BRUNSWICK HILLS TOWNSHIP ZONING RESOLUTION

Effective - October 22, 2026

Resolution #56-2025

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ARTICLE I TITLE, INTERPRETATION, AND CONFLICT

Sec. 101 SHORT TITLE

This resolution shall be known as the "Zoning Resolution of Brunswick Hills Township, Medina County, Ohio."

Sec. 102 INTERPRETATION

In their interpretation and application, the provisions of this Resolution, as most recently amended, shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

Sec. 103 CONFLICT

Whenever the regulations of this Resolution require a greater width or size of yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private covenants, these regulations shall govern.

Sec. 104 VALIDITY AND SEPARABILITY

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

Sec. 105 REPEALER

All existing Resolutions of Brunswick Hills Township, Medina County, Ohio, inconsistent herewith, are hereby repealed.

Sec. 106 EFFECTIVE DATE

This amended Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

ARTICLE II DEFINITIONS

Certain terms are defined as set forth herein and said definitions shall be used in the interpretation and construction of this Zoning Resolution. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not discretionary; the word "building" shall include the word "structure;" the word "used" shall include the words "arranged," designed," "constructed," "altered," "converted," or "intended to be used;" and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

Accessory Building or Use: A subordinate building or use located upon the same lot occupied by the principal building or use and which is customarily incidental to said principal building or use. A tool shed, detached garage, carport, gazebo, pergola, and similar permanent and semi-permanent structures shall be considered as accessory uses and/or buildings.

Adult Family Home: A residence or facility providing accommodations and personal care services to three (3) to five (5) unrelated adults who are capable of responding to an emergency without assistance. Adult Family Homes shall not include residents who require "skilled nursing care" and shall not include nursing homes and rest homes as defined in Ohio Revised Code 3721.

Adult Group Home: A residence or facility that provides accommodations and personal care services to six (6) to sixteen (16) unrelated adults who are capable of responding to an emergency situation without assistance. Adult Group Homes shall not include residents who require "skilled nursing care" and shall not include nursing homes and rest homes as defined in the Ohio Revised Code 3721.

Agriculture: Shall be as defined in Chapter 519 of the Ohio Revised Code.

Automobile Repair Shop: A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or the reconditioning of motor vehicles in which there is no painting of cars or body and fender work done.

Automobile Service Station: A place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale at retail to the public including the sale of snack food, tobacco, drinks, newspapers and similar convenience goods as accessory or appurtenant to the principal use.

Auto Wash: A building or portion thereof containing facilities for washing automobiles whether by means of individual self-service bays or using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical device, and which may include on the same site the fueling of automobiles

Basement: A story having more than one-half (½) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

Board: The Brunswick Hills Township Board of Zoning Appeals as created by this Resolution.

Boarding House: A building other than a hotel or motel where, for compensation by the week or month, meals or lodging and meals are provided for at least three (3) but not more than twenty

(20) persons.

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

Building, **Height of**: The vertical distance from the finished grade to the highest point of the ridge of gable,

hip, or gambrel roof.

Building Line: A line parallel to the right-of-way line of the road to which the lot has access and intersecting the nearest point of the foundation of the principal building to that road right-of-way line.

Building Setback Line, **Minimum**: A line parallel to the street right-of-way line at a distance there from equal to the required depth of the front yard, extending across the full width of the lot. Where a Major Thoroughfare or Collector Street is designated on the Comprehensive Land Use Plan, the minimum building setback line shall be measured from the proposed street right-of-way line.

Building, **Principal**: The building on a lot used to accommodate the primary use to which the premises are devoted.

Campground: Any place, area, or tract of land upon which are located two (2) or more campsites, campers, trailer coaches, and automobiles used for sleeping purposes or other camping outfits commonly referred to as a campground, tourist camp, trailer camp, and similar designations.

Centralized Sewer System: A system where individual lots are connected to a common sewerage system publicly owned and operated.

Clinic: Any building or other structure devoted to medical diagnosis and treatment of humans.

Collector Street: Streets which serve as primary collector access routes within the Township, shall include Grafton Road, South Carpenter Road, Sleepy Hollow Road, Laurel Road and such other streets as may be so designated in the Comprehensive Land Use Plan.

Commission: The Brunswick Hills Township Zoning Commission.

Common Area: Any land area, and associated facilities, within a subdivision or other planned development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.

Comprehensive Land Use Plan: The officially adopted long-range plan for the development of Brunswick Hills Township, including any amendments or updates thereto which have been approved and adopted by the Township Trustees.

Condominium: Shall be as defined in the Ohio Revised Code.

County: Medina County, Ohio.

Congregate Housing: Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

Continuing Care: A development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care.

Day(s): A calendar day unless otherwise noted.

Deck: A structure without a roof which is directly adjacent to a principal building. A platform supported by pillars or posts which may be either freestanding or attached to a building.

Density: The number of families residing on, or dwelling units developed on, a gross acre of land.

Development, General: A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site as defined in the Ohio Revised Code.

Development, Non-Residential: A project in which one or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for other than residential use as in the Ohio Revised Code.

Disabled Motor Vehicle: Any inoperable, licensed or unlicensed, motor propelled vehicle.

Dwelling, Multifamily: A building containing three (3) or more dwelling units.

Dwelling, Single-family: See Dwelling, Single-family Detached

Dwelling, Single-family Attached: A dwelling unit which is structurally attached to at least one other such dwelling unit in a side-by-side arrangement in a single building where such dwelling units are separated from each other by common or adjoining walls which extend from the basement floor to the roof without openings and where each dwelling unit has a separate private entrance to the outdoors at ground level and separate and individual services.

Dwelling, Single-family Detached: A free-standing building containing only one (1) dwelling unit which is designed and used exclusively for residence purposes for one (1) family. The term "single-family dwelling" where it appears in this Resolution shall be synonymous with “single-family detached dwelling.”

Dwelling, Two-Family: A building containing two (2) dwelling units which are designed and used exclusively by two (2) families living independently of each other wherein the units are separated from each other by a vertical common fire-resistant wall which extends from the basement floor to the roof without openings and where each dwelling unit has a separate private entrance to the outdoors at ground level and separate and individual services. Also, a “Single- family Attached Dwelling” where the number of attached dwelling units is limited to two (2).

Dwelling Unit: One (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and eating.

Family: A group of individuals, not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

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

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

Floodway: That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the intermediate regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two

(2) buildings. Floor area, for the purpose of these regulations, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps, but may include utility areas when part of the main floor.

Garage, Private: An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of vehicles and located on the same lot as the dwelling to which it is accessory.

Garage, Public: A building, or portion of a building, in which more than four (4) motor vehicles are, or

intend to be, housed under arrangements made with patrons for renting or leasing such space and accommodation and in which no repair work is carried out.

Grade, Street: The surface elevation of the traveled portion of a roadway measured at the centerline of the improved surface in front of the lot.

Grade, Natural: The elevation of the undisturbed surface of the ground adjoining the building or structure.

Grade, Finished: The elevation of the finished surface of the ground adjoining the building or structure within a distance of ten (10) feet of the foundation wall.

Hard Surface: The surface of a paved street, parking lot, or driveway constructed of conventional cement or asphaltic concrete.

Home Occupation: An accessory use conducted for intended financial gain within a dwelling where such use is clearly incidental and secondary to the use of the dwelling for residential purposes. Such use shall not change the character or appearance of the dwelling and shall not distract from the intended residential nature of the property or surrounding area. Home Occupations shall be conducted by the occupant of the dwelling and/or immediate family members with no additional employees or volunteers. No article or service shall be offered for sale or barter except those produced for the purpose of a home occupation. Clinics, hospitals, barber shops, beauty parlors, dress shops, automobile repair shops, woodworking shops, welding shops, tearooms, restaurants, tourist homes, and animal hospitals are hereby excluded from the definition of "Home Occupation."

Hospital: Any building or other structure containing beds for at least four (4) patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use, including places of worship.

Intermediate Regional Flood: The Intermediate Regional Flood is that flood which has an average frequency of occurrence in the order of once in one hundred (100) years.

Junk Motor Vehicle: Any vehicle which is extensively damaged, including but not limited to any of the following: missing wheels, tires, motor or any parts necessary for the operation of a motor vehicle, or which is apparently inoperable.

Junk Yard: The use of more than one hundred (100) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such a scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold or stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

Lot: A parcel, tract or area of land established by plat, subdivision, or otherwise permitted by law to be owned, used, developed, or built upon.

Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Corner: A lot at the junction of, and abutting, two (2) intersecting streets.

Lot Coverage: The portion of the lot area that is covered by buildings and structures.

Lot, Depth: The distance measured from the front lot line to the rear lot line.

Lot, Double, Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot

Lot Lines: The property lines defining the perimeter of a lot.

Lot Line, Front: The line separating a lot from the street on which the lot fronts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot, Substandard: A lot which does not conform in every respect to the area and width regulations of this Resolution.

Lot of Record: A lot or parcel of land which has been recorded in the office of the Recorder of Medina County either by deed or as a part of a subdivision.

Lot, Width: The distance between the side lot lines of a lot measured along the minimum building setback line.

Major Thoroughfare: Streets which serve as primary access routes within the Township, which shall include State Route #303, U.S. Route #42, Marks Road, Boston Road, West 130th Street, Substation Road, and such other streets as may be so designated in the Comprehensive Land Use Plan.

Motel: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

Natural State: In a condition without manmade changes.

Nonconforming Lot: A lot which does not comply with the requirements of the district in which it is located (see also Lot, Substandard).

Nonconforming Structure: A structure which does not comply with the requirements for height, floor area, yard, setback, or other requirements applicable to a structure in the district in which it is located.

Nonconforming Use: A use existing on the effective date of this Zoning Resolution or any amendment or supplement thereto, which does not comply with the use regulations of the district in which it is situated.

Overlay District: A district described on the zoning map within which alternative regulations and requirements apply as an option to those regulations in the underlying districts for the area in which it is applied

Parking Space: An off-street space or area designed and intended for the parking or temporary storage of a motor vehicle in association with a permitted or conditionally permitted use.

Personal Care Services: Services including but not limited to:

1. Assisting residents with activities of daily living, such as reminding them to engage in personal hygiene and other self-care activities and, when necessary, observing them while they attend to such activities to ensure their health, safety, and welfare.
2. Supervising residents who need assistance in administering their own medication, such as reminding a resident to take medication, taking the medication to the resident, opening containers, reading labels to the resident, checking the self-administered dosage against the label, and storing the

medication.

Plainly Audible: Any sound that can be detected by the Township Zoning Inspector, or other enforcement official, using their unaided hearing faculties.

Planned Unit Commercial Development: A group of four (4) or more commercial establishments planned and developed as a unit on one (1) site under unified control with:

1. Common off-street parking facilities,
2. A unified architectural motif,
3. Minimization of the number of intersections between driveways and public streets, and
4. A site design that results in pedestrian and vehicular traffic safety and compatible visual and functional relationships among building, parking, and service areas.

Porch: A covered structure projecting from, and structurally connected to, a building.

Pond(s): Public or private pond(s) or lake(s) with a water depth of 1.5 feet or more. For the sake of definition, there will be no distinctions made between pond(s) or lake(s). Pond(s) and lake(s) are considered a structure and, therefore, require a permit.

Project Boundary: The perimeter defining the tract(s) of land included in a proposed development to meet the minimum required project area for a planned development.

Recreational Vehicle: A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven, and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes.

Retail Sales: Establishments engaged in the selling or rental of goods or merchandise to the general public for personal or household consumption (although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

Riparian Area: A naturally vegetated area located adjacent to a watercourse that stabilizes the bank, limits erosion, reduces flood size flows, filters and settles out runoff pollutants, or performs other environmentally valuable functions.

Roadside Stands: A removable stand or a structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises and to be removed and stored on the property at the conclusion of the seasonal sales.

Rubbish: A general term for solid waste such as paper products, used appliances and furniture, wood products, carpeting, roofing materials, plaster products, scrap metal, glass, or other matter of a similar nature.

Sign: Any structure or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, badge, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" shall include a writing, representation, or other figure of similar character located on the interior of a building only when: (1) illuminated, and (2) viewable from the exterior of the building through a window.

Sign, Address: A sign indicating the address of a property to easily allow identification.

Sign, Area of: That area which is normally visible from any one (1) direction. (Example - a rectangular sign four (4) feet by five (5) feet with a display on both sides shall be considered to be twenty (20) square feet, a rectangular sign four (4) feet by five (5) feet with a display on only one (1) side, likewise, shall be considered to be twenty (20) square feet.) The area of a multi-surfaced sign shall be the sum of all of the sign surface areas divided by the number of surfaces. In addition:

1. Signs which require other signs to display full meaning, such as individually displayed letters of the name of an establishment or adjacent pictorial displays, shall be considered one (1) sign.
2. Signs supporting structures, which by size or ornateness have been designed to attract attention shall be considered part of the sign square footage.

Sign/Banner: Sign made of fabric or any non-rigid material supported to retain its shape but with no enclosing framework.

Sign, Changeable Copy: A Ground Sign or Free-Standing Sign, such as a bulletin board or announcement board, where the messages or graphics are not permanently affixed to the structure, framing, or background and may be periodically replaced or covered manually or by electronic or mechanical devices

Sign, Directional: A permanent sign located on private property and located at the entrance and/or exit of the property.

Sign, Directive: A sign designed and intended to direct vehicular or pedestrian traffic upon a premises, and which contains no advertising matter other than the name of the business or other activity to which the sign relates.

Sign, Flag: Any sign of fabric or similar material, anchored along one edge, displayed on a single pole, either freestanding or attached to a building.

Sign, Freestanding Identification: An identification sign supported by a structure other than a building wall.

Sign, Ground – A sign which has a supporting base designed as an integral part of the sign resting totally or primarily on the ground.

Sign, Identification: A sign which has as its primary function the identification of:

1. A business or profession conducted on the premises,
2. A product produced or sold on the premises, or
3. A service rendered on the premises.

Sign, Non-Conforming: Any sign existing on or after the effective date of Article V, this resolution, and any revisions, which does not conform to the stated regulations in their entirety.

Sign, Outdoor Advertising: A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be, erected upon the ground or wall or above the roof of a building and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be, located. An outdoor advertising sign shall include: cards, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or anything whatsoever. The term "placed" as used in the definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include: erecting,

constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. For the purpose of these regulations, the term "Outdoor Advertising Sign" shall not include temporary political and special events signs as regulated by this Resolution.

Sign, Portable: A sign similar to a Freestanding Sign but designed to be moved easily. A sign that is not permanently affixed to a structure or the ground.

Sign, Projecting: A sign attached to a building or wall which extends perpendicular or at an angle to the wall or the building.

Sign, Roof: Any sign erected, constructed or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or walls of the building. Sign, Sandwich Board – A sign consisting of two rigid panels affixed at the top and with its base resting on the ground/sidewalk and positioned to not impede sidewalk traffic.

Sign, Temporary: Any sign designed to be displayed for a limited time.

Sign, Wall: Any sign painted on, attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall.

Special Events: Circuses, festivals, concerts, carnivals, or any similar amusement or entertainment operation of limited duration.

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

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street, or Road, Public: A thoroughfare which has been dedicated to the public for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

Street, or Road, Private: A thoroughfare which affords direct means of access to more than one (1) abutting property, but which has not been dedicated to the public or subject to public easements therefore.

Street Right-of-Way Lines: A dividing line between a lot, tract, or parcel of land and contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the boundary of land reserved for street purposes.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, including but not limited to buildings, signs, swimming pools, ponds, lakes, and antennas, but not including fences or walls used as fences.

Structural Alterations: Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, or any increase in the area or volume of the building.

Swimming Pool: A structure, whether above ground or in-ground, designed to hold water more than eighteen (18) inches deep to be used for the purpose of wading or swimming (as referenced in the definition of “Structure”).

Temporary Buildings/Structures: Any vehicle or structure constructed in such a manner as to permit occupancy as temporary meeting space, offices, classrooms, libraries, or used in similar fashion while permanent construction is under way. Temporary buildings/structures must meet all setback and other

pertinent requirements.

Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, vehicles, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

Trustees: The Board of Trustees of Brunswick Hills Township.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Useable Open Space: The required portion of a multifamily development, exclusive of required setbacks and yard areas, which is unoccupied by any buildings, structures, streets, drives, parking areas or other such improvements and which is set aside for recreation and other leisure uses by the residents of the development. Open space areas having a dimension less than twenty-five (25) feet in any direction shall not be considered useable open space for purposes of meeting minimum area requirements.

Used Car Lot: Any commercial property on which two (2) or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.

Wild or Exotic Animals: Any non-human primate, wolf, fox, bear, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal, constrictive or poisonous snake or stone fish which can normally be found in the wild state or any member of the crocodilian family including but not limited to alligators, crocodiles, caimans, and gavials. Non-poisonous snakes, raccoons, skunks, squirrels, rabbits, guinea pigs, laboratory rats, mice, gerbils, and hamsters which have never lived in the wild state shall be excluded from this definition.

Yard: An open space on the same lot with a building, unoccupied and unobstructed, by any portion of a structure from the ground upward except as otherwise provided herein.

Yard, Front: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot. Where a major or Collector Street is designated in the Comprehensive Land Use Plan, the front yard depth shall be measured from the proposed street right-of-way line.

Yard, Rear: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall be, in all cases, at the opposite end of the lot from the front yard.

Yard, Side: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side line of the lot and extending from the front yard to the rear yard.

Zoning Compliance Certificate: A permit that is required prior to the establishment or commencement of any non-residential use or the occupancy of all or any part of a building, structure, or lot by a non-residential use. A Zoning Compliance Certificate allowing the use of all or any part of any building, structure, or lot shall be issued by the Township Zoning Inspector only after determination that such use is in compliance with all the applicable requirements of this Zoning Resolution.

Zoning Map: The "Zoning Districts Map of Brunswick Hills Township, Medina County, Ohio."

ARTICLE III GENERAL PROVISIONS

Sec. 301 ZONING DISTRICTS

Sec. 301-1 Zoning Districts Established

For the purpose of promoting the public health and safety by regulating the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings, and the uses of land for trade industry residence recreation or other purposes in the unincorporated territory of Brunswick Hills Township, Medina County, is hereby divided into the following zoning districts.

O-C Open Space Conservative District R-R Rural Residential District

R-R Rural Residential Conservation Overlay (subject to the provisions of Sec.402-6)

R-1 Residential District

R-2 Residential District

R-3 Residential District

PMUO Planned Mixed Use Overlay District

C-1 Local Commercial District

C-2 Community Commercial

C-2 Highway Arterial Commercial District I-1 Industrial District

Sec. 301-2 Uniformity of Regulations

All regulations shall be uniform for each class or type of building, structure or use within each zoning district.

Sec. 301-3 Zoning Districts Map

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of Brunswick Hills Township, Medina County, Ohio," which shall be located in the office of the Township Zoning Inspector. Said Zoning Districts Map, together with all notations, references, and other matters shown thereon, is hereby declared a part of this Resolution.

Sec. 301-4 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

A. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines

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

B. Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations, and all areas included in the vacation shall thereafter be subject to all regulations of the extended Districts.

Sec. 302 USES EXEMPT FROM REGULATION

A. Agricultural Uses

1. Consistent with the requirements of the Ohio Revised Code, Section 519.21, in any area consisting of a platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:

    a. On lots of one (1) acre or less the growing for private use, consumption or incidental sale of fruits, vegetables, and/or nursery stock products shall be permitted provided no products shall be sold except those which are produced on the premises. Only one roadside stand as permitted in Sec. 2.a below is allowed per lot.

2. Dwellings and other buildings and structures incident to the use of land for agricultural purposes which are located on lots or parcels which are greater than one (1) acre but not greater than five (5) acres shall be permitted. Such building or structure shall comply with the following:

    a. All buildings and structures shall comply with the regulations and permitting requirements contained in this Resolution, except as otherwise specified below for roadside stands in Sec. 2.b below.

    b. Roadside stands on lots less than five (5) acres where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, shall be regulated as follows:

        i. Each farm shall be permitted only one roadside stand or market located on the farm property.

        ii. The area of the roadside stands shall not exceed four hundred (400) square feet.

        iii. The maximum height of the roadside stand shall be ten (10) feet.

        iv. The roadside stand shall be located a minimum of ten (10) feet from any side lot line or street right-of-way line.

        v. Signs advertising the roadside stand shall comply with the regulations set forth in Article V.

        vi. Adequate parking shall be provided in such a way so as not to create a

public safety hazard.

vii. The roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard.

B. Uses Exempted by State Statute – For any properties that exceed five (5) acres, nothing contained in these regulations shall prohibit the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any use which is specifically exempted from local zoning regulation by the Ohio Revised Code.

Sec. 303 REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

Sec. 303-1 Minimum Requirements

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, safety, or of the general welfare. Wherever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the higher standards shall govern.

Sec. 303-2 Required Compliance

No building, structure, fence, or sign shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by this Resolution for the districts in which the buildings or lands are located. Uses that are omitted from this Resolution, not being specifically permitted, shall be considered prohibited.

Sec. 303-3 Nuisances Prohibited

No use shall be allowed or authorized to be established which is not in compliance with the provisions of this Resolution or which is determined to be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, and/or water carried wastes. The dumping, storing, burying, reducing, disposing of, or burning of rubbish is prohibited, provided however, that some materials such as metals, glass, paper, rubber, etc., may be sorted and stored for recycling as provided for in this Resolution. No junk or disabled motor vehicle shall be stored on any premises except as otherwise provided in this Resolution. No construction equipment or materials shall be stored or placed upon any premises except pursuant to a valid and current Zoning Permit issued for construction of a building or other improvements on said premises.

Sec. 303-4 Inconsistencies

In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

Sec. 303-5 General Regulation of Lots

A. Required Street Frontage - Except as otherwise provided by this Resolution, every principal building shall be located on a lot having frontage on a public or private street built to approved standards.

B. Required Lots, Yards, and Open Space Unaffected by Change in Ownership No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirements of or for any other building.

