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PITTSFIELD TOWNSHIP ZONING RESOLUTION

CHAPTER 1 GENERAL PROVISIONS

Section 1.01 Title

The regulation shall be officially known and cited as the Zoning Resolution of Pittsfield Township, Lorain County, Ohio although it may be referred to hereafter as the Zoning Regulations or Zoning Resolution.

Section 1.02 Authority

This Zoning Resolution is enacted pursuant to Ohio Revised Code section 519.02.

Section 1.03 Purpose and Intent

The regulations of this Zoning Resolution are intended to implement the Comprehensive Land Use Plan of Pittsfield Township, as adopted April 15th, 2002 and as amended, and more specifically intended to:

- (A) Promote the public health, safety, morals, comfort, prosperity and general welfare;
- (B) Promote retention and expansion of Agricultural investment;
- (C) Create a quality development environment that enhances the economy of the Township and supports high quality services for its residents and businesses;
- (D) Secure safety of persons and property from fire, flood and other dangers;
- (E) Conserve and stabilize property values through the most appropriate uses of land in relation to one another;
- (F) Preserve forest and woodlands, agricultural lands, floodplains, wetlands and other sensitive environmental areas from adverse impact of development;
- (G) Facilitate the economic provision of adequate public facilities such as transportation, water supply, sewage disposal, storm drainage, open space and other public services;
- (H) Encourage innovative residential development patterns that are supportive of long-term agricultural retention;
- (I) Encourage non-residential development in a manner that maximizes revenue sources for the Township and minimizes the need for new costly public facilities.

Section 1.04 Applicability and Jurisdiction

The provisions of this Zoning Resolution shall apply to:

- (A) All land and land development within the boundaries of Pittsfield Township;
- (B) Use of all structures and land within the Township; and
- (C) All structures and land owned by governmental agencies, departments or districts.

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Section 1.05 Minimum Standards

The provisions of these regulations shall be considered the minimum requirements necessary for the promotion of public health, safety, morals and general welfare.

Section 1.06 Rules of Construction and Interpretation

(A) *Meaning and Intent*

All provisions, terms, phrases, and expressions contained in this Resolution shall be construed according to this Resolution's stated purpose and intent.

(B) *Text*

In case of any difference of meaning or implication between the text of this Resolution and any heading, drawing, table, or figure, the text shall control.

(C) *Computation of Time*

Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business days unless otherwise stated; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

(D) *Technical and Non-Technical Words*

Words and phrases not otherwise defined in this Resolution shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(E) *Mandatory and Discretionary Terms*

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

(F) *Conjunctions*

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- (2) "Or" indicates that one or more the connected items, conditions, provisions, or events shall apply.

(G) *Tense and Usage*

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

(H) *Interpretation of Zone District Boundaries*

Where uncertainty exists as to the boundaries of zone districts as shown on the Official Township Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as appear to follow the center lines of streets or highways shall be construed as following such center lines;
- (2) Boundaries indicated as appearing to follow platted lot lines shall be construed as following such platted lot lines;

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- (3) Boundaries indicated appearing to follow Township limits shall be construed as following Township limits;
- (4) Boundaries indicated as following railroad lines shall be construed as midway between the main tracks;
- (5) Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed as moving with the actual body of water and following the centerline; and
- (6) When there is disagreement over the location of zone district boundaries, a decision on the correct location shall be rendered by the Zoning Inspector with an appeal from this decision made to the Board of Zoning Appeals. In making his decision, the Zoning Inspector shall consider the rules set forth in this subsection, the comprehensive land use plan policies and map of the area in dispute, adjacent and surrounding land use, and if deemed necessary, an inspection of the area in dispute.

Section 1.07 Rules of Measurement

- (A) *Lot Area Measurement*
Lot area refers to the amount of horizontal land area within lot lines. Public rights-of-way shall not be included in calculating lot area. No site plan, zoning certificate, or other development approval shall be issued for a lot that does not meet the minimum lot area requirements of this Resolution, except as otherwise allowed in this Resolution.
- (B) *Lot Width Measurement*
Lot width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line. The minimum lot width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line.
- (C) *Setbacks – Building and Structure Setbacks from Lot Line*
Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section.

Features Allowed Within Setbacks:

- (a) Driveways and sidewalks, provided that the edge of a driveway shall be set back at least three (3) feet from an adjacent property line;
- (b) Steps to the principal entrance and necessary landings, together with railings no more than three (3) feet in height, provided they do not extend more than six (6) feet into the required yard setback;
- (c) Trees, vegetation or other features of natural growth;

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- (d) Fences or walls subject to height restrictions set forth in this Resolution;
 - (e) Chimneys not more than eight (8) feet in width, bay windows, balconies on second or third floor levels, buttresses, piers, pilasters, outdoor access ways to basement areas protected by railings at least two feet six inches (2'6") high on two sides, and roof overhangs may project no more than three (3) feet into a required yard;
 - (f) Cornices, canopies, eaves, or other similar architectural features may extend no more than three feet (3) into a required yard;
 - (g) Fire escapes and handicap ramps, provided they project no more than thirty (30) percent of the required yard set back dimension;
 - (h) Utility lines, wires, and associated structures such as power poles; and
 - (i) Signs if permitted by the sign regulations of this Resolution.
- (2) Front Setbacks on Corner Lots
For corner lots, one side of the lot with street frontage shall be designated the "front" and required to establish the applicable front yard setbacks.
- (D) Setbacks- Development Setbacks from Stream Corridors or Wetlands*
- (1) Stream Corridors. Setbacks from stream corridors shall be measured from the ordinary high water mark, as "ordinary high water mark".
 - (2) Wetlands. Setbacks from wetlands shall be measured from the delineated wetland edge.
- (E) *Height*
- (1) Measurement of Maximum Building Height in Feet. Height shall be measured as the vertical distance in feet between finished grade (including finished grade of a basement with direct, at-grade walk-out access) to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof, or the average distance between the eaves and the apex of a gable, hip, or gambrel roof.

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- (2) Exemptions from Height Standards. The following structures and features shall be exempt from the height requirements of this Resolution, but in no case shall such structures or features be greater than any height specified below or one-hundred (100) feet, whichever is less, unless a variance is granted.
- (a) Chimneys, smokestacks, or flues that cover no more than five (5) percent of the horizontal surface area of the roof and extend no more than four (4) feet above the maximum structure height permitted in the zone district;
 - (b) Cooling towers and ventilators that cover no more than five (5) percent of the horizontal surface area of the roof and extend no more than four (4) feet above the maximum structure height permitted in the zone district;
 - (c) Elevator bulkheads and stairway enclosures;
 - (d) Water towers and fire towers;
 - (e) Utility poles and support structures;
 - (f) Belfries, spires, steeples, cupolas, and domes associated with places of worship, provided they are not used for dwelling purposes; and
 - (g) Barns, silos, or other farm structures or buildings on farms used for agricultural purposes.
- (F) *Density – Measurement of Density for Residential Development*
- (1) Gross Density shall mean the measure of dwelling units permitted per gross acre of land area contained in the development.
 - (2) Net Density shall mean the measure of dwelling units permitted per acre of land area contained in the development, excluding streets, easements, public open space, land under water, and certified wetlands and floodplains. Wetland and other sensitive area setbacks and private open space shall not be excluded in calculating net density. Unless otherwise indicated in this Resolution, any specified residential density shall be net density.
- (G) *Exterior Lighting – Measurement of Lighting Levels*
- (1) Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.

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- (2) Method of Measurement. The meter sensor shall be mounted no more than six (6) inches above the ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurement shall be made after dark with the light sources in question turned on and again with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination set forth in this Resolution. This procedure eliminates the effects of moonlight and other ambient light.
- (H) *Spacing Requirements*
Unless otherwise specified, the required minimum space between a proposed use and an existing use or lot shall be measured from the edge of the principal structure housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line.

Section 1.08 Conflicts

- (A) *Conflicts with Other Regulations*
When the provisions of this Zoning Resolution are inconsistent with one another or when the provisions of this Resolution conflict with provisions found in other adopted regulations, the more restrictive provision shall govern.
- (B) *Relationship with Other Ordinances Regulating Residential Development*
The provisions of this Zoning Resolution require a certificate of zoning compliance (“zoning certificate”) for construction of a residential dwelling unit on a legal lot prior to beginning of construction in Lorain County.
- (C) *Relationship with Other Ordinances and Regulations*
It shall be the applicant’s responsibility to determine and comply with all applicable county, state, or federal ordinances or regulations governing land development activities.

Section 1.09 Transitional Provisions

This section addresses the applicability of new substantive standards enacted by this Resolution to activities, actions, and other matters that are pending or occurring as of the effective date of this Resolution.

- (A) *Violations Continue*
Any violation of the previous zoning or sign regulations of the Township shall continue to be a violation under this Resolution and shall be subject to penalties and enforcement unless the use, development, construction, or other activity is clearly consistent with the express terms of this Resolution.

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(B) Nonconformities Under Previous Zoning Resolution

Any nonconformity under the previous zoning or sign regulations of the Township shall be considered a legal nonconformity under this Resolution, so long as the situation that resulted in the nonconforming status under the previous regulations continues to exist. If, however, a nonconformity under a previous Resolution becomes conforming as a result of the adoption of this Resolution, or any subsequent amendments thereto, then such situation shall no longer be considered a nonconformity.

(C) Completion of Development Plans Commenced or Approved under Previous Resolutions.

