

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

**Adopted  
March 9, 2000**

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**TITLE I  
PURPOSE, INTERPRETATION, ESTABLISHMENT**

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**CHAPTER 101  
Purpose, Interpretation**

101.01	Purpose.	101.06	Compliance with Ohio Revised Code.
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**SECTION 101.01 PURPOSE.**

According to Section 519.02 of the Ohio Revised Code (ORC), a board of township trustees may regulate buildings and land uses in unincorporated territory for public purposes. For the purpose of promoting the public health, safety, and morals, the Olmsted Township Board of Township Trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, mobile homes and manufactured homes, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other spaces, the density of population, the uses of buildings and other structures including tents, cabins, mobile homes and manufactured homes, and the use of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of Olmsted Township, and for such purposes may divide all or any part of the unincorporated territory 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.

**SECTION 101.02 SHORT TITLE.**

This Resolution shall be known as the “Zoning Resolution of Olmsted Township, Cuyahoga County, Ohio.”

**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, morals and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations,

ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

**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 Cuyahoga County Building Department; and, where applicable, the Cuyahoga County Subdivision Regulations as adopted and administered by the Cuyahoga County Planning Commission and the Board of County Commissioners of Cuyahoga County, Ohio.

**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.**

If any section, subsection, or any provision of this Resolution, or amendments thereto, is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

**SECTION 101.08 REPEALER.**

All existing Zoning Resolutions of Olmsted Township, Cuyahoga County, Ohio, inconsistent herewith, are hereby repealed.

**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.

**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:
  - (1) ACCESS DRIVE: A paved strip which provides a vehicular connection between off-street parking spaces and a public street.
  - (2) 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.
  - (3) 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.

- (4) ANIMAL CLINIC: A place where animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

- (10) **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.
- (11) **BUILDING:** Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
- (12) **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.
- (13) **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.
- (14) **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 subplot and may or may not have frontage on a public street.
- (15) **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- (16) **BULK REGULATIONS:** Standards that control the height, density, intensity and location of structures.
- (17) **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.
- (18) **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.
- (19) **CHILD DAY-CARE CENTER:** Any place other than a family day-care home in which child day-care is provided.
- (20) **COMMON AREA:** Any land area, and associated facilities, within a planned residential development that is held in common ownership by the

residents 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.

- (21) COMMON DRIVE: A private way which provides vehicular access to at least two but not more than four dwelling units.
- (22) 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.
- (23) 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.
- (24) 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.
- (25) DENSITY: The number of dwelling units permitted per acre of land.
- (26) 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.
- (27) 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.
- (28) 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.
- (29) 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.

- (30) 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.
- (31) 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.
- (32) DWELLING, DETACHED SINGLE-FAMILY: A dwelling designed and used for one family situated on a parcel having a front, side and rear yard.
- (33) 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.
- (34) 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.
- (35) 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.
- (36) 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.

- (37) **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.
- (38) **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.
- (39) **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.
- (40) **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.
- (41) **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.
- (42) **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.
- (43) **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.
- (44) **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.

- (45) **GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- (46) **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.
- (47) **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.
- (48) **HEIGHT OF STRUCTURES:** The vertical distance measured from the surrounding natural grade to the top-most element of the structure.
- (49) **HOME FOR HANDICAPPED PERSONS, FAMILY:** A residential facility that provides room and board, personal care, rehabilitative or habilitative 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.
- (50) **HOME FOR HANDICAPPED PERSONS, GROUP:** A residential facility that provides room and board, personal care, rehabilitative and habilitative 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.
- (51) **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.

- (52) 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.
- (53) INDOOR RECREATION: An indoor facility for any number of uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
- (54) 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.
- (55) LANDSCAPED AREA: An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- (56) 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:
  - A. A single lot of record;
  - B. A portion of a lot of record;
  - C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- (57) LOT AREA: The area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- (58) 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.
- (59) LOT, INTERIOR: A lot abutting or with frontage on only one street.
- (60) LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

- (61) 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.
- (62) LOT LINE: The boundary line defining the limits of the lot. Lot line is synonymous with "property line."
  - A. 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.
  - B. 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 lot line.
  - C. SIDE LOT LINE: Any lot line other than a front or rear lot line.
- (63) 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.
- (64) 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.
- (65) MEMBERSHIP SPORTS/FITNESS CLUB: An indoor facility for any number of uses such as game courts, exercise equipment, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
- (66) NON-CONFORMING 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.
- (67) 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.
- (68) 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.

- (69) **NON-CONFORMING 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.
- (70) **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.
- (71) **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.
- (72) **PARKING LOT:** A paved area made up of marked parking spaces. Also known as a parking area.
- (73) **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.
- (74) **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.
- (75) **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.
- (76) **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.
- (77) **PLAN, DEVELOPMENT:** Drawing(s) and map(s) illustrating the proposed design, layout and other features for the development of one or more lots.

- A. GENERAL DEVELOPMENT PLAN: Drawings and maps including all the elements set forth in Section 520.03.
  - B. FINAL DEVELOPMENT PLAN: Drawings and maps including all the elements set forth in Section 520.04.
- (78) 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.
- (79) 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”.
- (80) PUBLIC SAFETY FACILITY: A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area.
- (81) 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.
- (82) 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.
- (83) 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.
- (84) 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.

- (85) **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.
- (86) **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.
- (87) **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."
- (88) **ROADSIDE STAND:** A temporary structure used solely for the sale of produce grown on the premises by the owner or owners of the property.
- (89) **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.
- (90) **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 Zoning Resolution. The term "setback line" shall also include "required setback line" and "setback."
- (91) **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.
- (92) **SIMILAR USE:** A use not specifically listed in any of the schedules of permitted uses of any district, but which may be found similar by the Board of Zoning Appeals and added to a schedule for a particular district.

- (93) STREET, CUL-DE-SAC: A local street with one end open to traffic and the other end terminating in a vehicular turn-around.
- (94) STREET, INTERIOR: A street wholly within the boundaries of a multi-family residential development.
- (95) STREET, LOCAL: A street primarily for providing access to residential or other abutting property.
- (96) 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.
- (97) STREET, PRIVATE: A local private way which provides vehicular access to more than four residential structures that is not and will not be dedicated to public use, but which is owned and maintained by an Association.
- (98) STREET, PUBLIC: An existing State, County, or dedicated Township road or public road shown on the recorded subdivision plat.
- (99) 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.
- (100) SWIMMING POOL: An outdoor structure capable of containing in excess of two feet of water at its deepest point and having more than 100 square feet of water surface.
- (101) 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.
- (102) USE, ACCESSORY: A use of land incidental to the principal use of a lot or building located on the same lot.
- (103) USE, PRINCIPAL: The primary or main use or activity of a building or lot.
- (104) VARIANCE: A modification of the strict terms of this Zoning Resolution in accordance with the relevant provisions of this Resolution's Chapter 540.
- (105) 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.

- (106) 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.
- (107) 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.
- (108) YARD, REAR: A yard across the full width of the lot immediately in the rear of the main building.
- (109) 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.
- (110) 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.
- (111) 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
120.02	Zoning Districts Map.		Boundaries.

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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:

Residential Districts

**Single-Family Residential “R” Districts**

- 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.
- PRD-OD Planned Residential Development Overlay District

**Multi-Family Residential “RMF” Districts**

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

Non-Residential Districts

- R-B Retail Business District
- C-S Commercial Services District
- L-I Limited Industrial 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 Olmsted Township Zoning Commission and Board of 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 Olmsted township Board of Trustees, shall serve as a guide in resolving such disputes.