C. Projections Into Yard Areas - Every part of a required yard shall be open to the sky, unobstructed, except for the following:

1. Accessory buildings located within rear yards as specifically authorized in each district;
2. Parking of vehicles as regulated herein;
3. Fences constructed in compliance with Section V hereof;
4. Sills, belt-courses, cornices, eaves, gutters, and similar ornamental or functional features may project into any required yard provided that no such projections shall exceed a maximum of twelve (12) inches;
5. Architectural features such as bay windows, fireplaces, chimneys, balconies, steps, landings, and similar features may extend a maximum of twenty-four (24) inches into any required yard;
6. Terraces, unenclosed porches, decks, uncovered platforms, and similar unenclosed ornamental and architectural features may project a maximum of ten (10) feet into a required front yard.

D. Corner Lots

1. Required Yards Facing Streets - Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district facing both streets, with the exception of Section 403-4. D.
2. Visibility at Corner Lots - No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except shade trees which are pruned so as not to obstruct clear view by motor vehicle drivers are permitted.

E. Yard and Lot Width Modifications

1. Residential Districts - Except as specified in Sec. 303-5.E.(2) hereunder, in any "R" District where the average of the setbacks of at least two (2) dwellings on lots within two hundred (200) feet of the lot in question and within the same block face is less than the front yard depth prescribed by the applicable district regulations, the required depth of the front yard on such lot may be reduced. In such case, this reduction shall be such that the resulting front yard shall not be less than the average setback of existing dwellings on lots any part of which is within two hundred (200) feet and on the same side of the street as such lot, provided, however, that the depth of the front yard on any lot shall not be less than twenty-five (25) feet.
2. Lots on Major Thoroughfares - The minimum front yard depth for any building or structure erected upon a lot having frontage upon a Major Thoroughfare shall be the greater of the following:

a. Seventy-Five (75) feet from the street right-of-way line,

b. The average depth of the nearest six (6) dwellings located on the same side of the street, or

c. The depth as indicated by the applicable district regulations.

d. On all other streets, the minimum front yard depths shall be as specified in the applicable district regulations.

3. Setbacks on Irregularly Shaped Lots - The required setback of buildings and structures from lot lines that cannot reasonably be defined as front, side, or rear by the Township Zoning Inspector shall be a distance not less than the required front, side, or rear yard for the district in which the lot is located.

F. Outdoor Storage and Business Displays - Storage of materials, equipment, and supplies and displays of merchandise shall take place within a completely enclosed building except as otherwise specifically provided by this Resolution.

G. Outdoor Storage of a Disabled Motor Vehicle - The parking of a disabled motor vehicle within a residential district for a period of more than 14 days in any calendar year shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

H. Outdoor Storage of Boats, Trailers, and Recreational Vehicles - No boat, trailer, or recreational vehicle shall be stored closer than five (5) feet to any property line. Storage of said items within a residential district shall be allowed in the side yard or rear yard only.

I. Outdoor Storage of Heavy Motor Vehicles; Tractor-Trailer Combinations None of the following described heavy motor vehicles may be parked or stored outdoors in any residential district except while being loaded or unloaded:

1. any motor vehicle having a manufacturer's rated carrying capacity of more than two tons;

2. any motor tractor and/or trailer used for freight purposes;

3. any bus (motor coach) used for commercial purposes.

J. Approval of Plats - No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum requirements set forth in the various districts of these regulations.

K. Downspout and Drains - Any drainage of storm water from a building must be installed to preclude flooding of adjacent properties.

L. Erosion Control - Effective erosion and sedimentation controls must be planned in accordance with the Medina County Stormwater Management and Sediment Control Rules and Regulations. Such controls must be approved by the County Engineer.

Sec. 303-6 General Regulations of Structures and Constructions

A. Construction Begun Prior to Zoning - Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations provided that a valid Zoning Certificate has been obtained before said effective date of these regulations and provided further

construction of that such building shall commence within six (6) months from the date of passage of these regulations.

B. Maximum Height And Permitted Exceptions

1. Except as specifically stated in other parts of these regulations, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed a maximum height of thirty-five (35) feet.

2. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks, or similar structures may be erected above the height limits herein, provide that:

   a. No such structure or appurtenance may be erected to exceed fifty

   b. (50) feet in height,

   c. No such structure or appurtenance shall have a total area greater than twenty-five (25) percent of the roof area of the building, and

   d. Such structures or appurtenances shall not be used for any purpose other than a use incidental to the main use of the building.

      i Radio, television and wireless aerials or masts shall not exceed fifty (50) feet in height measured from finished grade to the highest point of the structure.

      ii Accessory buildings shall not exceed fifteen (15) feet in height, provided however, that in Open Space Conservation (O-C) and Rural Residential (R-R) Districts the maximum height of any accessory building shall be twenty-five (25) feet.

      iii Public or semi-public buildings, churches and buildings within I-1 Industrial Districts may be erected to a maximum of fifty (50) feet in height provided that the building is set back from each yard line at least one (1) additional foot for each foot of building height above thirty-five (35) feet.

C. Principal Building - No more than one (1) detached single family dwelling unit shall be permitted on any lot or parcel except where specifically authorized by this Zoning Resolution and permitted as part of an approved development plan.

D. Accessory Building

1. Accessory Building - Accessory Building(s) shall not be located closer than fifteen (15) feet from the principal building. Accessory buildings shall conform to the minimum building setback line and shall not be any closer than five (5) feet to rear and side lot lines. Accessory Buildings shall not occupy more than twenty percent (20%) of the required rear yard.

2. Storage Sheds - Shall be considered accessory buildings, shall not exceed one hundred forty (140) square feet in area or fifteen (15) feet in height, shall conform to the minimum building setback line, and shall not be located closer than five (5)

feet to rear and side lot lines

E. Temporary Buildings/Structures - Temporary buildings and/or structures for use incidental to construction work may be erected in any zoning district with the prior approval of the Township Zoning Inspector. Permits issued by the Township Zoning Inspector for such temporary buildings and/or structures shall be for a period not to exceed one year. All temporary buildings and/or structures shall be removed upon the completion or abandonment of the construction work or after one year from the date of the permit, which ever occurs first.

F. Utilities - All utilities including but not limited to electric, telephone, cable TV, gas, water, and sewer in any new construction of a residence in R1, R2, and R3 zoning districts shall be installed underground.

G. Swimming Pools Public or private swimming pools containing over one and one-half (1½) feet of water depth, shall not be located to the front or side of a dwelling, and shall conform to all required yard setback lines, except that in- ground pools shall be located not closer than ten (10) feet to the rear or side property line. Every in-ground pool shall be completely surrounded by a fence or wall not less than four (4) feet in height. Doors or gates shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of such enclosure. Any above ground pool that requires steps or ladder for access must have a fence or gate at point of access with suitable locking device.

1. No setbacks shall be required between an above ground pool and a deck associated with the pool.

2. For the purpose of these regulations, ponds which are used primarily for agricultural or domestic water supply, decoration, wildlife preservation, or fishing shall not be considered as swimming pools.

H. Fences, Walls, and Hedges - Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that such fences, walls, and hedges conform to the specifications set forth hereunder.

1. Fences and walls may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade provided that any fence or wall shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to existing or future neighboring uses. Informal plantings such as trees and shrubs may be higher than six (6) feet but shall be maintained and trimmed so as not to constitute a nuisance to adjoining property owners.

2. A snow fence or fence of similar type may be erected or placed in any yard during the period from November 1 to April 1 for the sole purpose of preventing the drifting of snow on highways, driveways, and sidewalks, but such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure.

3. No fence, wall, or hedge shall be constructed so as to be hazardous to existing or future neighboring uses. All fences, walls, and hedges shall be maintained in a neat and orderly manner. The framing side of the fence shall face the fence owner's property.

4. Fences in the Front Yard:
    a. No fence, wall, or dense hedge shall impede the vision across such yard above the height of five (5) feet. In a Planned Unit Development, however, the height shall not exceed three and one- half (3½) feet.
    b. Fences of barbed wire or masonry-type construction are prohibited.
    c. Fences of woven wire chain link construction are prohibited in front yards.
    d. Fences and walls shall have uniform openings aggregating at least fifty percent (50%) of their surface area.
    e. Gates across driveways shall be no less than ten (10) feet in width and shall be constructed so as to be harmonious with the adjacent fencing. Gates shall be set back thirty (30) feet from the road rights-of-way.
5. Walls Integrated with Dwelling Structure - In areas designated for single-family development, solid walls, screens, and privacy enclosures which are designed as an integral or component part of the dwelling structure and using materials common to the dwelling structure may be located within ten (10) feet of either side lot line, must conform to front and rear yard requirements, and may be to a height of eight (8) feet. In any area designated for multifamily development on the approved development plan, solid walls, screens, and privacy enclosures shall be permitted to a maximum height of eight (8) feet and shall meet the front yard requirements for multifamily dwellings. Other solid walls and fences shall conform to all building setback lines.

I. Private Streets - Private streets serving as the primary means of access for more than two (2) dwelling units shall be constructed in accordance with the standards for principal residential and minor residential public streets as set forth in the Engineering Code for Subdivision Development of Medina County, provided however, that all such private streets shall be improved with concrete curbs and gutters. For the purpose of computing required setback, the right-of-way line for a private street shall be assumed to be thirty (30) feet from the center of the paved portion of the street.

J. Outdoor Lighting – All outdoor lighting facilities shall be downcast and shall have shielded fixtures so as to control the spread of light and glare and to prevent light trespass onto adjacent properties.

K. Screening of Trash Collection Areas - Trash and/or garbage collection areas for industrial, commercial, and multifamily residential uses shall be enclosed on at least three (3) sides by a solid wall or solid fence of at least six (6) feet in height if such area is not within an enclosed building or structure. Such solid wall or solid fence shall be situated to screen the view of the collection area from adjacent streets and properties.

L. Minimum Living Floor Area Per Dwelling Unit - No structure shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum living floor area per dwelling unit is provided.

1.	Single-family Dwellings	1,250 sq. ft.
2.	Two-family Dwellings	1,250 sq. ft.
3.	Single-family Attached Dwellings	1,250 sq. ft.

4. Multifamily Dwellings 1,250 sq. ft.

M. Post-Construction Clean-up - Within thirty (30) days following completion of construction of any building, thoroughfare, public utility, or essential service, parking area, or any other use permitted in this resolution, all construction debris, materials, machinery, or other objects used in and/or evidences of construction shall be removed from the property or properties on which the construction took place.

N. Ponds - Pond(s) shall be constructed such that its surface area and embankments are located on a single lot and is not larger than twenty-five percent (25%) of the total lot square foot free area not encumbered by structures. Pond(s) and embankments associated with a pond(s) shall be located at least twenty-five (25) feet from all property lines and fifty (50) feet from any road right-of-way except as specified in Section 303-5-E. In no case shall a pond(s) be located closer than twenty-five (25) feet to a main building. For the purposes of setback and yard requirements, the point of measurement for the pond(s) shall be the point from the toe of the slope, as depicted on the submitted plans, or the base of any embankment where it reaches the normal grade line. Pond(s) shall also comply with the regulations established below:

5. Pond(s) shall meet standards and specifications of the Medina County Engineer's Office and Chapter 1521 of the Ohio Revised Code. Pond(s) used for domestic water service shall also meet the requirements of the Medina County Sanitary Code.

6. Upon making application for a zoning permit, the applicant is required to submit to the Township Zoning Inspector a copy of the proposed pond(s) plans which have been reviewed and stamped by the Medina County Engineer's Office; also, in the cases of pond(s) used for domestic water service, reviewed and stamped plans by the Medina County Health Department.

7. The Township Zoning Inspector shall inspect all pond(s) during their construction and shall require that all construction conforms to the approved and submitted plans. The Township Zoning Inspector may request a review by the Medina County Engineer's Office or by a registered civil engineer to ensure conformity with the approved plans. Any extra cost shall be borne by the applicant.

8. If the pond(s) is to be fitted with a dry hydrant for use by the Fire Department, the Township Zoning Inspector will schedule a representative of the Fire Department to be present at the time of application of the permit to discuss the location of the hydrant.

9. Pond(s) utilizing more than ten (10) acres of drainage shall have plans prepared by a professional engineer.

Sec. 303-7 Wild or Exotic Animals

No individual, firm, association, or corporation shall keep or permit to be kept any wild or exotic animal as a pet or as a commercial item in any of the residential zoning districts or in the open space and conservation zoning district.

Sec. 303-8 Home Occupations

A. Class I Home Occupation – Class I Home Occupations shall be permitted uses. A home occupation shall be considered a Class I Home Occupation provided that:

1. It is conducted entirely within the residential dwelling; however, this does not include the garage;
2. The usage does not occupy more than twenty percent (20%) of the living floor area;
3. The home occupation does not require the visitation or solicitation of clients, continuous or frequent motor freight delivery of materials or removal of products, outdoor advertising, or display of products or services produced on the premises; and
4. No activity associated with the home occupation is be visible from any public right-of-way or adjacent property

B. Class II Home Occupation – A Class II Home Occupation is any home occupation which does not conform to the requirements for a Class I Home Occupation. Class II Home Occupations shall be subject to the following;

1. Such home occupations shall be carried on entirely within the dwelling and not in an accessory building; however, the garage may be used providing that the home occupation does not preclude the storage of the number of vehicles for which the garage was designed.
2. The conducting of the home occupation shall not occupy more than 20 percent (20%) of the living floor area of any one dwelling unit.
3. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
4. No activity, materials, goods, vehicles, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
5. No additional traffic or parking volume shall be created than would be normally expected in a residential area.
6. There shall be no more than one sign which shall not exceed two square feet in area.

Sec. 303-9 Driveways

A. No construction activity may begin on any property before completed proper installation of a driveway culvert in conformance with the street or highway access permit as issued by either the State Highway Department, County Highway Engineer, or Township official, whichever has jurisdiction.

B. Anytime a driveway exceeds two hundred (200) feet, it must have an unobstructed width of at least ten (10) feet and a height clearance of at least sixteen (16) feet. There must be an area of at least fifty (50) feet of unobstructed clear space off the driveway not further than two hundred (200) feet from the principal building to allow for an emergency vehicle to be turned around. Driveways that exceed two hundred (200) feet shall include a passing lane with a minimum additional ten (10) feet in driveway width and not less than fifty (50) feet in length to be located at the starting point of each and every additional three hundred (300) feet in driveway length. Driveways must be located a minimum of ten (10) feet from property side line. A copy of each Application for a Zoning Certificate shall be forwarded to the Fire Chief for review.

Sec. 303-10 Flood Plains

A. Purpose - These special regulations are established to protect the areas in the Township that are subject to predictable flooding during the Intermediate Regional Flood and the Standard Project Flood. Controlled use of these areas is required to help protect human life, prevent or minimize material and economic losses, and reduce the cost of the public in time of emergency through public aid and relief efforts occasioned by the unwise occupancy of such flood areas. The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Resolution does not imply that areas outside the Flood Plain boundaries or land uses permitted within such district will be free from flooding or flood damages. The Resolution shall not create liability on the part of Brunswick Hills Township or any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

B. Flood Plains Defined - The flood plain areas are defined in the Army Corps of Engineers report titled Flood Plain Information, Plum Creek, Brunswick Hills and Medina Townships, Medina County, Ohio, June 1973. The Flood Plain Map, Plate 3 of this report, is hereby adopted by reference and will be on file in the Township Office. All land included in the flood plain area as shown on the Army Corps of Engineers Flood Plain Map shall be subject to the requirements specified herein in addition to the normal requirements of the zoning district in which said land is located. A Flood Plain is also hereby defined along Healey Creek in the area shown as Zone A on the National Flood Insurance Program Map initiated January 10, 1975, and revised April 15, 1977.

C. Interpretation of District Boundaries - The boundaries of the Intermediate Regional Flood Plain and the Standard Project Flood Plain shall be determined by scaling distances on the map. Where interpretation is needed as to the exact location of the boundaries, the Zoning Commission shall make the necessary interpretation. Any person contesting the location of a district boundary shall be given a reasonable opportunity to present their case to the Zoning Commission and to submit their own technical evidence if such person 402-5so desires.

D. Permitted Uses In Intermediate Regional Flood Plains - The following open space uses shall be permitted within Intermediate Regional Flood Plains, provided that no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. No uses shall be permitted within this flood plain which would include the storage, breakdown, or disposal of materials.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, hunting and fishing areas, hiking and horseback riding trails.

3. Residential uses such as lawns, gardens, parking areas and play areas.

E. Conditionally Permitted Uses In Intermediate Regional Flood Plains – Development activities within floodplains designated by the Federal Emergency Management Agency are subject to the Flood Damage Reduction Regulations which have been adopted by the Medina County Board of Commissioners.

F. Permitted Uses In Standard Project Flood Plains - All uses permitted in the underlying zoning district in which the flood plain is located are permissible provided that in any dwelling the first floor or basement floor, if the dwelling is to have a basement, is at least two (2) feet above the level of the intermediate regional flood and that such floor or basement rests on solid existing ground or approved fill.

Sec. 303-11 Riparian Setbacks

A. Purpose

Riparian setbacks control land use activities and new development within certain distances of streams. Setting development back maintains the ability of riparian areas to control flooding, limit stream bank erosion, protect habitat, purify ground water, and reduce water pollution. Riparian setbacks protect structures and reduce property damage and threats to watershed residents while contributing to the scenic beauty and semi-rural character of the Township, and protecting the public health, safety, comfort and general welfare of the Township and its residents.

B. General Requirements.

1. These regulations shall apply to all zoning districts.

2. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated water course, except as otherwise provided herein.

3. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

4. Except as otherwise provided in this resolution, riparian setbacks shall be left in their natural state.

5. When making an application for a zoning certificate for a building, structure, or use regulated by Brunswick Hills Township, the owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on all site plans submitted to the Township Zoning Inspector.

6. The Township Zoning Inspector may, in reviewing the site plan, consult with the Medina County Soil and Water Conservation District (SWCD) or such other expert(s) retained by the Board of Township Trustees.

C. Establishment of Riparian Setbacks

1. Riparian setbacks shall extend a distance of twenty-five (25) feet on either side of the ordinary high-water mark of a course draining an area of less than one-half (1/2) square mile or having a defined bed and bank.

2. Riparian setbacks shall extend a distance of seventy-five (75) feet on either side of

the ordinary high-water mark of a watercourse draining an area greater than one-half (1/2) square mile but less than twenty (20) square miles.

3. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high-water mark of the designated watercourse.
4. Establishment of Riparian Setback Guide Map – Designated watercourses and their minimum riparian setbacks are reflected in the riparian setback guide map which has been adopted by the Township to be used as a guide document by the Township Zoning Inspector and by the Board of Zoning Appeals in determining when the riparian setbacks apply. The map is maintained as part of the Township zoning map in the Township Zoning Inspector's office. Reduced sections of the guide map will also be available in the Township Resolution book. Nothing herein shall prevent the Township from amending the riparian setback guide map from time to time as may be necessary.

D. Uses Within Riparian Setbacks

No buildings, structures, streets, or uses shall be permitted within a riparian setback.

E. Crossings.

Crossings of designated water courses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted, subject to the other regulations contained in this Zoning Resolution and the regulations enforced by the Medina County Engineer, and the Army Corps of Engineers.

F. Streambank Stabilization Projects.

Streambank stabilization projects along designated watercourses may be permitted, subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Medina SWCD and the Army Corps of Engineers.

G. Storm Water Retention and Detention Facilities.

Storm water retention and detention facilities are permitted subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Medina SWCD and the Ohio EPA. Storm water retention and detention facilities shall be located a minimum of fifty feet from the ordinary high-water mark of the designated watercourse.

H. Inspection of Riparian Setbacks

The Township Zoning Inspector shall inspect the delineation of the riparian setbacks as follows:

1. The owner shall notify the Township Zoning Inspector at least five (5) working days prior to the initiation of any soil disturbing activities that may be within a riparian setback and regulated by this resolution.
2. The Township Zoning Inspector shall enter a permitted site when needed to conduct an on-site inspection to ensure compliance with these guidelines.

Sec. 303-12 Reserved

Sec. 303-13 Reserved

Sec. 303-14 AGRITOURISIM

A. Purpose

In the interest of public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied and an Agritourism Use Form has been issued by the Township Zoning Inspector.

B. General Requirements

1. The agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of farm in the Ohio Revised Code (ORC) Section (§) 901.80.
2. The agritourism provider shall indicate how the proposed activity complies with Agritourism as defined in ORC. Section (§) 901.80
3. The agritourism provider shall submit a site plan of the property illustrating all structures and setbacks from property lines for all structures used primarily for agritourism activities.
4. The size and setback for any structure used primarily for agritourism activities shall meet the following requirements:
    a. All structures used primarily for agritourism shall comply with the height requirements defined in Section 303-6-B.
    b. All structures used primarily for agritourism activities, except viticulture, shall be subject to the standard minimum front, side, and rear yard setbacks from external farm boundaries for the zoning district regardless of the size of such structures.
5. The agritourism operator shall provide off-street parking in all districts, in connection with every building or part thereof hereafter created and in connection with every use of the land hereafter established, sufficient parking facilities shall be provided off-street to meet all the parking needs and the following:
    a. Agritourism operations providing educational, entertainment, historical, cultural, and/or recreational activities in a farm setting and open to the general public, regardless of whether or not an entry fee is charged, shall provide a minimum number of parking spaces as determined by the Brunswick Hills Township Zoning Resolution based upon the intensity of the use, such as peak attendance periods, and the size of the structure and/or land area designated for agritourism activities provided in the application.
    b. The township shall not require the parking area be improved, including any requirements governing drainage, parking area base, parking area paving or other such improvement.
6. The agritourism operator shall provide ingress and egress via access points on a public road approved by the Township, County Engineer, Ohio Department of Transportation, and/or other entity, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the fire department having jurisdiction over the property upon which the agritourism operation is located.

C. Application for Agritourism Use

Agritourism use is approved through the submission of an application and shall include the following for safety purposes:

1. The total acreage of the farm;
2. Setbacks of building and structures used primarily for agritourism activities;
3. Off-street parking lots and parking areas;
4. All points of ingress and/or egress;
5. Walkways providing means of travel between buildings used primarily for agritourism activities;
6. Use of existing and proposed buildings and/or structures used primarily for agritourism activities;
7. The agritourism provider shall indicate the educational, entertainment, historical, cultural, and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general;
8. The agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of farm in the Ohio Revised Code (ORC) Section (§) 901.80 and as provided in this section.