Buildings or Developments with Previously Issued Zoning Certificates. Any building or development for which a zoning certificate was granted or allotted prior to the effective date of this Resolution shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Resolution. If construction is not commenced or completed in accordance with the applicable permit terms, the Zoning Commission may, for good cause shown, grant not more than one extension of up to six (6) months. If the building or development is not completed within the time allowed under the original permit or any extension granted, then the building shall be constructed, completed or occupied only in compliance with the requirements of this Resolution.

Section 1.10 Severability

If a court of competent jurisdiction declares that any section, subsection, or provision of this Resolution is invalid, that ruling shall not affect the validity of any other part of this Resolution or of the resolution as a whole, which shall remain in full force and effect.

PITTSFIELD TOWNSHIP ZONING RESOLUTION

CHAPTER 2 ADMINISTRATION AND REVIEW ROLES

This Chapter sets forth the roles and powers that various Township bodies have in administering the Zoning Resolution.

Section 2.01 Zoning Inspector

The Zoning Inspector shall be appointed by and serve at the pleasure of the Township Trustees to administer and enforce all provisions of this Zoning Resolution. The Zoning Inspector shall also act as the administrative officer for the Zoning Commission and the Board of Zoning Appeals for the purpose of effecting proper administration of this Resolution. The rate of compensation and operational requirements shall be set by the Township Board of Trustees.

The Zoning Inspector shall have the following responsibilities and duties:

- (A) Application review and issuance of zoning certificates and certificates of occupancy in compliance with the Resolution;
- (B) Application review and recommendations for Site Plan Review and Conditional Uses to the appropriate decision making body;
- (C) Receive applications and make recommendations for variances to the Board of Zoning Appeals;
- (D) Review and make recommendations to the Zoning Commission on all applications for private party initiated text or map amendments to this Resolution.
- (E) Conduct inspections of structures and uses to determine compliance with this Resolution, and to notify in writing owners of properties in violation of this Resolution specifying the nature of the violation, required corrective action and time frame for compliance.
- (F) Maintain status of the Official Zoning District Map which shall be kept on permanent display at the Zoning Office.
- (G) Maintain public records of Zoning Certificates, inspection documents, Conditional Uses and Variances granted by the Township.
- (H) Prepare and submit monthly summary and annual report to the Trustees and Zoning Commission.

Section 2.02 Zoning Commission

(A) Membership

The Pittsfield Township Zoning Commission shall consist of five members and alternates appointed by the Board of Trustees. The Commission shall consist of residents of the Township. Each member will be appointed for a term of five (5) years and terms shall be arranged so that no more than one member's term shall expire each year. The Board of Trustees shall fill a vacancy occurring during the term of any member for the unexpired term. The members shall receive compensation as may be provided by the Trustees.

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Chapter 2 – Administration and Review Roles

(B) *Organization*

The Zoning Commission shall elect a Chairperson annually at the first meeting of the year, shall appoint a recording secretary and shall adopt rules of conduct for its affairs.

(C) *Quorum*

The Zoning Commission shall require a quorum of three members at its meetings and a concurring vote of three (3) members shall be necessary to effect all actions and recommendations.

(D) *Meetings*

The Zoning Commission shall meet at the call of its Chairperson, or two (2) other members and at such regular times as the Commission, by motion, determine. Written notice of all meetings shall be given not less than forty-eight (48) hours prior thereto by delivering such notice at the place of residence of each member. A public record of the Commission's motions, findings, determinations, and discussions shall be maintained by its Secretary. The Pittsfield Township Zoning Commission has adopted the Roberts Rules of Order .

(E) *Powers and Functions*

The powers and functions of the Zoning Commission are as follows:

- (1) Site Plan Review: Review applications and make recommendations for Principal Permitted Use Site Plan Review.
- (2) Text and Map Amendments to Zoning Resolution: Hold public hearings, review and make recommendations to the Township Trustees.
- (3) Annually review and make any needed recommendations to the Trustees for the timely modification or amendment of the Comprehensive Land Use Plan.

Pittsfield Township Zoning Resolution
Chapter 2 – Administration and Review Roles

Section 2.03 Board of Zoning Appeals

(A) Authority and Membership

There is hereby created a Board of Zoning Appeals consisting of five (5) members and alternates who shall be residents of the unincorporated area of the Township. All members shall be appointed by the Board of Trustees for a period of five (5) years and terms shall be arranged so that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Trustees and shall be for the unexpired term. The members shall receive compensation as may be provided by the Trustees.

(B) Organization

The Board of Zoning Appeals shall elect a Chairperson from its members, shall appoint a Recording Secretary and shall adopt rules of conduct of its affairs.

(C) Quorum

The Board of Zoning Appeals shall require a quorum of three (3) members at all meetings and a concurring vote of three (3) members shall be necessary to effect its actions.

(D) Meetings

The Board of Zoning Appeals shall meet at the call of its Chairperson or two (2) other members, and at such times as made by motion determine. All meetings shall be open to the public.

(E) Witnesses

The Board of Zoning Appeals Chairperson may administer oaths and compel attendance of witnesses in all matters coming within the purview of the Board.

(F) Minutes

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which will be filed within fourteen (14) days of the meeting in the Zoning Office and which shall be a public record.

(G) Hearings and Decision

Any application for Conditional Use Permit, Variance, Site Plan Review of a Conditional Use or Appeal of an Administrative Decision shall be scheduled for a Public Hearing within forty (40) days of the certificate of application completion by the Zoning Inspector. Public Notice of Public Hearing shall be given ten (10) days prior to the hearing.

(1) Any application for Appeal of an administrative decision shall be made within twenty (20) days of the decision being made.

(2) The Board of Zoning Appeals shall take final action on an appeal or application within thirty (30) days of the conclusion of the public hearing.

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Chapter 2 – Administration and Review Roles

(H) Powers and Functions

The Powers and Functions of the Board of Zoning Appeals are as follows:

- (1) Conditional Uses: Hold public hearings, review and take final action on proposed Conditional Use application and Site Plan Review of Conditional Uses.
- (2) Appeals: Hold public hearing, review and take final action on appeals from actions of the Zoning Inspector.
- (3) Variances: Hold public hearings, review and take final action on applications for variances from the terms and provisions of this Resolution, except that the BZA shall have no authority to permit a use where such use is not allowed in the applicable zoning district.
- (4) Nonconforming Uses/Structures/Lots: Hold public hearings, review and take final action on application for enlargement, extension, substitution or replacement of a nonconforming use or structure.
- (5) Interpretation: Hold public hearings, review and take final action on appeals from the Zoning Inspector's actions on disputes concerning interpretation of the Zoning Map.

(I) Findings

All decisions by the Board of Zoning Appeals shall be based on written Findings of Fact related to the relevant Standards and Criteria of this Resolution.

Section 2.04 Township Trustees

(A) Powers and Functions

The Powers and Functions of the Township Trustees with respect to administering this Resolution are as follows:

- (1) Amendments to Code Text and Official Zoning Map: Convene Public Hearing to take testimony on text and map amendments upon recommendation by the Zoning Commission, take final action to accept, amend or deny said text or map amendment.
The Board of Trustees may also initiate text and/or map amendments by resolution and send them to the Zoning Commission for recommendation.
- (2) Appointments: Appoint members of the Zoning Commission, Board of Zoning Appeals and Zoning Inspector; make appointments to fill unexpired terms of resigning members, or to fill vacancies; remove members of the Zoning Commission or BZA after investigation and findings of malfeasance, misfeasance or nonfeasance while in office.
- (3) Fees and Charges: Establish a schedule of fees necessary to effectively administer and enforce provisions of this Resolution.
- (4) Establish Compensation: Establish compensation for the Zoning Inspector, Zoning Commission and Board of Zoning Appeals.
- (5) Accept Land Donations: Accept land for public use donated by private or public owners.

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Chapter 2 – Administration and Review Roles

- (B) *Timing and Procedures for Public Hearing*
After receiving the certification of a proposed amendment to the Zoning Resolution or map from the Zoning Commission, the Board of Trustees shall hold a hearing within thirty (30) days or as further proscribed by the Ohio Revised Code. Notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the hearing. Such hearing may be continued a maximum of two times at the discretion of the Trustees and if it is in the public interest. The Trustees shall render a decision within thirty (30) days of close of the public hearing. Such decision will take effect thirty (30) days thereafter unless a referendum petition is submitted by voters according to the Ohio Revised Code requesting that the Trustees submit the amendment to the electors in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.
- (C) *Changing of Zoning Text*
If the trustees alter the intent of the language recommended by the zoning Commission it gets sent back to the Zoning Commission for a new recommendation.
This area is governed by the Ohio Revised Code 519.09 and 519.12 (H)

PITTSFIELD TOWNSHIP ZONING RESOLUTION
CHAPTER 3 DEVELOPMENT REVIEW PROCEDURES AND
SUBMITTAL REQUIREMENTS

Section 3.01 General Provisions

The following general provisions shall apply to all applications under this Resolution

(A) Authority to File Applications

An application for development review or approval under this Resolution shall be filed by the person having legal authority to take action in accordance with the approval sought. The person is presumed to be the record owner, purchaser under a sale, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary. The Trustees or Zoning Commission may initiate Resolution amendment action under this Resolution with or without an application from property owner(s) who may be affected.

(B) Applications

Applications required under this Chapter shall be submitted on forms provided by the Township. Applications shall be accompanied by a non-refundable fee established by the Trustees to defray the costs of processing applications and by any required escrow funds.