**CHAPTER 130  
General Provisions**

130.01	Required lot area to be maintained.	130.05	Zoning lots to front on a street.
130.02	Required yards to be maintained.	130.06	Open dumping of wastes not permitted.
130.03	Visibility at intersections.	130.07	Accessory buildings and uses.
130.04	Access to other districts prohibited.	130.08	Swimming pools.
		130.09	Satellite dish regulations.
		130.10	Ditches and swales.
		130.11	Required public utilities.

**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.**

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

- (a) All swimming pools, together with adjacent walkways, shall be enclosed by a wall or fence having a minimum height 5 feet.
- (b) For above-ground pools, the height of the pool, from the surrounding grade to the top of the pool wall, may be used as credit to meet the minimum 5-foot height requirement.
- (c) All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three 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.
- (d) The construction and operation of a pool shall meet all applicable State and County regulations.

**SECTION 130.09 SATELLITE DISH REGULATIONS.**

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 yards only and not affixed to any main or accessory building.
- (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 3.2 meters in diameter in the Multi-Family Districts. A satellite receiving dish shall not exceed 2.0 meters in the Single-Family Districts.
- (e) Setback. No part of a satellite dish antenna shall be within thirty feet of any side or rear lot line.
- (f) Design. A satellite dish antenna in residential districts shall be of a mesh-type and painted black.
- (g) Landscaping or Screening. A satellite receiving dish shall be screened from any adjacent property or public street by a structure or landscaping in accordance with the buffering requirements of this Zoning Resolution.
- (h) 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 shall be enclosed with a four-foot fence. 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 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 rear yard swales shall be permitted. 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 subdivisions, as may be required at the discretion of the Board of Trustees.

**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.		

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**SECTION 210.01 INTENT.**

Single-Family Residential Districts (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 Olmsted Township Board of 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-40 District is established to provide for single-family residential uses with a minimum lot size of 40,000 square feet.
  - (2) 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.
  - (3) 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) A use listed in Schedule 210.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- (b) A use listed in Schedule 210.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 270 have been met according to the procedures set forth in Chapter 530;
- (c) A use listed below shall be permitted as an accessory use in any R district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated 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.

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. 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 or upon a finding that a use is substantially similar as provided in Section 530.10.

**SECTION 210.03 SCHEDULE OF PERMITTED USES.**

<b>Land Use Category</b>	<b>R-40</b>	<b>R-30</b>	<b>R-15</b>
<b>(a) Residential</b>			
(1) Single-family detached dwellings	P	P	P
(2) Family home for handicapped persons	C	C	C
<b>(b) Open space/recreational</b>			
(1) Agriculture	P	P	
(2) Public parks	P	P	P
(3) Golf courses, public or private	C	C	C
(4) Swimming pools, as the principal use of a lot	C	C	C
(5) Cemeteries	C		
<b>(c) Institutional</b>			
(1) Places of worship	C	C	C
(2) School facilities, public or private	C	C	C
<b>(d) Wireless telecommunication towers</b>	SEE CHAPTER 350		
P = Principal Use permitted by right. C = Conditional Use permitted only when approved by the Board of Zoning Appeals.			

**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 Lot 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.
- (d) Schedule 210.04:

	<b>R-40</b>	<b>R-30</b>	<b>R-15</b>
(1) Minimum Lot Area (in sq. ft.)	40,000	30,000	15,000
(2) Minimum Lot Width	100 ft.	100 ft.	100 ft.
(3) Minimum Lot Frontage for Lots on a cul-de-sac	70 ft.	70 ft.	70 ft.
(4) Minimum Lot Depth	250 ft.	200 ft.	150 ft.
(5) Maximum Lot Coverage	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.

(d) Schedule 210.05:

Schedule of Yard Requirements	R-40	R-30	R-15
(1) Front Yard <sup>(a)</sup>			
A. Local street <sup>(b)</sup>	35 ft.	35 ft.	35 ft.
B. Major residential street <sup>(b)</sup>	50 ft.	50 ft.	50 ft.
C. County/State roads	60 ft.	60 ft.	60 ft.
D. Bagley or Columbia Roads	80 ft.	80 ft.	80 ft.
(2) Side Yard			
A. Minimum for one side	5 ft.	5 ft.	5 ft.
B. Total for both	20 ft.	17 ft.	15 ft.
(3) Rear Yard	50 ft.	50 ft.	50 ft.
Notes to Schedule 210.05: <sup>(a)</sup> Except that open porches may project into a required front yard by a distance not to exceed 8 feet. <sup>(b)</sup> 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 which are located on and constituted as an integral part of a principal building may be erected to a height not to exceed 50 feet.

**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:

- (e) 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.
- (f) 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); however, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in Section 210.08.

Use	Yard 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) Outdoor storage of recreation vehicle	Rear	NA	20 ft.	20 ft.
(5) Outdoor storage of materials	Rear	NA	5 ft.	5 ft.
(6) Swimming pools	Rear	NA	10 ft.	10 ft.
(7) Ball Courts	Rear	NA	5 ft. <sup>(a)</sup>	5 ft. <sup>(a)</sup>
(8) Fences, walls	Front, Side, Rear	0	0	0
(9) Roadside stands	Front	10 ft.	25 ft.	25 ft.
(10) HVAC Units	Side, Rear	NA	20 ft.	20 ft.
Notes to Schedule 210.08: <sup>(a)</sup> Shall be measured from the edge of the fence if a fence is required in Section 210.08(f).				

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

	Maximum Area	Maximum Height
(1) Garages	875 sq.ft.	15 feet
(2) Other accessory buildings	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.
  - C. The display of not more than one item, including but not limited to a vehicle, boat or camper, at any one time for not more than 30 days, four times per year. The vehicle, boat or camper shall be titled to the occupant.
- (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. The overall length of such vehicle, camper or boat shall not exceed 20 feet when stored on a lot less than one acre.
  - (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.
- (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.
- (f) Outdoor Storage of Materials or Equipment. 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, but not limited to, fire wood, outdoor furniture, 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.
- (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.

- (h) Courts. In addition to the locational requirements of Schedule 210.08(a), tennis courts shall be enclosed by a metal chain link or mesh fence having a height not less than 9 feet but not greater than 12 feet. None of the above regulations shall be deemed to prohibit placement of a basketball backboard in a front or side yard.
- (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 and solid fences shall not exceed a height of 2 feet. Fences taller than 2 feet shall be designed with at least 25% of the vertical surface open. Openness is the percentage of the fence surface that is void of material and through which both light and air may pass. The openings of fences shall be evenly spaced throughout the vertical surface.
- (2) Front Yards. 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. Chain link fences in the front yard shall be sufficiently screened so that a minimum of 50% of the fence is obscured, as viewed from the street.
- (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 except as required for tennis courts in Section 210.08 (h).
- (4) 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. Roadside stands may be located in an R District only between June 1 and October 1. 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. During the period between October 2 and May 30, the roadside stand shall be stored in an enclosed building or in the rear yard.
- (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 corral 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) Signs. Signs may be located in any R Residential District provided they comply with the requirements of Chapter 320.

#### **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.

### **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) Agriculture on lots of one (1) acre or less. 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 not larger than 1% of the lot area and shall be 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(1).
- (c) Dairying and animal and poultry husbandry 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.

**CHAPTER 220  
Planned Residential Development Overlay Regulations**

220.01	Intent.	220.06	Permitted uses.
220.02	Application of the district.	220.07	Development standards.
220.03	Establishment of a planned residential development overlay district.	220.08	Open space requirements.
		220.09	Street, common drive and sidewalk requirements.
220.04	Approval of planned residential developments.	220.10	Supplemental requirements.
		220.11	Homeowners' associations.
220.05	Minimum project area.	220.12	Phased development.
		220.13	Plan approval.