D. Provisions Pertaining to Existing Agritourism Operations.

9. All agritourism operations in existence before Agritourism amendment to the Brunswick Hills Township Zoning Resolution shall be considered grandfathered.

ARTICLE IV USE, AREA, HEIGHT REGULATIONS

Sec. 401 OC OPEN SPACE CONSERVATION DISTRICT

Sec. 401-1 Purpose

This district is established for the following purposes: (1) to preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas; (2) to protect the ecological balance of an area; (3) to conserve natural resources, such as river valley, and tracts of forest land; (4) to reduce the problems created by intensive development of areas having excessively high water tables, or which are subject to flooding, or which area topographically unsuited for urban type uses.

Sec. 401-2 Uses

Within an Open Space Conservation District, all buildings, structures, or premises shall be used, arranged to be used, or designed to be used only for one or more of the following uses:

A. Permitted Uses

1. Single-family dwelling.
2. Roadside stands.
3. Wildlife refuge and game preserve.
4. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
5. Signs - As regulated by Article V hereof.
6. Parking - As regulated by Article VI hereof.
7. Class I Home Occupation.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Certificates for uses listed herein subject to the requirements of Article VIII.

1. Government owned and/or operated building or facility subject to Subsection 804-8.
2. Government or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, and other similar recreational facilities or uses of similar character which shall exclude uses similar in character to the following: commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, trap shooting, skeet- shooting ranges, pistol ranges or other ranges for the use of firearms; the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee subject to Subsection 804.17.
3. Government or privately owned and/or operated parks, recreational areas, and

campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoors and/or recreational oriented uses which involve facilities for group activities and accommodations subject to Subsection 804-18.

4. Class II Home Occupations.
5. Special events subject to Subsection 804-1.

Sec. 401-3 Lot Requirements

A. Minimum Lot Area Per Dwelling Unit - Five (5) acres

B. Minimum Lot Width at Building Setback Line - Three hundred (300) feet.

C. Minimum Lot Frontage – One hundred (100) feet.

Sec. 401-4 Yard Requirements

A. Minimum Front Yard Depth - One hundred (100) feet.

B. Minimum Rear Yard Depth – Seventy-five (75) feet.

C. Minimum Side Yard Width on Each Side - Twenty-five (25) feet.

Sec. 402 RR RURAL RESIDENTIAL DISTRICT

Sec. 402-1 Purpose

This district is established to provide for detached single-family dwellings on large lots with very low densities in a semi-rural atmosphere in locations consistent with and in furtherance of the vision and recommendations contained in the Comprehensive Land Use Plan in order to preserve the established character and nature of the Township. It is the further intent of this district to preserve significant areas of open space, retain rural vistas, and limit the density of development consistent with the rural nature of the Township and its public facilities, services, and infrastructure.

Sec. 402-2 Uses

Within RR Rural Residential District all buildings, structures, and premises shall be used, arranged to be used, and designated to be used only for one (1) or more of the following uses:

A. Permitted Uses

1. Single-family dwelling.
2. Roadside stands.
3. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
4. Signs - As regulated by Article V hereof.
5. Parking - As regulated by Article VI hereof.
6. Adult Family Homes.
7. Class I Home Occupation.
8. Conservation Developments subject to the provisions of Section 402-6.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII.

1. Government or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, and other similar recreational facilities or uses of similar character which shall exclude uses similar in character to the following: commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, trap shooting, skeet- shooting ranges, pistol ranges, or other ranges for the use of firearms; the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee subject to Subsection 804.17.
2. Government or privately owned and/or operated parks, recreational areas, and campgrounds where camping in tents, trailers, and other vehicles, cabins, or lodges is

permitted by fee, membership, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoors and/or recreational oriented uses which involve facilities for group activities and accommodations subject to Subsection 804-18.

3. Cemeteries.
4. Churches and other buildings for the purpose of religious worship subject to Subsection 804-5.
5. Government owned and/or operated buildings or facilities subject to Subsection 804-8.
6. Class II Home Occupations.
7. Public and parochial schools subject to Subsection 804-6.
8. Special events subject to Subsection 804-1.
9. Adult Group Homes subject to Subsection 804-4.
10. Rear Lot Development subject to Subsection 402-5
11. Conservation Development Overlay subject to Subsection 402-6 Conservation Development Overlay (CDO)

Sec. 402-3 Lot Requirements

C. Minimum Lot Area Per Dwelling Unit - Two (2) acres unless a larger lot is required by the Medina County Health Department to adequately accommodate individual sanitary sewerage disposal systems in view of intended use, soils, topography, and other pertinent considerations.

D. Minimum Lot Width at Building Setback Line - Two hundred (200) feet.

E. Minimum Lot Frontage – One hundred (100) feet.

Sec. 402-4 Yard Requirements

F. Minimum Front Yard Depth - One hundred (100) feet.

G. Minimum Rear Yard Depth - Seventy-five (75) feet.

H. Minimum Side Yard Width on Each Side – Twenty-five (25) feet.

Sec. 402-5 Rear Lot Development

In order to provide for the orderly and efficient development of land and avoid isolating rear tracks of land while retaining the rural characteristics of the RR District, rear lots shall be a conditional use subject to meeting the following requirements:

I. Minimum Lot Area

1. Minimum area for a rear lot shall be three (3) acres, exclusive of lot access for a single-family dwelling. A rear lot behind a rear lot shall not be permitted.

J. Minimum Lot Width at Building Setback Line

1. Minimum rear lot width at building line shall be three hundred (300) feet.

K. Minimum Set Back

1. All buildings and structures shall be located to provide maximum privacy for adjacent lots. Minimum set back from rear line of adjacent frontage lots shall be one hundred (100) feet. All other set backs shall be as defined in Section 402-4.

L. Minimum Lot Access Width

1. Minimum lot access width from street to rear lot shall be forty (40) feet.
2. Lot access shall be part of the main parcel such that only one (1) parcel is created with the requirements provided by law for deeds, and shall be filed with the Recorder of Medina County for records.
3. Lot access shall be free of buildings.

M. Application for a Zoning Certificate for Rear Lot

1. Application procedures as described in Section 901 shall be followed for rear lots with the following additions:
2. A copy of each application for a rear lot Zoning Certificate shall be forwarded to the Fire Chief for review. The Zoning Appeals Board shall consider the Chief's recommendation in reaching their determination upon the application.
3. The rear lot plan filed with the application for a Zoning Certificate shall clearly show the delineation between the rear lot proper and the lot access.
4. Driveways for rear lots shall conform to the requirements of Section 303- 9(B).

Sec. 402-6 CONSERVATION DEVELOPMENT OVERLAY

These Conservation Development Overlay regulations are established in accordance with the provisions of Section 519.021 of the Ohio Revised Code. In accordance with the provisions and standards contained herein, a Conservation Development Overlay may be established in areas classified as R-R Rural Residential District on the Zoning Districts Map. Until such time as a property owner applies for and receives approval for a Conservation Development Overlay as provided herein, the underlying provisions of the R-R Rural Residential District shall apply to the property. Upon approval of a Conservation Development Overlay, the R-R Rural Residential District regulations shall no longer be applicable to the property so designated and the standards and requirements of this Section shall apply to and control development and use of all properties within said District.

Sec. 402-6-1 Purpose

The primary objective of the Conservation Development Overlay is 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. Such flexibility is intended to:

A. Maximize the permanent preservation and conservation of open space;

B. Permit creative and imaginative layouts which respect environmental features;

C. Maintain the one dwelling unit per two-acre density of the Township's more rural areas;

D. Maximize protection of sensitive natural resource areas;

E. Reduce the quantity and improve the quality of storm water runoff from expected development;

F. Maintain natural features and characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);

G. Reduce the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and

H. Maintain the rural character of the Township.

These regulations are intended to provide an alternative method of land development solely at the option of the developer and are not intended to be a replacement for existing R-R zoning regulations.

Sec. 402-6-2 Permitted Uses

The uses permitted in a Conservation Development Overlay shall be those uses permitted by right in the R-R Rural Residential District as set forth in Section 402-2(A) of this Zoning Resolution and restricted common open space as required herein.

Sec. 402-6-3 Establishment of Conservation Development Overlay

The following shall govern the establishment of any Conservation Development:

A. No Conservation Development Overlay shall be established except subsequent to an application by the owner(s) of land to be included within the district

B. Each Conservation Development Overlay shall have a minimum area of not less than twenty (20) contiguous acres.

C. No Conservation Development Overlay shall be established except in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.

D. No Conservation Development Overlay shall be established which does not preserve substantial open space and protect environmentally significant areas.

E. Upon approval by the Township Trustees of a Conservation Development Overlay and the development plan thereof, a notation shall be placed on the Zoning District Map to reflect such approval and that the provisions of the R- R Rural Residential District no longer apply to the land contained within said Conservation Development Overlay District.

Sec. 402-6-4 General Standards For Conservation Developments

All Conservation Developments shall meet the following standards:

A. Maximum Density

The total number of allowable units in any Conservation Development Overlay shall not exceed a maximum density of one (1) dwelling unit per each two (2) acres. If the project total area is substantially impacted by floodways, wetlands and/or bodies of water such that the area taken up by these key environmental open space components exceeds the number of open space acres that are to be set aside, the acreage that is in excess of the open space requirement is to be deducted from the total project area and the density is to be based on the net area.

B. Open Space

1. Permanent open space shall be as set forth on the approved final development plan, however, the land area designated for open space shall not be less than forty percent (40%) of the total land area of the District. Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from perimeter property lines of the Conservation Development may be counted as common open space when such areas are contiguous to and part of a larger common open space area. Parking areas, drive aisles and other similar features may be counted as part of the open space requirement when they serve approved recreation uses.
2. Designated permanent open space shall not be further subdivided, and shall be made subject to a perpetual conservation easement in a form approved by the Township in favor of an organization or agency acceptable to the Township. Conservation easements shall include the Township as third-party beneficiary of the terms of the easement with the right, but no obligation, to enforce the provisions of the easement.
3. The location, shape, size, contiguity and character of the designated open space shall be suitable for its intended use. The minimum dimension of open space in any direction shall be fifty feet (50') unless a lesser dimension is specifically authorized as part of the final development plan approval in order to achieve a designated public purpose.
4. Open space intended for the conservation of natural resources shall not be improved or disrupted beyond the minimum necessary to provide for the long-term coexistence of open space areas and neighboring development. No trees or vegetation shall be removed within designated permanent open space areas except as specifically identified and approved as part of the final development plan approval.
5. Open space land shall be located to connect with and extend existing and potential open space on adjacent parcels where possible or appropriate.
6. Any restricted open space to be devoted to recreational activities shall be free of environmental constraints and be of usable size and shape for the intended purpose. Not more than five percent (5%) of the total project area shall be designated or established for such uses. The purposes for which open spaces are proposed shall be documented by the applicant and depicted on the development plan.
7. Uses, buildings and structures, which are accessory to recreation, conservation, or agriculture uses, may be erected within the dedicated open space, provided that, such accessory facilities are approved as part of the development plan approval, and that accessory structures or buildings shall not exceed, in the aggregate, one percent of the required open space area.
8. Permanent open space areas shall be established as part of the initial phase of any Conservation Development Overlay. The ownership of all common areas,

vegetative buffers, fences, ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land. The perpetual maintenance plan shall identify the Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.

C. Minimum Lot And Yard Areas

Lot areas shall not include access easements, rights-of-way, or areas designated for street purposes. The minimum dimensional requirements for residential lots shall be as follows:

1. Minimum lot size shall be 32,670 square feet provided, however, that where the Medina County Health District requires greater minimum lot sizes to accommodate on-site waste disposal in areas that are not served by central water and sanitary sewer, the minimum lot area established by the Health District shall govern.
2. Minimum front building setback from any street right-of-way, private street, or access easement shall be forty (40) feet
3. Minimum rear yard depth shall be thirty-five (35) feet
4. Minimum side yard width at each side shall be ten (l0) feet
5. Minimum lot width at the building setback line shall be one hundred (l00) feet
6. Minimum lot frontage shall be sixty (60) feet
7. Minimum building setbacks from the periphery or boundary of the Conservation Development shall be fifty (50) feet.

D. Utilities

All utilities including but not limited to electric, telephone, cable TV, gas, water, and sewer in any new construction of a residence in an open conservation overlay zoning district shall be installed underground.

E. Access and Street Requirements

1. All Conservation Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit which is part of a Conservation Development Overlay shall have a driveway access directly onto an existing public street.
2. All streets constructed as part of a Conservation Development Overlay shall be private streets unless a public street is specifically authorized by the Township to provide for interconnection or to achieve some other public access purpose.
3. All streets, whether public or private, shall be designed and constructed in accordance with the standards and specifications of the Engineering Code for Subdivision Development of Medina County, Ohio.

4. Each dwelling unit shall have access to a street internal to the Conservation Development in a manner approved by the Township and said access shall be clearly defined on the development plan.
5. Conservation Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
6. Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township and in accordance with the standards of the Medina County Engineer and the Ohio Department of Transportation for such devices. The owner's association shall be responsible for maintenance of all traffic control devices on private streets.

F. Sewage Disposal

Sewage disposal may be provided either by means of on-site disposal systems or by connection to a public sanitary sewer system as reflected on the development plan approved for the Conservation Development Overlay. Where sewage disposal is to be provided by means of individual on-site systems, evidence of approval by the Medina County Health District shall be required. Where connection to a public sanitary sewer system is proposed, a letter shall be required from the sewer provider indicating their intent and ability to accept and accommodate the anticipated flows.

G. Drainage

Conservation Developments shall provide for storm water management and erosion and sedimentation control in accordance with the provisions of the Medina County Subdivision Regulations. Plans for storm water management and erosion and sediment control shall be subject to the review and approval of the Medina County Engineer in addition to the Township.

H. Landscaping and Buffers

1. All disturbed areas within a Conservation Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate vegetative cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
2. Screening and buffering shall be provided within the required setback from existing public street rights-of-way. Where it is determined by the Zoning Commission and/or Township Trustees that existing vegetation is inadequate to provide an appropriate buffer, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding, screen walls, or fences if approved as part of the landscape plan.
3. Buffers may be required within setbacks from adjoining properties where the Zoning Commission and/or Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts

Sec. 402-6-5 Application Requirements and Procedures

Property owners who wish to develop their land as a Conservation Development Overlay shall make application for approval pursuant to the provisions set forth herein. Applications to subject land to these Conservation Development Overlay District regulations shall be heard and action taken by the Zoning Commission and Township Trustees in accordance with the procedures and provisions set forth.

B. Pre-application Meeting

Prior to the submission of an application and development plan for a Conservation Development, applicants shall notify the Township Zoning Inspector of their intent to file an application and request to be scheduled on the next available meeting agenda for the Zoning Commission. The applicant shall appear before the Zoning Commission and may present a preliminary sketch or concept plan of the proposed Conservation Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the Conservation Development Overlay review and approval process, and to review the applicant's proposed general approach to development of the site. As part of the pre-application discussion, the Zoning Commission may make comments, suggestions, recommendations, and observations regarding the applicant's sketch plan and development concept, however no action shall be taken by the Zoning Commission, and their comments, suggestions, recommendations, and observations shall not be relied upon by the applicant as indicative of any subsequent approval or denial.

C. Application and General Development Plan Submission

Subsequent to the Pre-application Meeting with the Zoning Commission, each applicant for a Conservation Development Overlay shall submit an application for General Development Plan approval to the Township Zoning Inspector. Applications shall be submitted by the submission deadline to be heard at the following month's meeting and shall include such fees and deposits as may be established by the Township Trustees, and shall include fifteen (15) copies of the following minimum information:

1. A General Development Plan conforming to the requirements of Section 402-6-5(C).
2. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
3. Proposed covenants and restrictions intended to govern the development and future use of the Conservation Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all recreation facilities, common parking areas, private streets, and other commonly owned facilities.
4. The proposed perpetual conservation easement for the designated open space.

D. General Development Plan Requirements

Each General Development Plan shall be drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;

2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval;
5. Proposed building locations;
6. Location of all minimum setback lines;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan; including preliminary arrangements for storm detention facilities.
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of all recreation and open space areas;
13. A conceptual landscaping and buffering plan;
14. The number and minimum floor area of dwelling units;
15. The location, width, names, and grades of existing and proposed streets.
16. Typical sections for all proposed streets;
17. Proposed phases if the project is to be developed in stages;
18. The location and sizes of building lots;
19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units.

E. Review and Approval of General Development Plans

Upon receipt of a complete application for General Development Plan approval as set forth in Section 402-6-5(B), the Township Zoning Inspector shall forward copies to the Zoning Commission and such other officials or advisors as the Trustees may from time to time designate. The Zoning Commission shall schedule the application to be heard at their next general meeting occurring at least thirty (30) days subsequent to filing of the complete application at which time the applicant shall be provided an opportunity to present the proposed Conservation Development. The Zoning Commission shall review each General Development Plan and shall make a recommendation to the Board of Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Board of Township Trustees shall act upon each General Development Plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Board of Township Trustees with the consent of the applicant.

F. Review Criteria for General Development Plans

When reviewing an application for a Conservation Development, the Zoning Commission shall consider, but shall not be limited to consideration of, the following characteristics of the proposed development:

1. The comprehensive nature and design of the General Development Plan, including appropriate design of the physical, aesthetic, and economic relationships among its parts;
2. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties;
3. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
4. The architectural and site design characteristics;
5. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
6. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering, particularly perimeter buffer;
7. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
8. The suitability of proposed homeowners' association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of common areas within the Conservation Development; and
9. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

G. Submission of Final Development Plans

Final Development Plans submitted to the Zoning Commission for review shall be based on a previously approved General Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted by the submission deadline to be heard at the following month's meeting. A minimum of fifteen (15) copies shall be submitted. Submission shall include fees and deposits as established by the Township Trustees.

H. Final Development Plan Requirements

Final development plans shall be prepared by persons professionally qualified to do such work. Final development plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final site plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets. Final development plans shall include detailed design information for all of the items contained on general development plans but shall

also include detailed construction drawings for proposed improvements including such items as:

1. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
2. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
3. A detailed landscaping plan including a listing of all plant material by type, size, and number;
4. Provisions for the adequate control of erosion and sedimentation;
5. The location, type, size and height of all fencing, screening, and retaining walls;
6. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
7. A site lighting plan;
8. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses; and
9. Location, size, height and type of all signage.

I. Subdivision Compliance

Conservation Developments shall make concurrent application for subdivision approval to the Medina County Planning Commission.

J. Approval of Final Development Plans

The Zoning Commission shall review each final development plan and shall make a recommendation to the Board of Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Board of Township Trustees may attach, such conditions to the approval of a final development plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of the Township's Land Use Plan. The Board of Township Trustees shall act upon each final development plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Board of Township Trustees with the consent of the applicant.

K. Bonding of Required Improvements

A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights- of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an

estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period. Where performance guarantees are provided to other public agencies, such as the Medina County Sanitary Engineer or the Medina County Engineer, for certain improvements, such arrangements shall be deemed to meet the requirement of this provision for such improvements so that no dual bonding of specific improvements is required.

Sec. 402-6-6 Compliance Required

Subsequent to the approval of a Conservation Development plan, all subdivision plats, site plans, building permits, Zoning Certificates, and other plans for improvements and any development or construction within the Conservation Development shall be in substantial compliance with the approved Final Development Plan and any conditions of such approval adopted by the Township Trustees in approving the Conservation Development Overlay and Final Development Plan. Any departure from the approved Final Development Plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Township Zoning Inspector determines that a proposed plan, request for Zoning Certificate, development or construction may not be in compliance with the Final Development Plan, the Township Zoning Inspector shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

Sec. 402-6-7 Amendments To Development Plans

The owner or the homeowner's association of an approved Conservation Development may submit plans for amendment of the approved Development Plan. The Zoning Commission and Township Trustees shall review such proposed modifications to the Development Plan and may grant approval of such changes if the Zoning Commission and Township Trustees determine that:

A. The amendment is generally in conformance with the form, nature, and intent of the approved Development Plan;

B. The total number of dwelling units within the Conservation Development will not be increased; and

C. The amount of open space will not be reduced.

Sec. 402-6-8 Professional Assistance

The extent and complexity of certain applications for Conservation Developments will require that the Zoning Commission and/or Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission and/or Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Conservation Development relative to the requirements of these provisions. The Zoning Commission and/or Township Trustees shall advise the applicant if such studies are required and provide an estimate of the anticipated costs of such studies. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies or review assistance.

Sec. 402-6-9 Construction Inspection or Certification

During construction the Township's representatives shall be afforded adequate opportunity to inspect the development to confirm proper installation of required improvements and compliance with the provisions of this Zoning Resolution, the approved standards and conditions for the Conservation Development, and such other regulations as may be applicable. In lieu of Township inspections, the applicant may choose, or the Township Trustees may require, that inspections be performed under the supervision of an engineer, licensed and registered in the State of Ohio and approved by the Township Trustees, who shall provide a certification to the Township Trustees that all improvements have been properly installed in accordance with applicable Township and County standards and with the approved plans.

Sec. 403 R-1 RESIDENTIAL DISTRICT

Sec. 403-1 Purpose

This district is established to accommodate detached single-family residences at low densities in areas suitable for suburban style development as set forth in the Comprehensive Land Use Plan. The stipulated densities and development controls are intended to provide for the creation of areas with an appropriate suburban character while carefully controlling the associated impacts of development on both the environment and the community.

Sec. 403-2 Uses

Within an R-1 Residential District, all buildings, structures, or premises shall be used, arranged to be used, and designed to be used only for one (1) or more of the following uses:

A. Permitted Uses

1. Single-family residential dwelling.
2. Roadside stands.
3. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
4. Signs - As regulated by Article V hereof.
5. Parking - As regulated by Article VI hereof.
6. Adult Family Homes.
7. Class I Home Occupation.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article VIII.

1. Public and parochial schools subject to Subsection 804-6.
2. Churches and other buildings for the purpose of religious worship subject to Subsection 804-5.
3. Government or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, and other similar recreational facilities or uses of similar character which shall exclude uses similar in character to the following: commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, trap shooting, skeet- shooting ranges, pistol ranges, or other ranges for the use of firearms; the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a subject to Subsection 804-17.
4. Cemeteries.
5. Government owned and/or operated buildings or facilities subject to Subsection 804-

8.