(C) Incomplete Applications or Insufficient Fees

Applications shall be reviewed for completeness within seven (7) working days of filing. If the Zoning Inspector determines that the application is complete, the application shall then be processed. If the Zoning Inspector determines that it is incomplete, he shall return the application to the applicant as incomplete and specify the specific ways in which the application is deficient. No further processing of the incomplete application shall occur until the deficiencies are corrected. Any application that is not accompanied by the required fee shall be found incomplete. Fees shall not be required with applications initiated by the Zoning Commission or Trustees.

(D) Required Times for Action and Inaction

Whenever the provisions of this Chapter require that reviewers or decision-makers take action on an application within a specified period of time and such action is not taken within that time-frame, such inaction shall be deemed a denial of the application unless the applicant agrees to an extension of the time period.

(E) Concurrent Review or Joint Applications

At the election of the applicant and with the concurrence of the Zoning Inspector, applications for different types of development approvals may be processed concurrently whenever possible to expedite total review and processing time for a project. Alternately, an applicant may consolidate an application for site plan approval with an application for subdivision plan approval, conditional use approval, variances, or modifications, provided that such joint or consolidated application shall be submitted in a

form that satisfies the site plan requirements of this Resolution and the provisions, as applicable, governing subdivisions, conditional uses, variances, or modifications. The time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the combined application types.

(F) *Permitted Scope of Action by Decision Makers*

The body holding the hearing may take any action on the application that is consistent with the notice given, including approving the application, approving the application with reasonable conditions, or denying the application. The reviewing body may impose conditions on the application or allow amendments to the application if the effect of the conditions or amendments is:

- (1) To reduce the impact of the development; or
- (2) To reduce the amount of land area included in the application.

The review body may not approve a greater density of development, a more intensive use, or a more intensive zoning classification than what was indicated in the notice.

(G) *Continuation of Hearings*

A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter, provided that the continued hearing is set for a certain date and time.

(H) *Extension of Time Limits*

- i. Any decision-making body shall have the discretion to extend the time periods set forth in this Chapter for review and final decision on a development application upon a finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such extension of time. Only one such extension, up to a maximum of sixty (60) days, shall be granted.
- ii. Any other extension of the time periods for review and action specified in this Chapter may be extended only if the applicant agrees in writing to an extension of time.

Section 3.02 Application Requirements

All applications for zoning certificates, Site Plan Review, conditional uses, variances, appeals of Administrative Decisions and zoning text and map amendments shall be submitted to the Zoning Inspector and include at a minimum the following data by application type:

(A) *Zoning Certificate*

(1) Required: Zoning Certificate

No structure shall be erected, moved, added to, structurally altered or changed in use without a permit there for issued by the Zoning Inspector. Site Grading and excavation may not commence without a zoning certificate unless specifically required by a superseding State Law.

(2) Application Requirements

At a minimum an application for a Zoning Certificate shall require the following information

- (a) Applicant's name, address and phone number
- (b) Legal Description of the property with address and parcel number
- (c) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf as described in 3.01(A)
- (d) Existing Use and Zoning District
- (e) Proposed use and project description.
- (f) Plans in Triplicate drawn to scale showing the actual dimensions and shape of the lot; existing buildings, driveways, parking, environmental features, utilities, oil/gas wells, fences, topography at two (2) foot contours, zoning setbacks and yard limits; proposed structures, screening and landscaping, driveways, parking, pedestrian paths, lighting, storage and pick-up facilities; building heights, underground fuel tanks, environmental setbacks. The application requirements set forth under Section 3.02 A-2-f shall be applied on a case by case basis at the discretion of the zoning inspector and furthermore, the zoning inspector may consult with the zoning board and may request additional information as needed.
- (g) Traffic Impact Analysis where applicable
- (h) Any other information required by a specific Zoning District
- (i) Proposed construction starting date and completion schedule
- (j) Approved NPDES permit where applicable.

(3) Administrative Review

Within thirty (30) days from the date that the application is certified as completed by the Zoning Inspector, the Zoning Inspector shall approve, disapprove or refer to the Board of Zoning Appeals for Administrative Interpretation, the application in conformance with the provisions of this Resolution. One copy of the approved Plan shall be returned to the Applicant. The Zoning Inspector shall post a placard in a conspicuous place on the

property attesting to the fact that construction is in conformance with the Resolution.

(4) Time Limits

Actual construction must be commenced within twelve (12) months of the issuance of the Zoning Certificate or it shall be rendered invalid. Construction must be completed within one year of initiation.

(B) *Conditional Uses*

(1) Application Requirements

In addition to the requirements of 3.02(A)(2) the applicant shall submit written explanation of the project elements, identifying compliance with the required Conditional Use Standards of the applicable Zoning District.

(2) Administrative Review

Within fourteen (14) days from the date the application is certified as complete, the Zoning Inspector will prepare a staff report for submission to the Board of Zoning Appeals and any applicable County approval agencies. The Board of Zoning Appeals shall conduct a public hearing within forty (40) days of receipt of the Staff Report. A final decision will be rendered by the Board of Zoning Appeals within thirty (30) days of the close of the public hearing(s).

(3) Time Limits

If construction is not concluded and an occupancy permit issued within twelve (12) months, the Conditional Use Permit shall be rendered expired and a new permit shall be required.

C. *Variances*

(1) Application Requirements

In addition to the requirements of 3.02(A) (2) the applicant shall submit written documentation of meeting the requirements for variance consideration.

(2) Variance: Conditions for Approval

Variances from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the application for variance demonstrates the following:

(a) Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards. In determining “practical difficulty”, the Board of Zoning Appeals shall consider the following factors:

(i) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

- (ii) Whether the variance is substantial;
 - (iii) Whether the essential character of the surrounding neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - (iv) Whether the variance would adversely affect the delivery of governmental services such as water and sewer;
 - (v) Whether the applicant purchased the property with knowledge of the requirement;
 - (vi) Whether the applicant's predicament can be obviated feasibly through some method other than a variance; and
 - (vii) Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.
- (b) No variance shall be granted if the submitted conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
 - (c) No variance shall be granted reducing the size of lots contained in an existing or proposed subdivision if it will result in an increase in the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable Zone District regulations.
 - (d) If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
 - (e) Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of these Regulations for the zone district containing the property for which the variance is sought.
 - (f) In granting such variances, the Board of Zoning Appeals may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.
- (3) Administrative Review
Review shall proceed as in Section 3.02(B) (2).

(D) *Substitution of Nonconforming Uses/Structures/Lots*

(1) Application Requirements

In addition to the base requirements of 3.02(A) (2) as decided

appropriate by the Zoning Inspector, the applicant shall submit a written explanation of project elements identifying compliance with the nonconforming use/structure/lot standards below.

(2) Standards of Approval

(a) Nonconforming Uses/Structure

(i) Enlargement

A nonconforming use may be enlarged, increased or extended beyond the area it occupied as of the effective date of these regulations provided that the Board of Zoning Appeals finds all of the following:

(aa) The enlargement will not interfere with the operation of conforming uses or with traffic circulation

(bb) Enlargement will cause no greater impacts on surrounding properties

(cc) All increases do not exceed ten (10) percent of the area that the nonconforming use occupied in the structure as of the effective date of this Resolution.

(ii) Relocation

No nonconforming use shall be moved in whole or part from its original location except in compliance with the Zoning Regulations.

(iii) Abandonment

If a nonconforming use is voluntarily discontinued for a period of twelve (12) months or more, any use of the property thereafter shall be in conformance of this Resolution.

(iv) Damage or Destruction

If any structure that is devoted in whole or part to a nonconforming use is damaged by any means to the extent of more than fifty (50) per cent of its fair market value such use shall not be restored except in conformance with these regulations.

Determination of such reduced values shall be made by the Board of Zoning Appeals in consultation with an appraiser.

(v) Change in use/substitution

(a) The Board of Zoning Appeals may permit a nonconforming use to be changed to a second nonconforming use provided that the new use shall be of the same general character or of a less intensive character, and provided the new use will result in equal or less impact on the surrounding neighborhood.

- (b) Nonconforming Lots of Record
 - (i) Development Permitted

Regardless of the size of the lot of record that legally existed as of the effective date of this Resolution, such lot may be developed for any use permitted in the district in which the lot is located, provided that where setback, width, density or other requirements make development impractical, the Board of Zoning Appeals may permit development to occur after granting variances.
 - (3) Administrative Review

Review shall proceed as in Section 3.02(B)(2).
- (E) *Appeals of Administrative Decisions*
 - (1) Application Requirements

The applicant shall submit written documentation of appropriate sections of the regulations in dispute.
 - (2) Administrative Review

Review shall proceed as in Section 3.02(B)(2).
- (F) *Site Plan Review*
 - (1) Application Requirements

In addition to the requirements of Section 3.02(A)(2) the applicant shall submit written documentation identifying compliance with the Site Plan Review and Performance Standards Chapter 6.
 - (2) Administrative Review
- (a) Principal Permitted Uses

Within ten (10) days (NOTE equals original seven working days) of certifying that an application is complete, the Zoning Inspector shall issue a Statement of Use Compliance to be considered by the Zoning Commission. A Site Plan Review Conference will be held in accordance with Chapter 6, Sections 2(a) and 4(a). Comments from other review agencies will be solicited as described in Chapter 6 Section 4(c). Upon receipt of agency comments, the Zoning Commission will place the project on their agenda for consideration at the next regularly scheduled meeting or within twenty (20) days, whichever is greater. The Zoning Commission shall determine compliance with the Site Plan Review and Performance Standards and make a recommendation to approve, approve with conditions or deny within thirty (30) days. If a recommendation for denial is adopted, the Zoning Inspector shall so advise the applicant. This administrative decision may be appealed under the procedures of Section 3.02(E).