**SECTION 220.01 INTENT.**

Pursuant to the provisions of Ohio Revised Code 519.021(C), a Planned Residential Development Overlay District is established in order to encourage and accommodate, in a unified project, creative and imaginative planned residential developments that utilize innovations in the technology of land development that are in the best interests of the Township and which are consistent with the residential objectives in the Comprehensive Plan, officially adopted by the Olmsted Township Board of Trustees, to preserve sensitive natural areas that contribute to the character of Olmsted Township.

In order to accomplish this purpose, it is the intention in establishing this Overlay District to permit residential developments that provide for a variety of dwelling types, including single-family detached, clustered, and attached single-family units.

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

- (a) To allow flexible residential development on larger sites, especially 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.
- (b) To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- (c) To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas.
- (d) To ensure that Planned Residential Developments are compatible with the surrounding single-family neighborhood and comply with these objectives

by requiring development plan and establishing a review process to ensure that all developments are consistent with the regulations.

**SECTION 220.02 APPLICATION OF THE DISTRICT.**

- (a) The Planned Residential Development Overlay District shall be in addition to and shall overlay all other single-family "R" residential zoning districts where the PRD is established, so that any parcel of land lying in a PRD overlay district shall also lie in one or more of the single-family "R" residential zoning districts provided for in this Resolution. The district designation of PRD shall be superimposed over the existing single-family "R" residential zoning designations on the Zoning Map
- (b) Upon completion of the approval process, the zoning use permitted with the district shall be planned residential development and no other use permitted, all as set forth in Ohio Revised Code Section 519.021.
- (c) In a PRD, 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 220.03 ESTABLISHMENT OF A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT.**

A Planned Residential Development Overlay District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Chapter 560. The boundaries of the Planned Residential Development Overlay District shall be indicated on the Official Zoning Map with the symbol PRD-OD.

**SECTION 220.04 APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENTS.**

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

- (a) Buildings and uses within the proposed development shall be located so as to reduce any adverse influences and to protect the residential character of areas adjacent to the development;
- (b) Significant buffer zones with adequate landscaping shall be provided between the proposed development and adjacent residential areas;
- (c) The bulk and height of buildings within the proposed development are compatible with the surrounding development;

- (d) 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;
- (e) 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 residential character of areas adjacent to the development.

**SECTION 220.05 MINIMUM PROJECT AREA.**

The gross area of a tract of land proposed to be developed as a Planned Residential Development shall be a minimum of 100 acres. The area proposed shall be in one ownership. All land within a PRD shall be contiguous in that it shall not be divided into segments by any existing public street or railroad right-of-way or by any tract of land not owned by the applicant of the PRD.

**SECTION 220.06 PERMITTED USES.**

Uses that are permitted as part of a planned residential development include:

- (a) Single-family detached units on individual subdivided lots;
- (b) Cluster single-family detached units;
- (c) Single-family attached units with not more than 2 units attached in any one building, provided that number of attached units shall not exceed 25% of the total number of units in a planned residential development;
- (d) Common open space;
- (e) Group home 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;
- (f) The following accessory uses when clearly incidental to the principal use:
  - (1) Garages and off-street parking areas, see also Chapter 310;
  - (2) Recreation and community facilities 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.

**SECTION 220.07 DEVELOPMENT STANDARDS.**

- (a) Maximum Density. The gross density of a PRD shall not exceed 2.25 units per acre. The total number of dwelling units permitted shall be calculated by multiplying the total project area by 2.25.
- (b) Minimum Common Open Space. A minimum of 20% of the total project area shall be devoted to common open space.
- (c) Minimum Setback From Existing Public R-O-W. All buildings, structures and parking areas shall be located no closer than 50 feet to an existing right-of-way.
- (d) Minimum Setback From Project Boundary. All buildings, structures and parking areas shall be located no closer than 50 feet to the boundary of the PRD.
- (e) Minimum Setback From Interior Street. All buildings and structures shall be located no closer than 35 feet to the right-of way of a proposed public street or the pavement of a private street, except that when a building or structure is located at the corner of two intersecting streets, the minimum setback from one of the streets shall be 30 feet.
- (f) 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 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 between units.
- (g) Requirements for Fee-Simple Subdivided Lots. Individually subdivided lots may be included as part of a PRD and need not comply with the lot area, lot width or yard requirements established for the underlying district.

#### **SECTION 220.08 COMMON OPEN SPACE REQUIREMENTS.**

The required common open space shall comply with the following:

- (a) The common open space shall be located and designed to the satisfaction of the Zoning Commission and the Trustees and shall:
  - (1) Be sufficiently aggregated to create large areas of planned open space;
  - (2) Conserve significant natural features to the extent practicable;
  - (3) Be easily accessible to residents of the PRD;
  - (4) Be not less than 70 feet in width at any point;

- (5) Be interconnected with open space areas on abutting parcels wherever possible.
- (b) Land area devoted to the following shall not be included as meeting the common open space requirement:
  - (1) Parking areas;
  - (2) Required setbacks between buildings, parking areas and project boundaries and between buildings and public or private streets;
  - (3) Required spacing between buildings and between buildings and parking areas;
  - (4) Private yards within subdivided lots;
  - (5) Public street rights-of-way including any unpaved portion, private streets, and utility easements adjoining private streets.
  - (6) Area used for active recreation
- (c) Areas designated for common open space purposes may be:
  - (1) Preserved as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; or
  - (2) Used for passive recreation.
- (d) 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 the Trustees. Where deemed appropriate by the Zoning Commission and the Trustees, recreation areas shall be provided with sufficient parking and appropriate access.
- (e) Legal instruments setting forth the ownership of the required common open space and providing for the perpetual maintenance of the common open space by a homeowners' association, or the developer shall be submitted to the Olmsted Township Legal Advisor for review and approval.
- (f) Such common open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

**SECTION 220.09 STREET, COMMON DRIVE, AND SIDEWALK REQUIREMENTS.**

- (a) Public Streets. A street shall be required to be a public, dedicated street when such street:

- (1) Provides access to detached single-family dwellings on a subdivided lot.
  - (2) Is a major street that connects two existing public streets, is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments.
- (b) Private Streets. Streets that are not otherwise required to be public streets pursuant to subsection (a) above may be approved as private streets.
- (1) Conditions for Approval. The Zoning Commission and the Trustees may approve private streets when all of the following requirements are met:
    - A. A private street shall not be planned or expected to be extended to serve property outside the planned residential development.
    - B. Right-of-ways shall not be required for private streets, however, utility easement(s) may be required along the length of the private street.
    - C. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Olmsted Township Police and Fire Departments.
  - (2) Design of Private Streets. When serving 20 or fewer units, private streets may be constructed to a design speed less than 25 mph when the Zoning Commission and the Trustees determines that a lower design speed it is appropriate to achieve the objectives of Planned Residential Development. Such private street shall comply with the following:
    - A. The minimum pavement width shall be 20 feet and all streets shall be two-way streets.
    - B. Horizontal and vertical alignments shall meet a 20 mph design speed.
    - C. Turnarounds with a radius equal to that required by the Cuyahoga County Subdivision Regulations for public streets shall be provided for any single access private street that exceeds 800 feet.
  - (3) Private Street Construction. All elements of a private street that are to be provided in a Planned Residential Development shall be constructed in accordance with the construction standards set forth for public streets in Cuyahoga County Subdivision Regulations.

- (c) Common Drives: Common drives shall 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 or private street and shall not connect to any other existing or planned public or private 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.
  