6. Class II Home Occupations.
7. Special events subject to Subsection 804-1.
8. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various fraternal or community service groups.
9. Adult Group Homes subject to Subsection 804-4.

Sec. 403-3 Lot Requirements

A. Minimum Lot Area Per Dwelling Unit - Single-family dwelling – Fifteen thousand (15,000) square feet.

B. Minimum Lot Width at Building Setback Line: Ninety (90) feet.

C. Minimum Lot Frontage: Sixty (60) feet.

Sec. 403-4 Yard Requirements

A. Minimum Front Yard Depth - Fifty (50) feet, except as otherwise specified in Article III, Section 303-5.E.

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

C. Minimum Side Yard Width on Each Side - Ten (10) feet.

D. Minimum Side Yard Depth on a Corner – twenty-five (25) feet.

Sec. 403-5 Driveways

Hard surface driveways must be installed from the curb or edge of hard surface roadway to the minimum setback line whenever the residence is located on a hard surface street with storm sewers.

Sec. 404 R-2 RESIDENTIAL DISTRICT

Sec. 404-1 Purpose

This district is established to accommodate residential developments of single- family and two-family residential units at moderate densities in limited areas which are appropriate for such developments consistent with the preservation of the Township's semi-rural character, which are adequately served by public water and sanitary sewers, and which conform with the vision and recommendations contained in the Township's Comprehensive Land Use Plan.

Sec. 404-2 Uses

Within an R-2 Residential District, all buildings, structures, or premises shall be used, arranged to be used, or designed to be used only for one or more of the following uses:

E. Permitted Uses

1. Single-family residential dwelling.
2. Two-Family residential dwellings.
3. Roadside stands.
4. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
5. Signs - As regulated by Article V hereof.
6. Parking - As regulated by Article VI hereof.
7. Adult Family Homes.
8. Class I Home Occupation.

F. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII.

1. Public and parochial schools subject to Subsection 804-6.
2. Churches and other buildings for the purpose of religious worship subject to Subsection 804-5.
3. Government or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, and other similar recreational facilities or uses of similar character which shall exclude uses similar in character to the following: commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, trap shooting, skeet- shooting ranges, pistol ranges, or other ranges for the use of firearms; the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee subject to Subsection 804-17.

4. Cemeteries.
5. Government owned and/or operated buildings or facilities subject to Subsection 804-8.
6. Class II Home Occupations.
7. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various fraternal or community service groups.
8. Special events subject to Subsection 804-1.
9. Adult Group Homes subject to Subsection 804-4.

Sec. 404-3 Lot Requirements

A. Minimum Lot Area Per Dwelling Unit:
   1. Single-family dwelling – Fifteen thousand (15,000) square feet per dwelling unit.
   2. Two-Family dwelling – Ten thousand (10,000) square feet per dwelling unit.

B. Minimum Lot Width at Building Setback Line:
   1. Single-family dwelling – Ninety (90) feet.
   2. Two-Family dwelling – One hundred twenty (120) feet.

C. Minimum Lot Frontage: Sixty (60) feet.

Sec. 404-4 Yard Requirements

A. Minimum Front Yard Depth
   1. Single-family dwelling - Fifty (50) feet, except as otherwise specified in Article III, Section 303-E.
   2. Two-Family dwelling - Fifty (50) feet, except as otherwise specified in Article III, Section 303-5.E.

B. Minimum Rear Yard Depth
   1. Single- Family dwelling - Twenty-five (25) feet.
   2. Two-Family dwelling - Twenty-five (25) feet.

C. Minimum Side Yard Width on Each Side
   1. Single-family dwelling - Ten (10) feet.
   2. Two-Family dwelling - Ten (10) feet.

Sec. 404-5 Driveways

Hard surface driveways must be installed from the curb or edge of hard surface roadway to the minimum setback line whenever the residence is located on a hard surface street with storm sewers.

Sec. 405 R-3 RESIDENTIAL DISTRICT

Sec. 405-1 Purpose

The purpose of this district is to provide for a variety of housing opportunities at moderate to higher densities in strategic locations within the Township. It is intended that this district will be adequately served by public water and sanitary sewer services and will have access on major roadways. Clustering of dwellings and preservation of natural areas is encouraged to minimize impacts and to maintain the established character and rural vistas.

Sec. 405-2 Uses

Within an R-3 Residential District, all buildings, structures, or premises shall be used, arranged to be used, or designed to be used only for one or more of the following uses:

D. Permitted Uses

1. Single-family residential dwelling.
2. Two-Family residential dwellings.
3. Roadside stands.
4. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
5. Signs - As regulated by Article V hereof.
6. Parking - As regulated by Article VI hereof.
7. Adult Family Homes.
8. Class I Home Occupation.

E. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII.

9. Single-family Attached dwellings
10. Multi-family residential dwellings
11. Public and parochial schools subject to 804-6.
12. Churches and other buildings for the purpose of religious worship subject to Subsection 804-5.
13. Government or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, and other similar recreational facilities or uses of similar character which shall exclude uses similar in character to the following: commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, trap shooting, skeet- shooting ranges, pistol ranges, or other ranges for the use of firearms; the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without

charging a fee subject to Subsection 804-17.

14. Institutions for human medical care - hospitals, clinics, sanitariums, continuing care homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsection 804-7.
15. Congregate housing for the elderly subject to Subsection 804-11.
16. Cemeteries.
17. Government owned and/or operated buildings or facilities other than those listed above subject to Subsection 804-8.
18. Class II Home Occupations.
19. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., Y.W.C.A., Boy Scouts, or various fraternal or community service groups.
20. Special events subject to Subsection 804-1.
21. Adult Group Homes subject to Subsection 804-4.

Sec. 405-3 Lot And Density Requirements

A. Minimum Lot Area Per Dwelling Unit

1. Single-family detached dwelling – Fifteen thousand (15,000) square feet per dwelling unit.
2. Two-Family dwelling – Ten thousand (10,000) square feet per dwelling unit.

B. Maximum Density

1. Single-family attached dwellings – Five (5) dwelling units per acre.
2. Multifamily dwellings – Eight (8) dwelling units per acre.

C. Minimum Lot Width at Building Setback Line

1. Single-family dwelling – Ninety (90).
2. Two-Family dwelling – One hundred twenty (120) feet.
3. Single-family Attached dwellings – One hundred fifty (150) feet.
4. Multifamily dwellings – Two hundred (200) feet.

D. Minimum Lot Frontage

1. Single-family and Two-Family dwellings - Sixty (60) feet.
2. Single-family Attached and Multifamily dwellings – One hundred (100) feet.

Sec. 405-4 Yard Requirements

F. Minimum Front Yard Depth

1. Single-family dwelling - Fifty (50) feet, except as otherwise specified in Article III,

Section 303-5. E.

2. Two-Family dwelling - Fifty (50) feet, except as otherwise specified in Article III, Section 303-5. E.
3. Single-family Attached dwelling – Seventy (70) feet, except as otherwise specified in Article III, Section 303-5. E.
4. Multifamily dwelling - Seventy (70) feet, except as otherwise specified in Article III, Section 303-5. E.

G. Minimum Rear Yard Depth

1. Single-family dwelling - Twenty-five (25) feet.
2. Two-Family dwelling - Twenty-five (25) feet.
3. Single-family Attached dwelling – Fifty (50) feet.
4. Multifamily dwellings - Fifty (50) feet.

H. Minimum Side Yard Width on Each Side

1. Single-family dwelling - Ten (10) feet.
2. Two-Family dwelling - Ten (10) feet.
3. Single-family Attached dwelling – Twenty-five (25) feet.
4. Multifamily dwellings - Thirty (30) feet, plus one (1) foot of additional width for each two (2) feet of building height over thirty-five (35) feet.

Sec. 405-5 Multifamily Site Utilization Requirements

A. Maximum Lot Coverage - Up to thirty-five (35) feet building height - twenty- five percent (25%).

B. Minimum Useable Open Space - At least twenty-five percent (25%) of the lot area shall be devoted to useable open space.

Sec. 405-6 Driveways

Hard surface driveways must be installed from the curb or edge of hard surface roadway to the minimum setback line whenever the residence is located on a hard surface street with storm sewers.

Sec. 406 PLANNED MIXED USE OVERLAY DISTRICT

Sec. 406-1 Purpose

The purpose of this Planned Mixed-Use Overlay (PMUO) is to recognize and accommodate, through a unified plan, creative and imaginative mixed-use developments that enable expanded economic development opportunities in the township in ways that provide for a proper transition from the mixed-use development to any adjacent residential uses. These mixed-use developments shall include a mix of commercial and residential uses with a flexible arrangement and spacing of buildings. These regulations are established in accordance with Section 519.021(C) of the Ohio Revised Code, and provide for a mechanism whereby a property owner can request application of the Overlay District to the property owner's parcel(s) for the purpose of constructing a Planned Mixed-Use Development (PMUD).

In order to accomplish these purposes, the uses permitted in a Planned Mixed-Use Overlay District shall be developed in a manner that:

A. Provides for convenient pedestrian circulation among the uses to create a more traditional neighborhood development in the community.

B. Conforms to a set of design guidelines to ensure that a cohesive environment is created.

C. Reduces the impact between the PMUO District and existing and future development adjacent to the PMUO District by providing adequate transitional features such as:

   1. Including uses in a PMUD project that are similar in intensity to existing and/or expected uses in the abutting districts.

   2. Placing the lower intensity uses in a PMUD project adjacent to the lower intensity uses and zoning districts that are outside the PMUO District, and

   3. Including adequate screening and buffering around the perimeter of the Planned Mixed Use Development project.

D. Ensures that such mixed-uses comply with these objectives by requiring a development plan and establishing a review process to ensure that all phases of a development are consistent with the regulations.

Sec. 406-2 Application Of The PMUO District

The Planned Mixed-Use Overlay District shall be established in addition to and shall overlay all other existing zoning districts where the PMUO District is permitted. Any parcel of land lying within an area where Planned Mixed-Use Developments are authorized shall also lie in one or more of the other zoning districts provided for in this Zoning Resolution. Land eligible for development as a Planned Mixed Use Overlay District may, at the option of the landowner, be developed according to the regulations of the PMUO District, or in accordance with the regulations of the underlying zoning district(s). Once property has been designated as a Planned Mixed-Use Development, the Zoning District Map shall be changed to reflect such designation and the property shall be developed solely in compliance with these provisions and the approved development plan.

Sec. 406-3 Establishment Of A PMUO District

Planned Mixed-Use Overlay Districts shall be established in accordance with the procedures set forth in Section 406-7 hereof. Consistent with the purposes of such districts,

applications for establishment of a PMUO District shall be limited to those properties that meet all of the following criteria:

A. Are located with frontage and access on a major road,

B. Include some land that is commercially zoned,

C. Contain a minimum of forty (40) contiguous acres, and

D. Are served by public water and sanitary sewer facilities.

E. For the purposes of this Section, major roads shall be Center Road, Marks Road, Grafton Road, Pearl Road, and W. 130th Street.

Sec. 406-4 Use Regulations

Within a Planned Mixed-Use Overlay District all buildings, structures, or premises shall be used, arranged to be used, or designed to be used only for one or more of the following uses:

A. Permitted Uses

1. Single-family detached dwellings;
2. Two-family dwellings;
3. Single-family attached dwellings;
4. Multifamily dwellings;
5. Offices including administrative, medical, business and professional;
6. Sales offices with only samples of products.
7. Retail establishments in completely enclosed buildings;
8. Personal service establishments including but not limited to: laundry, dry cleaning, barber shop, beauty shop and repair shop for personal items such as shoes, watch, camera, etc.;
9. Business equipment and supplies;
10. Dance studios and schools;
11. Restaurants, with or without outdoor dining.
12. Clubs, lodges, or other assembly halls;
13. Indoor recreation facilities; Libraries, museums.

B. Accessory Uses

The following uses shall be permitted when they are clearly incidental to and subordinate to, meets the setbacks of, and are located on the same lot as the principal building or use.

1. Off-street parking as regulated by Article VI;
2. Fences and walls as approved by the Zoning Commission
3. Signs as regulated by Article V.
4. Community centers, pools, tennis courts, and other indoor and/or outdoor

recreational and/or community gathering places for use by residents of the PMUD project.

Sec. 406-5 Size And Density Requirements

A. Minimum Area for Commercial Uses - A minimum of fifteen percent (15%) of the land area in a PMUO District shall be used for Office and Professional Services and/or Retail/Services. The land area subject to this requirement shall include the buildings, parking, access, walkways, and landscaping directly related to and required for these uses.

B. Density for Residential Development - The net density of each area of a PMUD project devoted to a specific dwelling unit type shall not exceed the maximum number of dwelling units per acre set forth below:

1. Single-family Detached Dwellings – Maximum density shall not exceed three (3) dwelling units per acre.

2. Two-family Dwellings and Single-family Attached Dwellings - Maximum density shall not exceed five (5) dwelling units per acre.

3. Multifamily Dwellings - Maximum density shall not exceed eight (8) dwelling units per acre.

C. Maximum Number of Dwelling Units - The maximum number of dwelling units permitted for a particular PMUD project shall be as set forth on the approved general development plan.

Sec.406-6 Development Standards

All buildings, structures, and parking areas in a PMUD project shall be located in a manner that complies with the minimum development standards set forth in this section.

A. Minimum Building Setbacks:

1. Setback from Rights-of-Way

a. Existing Streets: Buildings shall be located a minimum of 50 feet from all public street rights-of-way dedicated as of the date the PMUD general development plan application is submitted.

b. New or Proposed Streets: Buildings shall be located a minimum of 30 feet from all public street rights-of-way proposed as part of the PMUD project.

The Zoning Classification Adjacent to a PMUO District	Minimum Building Setbacks for Uses within PMUO District		
	Commercial Uses	Residential Uses[a]	Multi-family Uses
Commercial	0	50 feet	50 feet

Residential [a]	100 feet	35 feet	50 feet
Multi-family	100 feet	50 feet	50 feet
[a] Includes single-family detached, two-family, and single-family attached dwellings.			

2. Setback from Adjacent Districts: The following minimum building setbacks shall apply to the project boundary of PMUD wherever the boundary line abuts a parcel not included in the PMUO district:

B. Minimum Parking Setbacks:

1. Setback from Rights-of-Way - Off-street parking areas shall be located a minimum of 20 feet from all street rights-of-way.

2. Setback from Adjacent Districts – Off-street parking areas shall comply with the minimum parking setback from the project boundary of a PMUD as set forth below:

a. Wherever the project boundary line abuts a parcel in a commercial or industrial district, parking areas shall be located a minimum of 10 feet from the project boundary line.

b. Wherever the project boundary line abuts a parcel in a residential district, parking areas shall be located a minimum of 35 feet from the project boundary line.

C. Internal Separation Between Uses/Parking Areas: Setbacks between different uses and between uses and parking areas within the PMUD project shall be determined as part of the Final Development Plan.

D. Minimum Landscaped Buffer.

1. A buffer area with a minimum width of 35 feet shall be provided along the entire length of all project boundary lines that abut a residential district not in a PMUO district.

2. This buffer area shall be landscaped with trees, shrubs, ground cover and grass, or, when approved by the Township, may be left in its natural state.

3. All parking areas, access drives, and accessory structures shall be located outside this landscaped buffer area.

4. Additional landscaping may be required based on the characteristics of the uses in the PMUD and the existing or expected uses abutting the PMUD project.

E. Minimum Landscaped Area: A minimum of twenty-five percent (25%) of the PMUD project area, not including land area subdivided into standard single-family lots, shall be maintained as landscaped area and not covered by rooftops, access drives, parking and loading areas. Land area within the required buffer area shall be counted toward this minimum landscaped area requirement.

F. Common Areas, including Recreation Facilities.

1. All common areas, including any recreational facilities proposed to be constructed

in such common area, shall be clearly delineated on the development plan.

2. A legal entity, such as a homeowners' association, community association, or condominium association, shall be created and maintained so that such association is responsible for the maintenance and control of all common areas.

Sec. 406-7 Application For A PMUO

A. Submission Requirements:

1. General Development Plans – Fifteen (15) copies of a General Development Plan for a Planned Mixed Use Development project shall be filed with the Township Zoning Inspector for consideration by the Zoning Commission and the Board of Township Trustees. Submission of this General Development Plan shall be by either the owner of the property or the developer of the property and shall be accompanied by such fees and review deposits as may be established by the Township Trustees. The General Development Plan (which may be set forth on one (1) or more maps or in one (1) or more instruments), a copy of which shall be retained by the Township Trustees and deposited with the Township Fiscal Officer or the Township Zoning Inspector, shall have been signed by all owners of property, or developers with an interest in the property, within the PMUD project, shall have been drawn to scale, and shall show the following:

a. A site plan, which includes the following:

i The date;

ii The boundaries of the PMUD project;

iii A north arrow;

iv The acreage of the project;

v The topography of the project using two (2) foot control intervals;

vi The areas into which such project is to be divided for different uses, and notations indicating the proposed use and acreage for each such area;

vii The proposed pedestrian and vehicular circulation system for the project;

viii Layout and location of any common areas, and

ix General characteristics of landscaping and architectural detail, for example standards for parking and landscaping islands.

b. A phasing plan, if the PMUD project is to be constructed in phases.

c. Accompanying narrative, which shall include:

i A description of community facilities, if any;

ii Appropriate legal documents that set forth the maintenance and control of the common areas, for review by the Township's legal advisor;

iii The proposed types of uses for the development concept and the overall concept;

iv Preliminary data concerning the sewer, water and storm drainage facilities within the project;

v Projections of traffic to be generated by the proposed development; and

vi A table or descriptive text describing the proposed uses, acreage, and density.

2. Final Development Plans – For approval of a Final Development Plan, the owner or developer shall file fifteen (15) copies of such plan for any phase or phases together with a letter of application for such approval, and the appropriate fees and deposits as established by the Township Trustees for such applications. Final Development Plans shall show the following:

   a. The area to be developed and all common areas shall be accurately delineated and noted with the acreage, courses, and distances, as determined by a licensed engineer or surveyor who shall draw s̄ūch Plan and certify to accuracy thereof.

   b. The location, floor plans, and architectural elevations of all buildings, descriptive data as to the type of buildings, the number of dwelling units in each separate type and the number of apartment units based on the number of bedrooms in each apartment unit.

   c. The legal descriptions of any land that is to be set aside as common area, and the legal documents setting forth the maintenance and control of the common areas.

   d. A detailed landscaping plan for all areas proposed for parking, commercial, and multifamily development.

B. Development Plan Review Procedures: General development plans and final development plans shall be reviewed according to the following procedures.

   1. Review by Zoning Commission.

      a. All applications for Planned Mixed-Use Developments shall be transmitted to the Zoning Commission for review at least fifteen (15) days prior to the meeting at which it is to be considered.

      b. The Zoning Commission may request that the applicant supply additional information deemed necessary to adequately review and evaluate the proposed development.

   2. Review Criteria for Planned Mixed Use Developments - In reviewing plans for Planned Residential Developments, the Zoning Commission shall review and consider, but not be limited to, the following factors:

      a. General Development Plan

         i The relative scale and layout of the PMUD project provides a proper transition between the existing commercial zoning and properties surrounding the PMUO district.

         ii The proposed layout of residential uses, commercial uses, common areas and community facilities within the proposed development are located so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development.

         iii The expected phasing and timeline for construction will have minimal impact on surrounding single-family properties;

iv The criteria proposed for buffering the proposed development is sufficient to ensure that the development will have minimal impact on surrounding properties;

v The criteria for site amenities such as identification signs, monuments, typical street treatment, parking standards ensures that the project will create visually cohesive environment; and

vi The proposed pedestrian and vehicular circulation meets the objectives of the Township to create an integrated environment.

vii The draft legal documents establish an appropriate entity and financing mechanism to adequately provide for the perpetual maintenance and upkeep of all common areas.

b. Final Development Plans - Approval of a Final Development Plan shall be granted only upon finding that the following conditions are met:

i The Final Development Plan complies with the requirements of this Article and all other applicable requirements of the Brunswick Hills Township Zoning Resolution.

ii The Final Development Plan accurately sets forth the area to be developed and all common areas.

iii The Township's legal advisor has approved the legal documents setting forth the maintenance and control of common areas and said documents name the Township as a beneficial party thereto, with rights, but no obligation, to enforce the provisions contained therein.

iv The Final Development Plan is substantially in accordance with the General Development Plan previously approved by the Board of Township Trustees.

v The Final Development Plan depicts a reasonably equal distribution of the landscaped areas throughout the project, and for each phase of development.

vi Buildings and uses within the proposed development are located so as to protect the character of all residential areas adjacent to the development;

vii Significant buffer zones with adequate landscaping are provided between the proposed development and any adjacent single-family residential area;

viii The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the character of any residential areas adjacent to the development.

3. Recommendation By Zoning Commission - The Zoning Commission shall make a recommendation to the Board of Trustees that the Trustees either:

a. Approve the development plan as submitted; or

b. Approve the development plan subject to compliance with specific conditions or modifications to the plan, or

c. Deny the development plan because the proposed plan does not meet the requirements and purposes of these regulations.

4. Approval by Board of Trustees - The Board of Trustees may either adopt or deny the recommendation of the Zoning Commission or may adopt some modification thereof. The Trustees may attach such conditions or stipulations to their approval as they may deem appropriate to protect the public health, safety, and/or general welfare and to assure compliance with the purpose and intent of the PMUO District

C. Simultaneous Approval Of Subdivision Plat By Medina County Planning Commission: A preliminary subdivision plat for all or a portion of the general development plan may be submitted to the Medina County Planning Commission for review at the same time the general development plan is being considered by the Township. However, the final subdivision plat shall be in substantial conformance with the general development plan approved by the Township.

D. Significance Of An Approved Final Development Plan; Plan Revisions. An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development shall be in accordance with the approved final development plan. Any departure from such plan shall be a violation of this Zoning Resolution. Any changes in an approved final development plan shall be resubmitted for approval in accordance with these provisions.

E. Addition to a Mixed Use Overlay: All land added to a PMUO District after approval of the General Development Plan shall be required to follow the procedures outlined in Section 406-7 for the establishment and application of a PMUO District.