- (b) Conditional Uses
The Zoning Inspector shall prepare a Statement of Use Compliance within ten (10) days, solicit agency comments as described in Section 3.02(F)(2)(a) above. Upon receipt of agency comments the Zoning Inspector shall prepare a Conditional Use Site Plan Report which will be submitted to the Board of Zoning Appeals which shall schedule a public hearing and render a decision in accordance with Section 3.02(B)(2).

G. *Zoning Text and Map Amendment*

(1) Initiation

Zoning text and map amendments may be initiated by the following:

- (a) Resolution of the Township Trustees
- (b) Motion of the Zoning Commission
- (c) By application for rezoning by one or more of the owners, holders of options to purchase, or lessees of the property for which the Amendment is requested.

(2) Private Party Initiated Applications

(a) All applications for text or map amendments initiated pursuant to G(1)(c) shall comply with the following:

(i) Site Development Plan Required

All applications for a zone change or text amendment to change permitted use in any district shall be accompanied by a site-specific development plan.

(ii) Plan Requirements

At a minimum, such plan shall include the following:

- (aa) Uses proposed
- (bb) Intensity or density of proposed uses
- (cc) Location of public and private open space
- (dd) Location of existing and proposed buildings on the site
- (ee) Road and pedestrian networks proposed
- (ff) Existing or proposed utilities and public services for the development
- (gg) All other submittal items required in Section 3.02(A)(2)
- (hh) A written statement of why the Zoning change is being requested and what is the expected benefit to the Community in terms of economic development, agricultural preservation, community amenities and other considerations. Describe how this proposed zoning change advances the

- Comprehensive Land Use Plan goals and policies.
 - (ii) Affidavit of applicant which establishes ownership.
 - (iii) Exceptions
When a parcel held under single and common ownership falls into two (2) or more zone districts as of the effective date of this Resolution, an application to rezone a portion of that parcel so that the zone classification is the same for the entire parcel, a site specific development plan may be waived.
- (3) Procedures for Approval
 - (a) Zoning Inspector Report
The Zoning Inspector or other party designated to provide professional planning assistance, shall prepare a staff report for consideration by the Zoning Commission, such report to be completed within twenty-one (21) days of receipt of a certified complete application.
 - (b) Public Hearing by Zoning Commission
Upon receipt of the staff report, the Zoning Commission shall schedule a public hearing within thirty (30) days. Public notice of the application and hearing shall be published in at least one newspaper of general circulation at least ten (10) days prior to the date of such hearing. The Public Hearing may be continued according to the provisions of Section 3.01(G). Upon closure of the Public Hearing, the Zoning Commission shall have 30 days to make a final recommendation to approve or deny on the application to the Township Trustees.
 - (c) Written Notice to Property Owners:
If the proposed amendment intends to rezone 10 or less parcels of land, written notice of the hearing shall be mailed by the Zoning Inspector by first class mail at least 10 days before the date of the Public Hearing to all owners within, contiguous to and within two hundred (200) feet of the area proposed to be rezoned. Failure of delivery of such notice shall not invalidate any proposed amendment action.
 - (d) Public Hearing by Township Trustees
 - (1) Procedure: Upon receipt of the Zoning Commission recommendation, the Township Trustees shall hold a public hearing within thirty (30) days. Public Notice of such hearing shall be

published as in 3.02(G)(3)(b). The Public Hearing may be continued according to the provisions of Section 3.01(G). Upon closure of the Public Hearing, the Township Trustees shall approve or deny the application within twenty-one (21) days. A recommendation of denial by the Zoning Commission will require unanimous vote by the Township Trustees to approve. The Zoning Amendment will take effect thirty (30) days after approval by the Trustees unless subject to (e) below.

(e) Referendum

A petition signed by petitioners representing eight (8) per cent of the total votes cast for all candidates for Governor in the last General Election within Pittsfield Township requesting the Trustees to submit the amendment to the electors of Pittsfield Township for general election will cause the amendment to not take effect unless a majority of the electors voting on said issue shall approve.

(f) Written Notification Exemption

A comprehensive zoning text and map update to reflect changes in the Comprehensive Land Use Plan shall not require property owner individual notification.

CHAPTER 4-1 GENERAL RESIDENTIAL DISTRICT

Section A. PURPOSE

The General Residential District is intended to provide for low density, rural, agriculturally compatible residential development. This development is designed to minimize public infrastructure demands and conflicts with active agriculture. As such, larger lot sizes that allow for (1) ample setbacks from agricultural operations and (2) adequate replacement areas for on-site sewage treatment are required.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

Residential Uses

- a. Single family detached units (including modular and manufactured housing but not mobile homes)
- b. Residential duplexes

Commercial Uses

- c. Home occupations

Institutional/Civic/Public

- d. Public Park or Recreation Areas

Section C. CONDITIONAL USES

The following uses are conditionally permitted in the General Residential District subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Residential Uses

- a. Residential Group Homes
- b. Model Homes

2. Commercial Uses

- a. Family Businesses
- b. Roadside Agricultural Sales Operations
- c. Commercial Recreation Facilities
- e. Day Care Facilities

3. Institutional/Civic/Public

- a. Churches
- b. Government facilities and services

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Antennas that are designed to receive television broadcast signals.
2. Fences and Walls in rear and side yards provided that they do not exceed eight (8) feet in height.
Walls and hedges shall be placed a minimum of twenty four (24) inches from the owner's property line. Fences may be placed on the property line.
3. Garages, carports, accessory buildings and off street parking areas to serve the residents of the property provided that the height of the garage, accessory building or carport serving a single family dwelling unit shall not exceed twenty five (25) feet and shall not have more than a gross floor area of sixteen hundred (1,600) sq. ft..
4. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings provided that the height of such structures not exceed sixteen (16) feet and provided that no storage building shall exceed two hundred (200) square feet in gross floor area.
5. Pools should be 50 feet from the road. Private swimming pools provided that they shall be placed only in a rear yard or side yard and no closer than five (5) feet to the rear or (20') side lot line. All inground pools shall be completely surrounded by a fence or wall not less than four (4) feet in height. All gates or doors to the pool enclosures shall be equipped with a self-closing and latching device for keeping the gates or doors securely closed at all times when not in actual use. No illumination for the pool may be directed to shine onto adjacent properties. Discharge of any water from a swimming pool shall be onto the property where the pool is located or into the nearest storm sewer.
6. Private Greenhouses
7. Satellite dish antennas thirty-nine (39) inches or less in diameter.

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Chapter 4.1 – General Residential District

8. *Storage or parking of Motor Vehicles, subject to the following:*
 - a. No mobile home, shall be parked for longer than 168 consecutive hours unless within an enclosed structure or screened from view of adjacent properties.
 - b. Junk Vehicles: See Chapter 4-9 Supplementary Regulations Section H.

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional Use Provisions of Chapter 5:

1. Minimum Lot size/density: Two (2) acres excluding the right of way, except may be reduced to one (1) acre with a valid health permit, with the exception of the following:
Churches: Five (5) acres
Veterinary Clinics: Five (5) acres
2. Minimum Lot Frontage: Two hundred (200) feet
3. Maximum Building Height: Thirty-five (35) feet
4. Minimum Front Yard setback: Seventy (70) feet from the road right of way or 100' from center of the road with the exception of the following:

Day Care facilities: One hundred (100) feet from the road right of way
5. Minimum Side Yard Setback: Twenty (20) feet with the exception of the following:
Churches: One hundred (100) feet
Veterinary Clinics & Board Services: One hundred (100) feet
Fraternal Organizations & Private Membership Clubs: Fifty (50) feet
- 6.. Minimum Rear Yard Setback: Residential Uses: Twenty (20) feet
Commercial & Public/Institutional Uses: Twenty (20) feet
Accessory Structures: Five (5) feet
7. Setbacks from Agricultural Acreage: In order to minimize new residential incompatibility with ongoing agricultural uses, principal residential use structures not associated with farm operations shall have a minimum side and rear yard setback of fifty (50) feet

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from the agricultural lot line. Zoning Certificates issued for residential uses adjacent to agricultural acreage will contain language advising residents of ongoing agricultural activities on adjacent properties.

Section F SITE PLAN REVIEW AND CONDITIONAL USE PERFORMANCE STANDARDS

All Commercial and Institutional/Civic/Public Principal Uses and all Conditional Uses require Site Plan Review approval.