- (d) Disclosure for Private Streets and Common Drives: Whenever a private street and/or common drive is included in a planned residential 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, private street or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or common drive.”
  
- (e) Pedestrian Access. Pedestrian access shall be provided in compliance with the following:
  - (1) Concrete sidewalks shall be provided on both sides of public and private streets. Such sidewalks shall have a minimum width of five feet and be located no closer than 2.5 feet from the street pavement.
  - (2) Walkways shall be provided to connect residential areas to common open space areas and to provide convenient pedestrian access throughout the Planned Residential Development and from the Planned Residential Development to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Zoning Commission and the Trustees.

**SECTION 220.10 SUPPLEMENTAL REQUIREMENTS.**

- (a) Privacy for individual principal buildings shall be maintained through the use of landscaping and screening.
- (b) Adequate facilities for public utilities including central water and sanitary sewer, gas and electric shall be provided for every planned residential development.
- (c) The applicant shall purchase and install all roadway signage and roadway markings as specified by the Board of Trustees.
- (d) Street lighting shall be adequate for safety and security.
- (e) Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PRD.

**SECTION 220.11 HOMEOWNERS ASSOCIATIONS.**

As part of a planned residential development a homeowners association, community association, condominium association or similar legal entity shall be created so that, pursuant to Section 220.08(e) above, such association is responsible for the maintenance and control of common areas, including the required open space, private streets and common drives. 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 220.08; 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 220.12 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 220.13 PLAN APPROVAL.**

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

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

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

- (b) A use listed in Schedule 230.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- (c) A use listed in Schedule 230.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 270 have been met according to the procedures set forth in Chapter 530;

- (d) A use listed below shall be permitted as an accessory use in any RMF District. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated as noted below.
  - (1) Garages and off-street parking areas, see also Chapter 310;
  - (2) Recreation and community facilities 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.

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. 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 or upon a finding that a use is substantially similar as provided in Section 530.10.

**SECTION 230.03 SCHEDULE OF PERMITTED USES.**

Land Use Category	RMF-T Townhouses	RMF-A Apartments
(a) Attached single-family dwellings	P	P
(b) Multi-family dwellings		P
(c) Group home for handicapped persons	C	C
(d) Golf courses, public or private	C	C
(e) Public parks	P	P
(f) Places of worship	C	C
(g) School facilities, public or private	C	C
(h) 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 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.
- (d) Schedule 230.04.

<b>Area Requirements</b>	<b>RMF-T Townhouses</b>	<b>RMF-A Apartments</b>
(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

**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.
- (d) Schedule 230.05.

<b>Yard Requirements</b>	<b>RMF-T Townhouses</b>	<b>RMF-A Apartments</b>
(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.	40 ft.
B. When abutting all other districts including RMF districts	30 ft.	20 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.

**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.

Schedule 230.07

	<b>RMF-T Townhouses</b>	<b>RMF-A Apartments</b>
(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.

**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 tennis 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) 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	All other Districts (including RMF District)
(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

NOTES TO SCHEDULE 230.08:

- <sup>(a)</sup> Except as required to access the public or private street.
- <sup>(b)</sup> 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.
- N/A Not applicable.

- (e) Swimming Pools. Residential swimming pools accessory to the residential development shall comply with regulations set forth in Section 130.08.

**SECTION 230.09 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for multi-family developments in accordance with the provisions set forth in this Chapter 330.

**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, Commercial 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.		

**SECTION 250.01 INTENT.**

Non-Residential Districts (R-B, C-S, and L-I) 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, commercial 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 Commercial Service Districts (C-S) for commercial services and activities in locations that are adequately served by major streets and other facilities. This district is established to encourage the grouping of commercial establishments that have a clean and non-intrusive character and that have activities (except for off-street parking and incidental loading) that are primarily contained within buildings.
- (f) To provide Limited Industrial (L-I) Districts 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.

- (g) To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan, officially adopted by the Olmsted Township Board of Trustees.

**SECTION 250.02 USE REGULATIONS.**

- (a) A use listed in Schedule 250.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- (b) A use listed in Schedule 250.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 270 have been met according to the procedures set forth in Chapter 530;
- (c) A use listed below shall be permitted as an accessory use in any nonresidential district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, 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.

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. 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 or upon a finding that a use is substantially similar as provided in Section 530.10.

**SECTION 250.03 SCHEDULE OF PERMITTED USES.**

<b>LAND USE CATEGORY</b>	<b>R-B Retail Business</b>	<b>C-S Commercial Services</b>	<b>L-I Limited Industrial</b>
<b>(a) <u>Offices</u></b>			
(1) Administrative, professional, business offices	P	--	P
(2) Animal clinic	C	C	C
(3) Medical, dental offices and clinics	P	--	--
(4) Research and testing laboratories	--	--	P
<b>(b) <u>Retail/Services</u></b>			
(1) Automated teller machines, not located and designed as a drive-thru facility	P	--	--
(2) Catering establishment	C		
(3) Drive thru facility in association with a permitted use	C	--	--
(4) Financial establishments	P	--	--
(5) Funeral home	C	--	--
(6) Garden centers	P	--	--
(7) Hotels, motels	C	--	--
(8) Outdoor display of merchandise	C	--	--
(9) Personal services - beauty, barber, dry cleaning	P	--	--
(10) Photography studios	P	--	--
(11) Restaurants, cafeterias, sandwich/donut shops, ice cream parlor, etc.	P	--	--
(12) Retail uses in completely enclosed buildings	P	--	--
(13) Studios for instruction (dance, karate, etc.)	P	--	--
<b>(c) <u>Auto Oriented</u></b>			
(1) Gasoline station	C	P	--
(2) Automobile service station		P	--
(3) Auto repair garage	--	P	C
(4) Car or truck wash facility	C	P	--
(5) Car/truck sales facility	--	P	--
(6) Automobile/truck rental	--	P	--

LAND USE CATEGORY	R-B Retail Business	C-S Commercial Services	L-I Limited Industrial
(d) <u>Entertainment/recreation</u>			
(1) Adult entertainment	--	--	C
(2) Assembly hall, meeting place, party center	C	--	--
(3) Commercial recreation, indoor	C	C	--
(4) Commercial recreation, outdoor	C	C	C
(5) Membership sports/fitness club	C	--	--
(6) Movie Theater	C	--	--
(e) <u>Supplies/Storage/Distribution</u>			
(1) Large scale laundries	--	P	P
(2) Outdoor Storage, in association with a principal use			
A. General storage of materials, vehicles, and equipment	--	C	C
B. Overnight storage of fleet vehicles used in operation of principal use	--	C	P
(3) Printing/publishing	--	P	P
(4) Warehousing	--	P	P
(5) Wholesale trade	--	P	P
(f) <u>Manufacturing, Packaging, Fabrication, Assembly</u>			
(1) Commercial greenhouses	--	P	--
(2) Contractors' offices/storage	--	P	P
(3) Food preparation establishment	--	P	P
(4) Light manufacturing industrial uses	--	--	P
(5) Rail and motor freight yards	--	--	C
(g) <u>Community Services and Facilities</u>			
(1) Adult day care facility	C	--	--
(2) Child day care center	C	--	--
(3) Community center	C	--	--
(4) Hospitals	C	--	--
(5) Libraries and museums	C	--	--
(6) Places of worship	C	--	--

LAND USE CATEGORY	R-B Retail Business	C-S Commercial Services	L-I Limited Industrial
(7) Public safety facilities	P	P	P
(8) Public service/maintenance facility	--	P	P
(h) 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.			