Sec. 407 C-1 LOCAL COMMERCIAL DISTRICT

Sec. 407-1 Purpose

This district is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for the daily or weekly needs of Township residents in locations which are strategically located to provide accessibility to Township residents. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate, off-street parking facilities, as well as an efficient and safe method of handling vehicular and pedestrian traffic. Uses in this district are intended to be limited in scale, to be compatible with surrounding residential uses, and to act as a buffer between other more intense non-residential uses and low density residential uses.

Sec. 407-2 PERMITTED PRINCIPAL USES.

See Appendix ATable of Schedule of Permitted Principal Uses.

A use listed in Appendix A shall be permitted by right as a principal use in a district when denoted by the letter "A" and shall be permitted by right as conditional use in a district when denoted by the letter "C", provided that all requirements of this Zoning Resolution and other Township regulations have been met.

Sec. 407-3 Lot Requirements

A. Minimum Lot Area - One (1) acre.

B. Minimum Lot Width at Building Setback Line - One hundred (100) feet.

C. Minimum Lot Frontage - One hundred (100) feet.

Sec. 407-4 Yard Requirements

A. Minimum Front Yard Depth - Fifty (50) feet, except as otherwise specified in Article III, Section 303-5. E.

B. Minimum Side Yard Width - fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.

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

D. Side and Rear Yards When Adjacent to a Residential District - A strip of at least twenty-five (25) feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.

Sec. 408 C-2 COMMUNITY COMMERCIAL DISTRICT

Sec. 408-1 Purpose

The purpose of this district is to provide an environment for a wide range of business enterprises and promote a mix of commercial uses that will provide goods and services for the larger community area. Establishments within this district are encouraged to be part of planned and integrated groupings of stores which adequately address traffic impacts. This district must be located in areas which have access to public water and sanitary sewer services and to major roadways.

Sec. 408-2 PERMITTED PRINCIPAL USES.

See Appendix A, Table of Schedule of Permitted Principal Uses.

A use listed in Appendix A shall be permitted by right as a principal use in a district when denoted by the letter "A" and shall be permitted by right as conditional use in a district when denoted by the letter "C", provided that all requirements of this Zoning Resolution and other Township regulations have been met.

Sec. 408-3 Lot Requirements

A. Minimum Lot Area - One (1) acre.

B. Minimum Lot Width at Building Setback Line - One hundred (100) feet.

C. Minimum Lot Frontage - Eighty (80) feet.

Sec. 408-4 Yard Requirements

A. Minimum Front Yard Depth - Eighty (80) feet, except as otherwise specified in Article III, Section 303-5. E.

B. Minimum Side Yard Width - Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.

C. Minimum Rear Yard Depth - Fifty (50) feet except that no rear yard shall be required where the business use abuts on a public parking area specifically intended to serve the particular business use and other commercial establishments abutting on the parking area.

D. Side and Rear yards When Adjacent to a Residential District - A strip of at least twenty-five (25) feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.

Sec. 409 C-3 HIGHWAY ARTERIAL COMMERCIAL DISTRICT

Sec. 409-1 Purpose

This district is established to accommodate general business uses of a type generating special purpose shopping trips and often requiring large land areas for buildings, parking, and storage. A relatively large lot area is specified to provide uses requiring spacious tracts, and to encourage the consolidation of uses on unified sites to minimize the number of curb cuts along the Major Thoroughfares along which this district is intended to be applied.

Sec. 409-2 PERMITTED PRINCIPAL USES.

See Appendix A, Table of Schedule of Permitted Principal Uses.

A use listed in Appendix A shall be permitted by right as a principal use in a district when denoted by the letter "A" and shall be permitted by right as conditional use in a district when denoted by the letter "C", provided that all requirements of this Zoning Resolution and other Township regulations have been met.

Sec. 409-3 Lot Requirements

A. Minimum Lot Area - Two (2) acres.

B. Minimum Lot Width at Building Setback Line - Two hundred (200) feet.

C. Minimum Lot Frontage - Fifty (50) feet.

Sec. 409-4 Yard Requirements

A. Minimum Front Yard Depth - Eighty (80) feet, except as otherwise specified in Article III, Section 303-5.E.

B. Minimum Rear Yard Depth - Fifty (50) feet except that no rear yard shall be required where the business use abuts on a public parking area specifically intended to serve the particular business use and other commercial establishments abutting on the parking area.

C. Side and Rear yards When Adjacent to a Residential District - A strip of at least twenty-five (25) feet in width and running the length of the side and/or rear yards shall be landscaped and planted for screening purposes. The total side and rear yards shall be maintained in a neat and orderly fashion.

Sec. 410 I-1 INDUSTRIAL DISTRICT

Sec. 410-1 Purpose

This district is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, research and development, warehousing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses. The uses allowed are those which, because of their normally non-objectionable characteristics, can be in relatively close proximity to residential and commercial districts.

Sec. 410-2 Uses

Within a I-1 Industrial District, all buildings, structures, or premises shall be used, arranged to be used, or designed to be used only for one or more of the following uses:

D. Permitted Uses

1. Off-street parking lot, deck, and garage.
2. Plant greenhouse.
3. Warehousing.
4. Wholesale establishments.
5. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities, provided that the applicant provides sufficient information for the Township Zoning Inspector to determine that such use will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat or electromagnetic disturbances:
   a. Light manufacturing and assembling of the following:
      i Canvas products such as tents and awnings.
      ii Glass and optical products from previously manufactured glass.
      iii Jewelry, clocks and watches.
      iv Scientific and other precision instruments.
      v Sporting goods.
      vi Toys and novelties.
      vii Plastics.
      viii Electric and electronic equipment.
   b. Assembly of the following:
      i Metal products.
      ii Paper products.
      iii Plastic products.
      iv Textile products.

v Wood products.

vi Rubber products.

c. Services:

i Automobile, truck, farm machinery, and trailer repair, including body repair and painting.

ii Cabinet and carpenter shops.

iii Dry cleaning plants.

iv Laboratories - research, experimental, and testing.

v Laundry plants.

vi Offices.

vii Plumbing repair and service shops.

viii Printing and publishing.

ix Roof and tin shops.

x Sign, display, and decorating shops.

d. Manufacturing, storage, distribution, and processing of the following:

i Firearms.

ii Food products.

iii Machine shop products.

iv Packaging products.

v Paint and related paint products and/or byproducts and the raw and intermediate materials associated therewith.

vi Coatings, adhesives, sealants and chemicals and the raw and intermediate materials associated therewith.

vii Pharmaceutical products (compounding only).

e. Laboratories - Experimental, film or testing, provided no operation shall be conducted or equipment used which would create hazardous or noxious conditions on adjoining properties.

6. Outdoor storage subject to Section 410-5 including the following:

a. Building materials, sales yard and lumber yard, including millwork when within a completely enclosed building.

b. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.

c. Motor, freight garage, truck, or transfer terminal, office, warehousing, and storage.

d. Products manufactured on the premises and the raw and intermediate materials for use in manufacturing said products.

7. Sexually Oriented Business subject to Section 410.6.
8. Accessory uses clearly incidental to the uses permitted on the same premises.
9. Signs - As regulated by Article V hereof.
10. Off-Street Parking and Loading - As regulated by Article VI.

E. Conditionally Permitted Uses

The Board of Zoning Appeals may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the Subsections of Article VIII, Section 802 referred to below:

1. Government owned/or operated building or facility subject to Subsection 804-8.
2. Self-storage buildings subject to Subsection 804-9.
3. Strip or open pit mining, soil removal, or extracting operations for sand, clay, stone, gravel, coal, and other natural resources subject to Subsection 804-2.
4. Outdoor business displays subject to Subsection 804-13.
5. Special events subject to Subsection 804-1.
6. Solid waste recycling shall be subject to the following Subsection 804-3.

Sec. 410-3 Lot Requirements

A. Minimum Lot Area - One (1) acre.

B. Minimum Lot Width at Building Setback Line - One hundred (100) feet.

C. Minimum Lot Frontage - One hundred (100) feet.

Sec. 410-4 Yard Requirements

A. Minimum Front Yard Depth - Fifty (50) feet, except as otherwise required in Section 410-4.D.

B. Minimum Rear Yard Depth - Fifty (50) feet, except as otherwise required in Section 410-2 above and in Section 410-4. D.

C. Minimum Side Yard Width - Twenty-five (25) feet, except as otherwise required in Section 410-2 above in Section 410-4. D.

D. Yards Adjoining any Residential District - Where the boundary of an "I" District adjoins the boundary line of any resident "R" District, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

Sec. 410-5 Regulation of Outdoor Storage

Outdoor storage of equipment, raw materials, parts, and finished products shall not encroach upon the front or side yard area. Outdoor storage may occur within the rear yard but shall not be closer to the rear or side lot line than ten (10) feet. Outdoor storage areas shall be screened from view from public or private streets by landscaping, walls, or fences adequate to constitute a six-foot high visual screen that is fifty percent (50%) opaque during

twelve (12) months of the year. Where outdoor storage abuts a residential zoning district, storage shall not encroach within two hundred (200) feet of the residential district unless there is provided not less than six-foot high visual screen which is eighty percent (80%) opaque during twelve (12) months of the year. If a structural screen is used, it shall be located not closer than ten (10) feet to the property line joining the storage area with the resident district and shall be designed to be usually compatible with residential development. The ten (10) feet between the structural screen and the property line shall be planted with trees or shrubs having a mature height of six (6) feet.

Sec. 410-6 Regulation of Sexually Oriented Businesses

A. Purpose & Intent - Studies in other jurisdictions have shown that Sexually Oriented Businesses have a blighting effect on surrounding land uses including a reduction of property values and an increase in crime. It is the purpose and intent of this resolution to regulate the location of sexually oriented businesses in order to protect the property values, residents, locally oriented businesses, churches, parks, libraries, and schools of Brunswick Hills Township from the adverse effect(s) of sexually oriented businesses. Furthermore, by regulating sexually oriented businesses, this resolution will protect and promote the public health, morals, safety and welfare of the Township from the potentially detrimental impact of such businesses. This resolution is not designed to limit and/or restrict any communicative materials, including sexually oriented materials, and/or the rights protected under the First Amendment. Furthermore, it is not the intent of this Resolution to restrict and/or deny those adults who desire to patronize such establishments or restrict and or deny the marketing of sexually oriented materials by distributors, and exhibitors.

B. Definitions - For the purposes of these regulations the following shall be considered to be Sexually Oriented Businesses.

1. "Adult Book / Video Store:" Any establishment which a substantial portion of its business consists of the sales, for any form of compensation or remuneration, or rentals, or for the purpose of display or viewing anyone of the following: Books, magazines, periodicals, or other printed materials, photographs, films, motion pictures, (Exception, films rated G, PG, PG13, or R by the Motion Picture Association)video cassettes, or any other video reproductions, slides or other visual representations figure, image, record, and poster, which depict and/or emphasize, specified sexual activities, or specified anatomical areas as defined in this Section or instruments, devices, or paraphernalia, except those classified as medical or contraceptive devices, which are designed and promoted for use in connection with specified sexual activities.

2. "Adult Arcade": Any establishment which displays images depicting and / or describing specified sexual activities or specified anatomical areas, coin-operated, token operated, electronically, electrically, mechanically controlled still or motion picture machines, projectors or other image-producing devices.

3. "Adult-Only Live Entertainment Business" Any business or establishment where the patron directly or indirectly is charged a fee and where the establishment features: live entertainment, persons appearing in a state of nudity as described in this section or, live performances which depict, describe, expose specified

anatomical areas or specified sexual activities as described in this section, or exhibitions, dance routines, or gyrations choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or any other similar entertainment or service that constitutes adult material as defined in this section.

4. "Adult Motion Picture Theater": An establishment that for any form of consideration regularly uses a substantial amount of its total viewing time for presenting material including but not limited to films motion pictures, movies video cassettes, pictures, slides, DVDs, or any other similar photographic material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities and or specified anatomical areas. Exception, films rated G, PG, PG-13, or R by the Motion Picture Association.
5. "Adult Theater": A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity, or live performances which emphasize the exposure of specified sexual activities or specified anatomical areas.
6. "Escort Agency": A commercial use which supplies, offers to supply or advertises to supply "escorts" as defined here (one or more persons, male or female accompanying another) as one of its primary business functions for a fee, tip, or other consideration.
7. "Massage Parlor": Any establishment where for any form of consideration, provides massages, alcohol rubs, electric, heat or magnetic treatments, or any other manipulations of the human body which promotes or is connected with specified sexual activities or where any person providing such treatment, manipulation, or related service, exposes his or her specified anatomical areas. This resolution does not define the practice of massage in any licensed hospital, nor by a licensed chiropractor, osteopath or massotherapist nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program as a sexually oriented business.
8. “Nude Model Studio": Any establishment where a person, for any form of consideration, appears in a state of nudity or displays specified anatomical areas solely to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. "Nude Model Studio" does not include: a proprietary school licensed by the State of Ohio; Any college, (junior or university), deriving its support entirely on or in part by public taxation; A private college or university that offers accredited educational programs, which are transferable to a college, (junior or university), which, derives its support entirely on or in part by public taxation; A use where classes or sessions are held in a structure bearing no visible exterior sign nor any other forms of advertising which would indicate or imply the availability of a nude or semi-nude person for viewing and where student enrollment must be made at least three days prior to the commencement of the class in order to participate and where one and only one nude or semi-nude model is on the premises at anyone time.
9. “Sexual Encounter Establishment": Any business which exists and offers for any

form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons is in a state of nudity or semi-nudity. Establishments where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state to engage in medically approved and recognized sexual therapy shall not be defined as a sexually oriented business.

10. "Nudity" and "State of Nudity": The showing, displaying, depiction or representation of any of the following: the human male or female genitals, pubic area, buttocks, or the areola of the female breast and/or a state of dress which fails to cover opaquely human genitals, pubic area, buttocks, or the areola of the female breast.
11. " Semi-nude": Any state of dress which covers no more than the human genitals, pubic area, buttocks and the areolas of the female breast, as well as portions of the body covered by supporting straps or devices.
12. "Bottomless": Less than the full opaque covering of the human male or female genitals, pubic area or buttocks.
13. "Topless": The displaying of a female breast with less than a full opaque covering of any portion thereof below the top of the areola.
14. "Specified Anatomical Areas": is defined as and includes any of the following: human male or female genitals, or any clothing or material that is less than completely opaque which covers the human male or female genitals, pubic area, buttocks, anus, or female breasts below a point immediately above the top of the areolas, or the human male genitals in a distinctly turgid state, even if completely and opaquely covered.
15. "Specified Sexual Activities": Is defined as and includes any of the following: the fondling or any other erotic touching of the human male or female genitals, .pubic area, buttocks, anus, or female breasts, or sex acts, actual or simulated, normal or perverted, including but not limited to intercourse, oral copulation, or sodomy, or masturbation, actual or simulated, or the human male or female genitals, or female breasts in a state of sexual stimulation or arousal excretory functions as a result of or in connection with any of the activities as defined above as.
16. “Sex Shop”: an establishment offering goods for sale or rent that meet any of the following requirements: Adult media, leather goods or marked or presented in a context to suggest their use for sadomasochistic practices: sexually oriented toys and novelties, including but not limited to, instruments, devices, or paraphernalia either designed as representatives of the human organs or female breasts, or designed or marked primarily for use to' stimulate human genital organs.

C. Specified Sexual Activities Locations and Restrictions - Sexually Oriented Businesses may be located and operated only in accordance with the following:

1. No Sexually Oriented Business shall be located within 500 feet of any existing residence.

2. Oriented Businesses shall be located a minimum of 500 feet from any other sexually oriented business.
3. Sexually Oriented Business shall be restricted to one Sexually Oriented Business per principal structure and one structure per parcel.
4. Sexually Oriented Business structures shall be designed to prevent internal activities and displays from being seen outside.
5. All activities, programs, and other events of a Sexually Oriented Business shall be adequately and properly supervised so as to prevent any hazard and to prevent any disturbance or nuisance to surrounding properties, residents, or to the Township in general

D. Prevalence of Conforming Use:

1. A Sexually Oriented Business which is lawfully and legally located and operating as a conforming use pursuant to these regulations set forth in this resolution, shall not be rendered a "non-conforming use" if a church, school, library, residence or any other sensitive use as described in Section C subsection 3, locates within the 500-foot required buffer area.

ARTICLE V SIGN REGULATIONS

Sec. 501 PURPOSE

The purpose of this article is to provide for the use, location, and size of signs throughout the Township in an orderly manner that will promote traffic safety, provide for adequate identification of uses, and minimize the confusion, unsightliness, and self-defeating consequences of the use of an excessive number of signs or signs of excessive size.

SEC. 502 SIGNS PERMITTED IN ANY DISTRICT

Sec 502-1 Permanent signs limited to the following:

A. Signs incident to legal process and necessary to the public safety and welfare. No Zoning Certificate or fee shall be required.

B. Memorial signs or tablets, names of buildings, and date erection. Memorial signs or tablets shall have an area not to exceed six (6) square feet facing each street and shall be affixed flat against the building. Signs under this subsection shall not be illuminated. No Zoning Certificate or fee shall be required.

C. Size of signs permitted appropriate to a public or semipublic building be twenty (20) square feet for building(s) with up to and including five

D. (5) tenants or occupants.

E. Size of signs permitted appropriate to a public or semipublic building be forty (40) square feet for building(s) with up to and including six (6) or more tenants or occupants.

F. One (1) non-illuminated sign not to exceed two (2) square feet in area is permitted when in direct relation to a permitted home occupation or indicating the name of the occupant. Such sign shall be not closer than twenty (20) feet to either side lot line.

G. Sign, Institutional is a church, school, community center or other public or institutional building for its own use: an announcement sign or bulletin board not exceeding thirty two (32) square feet in area, six (6) feet in height and not to be located closer than ten (10) feet to any road right-of-way.

Sec 502-2 Temporary signs limited to the following:

A. Real Estate and Development Signs:

1. One (1) non-illuminated real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or rent of the particular building or premises upon which displayed. Such signs shall not be closer than ten (10) feet from any street right-of-way line. Such sign shall be removed within ten (10) days after the time said building or premises is sold, leased, rented, or the real estate listing for the property is withdrawn. No Zoning Certificate or fee shall be required. The permitted size of real estate signs is thirty- two (32) square feet in commercial zones only: C1, C2, and C3. One (1) temporary real estate sign facing each abutting thoroughfare advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary one (1) year renewable Zoning Certificate, and shall be removed from the premises within thirty (30) days of the

sale or lease of the last lot thereof or upon the expiration of any twelve (12) month period during which no lot is sold or leased or in the case of a multifamily or non-residential development, within thirty (30) days of the date of occupancy of any part of the project for its intended purpose. Projects that are developed in stages may be permitted by the Board to have one such sign for each phase but shall at no time have more than one such sign facing any abutting thoroughfare. Such sign shall not exceed fifty (50) square feet in area nor shall be located closer than twenty-five (25) feet from any street right-of-way line. Illumination shall be restricted to light projected onto the sign area from a remote source. Renewal of the Zoning Certificate shall be made only if the sign and the ground upon which the sign is located are maintained in a neat and orderly manner.

Sec 502-3 Special Event Signs

The Township Zoning Inspector may issue a permit in any district the placement of not more than four (4) temporary signs within the Township for a period not to exceed thirty (30) days.

Sec 502-4 Signs relating to Seasonal Sale of Agricultural Products at Roadside Stands

Not more than two (2) signs advertising the sale of agricultural products produced on the premises at roadside stands shall be permitted not closer than ten (10) feet to the road right-of-way. Area of each sign shall not exceed sixteen (16) square feet and height shall not exceed six (6) feet. Such signs shall be removed at the conclusion of the seasonal sales.

Sec 502-5 Signs-ODOT Approval

All signs not included in the list of excepted signs in the ORC 5516.02 and 5516.06 and less than 600 ft. from the rights-of-way of a state highway on the interstate system or state primary highway, specifically I.R. 71, S.R. 303, and S.R. 42, are subject to regulation by ODOT. Zoning permits for signs not included on the list of exceptions in the ORC 5516.02 and 5516.06 along such rights-of-way shall not be issued without evidence that a permit has been first issued by ODOT, or that ODOT has determined that a state permit is not required.

SEC. 503 SIGNS PERMITTED IN PLANNED UNIT RESIDENTIAL DEVELOPMENTS

Sec. 503-1 Identification Signs

A. Not more than two (2) signs aggregating not in excess of forty (40) square feet shall be permitted at entrance from Major Thoroughfare to identify a multifamily development having a minimum of twenty-four (24) dwelling units or any planned unit residential development. Not more than one sign of such size shall be permitted at entrances from all other roads. Such signs shall be not closer than five (5) feet from the road right-of-way and shall be not closer than twenty (20) feet from the side lot line. All such signs shall be landscaped and maintained in a neat and orderly manner. Illumination shall be limited to light projected on the sign area from a remote source.

Sec. 503-2 Directive Signs

B. Non-illuminated signs may be used in a planned unit residential development to direct vehicular traffic within the development and assure the safety of the residents and visitors in such a development. Such signs shall be of a size and constructed of materials to be compatible with a residential development. A plot plan indicating such

signs shall be submitted to the Board of Appeals and approved prior to sign construction. The Board of appeals may require changes in sign specifications in order to maximize the safety and welfare of future residents of the development and may permit illumination of signs strategically located to facilitate traffic direction.

SEC. 504 SIGNS PERMITTED IN COMMERCIAL DISTRICTS

Signs shall be permitted in a commercial or industrial district and shall be limited to those specifically permitted below. Such signs are subject to the following regulations:

Sec. 504-1 Identification Signs

A. Not more than one wall on building face identification sign may be fixed flat against the wall of a building or o the face of a marquee wall except in the case of a corner lot, one sign may be placed on the sides facing each thoroughfare. No sign shall extend above or beyond the building wall or project more than eighteen (18) inches from the front of the structure. Such sign shall not exceed twenty-five (25) square feet or five percent (5%) of the area of the face of the building to which the sign is affixed, whichever is larger. If the building is either on a corner lot or if any adjacent building side faces an open parking area sufficient for the parking of ten (10) vehicles or more, the adjacent side may carry a second sign not exceeding the size of the sign on the street side of the building or five percent (5%) of the area of the face of the building to which the sign is affixed, whichever is larger.