Pittsfield Township Zoning Resolution
Chapter 4.2– Medium Density Residential District

CHAPTER 4-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Section A. PURPOSE

The Medium Density Residential District is intended to provide additional housing options in areas either adjacent to more intense non-residential uses or where adequate transportation and public water and sewer availability in the northern areas of the Township support higher intensity residential design.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Residential Uses
Single Family Detached Units
Duplexes
2. Commercial Uses
Home Offices
3. Institutional/Civic/Public
Public Park or Recreation Areas

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the Medium Density Residential District subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Residential Uses
Single Family Attached Units
Townhouses
Model Homes
Residential Group Homes
2. Institutional/Civic/Public Uses
Churches
Government Facilities and Services
3. Commercial Uses
Day Care Facilities
Commercial Recreation Facilities
Private Membership Recreation Facilities or Clubs

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Chapter 4-2 - Medium Density Residential District

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structures and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Antennas that are designed to receive television broadcast signals.
2. Fences, Walls, and Hedges in rear and side yards provided that they do not exceed six (6) feet in height.
Fences and walls may be placed to the property line. Hedges shall be placed a minimum of twenty four (24) inches from the owner's property line.
3. Garages, carports and off street parking areas to serve the residents of the property provided that the height of the garage or carport serving a single family dwelling unit shall not exceed twenty five (25) feet.
4. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings provided that the height of such structures not exceed sixteen (16) feet and provided that no storage building shall exceed two hundred (200) square feet in gross floor area.
5. Private swimming pools provided that they shall be placed only in a rear and no closer than fifteen (15) feet to the rear or side lot line. All swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height. All gates or doors to the pool enclosures shall be equipped with a self-closing and latching device for keeping the gates or doors securely closed at all times when not in actual use. No illumination for the pool may be directed to shine onto adjacent properties. Discharge of any water from a swimming pool shall be onto the property where the pool is located or into the nearest storm sewer.
6. Private Greenhouses
7. Satellite dish antennas thirty-nine (39) inches or less in diameter.

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Chapter 4-2 - Medium Density Residential District

8. Storage or parking of trucks, cars or recreational equipment including but not limited to boats, boat trailers, camping trailers, motorized homes and house trailers subject to the following:
 - a. Parking of inoperable, abandoned or unlicensed vehicles is prohibited outdoors
 - b. No truck over 12,000 lbs gross vehicle weight and eight (8) feet in height, buses, semi-tractors and/or trailers shall be parked in the District for more than seventy-two (72) consecutive hours unless within an enclosed structure or screened from view of adjacent properties.
 - c. No mobile home, or recreational vehicle shall be parked for longer than 168 consecutive hours unless within an enclosed structure or screened from view of adjacent properties.

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional use Provisions of Chapter 5 where applicable.

1. Minimum Lot Size/Density: Single Family detached: one half acre
Single Family attached: Minimum Project size: 5 acres.
Net density 6 units/acre.
Townhouse Development: Five (5) acres
Net Density 6 units/acre
Churches: Five (5) acres
Day Care Facilities: Two (2) acres
Residential Group Homes: One (1) acre
Duplex – One (1) acre
2. Minimum Lot Frontage: Single Family Detached: One hundred (100) feet
Single Family Attached: Seventy (70) feet
Duplexes: Two hundred (200) feet
Churches: Two hundred & fifty (250) feet
Day Care Facilities: Two hundred (200) feet
Residential Group Homes: One hundred (100) feet
3. Maximum Building Height: Thirty-five (35) feet
4. Minimum Frontyard Setback: Single Family Detached: Fifty (50) feet
Single Family Attached: Twenty-five (25) feet
Duplexes: Fifty (50) feet

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Chapter 4-2 - Medium Density Residential District

Churches: One hundred (100) feet
Daycare Facilities: One hundred (100) feet

Residential Group Homes: Fifty (50) feet
Townhouses: Fifty (50) feet

5. Minimum Side Yard Setback: Single Family Detached: Fifteen (15) feet
Single Family Attached: Thirty (30) feet external
Fifteen (15) feet internal
Townhouses: Thirty (30) feet external
Non-Residential Uses: Fifty (50) feet
Duplexes: Fifteen (15) feet

6. Minimum Rear Yard Setback: Residential Uses: Twenty five (25) feet
Non-Residential Uses: Fifty (50) feet

Section F PEDESTRIAN LINKAGES

1. Provision shall be made in the design of all development for non-vehicular circulation systems, including but not limited to sidewalks, pathways and bikeways.
2. In Planned Residential Developments sidewalks will be provided on both sides of the street.

Section G LOCATION OF PARKING FOR NON-RESIDENTIAL USES

Off Street Parking shall be located to the rear or side of the principal building.

Pittsfield Township Zoning Resolution
Chapter 4-2 - Medium Density Residential District

Section H SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all Commercial Development, a Planned Residential Development and Conditional Uses within this District shall be subject to the Site Plan Review and Performance, Chapter 6 and Conditional Uses Standards, Chapter 5 of this Zoning Resolution.

CHAPTER 4.3 RESIDENTIAL CONSERVATION DEVELOPMENT

Section A PURPOSE

The primary objective of the Conservation Development District 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 that assist in preserving the agricultural base of the Township. This District is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing residential zoning for the property.

These regulations are intended to achieve these corollary purposes:

- B. To maximize protection of the community's natural resources by:
 - 1. Avoiding development on and destruction of sensitive natural resource areas;
 - 2. Reducing the quantity and improving the quality of storm water runoff from expected development;
 - 3. Maintaining natural characteristics such as (but not limited to) woods, hedgerows, natural vegetation, meadows, slopes and streams;
 - 4. Reducing the amount of disturbed land, limiting the conversion of natural areas to landscaped areas for lawns, and discouraging the use of non-native invasive plant species; and
 - 5. Conserving areas of prime agricultural soils, to the extent possible.

- C. To conserve (within the framework of natural resource conservation) the agricultural quality of ruralness in a community which is characterized by:
 - 1. Large, aggregated, farmland and undeveloped land areas;
 - 2. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows;
 - 3. Scenic vistas and rural views;
 - 4. Significant historic features such as heritage trees, etc.;
 - 5. Appropriate topographic or vegetative screening.

- D. To encourage more efficient use of land and public services through unified development design.

Pittsfield Township Zoning Resolution
Chapter 4.3 - Residential Conservation Development

- E. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- F. To establish a specific review process which maintains local review and approval of the overall development plan by the Pittsfield Township Zoning Commission and which results in the timely consideration of an application.
- G. To ensure that the proposed Conservation Development complies with the objectives of Pittsfield Township as expressed in the Pittsfield Township Comprehensive Land Use Plan, the SR.58 Corridor Plan and the Pittsfield Township Zoning Resolution.

Section B PRINCIPAL PERMITTED USES

The following uses shall be permitted based on the type of development proposed:

- I. Conservation Development in accordance with the regulations set forth in this District:
 - a. Detached single-family dwellings;
 - b. Single-family attached dwellings;
 - c. Duplexes;
 - d. Recreation facilities for use by residents, including Golf Courses;
 - e. Restricted open space as required in Section E;
 - f. Home Occupations.
- II. Agriculture.

Section C CONDITIONAL USES

Day Care, Churches, Group Homes, Artisan Studios.

Section D MINIMUM PROJECT AREA FOR CONSERVATION DEVELOPMENT.

The gross area of a tract of land proposed for development according to the Conservation Development District shall be a minimum of sixteen (16) acres, but shall not include area within any existing public street rights-of-way.

The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development proposal.

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Chapter 4.3 - Residential Conservation Development

Section E PERMITTED DENSITY/RESTRICTED OPEN SPACE

- I. The minimum restricted open space shall be 40 percent of the total project area.

- II. The maximum density shall be one dwelling unit per two acres. The maximum density of dwelling units per acre permitted in a conservation development shall be calculated by:
 - a. Deducting the following from the total project area:
 - i) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - ii) The area of land within a floodway, designated wetland, or existing waterbody that exceeds the minimum acreage required for restricted open space as set forth in Section E II above. Where floodways and wetlands overlap, they shall be counted only once.
 - b. Multiplying the result of subsection a. by the maximum density permitted per acre as set forth in this Section above.

Section F REGULATIONS FOR RESTRICTED OPEN SPACE

- I. General standards: The restricted open space required in Section E shall comply with the following:
 - a. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
 - b. Areas designated for restricted open space purposes may be:
 - i) Preserved in its natural state,
 - ii) Designed and intended for the use and/or enjoyment of residents of the proposed development,
 - iii) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.

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- c. Where possible, open space should be designed so that it can be interconnected within the development and connected externally to open space in adjacent areas outside of the project.
- d. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the Lorain County Health Department or the OEPA (depending upon appropriate jurisdiction) shall be established to require and enable maintenance of such facilities by appropriate parties. Management of sewage treatment must be guaranteed by means of a contract with an Ohio State Certified Operator.
- e. Where individual septic systems or alternative sewage treatment methods are utilized, dry sewer lines will also be provided to allow for the tie-in to future public sewer utility systems.
- f. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 - i) Private roads and public road rights-of-way;
 - ii) Parking areas, accessways and driveways;
 - iii) Required setbacks between buildings, parking areas and project boundaries;
 - iv) Required setbacks between buildings and streets;
 - v) Minimum spacing between buildings, and between buildings and parking areas;
 - vi) Private yards; and
 - vii) A minimum of 15 feet between buildings and restricted open space.
- g. Any restricted open space intended to be devoted to recreational activities will be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed for active recreation areas, including a community center, shall be 10%.
- h. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common

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areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

- i. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.

II. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the township's Legal Advisor and duly recorded in the office of the Recorder of Deeds of Lorain County.

III. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.

- a. Offer of Dedication. The township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.

b. Associations. Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:

- i) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
- ii) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.

