

## **CHAPTER FOUR CONDITIONAL USE REQUIREMENTS**

### **Section 400.00          Requirements for Conditional Uses**

#### **Section 400.01          Purpose**

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

#### **Section 400.02          Supplementary Conditions and Safeguards**

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

#### **Section 400.03          Terms and Assignment**

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

#### **Section 400.10          Review Criteria for Conditional Uses**

##### **A. General Requirements for all Conditional Uses**

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

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

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

**B. Specific Requirements for Conditional Uses**

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

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

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

lines.

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

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

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

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

### **36. Agritourism Uses**

#### **A. Uses Regulated**

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

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

#### **B. Standards**

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

### **37. Animal Hospitals, Veterinary Offices and Clinics**

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

### **38. Bed and Breakfast Establishments**

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

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

### **39. Car Washes**

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

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

#### **40. Cemetery**

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



traffic flow.

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

#### **41. Church, Temples other places of Worship**

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

#### **42. Congregate Care/Assisted Living Facilities**

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

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

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

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

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

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

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

**45. Extractive Industries**

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

A. Definitions:

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

3. In situ - at the permitted site.

B. Exemptions:

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

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

C. Uses and Structures:

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

- g. Storage units for salvage vehicles and equipment to be used to repair equipment for mineral and/or aggregate extraction and/or processing.
  - h. Storage units for equipment and/or machinery and maintenance facilities related to mineral and/or aggregate resource extraction processing and/or transportation equipment.
  - i. Structures designed and constructed exclusively for solid mineral extraction, storage or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at the expiration of the Mining Permit or where the mining operation is completed or abandonment of the operation takes place.
  - j. Mining through water.
  - k. Dewatering on a case by case basis.
2. The following uses and structures are not permitted:
- a. Asphalt/concrete mixing or batch plants.
  - b. Sale or removal of topsoil (excess topsoil may only be sold or removed upon compliance with the requirements of Section 400.10.B.45.F.3).
3. Signs: subject to Chapter 7.

D. Procedures for Making Application:

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

E. Conformance to the issued Conditional Use Permit:

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

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

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

1. Development Plan:

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

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

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

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

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

The site map and profiles will show:

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

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

3. Reclamation and Post Mining Use Plan:

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

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

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



G. Development Standards:

1. Area, Yard, and Height Requirements:

a. Project Area

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

b. Setbacks.

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

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

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

#### H. Performance Standards:

##### 1. Groundwater Contamination Prevention Measures:

The operation shall be planned and conducted to:

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

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

2. Hydrologic Determination Report Requirements:

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

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

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

3. Screening, Fencing, and Berm Requirements:

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

a. Screening:

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

b. Fencing:

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

c. Berms:

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

d. Visual Effects:

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

4. Airborne Particulate and Operational Nuisance:

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

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

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

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

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

6. Hours of Operation:

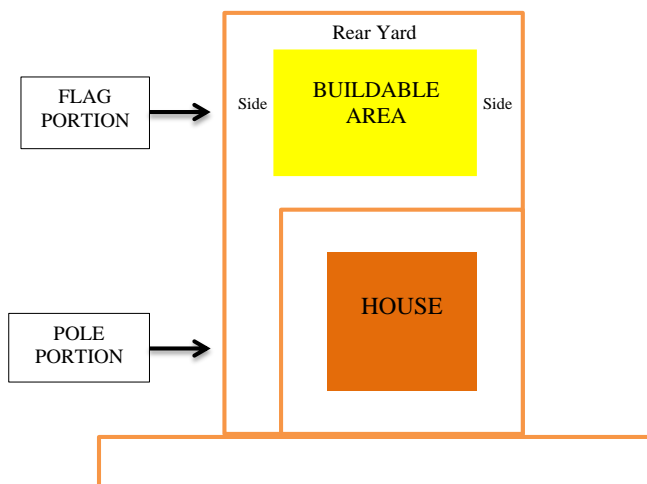
The anticipated hours of operation as identified by the applicant.