B. In lieu of other signs permitted by this section, not more than one (1) freestanding identification sign may be located to identify a planned unit commercial development per commercial lot, and shall not be closer than thirty-five (35) feet to the road right-of-way line, nor twenty-five (25) feet to any side lot line. Sign area shall not exceed fifty (50) square feet. Maximum height shall be thirty-five (35) feet.

C. In addition to other signs permitted by this section, Automobile Service Stations may have not more than one (1) unlighted, double-faced sign per pump island not greater than twenty-four (24) inches by thirty (30) inches confined to the pump islands and permanently attached.

D. In addition to other signs permitted by this section, not more than one (1) freestanding identification sign may be located to identify an Automobile Service Station in a C-3 Highway Arterial Commercial District. Such sign shall not exceed an area thirty (30) square feet nor exceed thirty-five (35) feet in height. Such sign shall not be closer than ten (10) feet to any property line. Not more than one (1) freestanding identification sign may be located not closer than twenty-five (25) feet to the street right-of-way line, nor closer than ten (10) feet to any side lot line. Sign area shall not exceed forty (40) square feet. Maximum sign height shall be twenty-five (25) feet.

Sec. 504-2 Directive Signs

A. Not more than two (2) directive signs each not to exceed eight (8) square feet in sign area may be located not closer than ten (10) feet to the road right-of-way line to direct vehicular traffic on the premises in order to promote traffic safety.

B. Safety Signs shall not exceed eight (8) feet in height and shall be no closer than five (5) feet to either side lot line. No such signs shall be constructed in a manner that will obstruct vision of vehicular traffic. Sign contents shall be confined to information

directing traffic on the premises. Additional directive signs not to exceed three (3) square feet in area may be located not closer than five (5) feet to either side lot line. No such signs shall be constructed in a manner that will obstruct vision of vehicular traffic. Sign contents shall be confined to information directing traffic on the premises. Additional directive signs not to exceed three (3) square feet in area may be located not closer than twenty (20) feet to the street right-of-way where necessary for traffic safety.

C. Signs Permitted in Planned Mixed Use Overlay District See Article V. 511.

SEC. 505 SIGNS PERMITTED IN INDUSTRIAL DISTRICT

Sec 505-1 Identification Signs

A. Not more than one (1) wall or building face may be fixed flat the wall of a building or on the face of a marquee wall except in the case of a corner lot, one (1) sign may be placed on the sides facing each thoroughfare. No sign shall extend above or beyond the building wall or project more than eighteen (18) inches from the front of the structure. Such sign shall not exceed twenty-five (25) square feet or five percent (5%) of the area of the face of the building to which the sign is affixed, whichever is greater.

B. Not more than one (1) freestanding identification sign may be located not closer than thirty-five (35) feet to the street right-of-way line, nor closer than ten (10) feet to any side lot line. Sign area shall not exceed fifty (50) square feet.

Sec 505-2 Directive Signs

A. Not more than two (2) directive signs each not to exceed eight (8) square feet in sign area may be located closer than ten (10) feet to the road right-of-way line to direct vehicular traffic on the premises in order to promote traffic.

B. Safety signs shall not exceed eight (8) feet in height and shall be no closer than five (5) feet to either side lot line. No such sign shall be constructed in a manner that will obstruct vision of vehicular traffic. Sign contents shall be confined to information directing traffic on the premises. Additional directive signs not to exceed three (3) square feet in area may be located not closer than twenty (20) feet to the street right-of-way where necessary for traffic safety.

SEC. 506 OUTDOOR ADVERTISING SIGNS

A. Outdoor advertising signs are hereby classified as a business use and are permitted in all commercial and industrial zones. Such signs shall be subject to the following regulations:

1. An outdoor advertising sign may be painted on or otherwise affixed to and supported by a wall of a business or industrial building. No part of the sign shall extend above or beyond the wall to which it is attached nor project from the wall to which it is attached more than eighteen (18) inches.

2. A freestanding sign may be used for outdoor advertising providing that it is located in compliance with set-back requirements for the respective zoning district. The height of the freestanding sign shall not exceed thirty-five (35) feet above grade.

3. The area of an outdoor advertising sign shall not exceed two hundred (200) square feet or ten percent (10%) of the area of the wall to which it is attached, whichever is less.

SEC. 507 SUPPLEMENTARY REGULATIONS

A. Prohibited Signs - Animated, blinker-type, and moving or revolving signs shall be prohibited.

B. Location - Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at street intersections or signals at railroad grade crossings. No sign shall be constructed on or over any street right-of-way.

C. Similarity to Traffic Control Devices - Sign visible from a street shall not contain any words or symbols that would cause confusion because of their resemblance to highway traffic directional signals.

D. Identification - All signs must carry the name of the advertising agency, the erector, or their authorized agent.

E. Temporary Signs - Each business establishment shall be allowed to erect a temporary sign for a period of time not to exceed thirty (30) consecutive days. This temporary sign may be erected (or placed) for special occasions such as "Grand Openings," "Special Sales," etc. Each business establishment shall be allowed to obtain a permit for a temporary sign not more than twice in one (1) year with a six (6) month period of time between displays. Such temporary signs shall not exceed thirty-two (32) square feet in area. This shall include lights, banners, trailers, or framework. The Zoning Permit shall be obtained prior to erection or placement of the temporary sign.

SEC. 508 ILLUMINATION

A. Signs which are illuminated may use either indirect internal and/or external lighting except outdoor advertising signs which shall have only external lighting.

B. The source of light for all signs shall not be visible from the street and external light sources shall not shine on adjoining properties. Outdoor advertising signs adjacent to and facing a residential district shall not be illuminated. No flashing, revolving, animated, or intermittent illumination shall be employed.

C. Any sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred (100) feet or any intersection where an illuminated device has been provided for the control of traffic shall not duplicate in the electric light of such sign, any colors appearing in the traffic control signal.

SEC. 509 MAINTENANCE

A. The Township Zoning Inspector may order any sign to be painted or refinished at least once each year if needed to keep the sign in a neat and safe condition; all supports, guys, braces, and anchors for such signs shall be maintained in a safe condition.

B. The Township Zoning Inspector may order removal of any such sign that is not so maintained, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the Township Zoning Inspector to do so.

SEC. 510 REMOVAL OF SIGNS

A. Notwithstanding any other provisions of this Resolution, every sign or other advertising structure in existence on adoption of these regulations which violates or

does not conform to the provisions hereof, shall be removed, or altered, or replaced so as to conform with the provisions of the regulations at such time as the sign is replaced or altered by the present owner or at such time as transfer of title of the business is made.

B. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which sign may be found within ten (10) days after written notification from the Township Zoning Inspector, and upon failure to comply with such notice which the time specified in such order, the Township Zoning Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

C. If the Township Zoning Inspector shall find that any sign or other advertising structure regulated here in unsafe, insecure, a menace to the public, has been constructed, erected, or is being maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Township Zoning Inspector to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forthwith ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply with these regulations at the expense of the permittee or owner of the property upon which it is located. The Township Zoning Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Township Zoning Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

SEC. 511 SIGNS PERMITTED IN A PLANNED MIXED-USE DEVELOPMENT

A. Signs as regulated in Sections 501, 502, 506, and 512 and as provided below:

1. Signs permitted in the residential portion of the planned mixed use development

   a. Not more than two (2) signs aggregating not in excess of forty (40) square feet at each entrance from Major Thoroughfare.

   b. One (1) sign not in excess of 40 sq. ft. at the entrance of all other roads.

   c. The signs provided for in a. and b. above shall be no closer than five (5) ft. from the road rights-of-way and shall not be closer than twenty (20) ft. from the side lot line.

   d. All such signs shall be landscaped and maintained in a neat and orderly manner.

   e. Illumination shall be limited to light projected on the sign from a remote source.

2. Signs permitted in the commercial portion of a planned mixed-use development

   a. One sign per building fixed flat against the wall of the building face or the face of a marquee wall except in the case of a corner lot, one sign may be placed on the sides facing each thoroughfare.

   b. No sign shall extend above or beyond the building wall or project more

than eighteen (18) inches from the front of the structure.

c. Such sign shall not exceed twenty-five (25) square feet or five percent (5%) of the area of the face of the building to which the sign is affixed, whichever is larger.

3. If the building is either on a corner lot or if any adjacent building side faces an open parking area sufficient for the parking of ten (10) vehicles or more, the adjacent side may carry a second sign not exceeding the size of the sign on the street side of the building or five percent (5%) of the area of the face of the building to which the sign is affixed, whichever is larger.

a. In lieu of wall set forth above, one (1) freestanding sign per commercial portion of a planned mixed-use development may be erected.

b. Such sign shall not be closer than 35 feet to the road right-of-way line, and no more that 25 feet to any side lot line.

c. Such sign area shall not exceed 50 square feet in area.

d. Such sign shall have a maximum height not to exceed 35 feet.

B. Other signs may be permitted as found appropriate by the Board of Township Trustees as part of its approval of the final development plan.

SEC. 512 ZONING CERTIFICATE REQUIRED

A Zoning Certificate shall be required for every permitted sign except as otherwise provided herein.

SEC. 513 FEES

For the appropriate fees, see Section 901-4.

ARTICLE VI PARKING AND LOADING REQUIREMENTS

Sec. 601 OFF-STREET PARKING

In all districts, in connection with every building or part thereof hereafter created and in connection with every use of the land hereafter established, sufficient parking facilities shall be provided off-street to meet all the parking needs; the nearest edge of such facilities shall be within five hundred (500) feet of the principal permitted use or building.

Sec. 601-1 Minimum Number of Off-Street Parking Spaces Required in All Districts

The parking spaces for uses listed below shall be required of uses wherever such use is permitted by the respective district regulations. The inclusion of a use below shall not be construed as permitting that use except when that use is specifically permitted by the applicable district regulations:

A. Auditorium, Stadium, and Similar Uses - One (1) for each four (4) seats based on maximum seating capacity.

B. Automobile Repair Garages - One (1) for each employee plus one (1) for each three hundred (300) square feet, or fraction thereof, of floor area.

C. Barbershops and Beauty Parlors - Three (3) for each barber or beauty operator station.

D. Business and Professional Offices, Banks, and Studios - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.

E. Churches and School Auditoriums - One (1) for each three (3) seats in the principal auditorium, based on maximum seating capacity.

F. Clubs and Lodges - One (1) for one hundred fifty (150) square feet, or fraction thereof, of floor area or one (1) for each three (3) seating spaces in the assembly room.

G. Commercial Recreation - One (1) for each person in designed capacity of facility, plus one (1) space for each employee.

H. Dwelling - Two (2) for each dwelling unit, at least one (1) of which shall be enclosed, provided, however, that multifamily residential structures exceeding three stories in height shall have one (1) parking space enclosed within the residential structure for every two (2) dwelling units therein.

I. Hospitals, Continuing Care, Nursing, and Health Homes - One (1) parking space for each two (2) beds, plus one (1) space for each employee.

J. Hotels, Motels, and Tourist Homes - One (1) parking space for each one (1) sleeping room.

K. Indoor Theaters - One (1) for each three (3) seats.

L. Industrial, Manufacturing, and Wholesale Establishments - One (1) for each four hundred (400) square feet, or fraction thereof, of floor area.

M. Laundromat - One (1) for each two (2) washing machines.

N. Libraries and Museums - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.

O. Lodging Houses, Boarding Houses - One (1) for each guest room but not less than two

(2) in any case.

P. Clinics – One (1) for each one hundred fifty (150) square feet, or fraction thereof, of floor area.

Q. Mortuaries or Funeral Parlors - One (1) for each two (2) persons in designed capacity of facility.

R. Restaurants - One (1) for each two (2) seats of maximum designed capacity.

S. Roadside Stand - Five (5) parking spaces.

T. Small Retail Stores and Personal Service Shops, etc. - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area with a minimum of three parking spaces per establishment.

U. Supermarkets, Department Stores, and Similar Large Retail Stores - One (1) for each two hundred (200) square feet of floor area.

V. Furniture stores, appliance stores, and other specialized retail or wholesale stores that require large display areas relative to the number of customers serviced at any one (1) time. One (1) for each one thousand (1,000) square feet of floor space, plus one (1) for each employee.

W. Shopping Centers - Five and one-half (5.5) for each one-thousand (1,000) square feet of gross leasable area.

Sec. 601-2 General Regulations

A. Floor Area - For the purpose of this section, "floor area" shall mean the horizontal areas of the several floors of a building, measured from the interior faces of the exterior walls.

B. Parking Space - Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles. Driveways serving individual parking spaces shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17½) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five

C. (45) degree parking. All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

D. Parking Area Design - Such parking areas shall be of useable shape, improved with bituminous, concrete, or equivalent surfacing, and graded and drained to dispose of all surface water in a manner designed to minimize adverse effects on abutting properties, streams, and public streets. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to contain the cars on sloping surfaces and to prevent any part of a parked vehicle from extending over a property line or into landscape materials required as a visual screen along the perimeter of a parking area.

E. Parking areas which are adjacent to a residential district shall be screened from such residential district by a landscaped planting strip at least five (5) feet in width and improved with plant materials that will provide an obscuring screen not less than five (5) feet in height and of fifty (50%) percent opacity during twelve (12) months of the year.

F. Entrances and Exits - Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall be not more than two (2) accessways abutting on any one (1) street, unless otherwise specified by the Ohio Highway Department, or the Medina County Engineer. Such accessways shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential uses may have accessways of not less than eight (8) feet.

G. Yard Restrictions - Off-street parking facilities shall not occupy any part of any required front or side yard in all O-C and R Districts. In all C Districts and in all I Districts, open off-street parking facilities may be located in the required front yard provided that at least a twenty (20) foot wide landscaped strip is located between the parking area and the street right-of-way line. In all districts, open off-street parking facilities may occupy the required rear yard providing that a five (5) foot landscaped strip separates parking from all property lines abutting the rear yard.

H. Location - The parking spaces required for dwelling units shall be located on the same lot and parking spaces required for other uses shall be located on the lot or within five hundred (500) feet of the use measured along lines of public access to the property but shall not be allowed in residential districts except as provided in Subsection "G" below.

I. Joint Use - Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access, and that are not normally used between the hours of 6

J. a.m. and 6 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five percent (75%) of the off-street parking requirements of a church.

K. Parking spaces already provided to meet off-street parking requirements for commercial and industrial establishments lying within five hundred (500) feet of a place of public assembly along lines of public access that are not normally in use between the hours of 6 p.m. and midnight and are made available for other parking may be used to meet not more than fifty (50%) percent of the total requirements of parking space.

L. Maintenance - The owner of the premises shall be responsible for assuring that parking areas are maintained in good repair. All parking areas shall also be maintained so as to be free of dust, trash and debris.

M. Land Banking - An applicant for a Zoning Certificate may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required by this Zoning Resolution. The request shall include a detailed drawing of a complete parking layout and identifying those areas proposed for immediate construction and those to be temporarily retained

in landscaped open space. Such land banked parking plans shall be referred to the Zoning Commission, which may approve a total parking layout which permits a portion of the required parking spaces to be reserved and temporarily retained in landscaped open space where the Zoning Commission determines such arrangement to be appropriate. Prior to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Township Zoning Inspector determines that the land banked parking is necessary for the operation of the use.

Sec. 602 LOADING AND UNLOADING SPACE REQUIREMENTS

Sec. 602-1 Minimum Spaces Required

A. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:

1. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional ten thousand (10,000) square feet, or fraction there of, of gross floor area in the building.
2. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
3. Loading space as required under this section shall be provided as area additional to off-street parking spaces required under Section 601 and shall not be considered as supplying off-street parking space.

Sec. 603 PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading, or servicing shall be done on the right-of-way of any publicly dedicated thoroughfare.

ARTICLE VII NONCONFORMING USES, BUILDINGS AND LOTS

Sec. 701 PURPOSES

The purpose of this article is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution or amendments thereto. It is also the purpose of this Article to impose limitations on the development of sub-standard lots.

Sec. 702 REGULATIONS

The lawful use of any building or land existing at the effective date of this Resolution or amendments thereto may be continued, although such use does not conform with the provisions of this Resolution.

A. Alterations - A building, structure, or parcel containing a nonconforming use may be altered, improved or reconstructed, enlarged, or extended, provided such work is not to an extent exceeding fifty (50%) percent of the cubic feet of volume of such structure or square feet of land area of the use as originally existed at the time such use became legally nonconforming. Only one such fifty (50%) percent extension, enlargement, alteration, or addition involving the same premises shall ever be permitted unless the building or structure is changed to a conforming use.

B. Nonconforming to Nonconforming Use - A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is in less conflict with character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.

C. Restoration - Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure, damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution wherein the expense of such work does not exceed fifty (50) percent of the replacement cost of the building or structure at the time such damage occurred.

D. Construction Approved Prior to Resolution - Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a Zoning Certificate has been issued prior to the effective date of this Resolution or any amendment thereto provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within two (2) years after the issuance of said Zoning Certificate.

E. Displacement - No conforming use shall be extended to displace a conforming use.

F. Discontinuance or Abandonment - Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this Resolution.

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

H. Certificate of Nonconforming Use - Upon observation of a nonconforming use and/or within one (1) year of the effective date of this Resolution, the Township Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.

1. In accordance with the provisions of this section, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless said use shall be in conformance with the District Regulations of the District in which the property is located.

2. A copy of each "Certificate of Nonconforming Use" shall be filed in the office of the Board of Zoning Appeals and a copy retained by the Township Zoning Inspector.

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

SEC. 703 NON-CONFORMING LOTS

A. Single Non-Conforming Lots of Record - In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to the regulations for the district in which such lot is located can be met. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

B. Non-Conforming Lots of Record in Combination - If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

SEC. 704 CHANGE IN USE, OWNER, OR OPERATOR

Any non-conforming use of a building or land shall be reviewed by the Township Zoning Inspector whenever there is a change in the owner or operator or in the use.

ARTICLE VIII CONDITIONAL ZONING CERTIFICATES

Sec. 801 PURPOSE

Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish such dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditionally Permissible Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

Sec. 802 APPLICATION AND REVIEW PROCEDURES

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

Sect. 802-1 Submission

Applications shall be submitted to the Township Zoning Inspector on special forms provided for that purpose. Each application shall include, at a minimum, the following:

A. The special application form completed and signed by the applicant. Where the applicant is not the property owner, a signed statement by the property owner authorizing the applicant to act as the property owner’s agent in seeking the Conditional Zoning Certificate.

B. Fifteen (15) copies of a site plan conforming to the provisions of Section 904.

C. Complete plans and specifications for all proposed development and construction.

D. A statement supported by substantiating evidence regarding the requirements and criteria for Conditional Zoning Certificates as set forth herein.

E. A filing fee in such amount as may be established by the Township Trustees.

F. The Board of Zoning Appeals may, at its discretion, refer an application to qualified consultants for a such reports as the Board may deem necessary and appropriate for proper evaluation of the application. The cost of any such consultant reports shall be at the expense of the applicant. The applicant shall be notified of the cost of such reports and shall immediately deposit with the Township Fiscal Officer funds in said amount prior to any further consideration of the application by the Board. Reports so requested shall be furnished to the Board of Zoning Appeals and the applicant as soon as it is practicable.

Sec. 802-2 Review and Referral

The Township Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Zoning Resolution. Within seven (7) business days of the submission date, the Township Zoning Inspector shall determine whether the application is complete. If the application is determined to be insufficient, the Township Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Township Zoning Inspector shall officially accept the application and commence the review process by referring the application to the Board of Zoning Appeals.

Sec. 802-3 Notice and Hearing

After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing. Written notice of the hearing shall be mailed, by first class mail at least ten (10) days prior to the date of the public hearing to all owners of property contiguous to and directly across the street from the subject site to the address of such owners appearing on the County Auditor's current tax list. Said notice shall indicate the place, time, and subject of the hearing.

Sec. 802-4 Basis of Determination

No Conditional Zoning Certificate shall be approved unless the Board of Zoning Appeals shall establish by the preponderance of the evidence presented that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed use. The Board of Zoning Appeals may impose such additional conditions and safeguards as it may deem necessary for the general welfare, the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed.

Sec. 802-5 Issuance of Certificates

Upon approval by the Board of Zoning Appeals, the Township Zoning Inspector shall issue a Conditional Use Certificate setting forth the specific use approved by the Board and the terms and conditions of such approval.

Sec. 802-6 Termination

Conditional Zoning Certificates shall become null and void at the expiration of one (1) year after the date of issuance unless either the use for which the Certificate was approved has commenced or a valid building permit has been obtained and construction of the approved buildings, structures, and other improvement is being diligently pursued, or said time is extended by the Board of Zoning Appeals.

Sec. 802-7 Periodic Review of Conditionally Permitted Uses

Uses which have been issued Conditional Zoning Certificates by the Board of Zoning Appeals shall be periodically reviewed by the Township Zoning Inspector to verify compliance with the terms and conditions of such Conditional Zoning Certificates.

SEC. 803 GENERAL STANDARDS FOR ALL CONDITIONAL USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each

proposed use in terms of the following standards and shall determine whether there is adequate evidence showing that such use on the proposed location:

A. will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Land Use Plan;

B. will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

C. will not be hazardous or disturbing to existing or future neighboring uses;

D. will not be detrimental to property in the immediate vicinity or to the community as a whole;

E. will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

F. will not be detrimental to the economic welfare of the Township;

G. will be in compliance with State, County, and Township Regulations;

H. will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads; and

I. will be consistent with the spirit and intent of this Zoning Resolution.

SEC. 804 SPECIFIC STANDARDS FOR CONDITIONAL USES

In addition to the general standards set forth in Section 803, the Board of Zoning Appeals shall also consider whether applications for Conditional Zoning Certificates comply with the specific standards for such uses as set forth herein.

Sec. 804-1 Special Events

Special event areas may be permitted by the Board of Zoning Appeals, provided that the following conditions are met:

A. The time period does not exceed seven (7) consecutive days within any month period.

B. All operations are conducted at least two hundred (200) feet from all buildings.

C. Such operations do not cause or produce any dust, gas, smoke, noise, fumes, odors, or vibrations detrimental to persons or property in a neighborhood.

D. Any light used to illuminate the event shall be arranged so as to direct the light from adjacent premises.

E. No public address system shall be installed on the property unless it is modulated so as not to be disturbing to occupants of any nearby building.

F. All structures and apparatus shall be removed from the premises as swiftly as possible following the closing of the event.