**SECTION 250.04 LOT REQUIREMENTS.**

The minimum lot requirements for uses in Nonresidential Districts are specified in Schedule 250.4 below.

	R-B	C-S	L-I
(a) Minimum Lot Size	25,000 sq. ft.	40,000 sq. ft.	2 acres
(b) Minimum Lot Width	100 ft.	100 ft.	200 ft. <sup>(1)</sup>
(c) Minimum Street Frontage	75 ft. <sup>(2)</sup>	75 ft. <sup>(2)</sup>	75 ft. <sup>(2)</sup>
(d) Minimum Lot Depth	none	400 ft.	400 ft.
(e) Minimum Floor Area of Building	1,200 sq. ft. per floor	1,600 sq. ft. per floor	none
(f) Maximum Lot Coverage	none	35%	40%
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. <sup>(2)</sup> Corner lots shall have a minimum of 85 feet of street frontage.			

**SECTION 250.05 BUILDING SETBACK REQUIREMENTS.**

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

**Schedule 250.05**

	<b>R-B</b>	<b>C-S</b>	<b>L-I</b>
(a) Setback from street right-of-way			
(1) For lots fronting on Bagley and Columbia Roads	80 ft.	80 ft.	80 ft.
(2) For lots fronting on all other streets	60 ft.	60 ft.	60 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 <sup>(a)</sup>	30 ft.	30 ft.	50 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.

	<b>R-B</b>	<b>C-S</b>	<b>L-I</b>
(a) Setback from street right-of-way	20 ft.	20 ft.	20 ft.
(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.	25 ft.	30 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.**

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 330.

**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.
- (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 270  
Conditional Use Regulations**

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| <p>270.01 Intent.</p> <p>270.02 General criteria for all conditional uses.</p> <p>270.03 Specific standards for conditional uses in residential districts.</p> <p>270.04 Schedule of regulations for conditional uses in residential districts.</p> | <p>270.05 Specific standards for conditional uses in business, commercial and industrial districts.</p> <p>270.06 Schedule of regulations for conditional uses in business, commercial and industrial districts.</p> <p>270.07 Supplemental regulations for specific uses.</p> |
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**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 Sections 270.2 through 270.7. 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 Olmsted Township Board of 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.

- (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 Section 270.07, and the specific subsections are referenced in Schedule 270.04.

**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 Section
	Area	Width (feet)	Front	Side/Rear	Front	Side/Rear	
1. Cemeteries	25 acres	200	75	75	NP	20	--
2. Golf Courses, public or private	25 acres	200	75	75	NP	20	270.07(k)
3. Home for handicapped, family	(a)	(a)	(a)	(a)	(a)	(a)	270.07(l)
4. Home for handicapped, group	1 acre	150	(b)	(b)	(b)	(b)	270.07(m)
5. Places of worship	5 acres	200	75	75	NP	20	270.07(q)
6. Schools (public or private) and associated facilities and uses	5 acres	200	75	75	NP	20	270.07(q)
7. Swimming pool, public or private	5 acres	200	75	75	NP	20	270.07(s)

**NOTES FOR SCHEDULE 270.04**  
 (a) Shall comply with the district regulations for a single-family dwelling.  
 (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, COMMERCIAL 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 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, Commercial or Industrial District shall conform to the regulations of the district in which it is located except as otherwise specifically provided in Schedule 270.06. Additional requirements pertaining to specific uses are set forth in Sections 270.07, and the specific subsections are referenced in Schedule 270.06.
- (c) Specific Development Conditions.
  - (1) All outside lighting shall be shielded from adjacent properties.
  - (2) The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.

**SECTION 270.06 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
1. Adult day care facility	(a)	(a)	270.07(a)
2. Adult-entertainment use	(a)	(a)	270.07(b)
3. Animal clinics	(a)	(a)	270.07(c)
4. Assembly hall, meeting place, party center	(a)	(a)	--
5. Auto repair garage	(a)	(a)	270.07(d)
6. Car or truck wash facility	(a)	(a)	270.07(e)
7. Catering establishment	(a)	(a)	--
8. Child day care center	(a)	(a)	270.07(f)
9. Commercial recreation, indoors	(a)	(a)	270.07(g)
10. Commercial recreation, outdoor	(a)	(a)	270.07(h)
11. Community center	(a)	(a)	--
12. Drive-thru in association with a permitted use	(a)	(a)	270.07(i)

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
13. Funeral home	1 acre	200 feet	--
14. Gasoline station	(a)	(a)	270.07(j)
15. Hospital	2 acres	200 feet	270.07(n)
16. Hotel, motel	(a)	(a)	--
17. Libraries, museums	(a)	(a)	--
18. Membership sports/fitness club	(a)	(a)	--
19. Movie theater	(a)	(a)	--
20. Outdoor display of merchandise	(a)	(a)	270.07(o)
21. Outdoor storage of materials, vehicles, trailers and equipment	(a)	(a)	270.07(p)
22. Overnight storage of fleet vehicles	(a)	(a)	--
23. Places of worship	(a)	(a)	270.07(q)
24. Rail or motor freight yards	(a)	(a)	270.07(r)
<p>NOTES FOR SCHEDULE 270.06</p> <p>(a) Shall comply with the district regulations.</p> <p>NA = Not applicable.</p>			

**SECTION 270.07 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

The following are specific criteria and requirements for certain conditional uses and are in addition to the general criteria set forth in Section 270.02 and the specific standards set forth in Sections 270.03 and 270.05.

(a) **Adult Day Care Facility in R-B District:**

- (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) **Adult Entertainment Uses in L-I District:**

- (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 gyrational 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.

(c) **Animal Clinics in R-B, C-S, and L-I Districts:**

- (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.

(d) **Auto Repair Garage in the L-1 District:**

- (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.

(e) **Car or Truck Wash Facility in R-B District:**

- (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.

(f) **Child Day Care Center in R-B District:**

- (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.

(g) **Commercial Recreation, Indoor in R-B and C-S Districts:**

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.

(h) **Commercial Recreation, Outdoor in R-B, C-S and L-I Districts:**

- (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.

(i) **Drive-Thru Facilities in Association with a Permitted Use in an R-B District:**

- (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.

(j) **Gasoline Station in an R-B District:**

- (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.

(k) **Golf Courses in R-40, R-30, R-15, RMF-T or RMF-A Districts:**

- (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.

(l) **Home for Handicapped Persons, Family in R-40, R-30, R-15 Districts:**

- (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.

(m) **Home for Handicapped Persons, Group in PRD-OD, RMF-T or RMF-A District:**

- (1) Each facility shall comply with the minimum lot area required in Schedule 270.04, and shall accommodate no more beds per square foot of lot area than specified as follows:
  - A. In a PRD-OD or RMF Townhouse District, the beds per lot area ratio shall not exceed one bed for every 3,000 square feet of lot area.
  - B. In an RMF Apartment District, the beds per lot area ratio shall not exceed one bed for every 1,800 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.

(n) **Hospitals in an R-B District:**

- (1) Such use shall be located on a major street.
- (2) 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.

(o) **Outdoor Display of Merchandise in an R-B District:**

- (1) Shall comply with principal building setbacks established for the district in which the principal use is located;
- (2) Shall not be located in areas intended for traffic circulation according to the development plan.

(p) **Outdoor Storage of Materials, Vehicles, Trucks and Equipment in C-S and L-I Districts** 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.

(q) **Places of Worship and School Facilities and their associated facilities and uses in R-40, R-30, R-15, RMF-T or RMF-A Districts, and Places of Worship in R-B Districts.**

- (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 shall comply with the building setback requirements set forth in Sections 270.04 and 270.06, as specified for the district in which such use is located.