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

- i) The entity is acceptable to the township;

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- ii) The provisions of the conservation easement are acceptable to the township; and
 - iii) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
- d. Private Ownership of Restricted Open Space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

Section G DEVELOPMENT AND SITE PLANNING STANDARDS

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

- I. Ownership. Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.
- II. Lot Requirements.
 - a. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
 - b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.
- III. Perimeter Building Regulations.

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- a. The minimum setback from an existing public street shall be 200 feet from a major arterial and 150 feet from a minor arterial road.
- b. The minimum setback from the project boundary shall be 100 feet.

IV. Interior Building Setback/Spacing Regulations.

- a. The minimum setback from a proposed local public right-of-way shall be 60 feet.
- b. The minimum setback from the edge of the pavement of a private street shall be 30 feet.
- c. The minimum separation between dwellings shall be 20 feet.

V. Height. The maximum building height shall be 35 feet.

VI. Resource Protection Regulations.

- a. Floodplain Protection. There shall be no construction in the Floodplain except as allowed in Floodplain Regulations of this Zoning Resolution.
- b. Wetlands Protection. Wetlands that are required to be retained by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:
 - i) A buffer area having a width not less than 50 feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
 - ii) A minimum building and pavement setback of 70 feet, measured from the edge of the designated wetland.

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c. Conservation of Riparian Zones:

- i) A riparian buffer of 100 feet shall be provided along the entire length and on both sides of the West Branch of the Black River. A riparian buffer of 50 feet on both sides shall be provided along the length of any other perennial stream channel as designated by Lorain County Soil and Water Conservation District.
- ii) Walkways may be permitted to be located within riparian buffers when the Zoning Commission determines that such will create minimal change to the riparian buffer.

VII. General Street Design Criteria.

- 1. Street alignments should follow natural contours and be designed to conserve natural features.
- 2. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
- 3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

VIII. Pedestrian Circulation Systems.

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

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- IX. Sewage Disposal.** Development shall be served by individual or public sewage disposal structures consistent with the Lorain County/Ohio EPA regulations. Individual sewage disposal systems shall comply with all applicable regulations of the Lorain County Health Department and may be located within restricted open space areas when approved by the Township and the Lorain County Health Department.
- X. Waivers.** In the event the Zoning Commission determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Township Zoning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

Section H DEVELOPMENT DESIGN CRITERIA

In addition to the development and site planning standards set forth in Section G, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

- I. Conservation of Sloping Land. The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- II. Conservation of Woodlands, Vegetation and other Natural Areas. The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
- III. Conservation of Wildlife Habitats. Efforts should be made to protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.
- IV. Conservation of Prime Farmland. Efforts should be made to protect farmland that satisfies the USDA definition of "prime" or "locally unique" farmland.
- V. Conservation of Existing Scenic Vistas and Visual Quality of the Environment. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.

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- VI. Conservation of Cultural Resources. Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Section I PROJECT REVIEW PROCEDURES

Under the authority established in ORC §519.021, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Section.

- I. Submission of General Development Plan. The applicant shall submit a General Development Plan application to the Township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to:
- a. Identification of existing site characteristics, including a general depiction of:
 - i) Boundaries of the area proposed for development, dimensions and total acreage;
 - ii) Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
 - iii) Location of wetlands (and potential wetlands), the floodplain boundary and base flood elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - iv) Existing soil classifications and identification of Prime Farmlands;
 - v) Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - vi) Delineation of existing drainage patterns on the property, existing wells and well sites;
 - vii) Description of significant existing vegetation by type of species, health, quality, etc.;

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- viii) Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;
 - ix) Description of all structures and areas of known or potential historical significance; and
 - x) Existing viewsheds and identification of unique vistas.
- b. The preliminary site plan shall be drawn at a scale not less than 1" to 100' feet and shall include:
- i) A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;
 - ii) A sketch layout of standard single family lots, if any;
 - iii) The location of the restricted open space and any proposed recreational facilities;
 - iv) Natural features to be conserved and any required buffer areas;
 - v) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - vi) General location of public street rights-of-way; and
 - vii) Proposed utility easement locations.
- c. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
- i) The structure of the Association;
 - ii) Membership requirements;
 - iii) Financial responsibilities; and
 - iv) The relationship of the entity to public agencies having responsibilities related to the project.
- d. A description of the project phasing including the phased construction of open space improvements.

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- II. Review For Completeness. Within ten business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection A above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. The Zoning Inspector may request an additional ten (10) business days at the time of application if he/she deems elements of assessment require additional time.
- III. Review of General Development Plan by Others. The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment.
- a. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Lorain County Planning Commission, the Lorain County Health Department, the County Engineer, and the Ohio EPA.
 - b. Other agencies which, at the discretion of the township, may have appropriate technical expertise.
 - c. Appropriate local township administrative officials, including the township's legal advisor.
 - d. Consultants retained by the township.

All comments shall be returned to the township within 30 days from the date distributed.

- IV. Site Visit. The Township Zoning Commission shall, together with the applicant's consultant(s), visit the site if required to gain a thorough understanding of the characteristics of the site.
- V. Review and Approval by Township. The Township Zoning Commission shall review the general development plan and the comments received from Section III above. The Township Zoning Commission shall take action on the submitted general development plan by either:
- a. Approving the general development plan as submitted; or
 - b. Approving the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or

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- c. Denying approval of the general development plan.

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

VI. Significance of Approved Plan. Approval of the general development plan shall:

- a. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
- b. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
- c. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved general development plan. Examples of this would be more contiguous open space design, improved street alignments, etc.
- d. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

VII. Final Development Plan. After a general development plan has been approved, an applicant shall submit for review and approval a final development plan. The final development plan may be submitted either for the entire project or for each construction phase.

- a. Submission Requirements. The final development plan shall include:
 - i) A site plan drawn at a scale not less than 1" – 50 feet indicating:
 - aa. Boundaries of the area proposed for development, accurate dimensions and total acreage;
 - bb. The exact location and dimension of private streets, common drives and public street rights-of-way;
 - cc. Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;

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- dd. Dimensions of building/unit spacing;
 - ee. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones ; and
 - ff. Designated restricted open space areas and a description of proposed open space improvements.
- ii) A grading plan drawn at a scale of 1” – 50 feet, showing all information pertaining to surface drainage.
 - iii) A detailed landscaping plan for new landscaping, including entry features and signs.
 - iv) The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners’ Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
 - v) Conditions imposed by other regulatory agencies.
- e. Review For Completeness. Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection VII a, above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
 - f. Distribution of Final Development Plan. The Zoning Inspector shall distribute the final development plan application to the Zoning Commission, the township's legal advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission’s review.

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- g. Review by the Township's Legal Advisor. The township's legal advisor shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Zoning Commission documenting that the above demonstrate full compliance with the requirements of this Chapter.
- h. Review and Approval by Township. The Zoning Commission shall review the final development plan and the comments received from Section II and III above. The Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:
 - i) Approving the final development plan as submitted; or
 - ii) Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
 - iii) Denying approval of the general development plan.

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

CHAPTER 4-4 PRIMARY AGRICULTURAL USE DISTRICT

Section A. PURPOSE

The Primary Agricultural Use District is intended to provide for protection of agricultural economic uses within the Township from incompatible land uses and more intense development patterns which would deteriorate agricultural viability. The district is intended to provide an environment which encourages residents to continue farming investments. This district permits uses compatible with, and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting, as well as direct marketing of farm products and services in conjunction with farm operations. Residential development compatible with agriculture is permitted on sites of 40 acres or larger. Zoning requests for Residential Conservation Development District are considered appropriate adjacent to and within the Primary Agricultural Use District. This District is intended to provide for continued farm use and investment for a minimum of 10 years. To be considered for the Primary Agricultural Use District, all parcels with the exception of existing platted lots must be registered and continue to be certified under the State of Ohio CAUV program.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and all application review and approval procedures.

- 1) Residential Uses
 - a. Single Family Detached (Principal Farm Dwelling)
 - b. Lot of Record Dwelling
 - c. Relative Farm Help Dwelling (limit 2)

- 2) Commercial Uses
 - a. General Agricultural Operations
 - b. Forestry including sale operations and lease*
 - c. Veterinary clinics and services
 - d. Home Occupations
 - e. Commercial nurseries (including Retail)*
 - f. Private kennel or stables
 - g. Farmers Market roadside stands*
 - h. Community supported agriculture

* Subject to existing requirements that 50% of sales be generated from local agriculture.

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- 3) Institutional/Civic/Public
 - a. Government Facilities and Services
 - b. Public Park or Recreation Areas

- 4) All Principal Permitted Uses must demonstrate that adequate parking on a case by case basis during the site plan review or thereafter and that safe access standards are met.

Section C. CONDITIONAL USES

- 1) Residential Uses
 - a. Development Transfer area dwellings limited to 3 per 40 acres if land owned for 10 consecutive previous years
 - b. Farm Help Dwelling (limit 1)
 - c. Bed and Breakfast providing such use contains no more than four (4) lodging rooms.
 - d. Homestead Retention Dwelling: when entire parcel has been under single ownership for at least 10 consecutive preceding years and the parcel is not less than 40 acres. This use will permit owners to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to ten (10) acres. In no case shall another residence be constructed on the parcel. The leasehold interest and its restrictions extend to succeeding owners.

- 2) Commercial Uses
 - Communication Towers
 - Agricultural tourism/education
 - U-Pick or Cut operations
 - Family Business
 - Agricultural financial and management support services
 - Exotic animal uses

- 3) Institutional/Civic/Public Uses
 - Churches

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Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district. Accessory uses, structure and activities shall be subject to the same regulations that apply to principal permitted uses.