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

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

#### 47. Flag Shaped Lot

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



#### **48. Funeral Home**

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

#### **49. Gasoline Sales and Auto Service**

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



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

## **50. Home Based Business**

### **A. Intent/Purpose**

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

### **B. Administration**

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

### **C. Permitted Home Based Businesses**

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

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

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

D. Prohibited Home Based Businesses

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

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

E. Conditions and Operating Standards

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

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

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

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

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

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

## 52. Mini-Storage Facilities

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

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

### **53. Multi-Family Development**

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

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

#### **54. Parks and Recreation Facilities**

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

#### **55. Park and Ride Lot**

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

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

## **56. Planned Residential Development (PRD)**

### **A. Purpose:**

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

### **B. Objectives:**

These regulations are intended to achieve the following objectives:

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

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

C. Minimum Project Area :

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

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

D. Uses:

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

1. Permitted Uses:



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

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

E. Permitted Density:

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

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

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

Where:

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

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

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

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

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

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

O-C District = 0.90

R-R District = 0.90

R-1 District = 0.50

R-2 District = 0.60

R-3 District = 0.90

R-4 District = 1.00

T-C District = 0.90

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

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

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

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

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

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

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

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

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

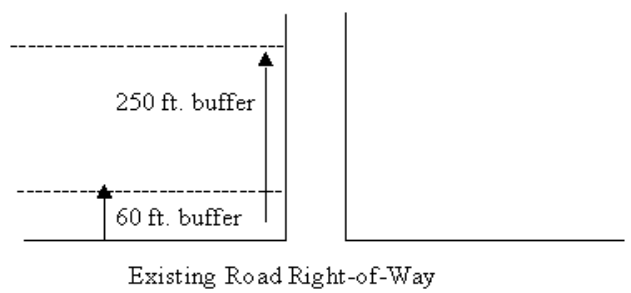


Figure 56.F.2.d.1

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

A buffer of fifty (50) feet wide shall be designed on the perimeter of the project having no frontage on an existing road. (4/15/2005) (#2005-095)
3. Individual buildings shall not infringe into either of the frontage or perimeter open space buffer areas.
- e. All restricted open space areas shall have a minimum width of fifty (50) feet.

G. Standards for Restricted Open Space:

1. General Standards

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

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

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

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

3. Ownership of Restricted Open Space

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

- a. Offer of Dedication:

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

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

b. Association:

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

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

c. Transfer of Conservation Easements:

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

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

d. Private Ownership of Restricted Open Space:

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

e. Ownership of the Common Open Space

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



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

H. Restricted Open Space Uses:

1. Passive Uses:

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

2. Active Uses:

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

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

I. Maintenance of Restricted Open Space:

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

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

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

J. Sewage Disposal:

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

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

L. Development and Site Planning Standards:

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

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

2. Lot Requirements:

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

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

3. Setback From Restricted Open Space:

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

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

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

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

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

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

5. Principal Building Spacing Requirements:

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

6. Accessory Building Spacing Requirements:

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

7. Maximum Building Height:

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

8. Street Design Criteria:

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

9. Pedestrian Circulation Systems:

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

10. Maximum Lot Coverage:

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

11. Parking and Loading Requirements:

Parking and loading requirements as specified in Chapter 6.

M. Environmental/Cultural Resource Design Criteria:

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

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

**57. Private Parking Lots and Garages**

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

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

### **58. Professional Office Facilities**

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

### **59. Public Service Facility**

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

## 60. Rooming/Boarding Houses

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

## 61. Schools and Educational Facilities

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

## 62. Two Family & Three Family Dwellings

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

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

### **63. Wireless Telecommunication Service Facilities**

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

#### **A. Purpose:**

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

#### **B. Priority of Locations:**

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

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

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

C. General Requirements:

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



owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.

D. Standards Applicable to All Wireless Telecommunication Tower Facilities

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

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

G. Removal of Facilities:

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

F. Decision by the Board of Zoning Appeals

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