G. The hours of operation shall be limited to between 10 a.m. and 10 p.m.

H. Clean up of the area shall be completed within the two (2) days following the

conclusion of the special event.

Sec. 804-2 Mining, Soil Removal, Or Extracting Operations

A. A plan recommended and approved by an appropriate state or federal department concerned with soil science and land conservation, indicating proposed stages and specific places of operation, providing for progressive rehabilitation of the land during operations so that at the termination of operations the land will be no more detrimental to persons or property than prior to the start of operations, and providing for adequate safety measures to protect the public.

B. The area being mined or excavated shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored or overburden stored within one hundred (100) feet of any lot line not owned or controlled by the developer or operator of said business or the agent of the developer or operator of said business, nor shall such mineral extraction business be conducted closer to any lot line or street so that areas continuous and adjacent thereto do to have adequate lateral support.

C. A financial performance guarantee for the removal from the site after the termination of operations any abandoned equipment and accessories, shall be submitted to the Township Board of Trustees in an amount per acre or fraction thereof to be set by the Board of Zoning Appeals after consultation with the state or federal department approving the plans. The amount of the financial guarantee shall be sufficient to assure rehabilitation for the number of acres planned for operations during at least the ensuing twelve (12) consecutive months.

D. A distance of no less than two hundred (200) feet must be maintained at all times from the nearest edge of the operating site to any residence (other than that of the owner) existing at the start of operations. The front yard, side yard, rear yard shall have a depth of no less than one hundred (100) feet to the nearest edge of operations.

E. Equipment and trucks shall be operated no earlier than 8 a.m. nor later than 6 p.m.

F. No asphalt, cement, or resins shall be brought to the site to be processed.

G. Approval shall be for a period not in excess of twelve (12) consecutive months, subject to renewal for additional twelve (12) month periods, provided that the Board of Zoning Appeals is satisfied that no detriment to persons or property has occurred.

Sec. 804-3 Solid Waste Recycling Facilities

A. Solid waste recycling shall be conducted in an enclosed building and shall not include medical, infectious or hazardous waste.

B. Such facilities shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or a Collector Street.

C. Shall not be located adjacent to residential uses.

D. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.

E. Approval shall be for a period not to exceed three (3) years.

Sec. 804-4 Adult Group Homes

Adult Group Homes shall meet the following requirements:

A. Single occupancy rooms shall provide a minimum floor area of one hundred (100) square feet.

B. Double occupancy rooms shall provide a minimum floor area of two hundred (200) square feet.

C. One (1) closet shall be provided for each room.

D. No room can be used as a hallway or throughway.

E. Doors and hallways wide enough to accommodate wheelchairs of at least three (3) feet on the first floor.

F. Afford two (2) method of egress from each room, i.e., a door and an outside window of sufficient size to permit an easy secondary means of escape.

G. Fire alarms and extinguisher shall be provided as determined by local fire officials.

H. Provide the local fire officials with an evacuation plan which, following approval, shall be kept on file at the fire station.

I. Provide an overall floor plan of the home to the local Fire Department. This shall be kept on file at the fire station.

J. One bathroom per each four (4) residents that shall include grab bars by all tubs, showers, and toilets.

K. Provide a central living room and/or sitting room of at least twenty-five (25) square feet per resident.

L. Exterior illumination shall be provided for the safety and convenience of residents and their guests and employees, but shall not be of excessive brightness and shall not be placed in such a way as to cause annoying glare or reflections on neighboring premises, the public streets, or the occupants of the building.

M. Adequate laundry facilities or services shall be provided.

N. Provide off-street parking for all resident vehicles.

O. Adult Group Homes shall be located at least six hundred (600) feet from an existing comparable facility, as measured along existing road frontage.

P. The primary use of the homes shall be as a residence, thus any such facility shall maintain an outward appearance consistent with the residential district in which it is located and give no evidence of any use other than ordinary residential activity taking place therein.

Q. Water supply and sewer-septic systems must be approved by the Medina County Health Department for maximum number of residents.

R. Abrupt grades shall be avoided and all changes in grades in the walk system shall be accomplished by ramps.

Sec. 804-5 Churches And Other Buildings For The Purpose Of Religious Worship

A. All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.

B. Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

Sec. 804-6 Public and Parochial Schools

A. All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.

B. Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

Sec. 804-7 Institutions For Human Medical Care

A. All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.

B. Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

Sec. 804-8 Government Owned And/Or Operated Buildings Or Facilities

A. Such facilities shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or a Collector street.

B. All structures and activity areas, except open parking areas, shall be located at least one-hundred (100) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.

C. All utilities including but not limited to electric, telephone, cable TV, gas, water, and sewer shall be installed underground.

Sec. 804-9 Self Storage Buildings

A. Storage shall be limited to household and commercial use only. Storage of toxic or explosive materials as well as industrial materials shall be prohibited.

B. The minimum lot size shall be two (2) acres and the maximum lot size shall be three (3) acres.

C. Each individual structure (a building with a single roof) on the parcel shall have a maximum size of 5,000 square feet. No individual storage unit within an individual

structure under one roof shall exceed 1,000 square feet.

D. A minimum of four (4) parking spaces shall be provided for the leasing office. Parking turnoffs shall be provided for interior drives.

E. No door openings shall face a residentially zoned areas, provided however, that any structure may serve as visual barriers.

F. Master keys shall be provided for fire department inspections.

Sec. 804-10 Automobile Washing Establishments

A. Washing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building.

B. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential district or hazard to traffic on any public thoroughfare.

C. Ingress and egress driveways shall be limited to two (2) to any one street, shall not exceed thirty (30) feet in width, shall be separated from each other by at least twenty (20) feet, and shall be separated from the intersection of any two (2) street right-of-way lines by at least forty (40) feet and from the intersection of any other property line with any street right-of-way line by at least ten (10) feet.

D. At least a six inch (6") high pedestrian safety curb shall be installed where any service areas adjoin any street right-of-way lines, except at driveway approaches.

E. Two percent (2%) of the area of a lot or parcel of land occupied by an automobile washing establishment shall be landscaped and provision shall be made for the maintenance of landscaped.

F. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved Site Plan. Such parking areas shall not be closer than fifty (50) feet to any street right-of-way line.

G. All points of entrance or exit should be located no closer than two hundred(200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

Sec. 804-11 Congregate Housing For The Elderly

Congregate housing for the Elderly shall mean a furnished or unfurnished dwelling complex with individual suites consisting of a bedroom, a bathroom, a closet, and area to accommodate a small refrigerator and hot plate, with central dining facilities, a single, large living room, meeting rooms, and individual secured storage areas with provisions for outdoor walks, tables, and recreational facilities. Such facilities shall comply with the following criteria:

A. The maximum density shall not exceed twenty (20) dwelling units per acre.

B. Three (3) acres minimum project area.

C. Two thousand (2,000) square feet of land per dwelling unit, minimum.

D. Three hundred (300) square feet minimum floor area per dwelling unit.

E. Maximum of fifteen percent (15%) of land covered by main buildings and another fifteen percent (15%) by accessory buildings.

F. Two hundred-fifty (250) feet minimum lot width.

G. One hundred-twenty (120) feet minimum setback from road right-of- way.

H. Thirty (30) feet minimum sideline distance for main building.

I. Fifteen (15) feet minimum sideline distance for accessory buildings.

J. Minimum rear yard depth to be twenty-five (25) feet.

K. A minimum of a one (1) acre park shall be provided which shall contain no parking, streets or buildings, with the exception of a shelter house, gazebo, or similar structure.

L. Each building shall be served by a local drive connecting on to a main street at a location where the traffic can be effectively controlled. Access for occupants and visitors shall be provided near the entrance or entrances and elevator halls of the building.

M. Exterior illumination shall be provided for the safety and convenience of residents and their guests and employees, but shall not be of excessive brightness and shall not be placed in such a way so as to cause annoying glare or reflections on neighboring premises, the public streets or the occupants of the building.

N. An interior assembly and recreation area shall be provided which shall have a minimum area of twenty (20) square feet per dwelling unit.

O. Buildings shall have non-skid floors and doors wide enough for wheelchairs, but not less than three (3) feet in width.

P. Electrical outlets shall be placed 24" above the floor.

Q. Grab bars shall be provided around all tubs and water closets.

R. An emergency signal system shall be installed, subject to approval by Zoning Board of Appeals and the Brunswick Hills Fire Department.

S. A sprinkler system and smoke alarms, shall be provided for all dwelling units, corridors, meeting rooms, storage and utility areas.

T. Abrupt grades shall be avoided and all changes in grades in the walk system shall be accomplished by ramps.

U. Secured, individual walk-in storage area with a minimum of twenty (20) square feet of floor area shall be provided for each dwelling unit.

V. Adequate laundry facilities shall be provided.

W. A written statement on how the transportation needs of the residents of the complex will be met shall be provided.

Sec. 804-12 Drive-in Restaurants

Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

Sec. 804-13 Outdoor Business Displays

Outdoor Business Display means an area where goods are displayed and available for sale to the general public not enclosed by a structure consisting of walls and a roof from a Retail Sales establishment located on the same premises. Such facilities shall comply with the following criteria:

A. No outdoor display shall be closer than fifty (50) feet from any residential zoning district boundary or street right-of-way line abutting any residential zoning district, and in no event shall outdoor displays be within ten (10) feet of any street right-of-way line.

B. Outdoor display areas shall be screened from abutting residential districts by an appropriate buffer strip (landscape or material) sufficient to minimize undesirable visual effects on abutting residential properties.

C. Artificial illumination for such display areas shall be designed so that the direct rays from the light source shall not be visible beyond the property lines on which the outdoor display area is located.

D. Outdoor display areas shall be maintained in a neat and orderly fashion.

E. Outdoor display areas shall not occupy any required parking area or driveway of the Retail Sales establishment.

F. Displays shall be in conformance with an approved plan indicating the area to be used for outdoor display, the location and type of any artificial illumination devices contemplated, a list of the types of merchandise to be displayed, and the buffering to be utilized. The plan, as approved or modified by the Board, shall be a part of the Conditional Zoning Certificate.

Sec. 804-14 Automobile Service Stations and Automobile Repair Shops

A. Automobile Service Stations shall conform to all setback requirements of the district in which they are permitted, provided however, that gasoline pump islands need not conform to the setback lines but shall be set back from all street right-of-way lines at least twenty-five (25) feet.

B. Lubricating, washing, and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as provided elsewhere herein.

C. Ingress and egress driveways shall be limited to two (2) to any one (1) street, shall not exceed thirty (30) feet in width, shall be separated from each other by at least twenty (20) feet, and shall be separated from the intersection of any two (2) street right-of-way lines by at least forty (40) feet and from the intersection of any other property line with any street right-of-way line by at least ten (10) feet.

D. A minimum six inch (6") high pedestrian safety curb shall be installed where any service areas adjoin any street right-of-way lines, except at driveway approaches.

E. Two percent (2%) of the area of the lot or parcel of shall be suitably landscaped and provision shall be made for the maintenance of landscaped areas.

F. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parking in areas indicated for such parking on the approved site plan.

Such parking areas shall not be closer than fifty (50) feet to any street right-of-way line.

G. Not more than eighty (80) square feet of ground area may be used for the outdoor storage of discarded materials, automobile parts, scrap and other waste prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off the site by a masonry wall not less than five (5) feet in height. Such storage areas shall not be located between the principal building and any street right-of-way line and shall be made structurally a part of the principal building or shall be located a distance from the principal building not greater than ten (10) feet.

H. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.

I. Where the rental of utility trailers and trucks is permitted as an accessory use, the following criteria shall be met:

1. storage areas for rental trailers and trucks shall conform to all building setback lines;

2. storage areas shall be screened from any abutting land zoned for residential purposes by fencing and/or landscaping considered by the Board of Appeals to constitute an effective visual screen;

3. storage areas shall be clearly separated from and shall not interfere with areas approved on the Site Plan for vehicular circulation, automobile servicing, and vehicular parking areas necessary and incidental to the primary purpose of the gasoline service station operation;

4. storage areas shall be permitted only on paved portions of the site.

Sec. 804-15 Sale, Repair, And Storage Of Automobiles, Trucks, Trailers, Boats, And Farm Implements

A. All structures and activity areas, except open parking areas, shall be located at least fifty (50) feet from any property boundary line when adjacent to a residential district and on the side adjacent to the residential district only.

B. Shall be located on Major Thoroughfares and entrances or exits shall be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

C. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parking in areas indicated for such parking on the approved site plan. Such parking areas shall not be closer than fifty (50) feet to any street right-of-way line.

D. Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

E. New and used boat sales and service facilities shall conform to all setback requirements of the district in which they are permitted.

F. Not more than eighty (80) square feet of ground area may be used for the outdoor storage of discarded materials, parts, scrap and other waste prior to their collection and subsequent disposal. Such storage areas shall be completely obscured from view from any point off the site by a wall not less than five (5) feet in height. Such storage area shall not be located between the principal building and any street right-of-way line.

Sec. 804-16 Multifamily Dwellings in C-2 and C-3 Districts

A. The maximum density shall be eight (8) dwelling units per acre.

B. The minimum front yard depth shall be seventy (70) feet, except as otherwise specified in Article III, Section 303-5.E.

C. The minimum rear yard depth shall be fifty (50) feet.

D. The minimum side yard width on each side shall be thirty (30) feet.

E. The maximum lot coverage shall not exceed twenty-five percent (25%) of the total land area.

F. A minimum of twenty-five percent (25%) of the total land area shall be devoted to useable open space.

G. The minimum lot frontage shall be two hundred (200) feet.

H. Site plans shall be submitted in conformance with the provisions of Article IX, Section 904.

I. Minimum living floor area shall conform to Article III, Section 303.

Sec. 804-17 Government Or Privately Owned And/Or Operated Picnic Areas, Playgrounds, Private Parks, Swimming Facilities, Golf Courses, Tennis Clubs, Country Clubs, And Other Similar Recreational Facilities

A. All structures and activity areas, except open parking areas, shall be located at least ten (10) feet from any property lines and at least fifty (50) feet when adjacent to a residential district.

B. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

C. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.

D. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

Sec. 804-18 Government Or Privately Owned And/Or Operated Parks, Recreational Areas, And Campgrounds

A. All structures and activity areas, except open parking areas, shall be located at least ten (10) feet from any property lines and at least fifty (50) feet when adjacent to a residential district.

B. All points of entrance or exit should be located no closer than two hundred (200) feet

from the intersection of two (2) Major Thoroughfares; or no closer than one hundred (100) feet from the intersection of a Major Thoroughfare and a local or Collector Street.

C. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.

D. A minimum area of fifty (50) acres shall be required for such uses.

E. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

Section 804-19 Outdoor Dining

A. All dining and outdoor activity areas shall be located a minimum of fifty (50) feet from the rear property line and a minimum of fifty (50) feet from any side property boundary line which abuts a residential use.

B. Outdoor dining areas shall be delineated or enclosed by a fence, wall, or landscaped barrier.

SEC. 805 VIOLATIONS AND PENALTIES

The breach of any condition, safeguard, or requirement set forth in the Conditional Zoning Certificate shall constitute a violation of this Zoning Resolution. Such violation shall be subject to all enforcement provisions of this Zoning Resolution.

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

Sec. 901 ADMINISTRATION

Sec. 901-1 Township Zoning Inspector

For the purposes of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Inspector, together with such assistance as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

Sec. 901-2 Zoning Commission

The Zoning Commission shall have such power as specified by the Ohio Revised Code and by Article XI of this Resolution.

Sec. 901-3 Board of Zoning Appeals

The Board of Zoning Appeals shall have such power as specified by the Ohio Revised Code and Article X of this Resolution.

Sec. 901-4 Schedule of Fees, Charges, and Expenses

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

Sec. 902 ZONING CERTIFICATES

Sec. 902-1 Zoning Certificates Required

Before commencing any activity or construction, changing the use of or altering any building or structure, or changing the use of any building or premises, an application shall be made to the Township Zoning Inspector for a Zoning Certificate.

Sec. 902-2 Submission of Applications

A. All applications for Zoning Certificates shall be submitted to the Township Zoning Inspector who may issue Zoning Certificates when all applicable provisions of this Resolution have been met.

B. Applications for Zoning Certificates shall include the following information:

1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon. Said drawing shall be on sheets which are no larger than 11” x 17” in size and available in full-size portable document files (.pdf).
2. The location, dimensions, height, and bulk of all buildings and structures to be erected.
3. The intended use of the premises.
4. Written evidence that the responsible Health Authority has approved the proposed

sanitary sewerage disposal facilities for the use for which the Zoning Certificate has been requested.

5. Written evidence that a permit for ingress and egress to a highway or street has been secured from the State Highway Department, the Medina County Engineer, or the proper Township official, whichever authority has jurisdiction.
6. The setback, yard, open area, and parking space dimensions.
7. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.

C. In addition to the above listed items, a preliminary and final site plan review in accordance with the provision of Section 904 herein shall be required for open space conservation district overlay application, Developments – General, Developments – Non-residential, and subdivisions.

D. The Township Zoning Inspector shall issue a Zoning Certificate within fifteen (15) days after the receipt of an application which does not require a site development plan as provided in Subsection C above, provided the application complies with the requirements of this Resolution and is accompanied by the proper fee as provided in Section 901-4.

E. Upon receipt of an application which requires submittal of a site development plan in conformance with Subsection C above, the Township Zoning Inspector shall refer the application(s) to the Township Emergency Services for review and comment within seven (7) days. The Township Zoning Inspector shall also refer the application to the Zoning Commission for review and recommendation for approval, denial, or approval with modifications of the site development plan to the Board of Trustees as set forth in Section 904-4 and 904-5. The Township Zoning Inspector shall issue a Zoning Certificate within thirty (30) days after approval of a site development plan by the Board of Trustees.

F. Zoning Certificates shall become void at the expiration of one (1)year after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of permit, a new permit is required upon proper application.

G. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 801-1 shall be followed in lieu of the above regulations.

Sec 903 ZONING COMPLIANCE CERTIFICATE

Sec 903-1 Zoning Compliance Certificate Required

A Zoning Compliance Certificate issued by the Township Zoning Inspector shall be required for all non-residential uses in any zoning district prior to the occupancy of any building or premises or the commencement any non-residential use. No building shall be used, changed in use, or occupied, nor shall use be made of any land for any purpose other than a residential dwelling without a valid Zoning Compliance Certificate confirming that the building, structure, and land use complies with the provisions of this Zoning Resolution.

Sec. 903-2 Review and Issuance

It shall be the responsibility of the operator of each non-residential use to notify the Township Zoning Inspector prior to occupying any building or premises or commencing any such use and to request a zoning compliance inspection. The Township Zoning Inspector shall inspect the site for compliance with the provisions of the Zoning Certificate and approved site plan, if any, and all of the applicable provisions this Zoning Resolution. Within ten (10) days of said inspection, the Township Zoning Inspector shall issue a Zoning Compliance Certificate identifying the specific use authorized on the premises or notify the applicant in writing of the denial and findings of violations and/or deficiencies.

Sec. 903-3 Temporary Permits

Where an owner wishes to occupy any building and/or commence any use prior to completion of all of the site work and landscaping, a financial guarantee such as a performance bond, escrow account, or other acceptable financial guarantee will be required, covering the uncompleted work (grading, paving, site utilities, landscaping, etc). The performance bond or other financial guarantee shall be secured in an amount equal to the sum of all the estimates for all the unfinished trades. Estimates will be prepared by bona fide contractors and be certified valid for a period of one (1) year from the date of delivery to the Township. The financial guarantee shall be deposited with the Township Fiscal Officer. Upon receipt of an acceptable financial guarantee for completion of the remaining work, the Township Zoning Inspector may issue a Temporary Zoning Compliance Certificate. Each Temporary Zoning Compliance Certificate shall contain a final completion date by which all required improvements shall be completed and approved. Failure to complete required improvements and to obtain a Final Zoning Compliance Certificate by the date specified in the Temporary Zoning Compliance Certificate shall constitute a violation of this Zoning Resolution and shall be grounds for revocation of the Temporary Zoning Compliance Certificate and such other sanctions as are set forth herein.

Sec 904 SITE DEVELOPMENT PLANS

Sec. 904-1 Preliminary Site Plan

A preliminary site plan shall indicate the general concept of development of the entire development site, including general location of use areas, open space, and circulation patterns.

Sec. 904-2 Final Site Plan Requirements

All final site plans shall be prepared professionally, electronically, and bear the seal (e.g. Professional Engineer or Registered Architect) by persons duly authorized by the State of Ohio to perform such work, shall be drawn and presented to the Zoning Commission, at an appropriate scale to clearly identify all necessary elements listed below with all text being legible Printed copies and full-size portable document files (.pdf) shall contain, at a minimum, the following:

A. A boundary survey showing all existing and proposed property lines, easements, rights-of-way, and setback lines;

B. Existing and proposed building and structures including entrances and walkways

C. Existing and proposed topography at two-foot contour intervals;

D. Existing areas of significant vegetation and designation of areas of vegetation to be

retained and to be removed;

E. Existing and proposed watercourses, water bodies, riparian setbacks, floodplains, and wetlands;

F. Location, design, and dimensions of existing and proposed parking areas and truck loading areas;

G. Location and type of site lighting;

H. Location and specifications of screening features such as walls, fences, mounds, and landscape buffers;

I. Location and specifications of all proposed signage;

J. A landscaping plan including location, size, and type of plant materials;

K. Provisions for solid waste and recycling including provisions for dumpster and bin enclosures;

L. Proposed and, if appropriate, existing building elevations and materials;

M. Location and dimensions of existing and proposed access drives;

N. Provisions for storm drainage including design calculations, storm sewer sizes, grades, and inverts, manhole locations and inverts, detention and/or retention basins facilities, and proposed and existing outlets; and

O. Provisions for erosion and sedimentation control.

Sec. 904-3 Design Criteria

Site development plans shall conform to the following minimum design standards:

A. The site plan shall show that a proper relationship will exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.

B. All the development features, including the principal buildings, open spaces, service roads, driveways, and parking areas, shall be so located and related as to minimize the possibility of adverse effects upon adjacent development.

C. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, appearance, mass, texture, materials, line and pattern, and character.

D. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.

E. Maximum possible visual,and auditory, privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences, and walls, landscaping, topography, and open spaces,.