1. Television/Communication Satellite Dishes
2. Antennas that are designed to receive television broadcast signals.
3. On-premises signs – as set forth in Chapter 7 of this Resolution.
4. Off-street parking areas for employees, customers and visitors of the Principal Use.
5. Fences, Walls, and Hedges limited to a maximum height of eight (8) feet.
6. Agricultural buildings

Section E MINIMUM PROJECT AREA FOR PRIMARY AGRICULTURAL USE

The minimum area required to establish a Primary Agricultural Use District is 300 contiguous acres. An Application for Primary Agricultural Use designation must be accompanied by an affidavit declaring purpose to remain in agriculture for a minimum of ten (10) years. Multiple land owners may combine property to meet the 300 acre minimum. Additional Parcels may be added to the Primary Agricultural Use District after initial creation. Land included in a Primary Agricultural Use District may seek rezoning to Residential Conservation District within the 10 year period with up to 16 acres per 300 acre increments. Requests for Rezoning to Residential Conservation must be supported by others in the District in writing. Owners within a Primary Agricultural District may withdraw from the District through a rezoning request and upon notice to other district owners.

Section F AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following. In addition, the Site Plan Review procedures of Chapter 6 and the Conditional Use Provisions of Chapter 5 are applicable for all non-residential conditional uses.

Farm Dwelling Requirements

- 1) Single Family residential use is considered allowable (Principal Farm Dwelling) in conjunction with farm use if:

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- a. The subject tract within the Primary Agricultural Use District is currently employed for farm use-
- b. There is no other dwelling on the subject parcel.
- c. The dwelling will be occupied by a person or persons who owns the property that is in agricultural use.
- d. The dwelling will be located on the least productive part of the parcel to the maximum extent feasible.
- e. The subject parcel must be a minimum of 40 acres.
- f. The dwelling must receive approval by the Lorain County Department of Health.

2) Relative Farm Help, and Non-Relative Farm Help Dwellings (Accessory Farm Dwellings)

A single family dwelling for farm help is allowable provided in conjunction with farm use when :

- a. The dwelling will be occupied by a person or persons who will be principally engaged in the agricultural uses of the land and whose assistance in the management of the agricultural use is or will be required by the farm operator.
- b. The accessory farm dwelling will be located on the same parcel as the principal farm dwelling.
- c. The dwelling will be located on the least productive parts of the parcel to the maximum extent feasible.
- d. The subject parcel must have a minimum of 40 acres for each Farm Help dwelling in addition to the Principal farm dwelling provided there is 40' separation between dwellings.
- e. Approvals of Farm Help dwellings granted under this section shall be conditioned with a requirement that the farm operator annually submit a report to the Zoning Administrator identifying the residents of the dwelling(s) and their relationship to farm operator.

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- f. A dwelling approved under this section shall be converted to an allowable use within one year of the date the farm dwelling no longer meets the criteria of this section.

Minimum Lot Sizes

Commercial Uses:	Veterinary Clinics and Services: 5 acres Kennels and Stables: 5 acres Agricultural Financial and Management Services: 2 acres Communication towers: 1 acre
Institutional/Civic/Public Uses:	Churches: 5 acres
Minimum Lot Frontage:	Commercial and Institutional/Civic Uses: 500 feet
Minimum Lot Depth:	300 feet
Maximum Building Height:	35 feet (excluding agricultural building and uses)
Maximum Floor Access to Lot Ratio:	Commercial and Institutional Uses: 0:25

Section G SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all Commercial, Institutional Conditional Uses, as well as Farm Accessory Dwelling shall be subject to Site Plan Review Standards, Chapter 6 of this Zoning Resolution.

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Section H TRANSFER OF DEVELOPMENT RIGHTS

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CHAPTER 4-5 STATE ROUTE 58 SMALL COMMERCIAL DISTRICT

Section A. PURPOSE

The State Route 58 Small Commercial District is intended to enhance commercial revitalization of the Rts. 58/20 intersection as provided for in the adopted Corridor Plan and to include intersection of Rts. 58/303. New development is proposed to be integrated to the maximum extent feasible with existing commercial development particularly in the area of traffic management. Due to the existing infrastructure and public service limitations as well as the limited acreage available in this District, maximum structure size limits are enforced.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Commercial Uses
 - New Retail: not exceeding five thousand (5,000) square feet (excludes convenience stores)
 - Offices: not exceeding five thousand (5,000) square feet (includes personal and financial services)
 - Restaurants: excludes drive-through
 - Medical Offices and Clinics
 - Commercial Nurseries
2. Institutional/Civic/Public
 - Government Facilities and Services

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the State Route 58 Small Commercial District subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Commercial Uses
 - Bars/Taverns

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Veterinary Clinics
Day Care Centers
Offices for Professional Services and Financial Services greater than five thousand (5,000) square feet
Vehicle and Equipment Sales, Service and Rentals
Convenience Stores
Drive Though/Fast Food Restaurants

2. Institutional/Civic/Public Uses
Churches

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Television/Communication Satellite Dishes
2. Antennas that are designed to receive television broadcast signals.
3. On-premises signs – as set forth in Section _ of the Resolution.
4. Off-street parking areas for employees, customers and visitors of the Principal Use.
5. Fences, Walls, and Hedges may abut side and rear yards but are limited to a maximum height of eight (8) feet.
6. Automatic Teller Machine (ATM) located inside or attached outside to the structure housing the principal use.

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional use Provisions of Chapter 5, whichever is greater.

1. Minimum Lot size: One and one-half acres (65,340 square feet): Principal Permitted Uses
Two acres: Conditionally Permitted Uses
2. Minimum Lot Frontage: Two hundred & fifty (250) feet

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3. Minimum Lot Width: Two hundred & fifty (250) feet
4. Minimum Lot Depth: Two hundred (200) feet
5. Minimum Parking Lot Setback from Rts 58 and 20: Twenty-Five (25) feet from Road Right of Way
6. Minimum Building Setback from Rts 58 and 20: One hundred (100) feet from Road Right of Way
7. Minimum Side Yard Setback: Thirty (30) feet
8. Maximum Building Height: 35 feet
9. Maximum Floor Area to Lot Ratio: 0.25
10. Rear Setback Thirty (30') Feet (Added by Amendment 9/01/03)

Section F VEHICULAR ACCESS MANAGEMENT

In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following standards:

1. Curb cuts for new Commercial and Institutional/Civic Uses shall be limited to two (2) access points per development
2. Minimum curb cut spacing on SR.58: Six hundred (600) feet for new non-residential uses
3. All proposed new development and existing structure conversion must demonstrate a traffic overall level of service "C" and a Peak Hour level of service "D".

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4. All proposed development and changes in usage for any use except single family residential shall be required to submit a traffic impact study to demonstrate compliance with 3. above.
5. No new curb cuts providing direct access to Rt. 20 are permitted.

Section G PEDESTRIAN AMENITIES

Any proposed use shall comply with the following:

Sidewalks

- a. Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abuts a public street or open space.
- b. Sidewalks must be provided the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
- c. All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

Section H LANDSCAPING

1. Street Planting:
 - a. The planting of trees shall be required at the time a parcel is developed or redeveloped
 - b. Maximum spacing between trees shall be fifty (50) feet for large trees and forty (40) feet for medium.
2. Buffers:
 - a. A twenty-five (25) foot deep landscape buffer is required along State Route 58.
 - b. For every one hundred (100) feet of street frontage length, the developer must plant five (5) small trees and two (2) medium trees as defined in Appendix A.

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- c. Commercial development adjacent to any residential district shall require a one hundred and fifty (150) foot minimum landscaping buffer meeting the criteria of 2(b) and 1(b).
- 3. Parking Lots:
 - a. Commercial property shall have perimeter landscaping of one tree for each 1,000 square feet of gross floor area in addition to any interior parking lot landscaping required.
 - b. Any parking lot over 6,000 square feet must provide interior landscaping.
- 4. Earth Berms
 - a. The applicant has the option of using earth berms as part of the buffer requirements of (2)(c).
 - b. Where a commercial use abuts a residential district, the applicant may be required to construct a berm with additional evergreen, conifer plantings in order to create a visual opaque barrier to the proposed use.
 - c. In such cases, the berm shall have a 3:1 slope and all landscape material installed shall be in an irregular pattern.
 - d. Berms may not adversely affect natural drainage patterns.
 - e. A berm, which forms a visual opaque barrier, may at the discretion of the approving body replace up to fifty feet (50') of the minimum landscape buffer area.

Section I SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all Commercial Development within this District shall be subject to the Site Plan Review and Performance Standards, Chapter 6 of this Zoning Resolution.

CHAPTER 4-6 - OFFICE TRANSITION DISTRICT

Section A. PURPOSE

The Office Transition District is intended to provide for both residential and low impact commercial uses which protect the existing residential property owners while offering transitional non-residential opportunities for future development that recognize the transportation and public service availability described in the SR.58 Corridor Plan. General retail uses with the exception of commercial nurseries and artisan studios are not allowed within this District.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Residential Uses
Single Family Detached
Duplex
2. Commercial Uses
Home Offices
Offices located in existing residential structures (including Personal Services)
Artisan Studios
3. Institutional/Civic/Public
Government Facilities and Services
Public Park or Recreation Areas

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the Office Transition district subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Residential Uses
Townhouses
Attached Single Family

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2. Commercial Uses
Offices not exceeding 5,000 square feet (including personal services and financial services)
Commercial Nurseries
Medical Clinics
Day Care Facilities
Veterinary Clinics
Family Business
3. Institutional/Civic/Public Uses
Churches

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Television/Communication Satellite Dishes
2. Antennas that are designed to receive television broadcast signals.
3. On-premises signs – as set forth in Section _ of the Resolution.
4. Off-street parking areas for employees, customers and visitors of the Principal Use.
5. Fences, Walls, and Hedges may abut side and rear yards but are limited to a maximum height of eight (8) feet.
6. Automatic Teller Machine (ATM) located inside or attached outside to the structure housing the principal use.

