adoption of a resolution by the Trustees, the resolution shall be certified to the Zoning Commission for its consideration and recommendation. The Zoning Commission shall follow the procedures for review and hearing of the proposed amendment as set forth in Section 560.03(d) through 560.03(g), inclusive.
- (b) Review and Action by the Trustees. The Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 560.03(h) through 560.03(j), inclusive.

**SECTION 560.06 OMITTED per Case Number 21OLMT-ZC004****SECTION 560.07 GUIDELINES WHEN CONSIDERING AMENDMENTS TO THE ZONING MAP.**

In evaluating proposed amendments to the zoning map, the Zoning Commission and Township Trustees may consider any or all of the following:

- (a) Compliance with the Olmsted Township Comprehensive Plan.
- (b) The desirability of such uses in the area and/or on the site proposed for such zoning district;
- (c) The need for and availability of centralized water and sewer facilities;
- (d) Any other substantive factor deemed appropriate by the Zoning Commission or Township Trustees.

**CHAPTER 580**  
**Enforcement and Penalty**

|        |   |        |  |
|--------|---|--------|--|
| 580.01 | Zoning Inspector to enforce resolution.                                       | 580.03 | Actions to bring about compliance with zoning regulations. |
| 580.02 | Construction and use to comply with approved plans, permits and certificates. | 580.04 | Penalty.   |

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**SECTION 580.01                    ZONING INSPECTOR TO ENFORCE RESOLUTION.**

It shall be the duty of the Zoning Inspector to enforce the regulations found in this resolution (or Sections 519.01 through 519.99 inclusive of the Ohio Revised Code). In performing this duty, the Zoning Inspector may take any reasonable action necessary to substantiate the existence of a zoning violation including entering onto the site of a possible violation. The Zoning Inspector shall conduct all site inspections at a reasonable hour and in a reasonable manner and shall carry adequate identification.

**SECTION 580.02                    CONSTRUCTION AND USE TO COMPLY WITH APPROVED PLANS, PERMITS AND CERTIFICATES.**

Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector, Zoning Commission or Board of Zoning Appeals authorize only the use and arrangement set forth in such approved plans, permits and certificates, including any specific conditions. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this resolution.

**SECTION 580.03                    ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS.**

The Zoning Inspector shall, upon identification of a zoning violation, order the landowner or responsible party in writing to remedy the violation. After such order is served to the landowner or posted on the premises, no work except to correct or comply with said violation shall proceed on any building or tract of land included in the violation.

**SECTION 580.04                    PENALTY.**

The penalty for violation of any section of this resolution shall be not more than the amount specified in Section 519.99 of the Ohio Revised Code for each offense. Each day's continuation of a violation shall be deemed a separate offense.