F. In larger parking areas, visual relief and traffic channelization shall be provided through the use of tree plantings and landscaped dividers, islands, and walkways.

G. Screening of parking areas and service areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development. Materials used in any ornamental wall

or fence shall be compatible with the character of adjoining properties.

H. On-site traffic circulation shall be designed to make possible adequate fire and police protection.

I. In the case of industrial uses, adequate provision shall be made for the disposal of industrial wastes. Wastes containing poisonous, corrosive, flammable, or explosive solids, liquids, or gases shall not be discharged into the sanitary sewer.

J. All utilities on-site shall be located underground.

K. Grading and surface drainage provisions shall be designed to minimize adverse affects on abutting properties, streams, and public streets and to minimize the possibility of erosion. The Board may require that such grading plans be reviewed by the County Engineer with any costs borne by the developer.

L. The design and construction standards of all private streets, driveways, and parking areas shall conform to the provisions of this Resolution and the Medina County Highway Engineer.

Sec. 904-4 Referral to Township Emergency Services

Upon receipt of an application(s) that requires a site plan as required by Section 902-2(C), the Township Zoning Inspector shall forward copies of the completed application(s) and site development plan to the Zoning Commission and Township Emergency Services for review and comment. The Township Emergency Services shall provide comment within seven (7) days after receipt of an application(s).

Sec. 904-5 Referral to Zoning Commission

Upon receipt of an application(s) that requires a site plan as required by Sec.902-2(C), the Township Zoning Inspector shall forward copies of the completed application(s) and site plan to the Zoning Commission for review and recommendation for approval, denial, or approval with specified conditions or modifications of the site development plan to the Board of Trustees. Application(s) submitted prior to the established deadline date shall be placed on the agenda for the next regularly scheduled Zoning Commission meeting at which time the Commission shall consider said site development plan.

Sec. 904-6 Zoning Commission Action

The Zoning Commission shall act upon an application for site development plan approval within forty-five (45) days of the date the site development plan is first heard by the Commission unless such time is extended with the consent of the applicant. The Zoning Commission may recommend approval, denial, or approval with specified modifications of the site development plan to the Board of Trustees.

Sec. 904-7 Conformance Required

Developments shall conform in all respects to the approved site development plan. No building or premises shall be occupied or used except in conformance with the approved site development plan and this Zoning Resolution. The Township Zoning Inspector may make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Resolution.

Sect 904-8 Professional Assistance

The Township Zoning Inspector, with the authorization of the Board of Trustees, may seek expert advice or require special studies to be made prior to acting on any site plan. The cost of securing such advice or studies shall be borne by the applicant, which sum shall be placed on deposit with the Township Fiscal Officer.

Sec. 905 VIOLATIONS AND PENALTIES

Sec. 905-1 Violations

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of any provisions of this Zoning Resolution or supplements or amendments thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

Sec. 905-2 Penalties

Any person found guilty of violating any provisions of this Zoning Resolution or supplements or amendments thereto shall be subject to any and all such penalties as are set forth for such violations in the Ohio Revised Code.

ARTICLE X BOARD OF ZONING APPEALS

Sec. 1001 BOARD OF ZONING APPEALS ESTABLISHED

Sec. 1001-1 Composition, Appointment, and Removal

There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Trustees. The members shall be residents of the unincorporated area of Brunswick Hills Township. Each member shall be appointed for a period of five (5) years and terms shall be so arranged that the term of one member shall expire each year. Each member shall serve until their successor is appointed and qualified. Members shall be removed for non-performance of duty, misconduct in office, or other cause by the Trustees, upon written charges being filed with the Trustees, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by Trustees and shall be for the unexpired term.

Sec. 1001-2 Organization

The Board of Zoning Appeals shall elect a chairman and vice-chairman from its membership and shall prescribe rules for the conduct of its affairs.

Sec. 1001-3 Quorum

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and the concurring vote of three (3) members shall be necessary to effect an order.

Sec. 1001-4 Meetings

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members, and at such other regular times as it may by Resolution determine. All meetings of the Board shall be public. The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, it shall indicate such fact.

Sec. 1001-5 Witnesses

The Board of Zoning Appeals Chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Resolution.

Sec. 1002 POWERS AND DUTIES

Sec. 1002-1 Administrative Appeals

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Township Zoning Inspector in the enforcement of this Resolution. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and in that end shall have all the powers of the officers and bodies from whom the appeal is taken and it may issue or direct the issuance of a Certificate

Sec. 1002-2 Variances

The Board of Zoning Appeals shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship, or practical difficulty and so that the spirit of this Zoning Resolution shall be observed and substantial justice done.

Sec 1002-3 Conditional Zoning Certificates

The Board of Zoning Appeals shall have the authority to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as special exceptions to this Resolution, as specifically provided for elsewhere in this Resolution.

Sec. 1003 PROCEDURES

Sec 1003-1 Applications

All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the use for which the Certificate or Conditional Certificate is sought, or the details of the variance that is applied for and the ground on which it is claimed that the variance should be granted, as the case may be. Appeals and applications shall be filed with the Township Zoning Inspector.

Sec. 1003-2 Notice of Hearings

When an application has been filed in proper form with the Board of Zoning Appeals, the secretary to the Board shall immediately place said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and all property owners in interest, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board at its discretion may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

Sec. 1003-3 Fees

Each application to the Board shall be accompanied by a non-refundable fee in such amount as is established by the Trustees. In the event that the Board finds it necessary to draw upon any planning, legal, engineering, or any other expert testimony, the costs of all such services shall be the responsibility of the applicant.

Sec. 1003-4 Decisions

Every decision of the Board of Zoning Appeals shall be by Decisions, each of which shall contain a full record of the findings of the Board of Zoning Appeals in the particular case. Each Decision shall be filed in the office of the Township Zoning Inspector together with all documents pertaining thereto. In granting an approval the Board of Zoning Appeals may impose such conditions and/or stipulations as it may deem necessary to protect the public health, safety, welfare and in furtherance of the purpose and intent of this Zoning

Resolution. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Township Zoning Inspector. Such decision shall be binding upon the Township Zoning Inspector and shall incorporate the terms and conditions of the same in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant, whenever such permit is authorized by the Board.

Sec. 1004 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by an officer, board, or department of Brunswick Hills Township, deeming themselves or itself to be adversely affected by the decision of the Township Zoning Inspector or Zoning Commission respecting the interpretation of this Resolution. Appeals shall be made no later than twenty (20) calendar days after the date of the grievance. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeals after notice of appeal has been filed, that by reason of facts stated in the Certificate, a stay would, in the administrative officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

Sec. 1005 VARIANCES

Sec. 1005-1 Area Variances

Where the appeal or application requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.

B. Whether the variance is substantial.

C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

D. Whether the variance will adversely affect the delivery of Government services.

E. Whether the property owner purchased the property with knowledge of the zoning restriction.

F. Whether the property owner's predicament can be obviated through some method other than a variance.

G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.

H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

Sec. 1005-2 Use Variances

Where the appeal or application requests a use variance, that is, a variance for the approval

of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.

B. Whether the variance is the minimum variance which will afford relief to the property owner.

C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.

D. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

E. Whether the hardship condition was created by actions of the applicant.

F. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.

G. Whether the use requested is similar in character to the permitted uses in the subject district.

H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

Sec. 1005-3 Issuance

A variance shall not be granted unless the Board of Zoning Appeals makes a positive determination that the criteria contained herein are satisfactorily addressed by the evidence presented by the applicant.

No variance granted by the Board of Appeals shall be valid for a period longer than one year from the date of approval, unless within such period the applicant has obtained a zoning certificate and commenced substantial work authorized by the variance. The Zoning Inspector may grant an extension of a set amount of time upon a finding that circumstances beyond the applicant's control prevented commencement of the approved activity.

ARTICLE XI AMENDMENTS

Sec. 1101 AMENDMENTS TO ZONING RESOLUTION

The Trustees of Brunswick Hills Township may, from time to time, amend by Resolution the number, shape, area, or regulations of districts established on the Zoning Districts established on the Zoning Districts Maps or the regulations set forth in this Resolution.

SEC. 1102 INITIATION OF AMENDMENTS

I. Amendments to the Zoning Resolution may be initiated by:

1. Motion of the Township Zoning Commission, or
2. Passage of a resolution by the Board of Township Trustees and certification to the Township Zoning Commission, or
3. Filing of an application with the Township Zoning Commission by one (1) or more owners of property within the area proposed to be changed or affected by the proposed amendments to the Township Zoning Resolution.

SEC. 1103 CONTENTS OF APPLICATION FOR AMENDMENT TO ZONING RESOLUTION

A. All applications for a zoning amendment shall include:

1. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of the property owner's lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
2. Evidence that the proposed amendment would materialize in an equal or better Zoning Resolution than that existing.
3. A statement from the county auditor's current tax listing giving the names and addresses of the owners of all properties lying within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted.
4. Each application shall include a minimum of fifteen (15) copies of the Request for Amendment to Zoning and shall include a minimum of fifteen (15) copies of map of area showing contours and elevations.
5. All applications for Amendment to Zoning, together with all necessary data, must be submitted to the Clerk of the Zoning Commission.

SEC. 1104 PUBLIC HEARING BY TOWNSHIP ZONING COMMISSION

A. Upon the initiation of an amendment to the Township Zoning Resolution, the Township Zoning Commission shall set a date for a public hearing thereon, which shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:

1. By one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing, and

2. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission as the case may be and to the Board of Township Trustees.

SEC. 1105 REFERRAL OF PETITION TO COUNTY OR REGIONAL PLANNING COMMISSION

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission.

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

SEC. 1106 ACTION OF THE TOWNSHIP ZONING COMMISSION

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees and copies of same to the applicant.

SEC. 1107 PUBLIC HEARING BY TOWNSHIP BOARD OF TRUSTEES

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The Board at its discretion may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

SEC. 1108 ACTION OF TOWNSHIP BOARD OF TRUSTEES

Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

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

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. Within thirty (30) days, notify the Zoning Board of Appeals and Zoning commission of action taken.

SEC. 1109 AMENDMENTS TO DEFINITIONS

Whenever an amendment is made to the Zoning Resolution, the appropriate definitions pertinent to such amendments shall be included in Article II hereof.

ARTICLE XII ADDENDUM

Article I: Preamble to Article IV; Section 410.6

BRUNSWICK HILLS TOWNSHIP SEXUALLY ORIENTED BUSINESS

Based on the findings of the Township Zoning Commission and the Board of Township Trustees regarding the adverse secondary effects of Sexually Oriented Businesses, it is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety and welfare and/or for the public convenience, comfort, prosperity, and general welfare of the citizens of the Township as appropriate and authorized by law, and to establish reasonable and uniform regulations regarding sexually oriented businesses to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene materials.

Article II: Findings

Based on evidence concerning the adverse secondary effects of Sexually Oriented Businesses on communities presented in hearings and in reports made available to the Brunswick Hills Township Board of

Trustees, and on findings incorporated in the cases of City of Littleton, Colorado v. Z.J. Gifts D-4,

L.L.C. (2004), 541 U.S. 774; City of Los Angeles v. Alameda Books, Inc. (2002), 535 U.S. 425;

City of

Erie v. Pap's A.M. (2000), 529 U.S. 277; Barnes v. Glen Theatre, Inc. (1991), 501 U.S. 560; City of Renton v. Playtime Theatres, Inc.J (1986), 475 U.S. 41; Arcara v. Cloud Books, Inc. (1986), 478 U.S. 697; lacobucci v. City of Newport, Ky (1986), 479 U.S. 92; Young v. American Mini Theatres (1976), 427 U.S. 50; California v. LaRue (1972), 409 U.S. 109; and DLS, Inc. v. City of Chattanooga (6 t" Cir.,1997), 107 F.3d 403; East Brooks Books, Inc. v. City of Memphis (6th Cir., 1995), 48 F.3d 220; Harris v. Fitchville Township Trustees (N.D. Ohio, 2000), 99 F. Supp. 837;

Bamon Corp. v. City of Dayton (S.D. Ohio, 1990), 730 F. Supp. 90, aff'd (6 t" Cir., 1991), 923 F.2d 470; Broadway Books v. Roberts (E.D. Tenn., 1986), 642 F. Supp. 486; Bright Lights, Inc. v. City of Newport (E.D. Ky. 1993), 830 F. Supp.378; Richland Bookmart v. Nichols (6th Cir.

1998), 137 F.3d 435; Deja vu v. Metro Government (6th Cir. 1999), 1999 U.S. App. LEXIS 535; Threesome Entertainment v. Strittmather (N.D. Ohio 1998), 4 F.Supp.2d 710; J.L. Spoons, Inc. v. City of Brunswick (N.D. Ohio 1999), 49 F. Supp.2d 1032; Triplett Grille, Inc. v. City of Akron (6th Cir. 1994), 40 F.3d 129; Nightclubs, Inc. v. City of Paducah (6th Cir. 2000), 202 F.3d 884; O'Connor v. City and County of Denver (10th Cir. 1990), 894

F.2d 1210; Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County (6th Cir. 2001), 2001

U.S. App. LEXIS 26007; State of Ohio ex rel. Rothal v. Smith (Ohio C.P. 2002), Summit C.P. No. CV 01094594; Z.J. Gifts D2, L. L. C. v. City of Aurora (10th Cir. 1998), 136 F.3d 683;

Connection Distrib. Co. v. Reno (6th Cir. 1998), 154 F.3d 281; Sundance Assocs. v. Reno (10th Cir. 1998), 139 F.3d 804; American Library Association v. Reno (D.C. Cir. 1994), 33 F.3d 78; American Target Advertising, Inc. v. Giani (10th Cir. 2000), 199 F.3d 1241: as well as studies conducted in other cities including, but not limited to, Cleveland, Ohio (1977); Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986 and 1992); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugas County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989,

State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and the Brunswick Hills Board of Trustees' independent review of the same, the Brunswick Hills Township Board of Trustees makes the following findings:

1. Sexually Oriented Businesses can cause or contribute significantly to increases in criminal activity in areas in which they are located or take place, thereby taxing law enforcement and public health services.

2. Crime statistics show that all types of crimes, especially sex related crimes, occur with more frequency in neighborhoods where Sexually Oriented Businesses are located.

3. Sexually Oriented Businesses have a deleterious effect on both the existing businesses around them and the

4. surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

5. Nude dancing and other similar conduct provided by Sexually Oriented Businesses encourages prostitution, increases the frequency of sexual assaults, attracts or

encourages other related criminal activity, increases the public health and safety risks associated with Sexually Oriented Businesses, and otherwise causes or contributes significantly to the adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which such businesses are located, or take place.

6. Sexually Oriented Businesses can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability or quality of affordable housing for area residents, and reducing the value of property in such areas.

7. Sexually Oriented Businesses can undermine the stability of other established business and commercial uses in the areas in which Sexually Oriented Businesses are located or take place and cause or contribute significantly to the deterioration of such other business and commercial uses, thereby causing or contributing to a decline in such uses and an inhibition on business and commercial growth resulting in adverse impact on local government revenues and property values.

8. Sexually Oriented Businesses can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy the enjoyment and family atmosphere of persons using parks, playgrounds, forest preserves, and other public recreational areas, can interfere with or even destroy the spiritual experience of persons attending church, synagogue, or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities.

9. The presence of Sexually Oriented Businesses is perceived by the public generally and by neighboring business owners and residents as an indication that the area in which such businesses occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration.

10.The exterior appearance, including signage, of Sexually Oriented Businesses can have an adverse impact on young people and students, can contribute to the decline in property values associated with Sexually Oriented Business activities, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which such businesses are located or take place.

11. Sexual acts, including masturbation and oral and anal sex, occur at Sexually Oriented Businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in Sexually Oriented Businesses featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under section 2907.25 of the Revised Code.

12.Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions. .

13. Persons frequent certain Sexually Oriented Businesses for the purpose of engaging in sex within the premises of those Sexually Oriented Businesses.

14.Certain employees of certain Sexually Oriented Businesses, including adult theaters

and adult cabarets, engage in a higher incidence of certain types of illicit sexual behavior that employees of other businesses and establishments.

15.Numerous communicable diseases may be spread by activities occurring in Sexually Oriented Businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, campylobacter infections, shigella infections, chlamydial infections, myoplasmal infections, ureoplasmal infections, trichomoniasis, and chancroid.

16.Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; and 253,448 through December 31, 1992.

17.A total of 10,255 AIDS cases had been reported in Ohio as of January, 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with HIV (4,213) and AIDS (3,756) in the state.

18.Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.

19.The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.

20.The number of cases of early (less than one year) syphilis in the United States reported annually has risen: 33,613 cases were reported in 1982 and 45,200 cases were reported through November 1990.

21.The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

22.According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

23.Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of Sexually Oriented Businesses.

24.Sanitary conditions in some Sexually Oriented Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

25.Sexually Oriented Businesses lend themselves to ancillary unlawful and unhealthy activities that are uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.

26. Concentrations of multiple Sexually Oriented Businesses are associated with higher rates of prostitution, robbery assaults, and thefts in the surrounding neighborhood and dispersing Sexually Oriented Businesses causes a reduction in the adverse impact and secondary effects of such businesses.

27.The findings noted in Paragraphs 1 through 25 of this Article raise substantial Government concerns.

28.The enactment of these zoning resolutions will promote the general welfare, health, morals, and/or safety of the citizens of Brunswick Hills Township.

Appendix A – TABLE OF SCHEDULE OF PERMITTED PRINCIPAL USES

Brunswick Hills Township Zoning Resolution Schedule of Permitted Principal Uses

Table 1

A - Permitted Use

C - Conditional Use

The Board of Appeals may allow any use similar in character to one of the specified uses listed below if such use is in harmony with the character of the district as a permitted use

	Commercial Districts		
SCHEDULE OF PERMITTED PRINCIPAL USES	**C1**	**C2**	**C3**
Retail Sales establishments that do not exceed 25,000 total square feet.	A	A	A
Retail Sales establishments that do not exceed 50,000 total square feet.		A	A
Retail Sales establishments that exceed 50,000 total square feet			A
Cosmetology, Barber, Salon and Body Art Services	A	A	A
Pharmacy and Drug Stores	A	A	A
Grocery Stores, Convenience Stores, and Specialty Food Markets Under 35,000 square feet	A	A	A
Preparation and processing of food and drink to be retailed on premises including, but not limited to, bakery, delicatessen, meat market, confectionery, restaurant, and ice cream parlor.	A	A	A
Upholstery Repair, Fabric Repair, Tailor, Seamstress, and Shoe Repair	A	A	A
Medical and Dental Offices and Practices	A	A	A
Office Buildings limited to three stories and not to exceed 35,000 total square feet	A	A	A
Open air markets for external vendors to sell their produce, products, and wares to the public including but not limited to Farmer's Markets	A	A	A
Small footprint operations of printing, promotional products, and banners	A	A	A
Radio, audio, video, and recording studios	A	A	A

Brunswick Hills Township Zoning Resolution Schedule of Permitted Principal Uses

Table 1

A - Permitted Use

C - Conditional Use

The Board of Appeals may allow any use similar in character to one of the specified uses listed below if such use is in harmony with the character of the district as a permitted use

	Commercial Districts		
SCHEDULE OF PERMITTED PRINCIPAL USES	**C1**	**C2**	**C3**
Accessory uses clearly incidental to the uses permitted on the same premises.	A	A	A
Signs - As regulated by Article V hereof.	A	A	A
Parking and Loading - As regulated by Article VI hereof.	A	A	A
Automobile Service Station/Automobile Repair Shop subject to Subsection 804-14.	C	C	A
Retail Sales establishment for the sale of plants and garden supplies with self-selling of greenhouse activities	C	A	A
Churches and other facilities/buildings for the purpose of religious, spiritual, and community gatherings subject to Subsection 804-5	C	C	C
Government owned and/or operated building or facility subject to Subsection 804-8.	C	C	C
Sale, repair, and/or storage of automobiles, trucks, trailers, boats, and/or farm implements subject to Subsection 804-15.	C	C	C
Single-family residences provided following conditions are met: a. The commercial business is owned by a one private individual only, b. The residence shall be attached to, or within, a commercial structure, c. The residence shall be occupied only by the owner, a family member of the owner, or an employee of the business being carried out in said commercial structure.	C	C	C
Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the various fraternal, youth organizations, or community service groups	C	C	C

Brunswick Hills Township Zoning Resolution Schedule of Permitted Principal Uses

Table 1

A - Permitted Use

C - Conditional Use

The Board of Appeals may allow any use similar in character to one of the specified uses listed below if such use is in harmony with the character of the district as a permitted use

	Commercial Districts		
SCHEDULE OF PERMITTED PRINCIPAL USES	**C1**	**C2**	**C3**
Congregate housing for the elderly subject to Subsection 804-11.	C	C	
Adult Group Homes subject to Subsection 804-4.	C	C	
Special events subject to Subsection 804-1.	C		
Banks and Credit Unions, including those with drive-thru facilities, and standalone drive- thru automatic teller machines	C		
Self-service laundry facilities	C		
Amusement and recreational establishments for the entertainment of the public		A	A
Cultural and/or educational facilities.		A	A
Permanent eating and drinking establishments, including those with drive-thru facilities		A	A
Dry cleaning facilities as permitted by Ohio EPA		C	A
Drive-in restaurants subject to Subsection 804-12.		C	A
Wholesale establishments.		C	A
Radio and television broadcasting stations and towers		C	A
Mortuaries and Cemeteries		C	A
Sales, service and rental of tools and equipment not to exceed 25,000 lbs. without a trailer		C	A
Multifamily dwellings subject to Subsection 804-16.		C	C

Brunswick Hills Township Zoning Resolution Schedule of Permitted Principal Uses

Table 1

A - Permitted Use

C - Conditional Use

The Board of Appeals may allow any use similar in character to one of the specified uses listed below if such use is in harmony with the character of the district as a permitted use

	Commercial Districts		
SCHEDULE OF PERMITTED PRINCIPAL USES	**C1**	**C2**	**C3**
Outdoor business displays subject to Subsection 804-13.		C	C
Automobile washing establishments subject to Subsection 804-10.		C	C
Establishment that performs home repair & building services including all building trades (i.e. electrical, plumbing, carpenter, HVAC), roofing, and interior remodeling		A	A
Motel and Hotel establishments			A
Self-storage buildings subject to Subsection 804-9			C