(r) **Rail or Motor Freight Yards in L-I Districts:**

- (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.

(s) **Swimming Pools, Public or Private in R-40, R-30, R-15, RMF-T or RMF-A Districts (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.
- (4) All loudspeaker systems shall be approved by the Board of Zoning Appeals and shall not create a nuisance for adjacent properties.
- (5) The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.

**TITLE III  
REGULATIONS APPLICABLE TO ALL DISTRICTS**

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

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

<u>Principal Building or Use</u>	<u>Minimum Spaces Required<sup>(a)</sup></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
(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
 (c) <u>Retail/Service Uses:</u>	
(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

<u>Principal Building or Use</u>	<u>Minimum Spaces Required</u> <sup>(a)</sup>
<u>(d) Automotive Uses:</u>	
(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
(4) Car/Truck Sales Facilities	1 space per 400 sq. ft. of floor area of sales room, plus 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 1 space for each service stall in the service room
<u>(e) 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
<u>(f) 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

**Principal Building or Use**

**Minimum Spaces Required<sup>(a)</sup>**

**(g) Educational Facilities:**

- |  |   |
|--|---|
| (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   |

**(h) Community Facilities:**

- |   |   |
|---|---|
| (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.

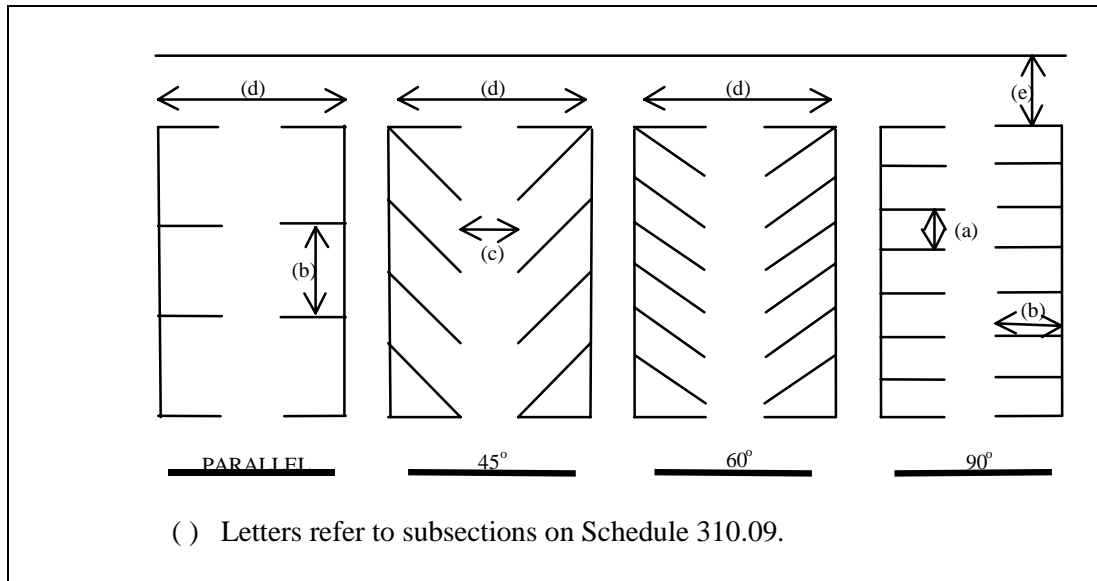
**SECTION 310.09 PARKING DESIGN STANDARDS.**

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:
 

(1)	<u>Number of Lanes</u>	<u>Minimum</u>	<u>Maximum</u>
	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, commercial 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	Signs exempt from regulation.
320.02	Classification of signs.	320.09	Prohibited signs.
320.03	Computations.	320.10	Criteria for the design and construction of signs.
320.04	Maximum sign area permitted.	320.11	Maintenance.
320.05	Regulations for freestanding signs.	320.12	Administrative procedures.
320.06	Maximum height of freestanding signs.	320.13	Regulations of nonconforming signs.
320.07	Supplemental regulations.		

**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) Prohibit all signs not expressly permitted by this Chapter.

In establishing these purposes, the Township has determined that any sign that does not conform with 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.
- (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) Directional Sign: A permanent sign located on private property, at or near the public right-of-way, directing or guiding traffic and parking from the street onto private property.
- (2) Identification Sign: A sign intended to identify 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.
- (3) 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.
- (4) 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.
- (5) Project Construction Sign: A temporary sign identifying the name of a subdivision, building or public works project or facility during the time of construction.
- (6) Public Regulation and Information: A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such signs include “No Parking Fire Lane”.

- (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, Commercial and Industrial Districts. The maximum permitted area for identification signs in business, commercial and industrial districts, for both permitted and conditional uses shall comply with the following:
- (1) Signs Attached to Buildings in a Business or Commercial 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 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, commercial and industrial 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 Retail District	C-S Commercial Services	L-I Limited Industrial
1. Nameplate	2	6 <sup>(a)</sup>	4 <sup>(b)</sup>	4 <sup>(b)</sup>	4 <sup>(b)</sup>
2. Institution Identification Sign	30 <sup>(c)</sup>	30 <sup>(c)</sup>	(d)	(d)	(d)
3. Residential Development Identification Sign	30	30	NA	NA	NA
4. Business Identification Sign					
a. Attached to buildings	NP	NP	(e)	(e)	(f)
b. Freestanding Sign	NP	NP	50	50	50
c. Window Sign	NP	NP	(g)	(g)	(g)
5. Directional Sign	NP	4	4	4	4
6. Temporary Signs	6	6	(h)	(h)	(h)
7. Instructional Signs	(i)	(i)	(i)	(i)	(i)
8. Public regulations and information signs	(j)	(j)	(j)	(j)	(j)

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).
- (j) Permitted as needed to achieve the intended public purpose.

**SECTION 320.05 REGULATIONS FOR FREESTANDING SIGNS.**

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

- (a) Freestanding Identification Signs in Business, Commercial and Industrial Districts. A freestanding identification sign shall be permitted in a business, commercial or industrial district 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.
- (b) Freestanding Identification Signs in Residential Districts. One freestanding residential identification sign shall be permitted for each entrance to a residential subdivision, planned residential development or multi-family development pursuant to the area limitations of Schedule 320.04(e) and the height limitations of Schedule 320.06 in compliance with the following regulations:
- (1) 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.
  - (2) 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.

**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 District	C-S Commercial Services	L-I Limited Industrial
1. Institution Identification Sign	6	6	6	6	6
2. Residential Development Identification Sign	4	4	NP	NP	NP
3. Business Identification Sign	NP	NP	6	6	6
4. Directional Signs	NP	4	4	4	4
5. Temporary Signs	4	4	6 <sup>(a)</sup>	6 <sup>(a)</sup>	6 <sup>(a)</sup>
6. Instructional Signs	(b)	(b)	(b)	(b)	(b)
7. Public Regulation and Information Signs	(b)	(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, Commercial and Industrial 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, Commercial and Industrial 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 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 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.

**SECTION 320.09 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 320.08 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 320.10 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, Commercial and Industrial Districts 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.
  - (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 320.11 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 320.12 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 320.10 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;
      - 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. Public regulation and information signs,
  5. 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.
- (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, than 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 320.13 REGULATIONS FOR NONCONFORMING SIGNS.**

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 320.11.
- (b) Alteration and Removal of Nonconforming Signs.
  - (1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to section 320.11 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 And Screening Requirements**

330.01	Intent.	330.05	Screening of accessory uses.
330.02	Screening and buffering when lot abuts a residential district.	330.06	Landscaping and maintenance of yards.
330.03	Landscaping and screening in side and rear yards.	330.07	Approval process for required landscaping, fences and walls.
330.04	Screening and landscaping of parking lots.		

**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, Commercial, 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 a R District the buffer yard shall be at least 10 feet wide.
  - (2) When a Business, Commercial, or Industrial District abuts a 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 330.04(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 330.04(b). The required height shall be achieved no later than twelve months after the initial installation.

**SECTION 330.03 LANDSCAPING AND SCREENING IN SIDE AND REAR YARDS.**

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

**SECTION 330.04 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. Such islands shall be developed and distributed throughout the parking lot so as to provide visual and climatic relief from broad expanses of pavement. Each island shall be a minimum of 10 feet in any horizontal dimension and 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. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.

- (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 330.05 SCREENING OF ACCESSORY USES.**

In Multi-family, Business, Commercial 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 330.06 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 330.07 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**

<p>340.01 Intent.</p> <p>340.02 Nonconforming buildings or structures.</p> <p>340.03 Nonconforming use of buildings and land.</p> <p>340.04 Nonconforming parking facilities.</p> <p>340.05 Nonconforming signs.</p> <p>340.06 Nonconforming lots.</p>	<p>340.07 Nonconforming use due to reclassification.</p> <p>340.08 Change from nonconforming use.</p> <p>340.09 Existing use deemed conditional use;</p> <p>340.010 permit required for change.</p> <p>340.10 Determination of nonconforming status.</p> <p>340.11 Completion of construction with zoning certificate.</p>
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**SECTION 340.01 INTENT.**

The purpose of this Chapter is recognize 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 is damaged or destroyed by any cause, those portions so destroyed or damaged may be restored to the original footprint and floor area, provided such restoration is completed within a period of one year from the date of damage or destruction and the cumulative restoration costs do not exceed 60% of the replacement value at the time the building is damaged. Restorations which exceed the original footprint and/or floor area shall comply with Subsection 340.02(b).

**SECTION 340.03 NONCONFORMING USE OF BUILDINGS AND LAND.**

A use of building or land, or building and land in combination, existing lawfully at the time this Zoning Resolution, or any amendment thereto, became or becomes effective but which does not conform to the use regulations of the district in which it is located is a lawful nonconforming use. A nonconforming use may continue 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) Alteration, Reconstruction or Improvement. No building or structure occupied by a nonconforming 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.
- (b) 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.
- (c) Expansion of Nonconforming Use of Building. A nonconforming use of a building shall not be expanded.
- (d) Expansion of Nonconforming Use of Lot. A nonconforming use of a lot or part thereof, including outdoor storage, shall not be expanded or extended.

- (e) 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.
- (f) 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.
- (g) 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 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 effected 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
350.02	Definitions.		wireless telecommunications
350.03	Permitted locations.		facilities.
350.04	Locations requiring conditional use approval.	350.06	FCC compliance.

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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 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 collocation 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 collocation 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.**

360.01	Intent.	360.06	Disposal of waste.
360.02	Districts in which permitted.	360.07	Lighting.
360.03	Location and spacing.	360.08	Access road standards.
360.04	Landscaping and screening.	360.09	Fences.
360.05	On-site oil storage.	360.10	Dikes required.
		360.11	Performance standards.
		360.12	Plot plan required.

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**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.

**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  
Requirements For Public Parks And Public Open Space**

370.01	Intent.	370.03	Waiver of requirement.
370.02	Public facilities required.	370.04	Use of funds collected.

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**SECTION 370.01 INTENT.**

Regardless of the facilities, sites, or open space to be privately or commercially owned and operated, all residential developments, including single-family subdivisions in R-40, R-30, and R-15 Districts, multi-family developments in RMF-T and RMF-A Districts, and planned residential developments in PRD Overlay Districts, shall be required to provide for public parks and public open space in accordance with the regulations set forth in this Chapter.

**SECTION 370.02 PUBLIC FACILITIES REQUIRED.**

The requirements for providing for public parks and public open space may, at the Zoning Commission’s discretion, be met in one of the following ways:

- (a) The applicant (developer) shall offer for dedication 1,200 square feet of land area per dwelling unit;
- (b) The applicant (developer) shall pay to the Township the per dwelling unit fee established by the Board of Trustees based on the total number of dwelling units proposed on the development plan or subdivision plat; or
- (c) The applicant (developer) shall pay the fee for a portion of the dwelling units and offer land for dedication for the remaining dwelling units.

The Zoning Commission shall determine the manner in which the public parks and public open space requirement will be met. The Zoning Commission shall use the Comprehensive Plan as a guide in determining whether to accept the dedication of land or payment of the fee in lieu of the land for dedication as a public park or public open space site and shall consider the topography, drainage, soil conditions, and accessibility of the parcel. Prior to making a determination, the Zoning Commission shall refer the proposal to the Board of Trustees for their advice and recommendation.

**SECTION 370.03 WAIVER OF REQUIREMENT.**

The Zoning Commission (with guidance from the Board of Trustees) may determine that private recreational facilities or common open space provided as part of a planned residential development or associated with a multi-family development are of equivalent value to provide adequate open space opportunities for the residents of the

proposed development that would otherwise need to be provided by the Township. In such case, the Zoning Commission may waive all or a portion of the requirement set forth in Section 370.02.

- (a) In making such a determination, the Zoning Commission shall consider the type and size of facilities provided, the availability of the facilities to the residents, and the likelihood that such facilities will lessen the need for additional public parks and public open space for the residents.
- (b) Any private recreation facilities or common open space accepted as meeting the requirements of this Chapter shall be improved, (including grading, seeding, drainage, etc.) as determined by the Zoning Commission.

**SECTION 370.04 USE OF FUNDS COLLECTED.**

The payments made by the developer in accordance with Section 370.02(b) or (c) shall be deposited in a special account and shall be used solely for the acquisition and improvement of the public parks and public open space facilities required to meet the need for such facilities created by the population increase caused by this new development. Such account shall utilize full and adequate accounting procedures.

**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**

420.01	Establishment commission.	of	420.03	Quorum.
			420.04	Meetings.
420.02	Composition appointment.	and	420.05	Proceedings.
			420.06	Powers and duties.

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**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 effect 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 residential development plans required by this Resolution, and to make its recommendations to the Board of 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.	430.04	Meetings.
430.02	Composition and appointment.	430.05	Witnesses.
430.03	Quorum.	430.06	Proceedings.
		430.07	Powers and duties.

**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 effect 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.
		510.15	Festival and open-air carnival 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 Section 520.03.
- (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.**

No temporary use shall be established until a permit for such use has been issued by the Zoning Inspector. A temporary permit shall not exceed 30 days in duration. No

temporary permit shall be issued within 60 days of the expiration of a previous temporary permit for the same temporary use on the same premises. Such temporary use permit shall constitute a temporary waiver of off-street parking requirements. Temporary use permits for carnivals and open-air festivals shall be in compliance with 510.15 of this Zoning Resolution.

**SECTION 510.15 FESTIVAL AND OPEN-AIR CARNIVAL PERMITS.**

Upon application, the Zoning Inspector may issue temporary use permits in any use district to charitable and non-profit organizations sponsoring festivals and open-air carnivals. 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. No permit shall be issued to the same charitable or non-profit organization for a festival or open-air carnival on any given premises more frequently than twice per year. No permit issued pursuant to this section shall be for longer than 5 consecutive days. 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.

**CHAPTER 520  
Development Plan Review**

520.01	Intent.	520.07	Zoning Commission review.
520.02	Development plan review required.	520.08	Zoning Commission determination.
520.03	Submission of a general development plan for PRD.	520.09	Recommendation by Zoning Commission and action by Board of Trustees.
520.04	Submission of a final development plan.	520.10	Significance of an approved plan; plan revisions.
520.05	Review for completeness.	520.11	Lapse of approval.
520.06	Distribution of plans.		

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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 DEVELOPMENT PLAN REVIEW REQUIRED.**

- (a) The Zoning Commission shall review development plans for the following, and make its recommendations for approval, disapproval, or modification to the Board of Trustees:
  - (1) New construction of all permitted uses in multi-family, business, commercial 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 residential development.
- (b) 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 520.03 SUBMISSION OF A GENERAL DEVELOPMENT PLAN FOR PLANNED RESIDENTIAL DEVELOPMENTS (PRD).**

An application for a proposed Planned Residential Development shall include the review and approval of a general development plan which shall include the entire area of the proposed PRD.

- (a) The general development plan for the entire area shall indicate:
  - (1) The location of all existing structures, parking areas, and access points and the general location of all proposed structures, parking areas, and access points;
  - (2) Existing and proposed topography, major vegetation features, and wooded areas;
  - (3) The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.
  - (4) The general location of required open space areas.
  - (5) 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;
  - (6) 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.
- (b) The Zoning Commission shall accept an application for proposed general development plan review no later than thirty one (31) days from when the application was deemed complete by the Zoning Inspector pursuant to Section 520.05 of this Resolution.
- (c) The Zoning Commission shall review the proposed general development plan at public hearing no later than thirty one (31) days from when the application was accepted by the Zoning Commission.
- (d) In recommending approval of a general development plan, the Zoning Commission shall determine that:
  - (1) The general development plan is consistent with the Comprehensive Land Use Plan.
  - (2) The appropriate use and value of property within and adjacent to the area will be safeguarded.

- (3) The development will result in an harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- (4) The development will have adequate open spaces that meet the objectives of the Comprehensive Plan.
- (e) The Zoning Commission shall either:
  - (1) Recommend approval of the general development plan as submitted; or
  - (2) Recommend approval of the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building 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) Recommend denial of the 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.

Upon such action, the Zoning Commission shall submit its recommendation to the Board of Trustees which shall conduct a review of the action of the Zoning Commission at a public hearing, which hearing shall be conducted within thirty (30) days after the recommendation of the Zoning Commission is received, and shall either adopt, modify, or deny the recommendation of the Zoning Commission for approval of the proposed development.

- (f) The general development plan for each planned residential development recommended for approval as presented or as modified shall be submitted by the Zoning Commission to the Board of Trustees and approved by the Board of Trustees as presented or as further modified,, prior to final plat approval by the Cuyahoga County Planning Commission. Likewise, the final subdivision plat shall be in substantial conformance with the general development plan approved by the Township, all pursuant to County Subdivision Recommendations.
- (g) An approved general development plan shall remain valid for a period of 12 months following the date of its approval, unless the Board of Trustees authorizes a longer period at the time of approval. If, at the end of that time, a final development plan has not been submitted to the Board of Trustees, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved by the Board of Trustees.

**SECTION 520.04 SUBMISSION OF A FINAL DEVELOPMENT PLAN.**

The final 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 final 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) 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 final 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 520.05 REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall within two weeks of receiving a submitted application for a general development plan or a final 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. Once an application is officially accepted, it shall be placed on the agenda of the Zoning Commission.

**SECTION 520.06 DISTRIBUTION OF PLANS.**

The application shall be transmitted to the Zoning Commission 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 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.

**SECTION 520.07 ZONING COMMISSION REVIEW.**

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Public Hearing. A public hearing on the application shall be scheduled within thirty one (31) days from when the application was deemed complete as set forth in Section 520.05.

**SECTION 520.08 ZONING COMMISSION DETERMINATION.**

In recommending approval of a final 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 520.09 RECOMMENDATION BY ZONING COMMISSION AND ACTION BY BOARD OF TRUSTEES.**

The Zoning Commission shall recommend either:

- (a) Approval of the development plan as submitted; or
- (b) Approval of the 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
- (c) Denial of the 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.

The final development plan for each planned residential development recommended for approval as presented or approved subject to conditions as aforesaid, or denied, shall be submitted in writing immediately to the Board of Trustees for approval, approval with further conditions, or disapproval, which action shall be taken at the next regular meeting of the Board of 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 520.10 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.**

An approved 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 Board of Trustees. A request for such a transfer or change of ownership shall be presented to the Board of 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 520.11 LAPSE OF APPROVAL.**

An approved plan shall remain valid for a period of 12 months following the date of its approval unless the Board of 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 Board of 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.

**CHAPTER 530  
Conditional Use Permits and Similar Uses**

530.01 Intent. 530.02 Submission of application. 530.03 Review for completeness. 530.04 Distribution of application. 530.05 Public hearing and notice by Board of Zoning Appeals.	530.06 Review criteria. 530.07 Action by Board of Zoning Appeals. 530.08 Terms and duration of conditional use permit. 530.09 Reapplication. 530.10 Similar uses.
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**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 530.2 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 nonassignable 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**

<p>540.01 Appeals to the Board of Zoning Appeals. 540.02 Initiation of appeal. 540.03 Public hearing by the Board. 540.04 Stay of proceedings.</p>	<p>540.05 Decision of the Board. 540.06 Variance as a type of appeal. 540.07 Appeals to the Court of Common Pleas.</p>
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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. 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. The following factors shall be considered and weighed by the Board in determining practical difficulty:
  - (1) 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;
  - (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - (4) 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;
  - (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

- (6) Whether special conditions or circumstances exist as a result of actions of the owner;
  - (7) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - (9) 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.
- (c) 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.
- (d) 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.
- (e) Limitations on the Granting of Variances.
- (1) Variances authorizing a use in a district in which such use is not specifically permitted shall be prohibited.
  - (2) Any variance approved shall be the minimum necessary.
  - (3) Variances shall be related to the physical characteristics of the site.
- (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 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 550.03(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) Review by County Planning Commission. Within 5 days after the application is transmitted to the Zoning Commission from the Zoning Inspector, the Zoning Commission shall transmit a copy of the application to the County Planning Commission. The County Planning Commission shall

recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

- (e) 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.
  
- (f) 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.
  
- (g) 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 approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or
- (3) That the amendment be denied. If no action is taken by Zoning Commission within 30 days from the conclusion of the public hearing, and the time period is not extended by the Zoning Commission with written consent of the applicant, then the proposed amendment shall be deemed to have been denied by the Zoning Commission.

The secretary of the Zoning Commission shall forthwith submit to the Trustees the recommendation of the County Planning Commission and either the recommendation of the Zoning Commission or the fact that the Zoning Commission has not made a recommendation on such application within its allotted time period.

- (h) 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.
- (i) 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, the unanimous vote of all three Trustees shall be required. Wherein the Trustees fail to obtain a unanimous vote, the recommendation of the Commission shall be considered as approved.
- (j) 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.

**SECTION 560.04 AMENDMENTS INITIATED BY THE ZONING COMMISSION.**

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 Board of 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 AMENDMENTS TO BE FILED WITH THE COUNTY.**

Amendments shall be filed with the County in accordance with Section 519.12 of the Ohio Revised Code.

- (a) Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the Cuyahoga County Recorder and with the Cuyahoga County Planning Commission.

- (b) The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

**SECTION 560.07 GUIDELINES WHEN CONSIDERING AMENDMENTS TO THE ZONING MAP.**

In evaluating proposed amendments to the zoning map, the Zoning Commission and Board of 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 Board of 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.

**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.