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses with the exception of detached Single Family Residences must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional use Provisions of Chapter 5 where applicable.

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1. Minimum Lot size: New Commercial Development: Two (2) acres
Existing Residence Conversion: lot size as of 01/16/03.
Use conversion subject to approval by Lorain County Health Department.
New Single Family: One (1) acre
Townhouse Development: Five (5) acres
Duplex: Two (2) acres
Attached Single Family: One unit per acre
2. Minimum Lot Frontage: New Commercial/Institutional/Civic: Two hundred & fifty (250) feet
Existing Residence Conversion: Lot size as of 01/16/03
New Single Family: Two hundred (200) feet
3. Minimum Lot Width: New Commercial: Two hundred & fifty (250) feet
New Single Family: Two hundred (200) feet
New Institutional/Civic: Two hundred & fifty (250) feet
4. Minimum Lot Depth: New Development: Three hundred (300) feet
5. Maximum Lot Depth: Seven hundred (700) feet
6. Minimum Parking Setback from SR 58: Seventy (70) feet from Road Right of Way
7. Minimum Building Setback from SR.58: New Development: One hundred (100) feet from Road Right of Way
8. Minimum Side Yard Setback: Thirty (30) feet
9. Special Commercial Setback Requirements from Existing Residential Uses: Fifty (50) feet from lot line (does not apply to residential structure use conversion)
10. Maximum Building Height: 35 feet
11. Maximum Floor Area to Lot Ratio: New Commercial Uses: 0.25
12. Maximum density for Townhouse development: 6 units per acre.

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Section F VEHICULAR ACCESS MANAGEMENT

In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following standards:

1. Curb cuts for new Commercial and Institutional/Civic Uses shall be limited to two (2) access points per development
2. Minimum curb cut spacing on SR.58: Six hundred (600) feet for new non-residential uses
3. All proposed new development and existing structure conversion must demonstrate a traffic overall level of service “C” and a Peak Hour level of service “D”.
4. All proposed development and changes in usage for any use except single family residential shall be required to submit a traffic impact study to demonstrate compliance with 3. above.
5. Special provisions for Residential conversion: any proposed conversion of an existing residential structure to office uses allowed within the District shall meet the definition for a low volume driveway as defined by the ODOT Access Management Manual.

Section G PARKING STANDARDS

Off Street Parking for proposed development shall be located on the side(s) of or behind the principal building on the lot, except that no more than 10% of the required parking may be allowed in front of the building.

Section H PEDESTRIAN AMENITIES

Any proposed use other than detached Single Family residential uses or conversion of existing Single Family structures shall comply with the Pedestrian Amenities requirements of the Business Commercial Retail District.

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Section I LANDSCAPING

Any proposed use other than detached Single Family or conversion of existing Single Family structures shall comply with the Requirements of I 1 (a) and (b), I 2 (a) and (b) and I 3 (a) of the Business Commercial Retail District.

Section J SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all Commercial Development within this Community Retail/Commercial Zoning District shall be subject to the Site Plan Review and Performance Standards, Chapter 6 of this Zoning Resolution.

CHAPTER 4-7 BUSINESS COMMERCIAL RETAIL DISTRICT

A. Purpose

The Business Commercial Retail District is intended to provide for a range of commercial uses that are uniquely suited to the transportation and public service availability of the State Route 58 Corridor. While a range of uses currently exists within the District, the regulations are intended to encourage and manage the impacts of larger scale retail and commercial uses that serve the region. The district regulations and performance standards include heightened landscaping and traffic management standards which are intended to create an attractive gateway not only to Pittsfield Township, but to adjacent communities.

B. Principal Permitted Uses

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Commercial/Retail Uses

- a. Retail uses
- b. Business and professional offices
- c. Personal Services and businesses, or repair, except vehicle repair
- d. Sit down restaurants, which does not include drive-through restaurants
- e. Medical Clinics

2. Planned Commercial Development

Planned developments are intended to encourage multi-use development. An application for approval of a Planned Commercial Development, together with submitted plans and reports, shall be reviewed for their conformance with the following standards:

- a. The proposed PD shall be consistent with and implement the planning goals, policies, and objectives of Pittsfield Township;
- b. The proposed PD shall contain uses that are expressly permitted either by-right or as conditional in the Business Commercial Retail District, but such uses may be mixed within the planned development or within the same structure located in the PD;
- c. The proposed PD shall comply with the density or lot coverage ratio requirements set forth in the Business Commercial Retail District,
- d. Adverse impacts on adjacent properties, including but not limited to traffic, noise, and visual impacts, shall be mitigated to the maximum extent feasible;
- e. The planned development shall be integrated with adjacent development through street connections, sidewalks, trails, and similar features;
- f. All Planned Commercial Developments shall comply with any applicable zone district standards that require minimum setbacks from adjoining residential uses or properties.

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C. Conditional Uses

The following uses shall be conditionally permitted in the Business Commercial Retail District subject to meeting all applicable requirements set forth in Chapter 5 as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Commercial/Retail Uses
 - a. Hotels and Motels
 - b. Convenience Stores
 - c. Bars and Taverns
 - d. Day Care Centers

D. Accessory Uses and Structures

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Television/Communication Satellite Dishes
2. Antennas that are designed to receive television broadcast signals.
3. On-premises signs – as set forth in Section _ of the Resolution.
4. Parking garages and off-street parking areas for employees, customers and visitors of the Principal Use.
5. Fences, Walls, and Hedges may abut side and rear yards but are limited to a maximum height of eight (8) feet.
6. Automatic Teller Machine (ATM) located inside or attached outside to the structure housing the principal use.

E. Area, Setback and Height Requirements

All uses within the District must comply with the following in addition to the Site Plan Review Provisions of Chapter 6:

1. Minimum Lot Size: Two (2) acres
2. Minimum Lot Frontage: Two hundred and fifty (250) feet
3. Minimum Lot Width: Two hundred and fifty (250) feet
4. Minimum Lot Depth: Three hundred and twenty-five (325) feet
5. Minimum Parking Area: Setback from SR58: Seventy (70) feet from Road right of way.
6. Minimum Building Setback: From SR 58 Two hundred (200) feet from road right-of-way
7. Minimum Side Yard Depth: Case-by-case Basis
8. Minimum Rear Yard Depth: Thirty (30) feet Minimum Distance between buildings within a commercial development site: Fifty (50) feet

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9. Special Setback requirements from Residential Districts:
Any new structure over 50,000 square feet shall be placed a minimum of one hundred and fifty (150) feet (buffered) from any residential district property line.
10. Maximum Building Height: Forty (40) feet.
11. Maximum Floor Area to Lot Ratio: 0.25

F. Vehicular Access Management

In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following standards:

1. Curb cuts shall be limited to two (2) access points per development
2. Minimum curb cut spacing on State Route 58: 600 feet
3. All proposed development must demonstrate an overall traffic level of service “C” and a Peak Hour level of service “D.”
4. All proposed development and changes in usage for any use requiring a medium or high volume driveway shall be required to prepare and submit a traffic impact study to demonstrate compliance with 3 above.
5. All acceleration and deceleration lanes designed to meet the ODOT Access Management Manual Standards will be the responsibility of the developer and must be provided prior to opening day.

G. Parking Lot Standards

1. Off-street parking may be located in a building’s front yard.
2. Shared Parking:
 - a. Shared parking facilities are strongly encouraged and are permitted if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or week days only.)
 - b. Parking lots shall be interconnected with commercial/retail parking lots on adjacent properties to the maximum extent feasible.
 - c. Shared parking must provide a sufficient number of spaces are provided to meet the highest demand of the participating uses.

H. Pedestrian Amenities

1. Sidewalks
 - a. Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abuts a public street or open space.
 - b. Sidewalks must be provided the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
 - c. All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

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2. Linkages

To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems.

Landscaping

1. Street Planting:

- a. The planting of trees shall be required at the time a parcel is developed or redeveloped
- b. Maximum spacing between trees shall be fifty (50) feet for large trees and forty (40) feet for medium.

2. Buffers:

- a. A twenty-five (25) foot deep landscape buffer is required along State Route 58.
- b. For every one hundred (100) feet of street frontage length, the developer must plant five (5) small trees and two (2) medium trees as defined in Appendix A.
- c. Commercial development adjacent to any residential district shall require a one hundred and fifty (150) foot minimum landscaping buffer (See E-10) meeting the criteria of 2(b) and 1(b).

3. Parking Lots:

- a. Commercial property shall have perimeter landscaping of one tree for each 1,000 square feet of gross floor area in addition to any interior parking lot landscaping required
- b. Any parking lot over 6,000 square feet must provide interior landscaping.

4. Earth Berms

- a. The applicant has the option of using earth berms as part of the buffer requirements of I(2)(c).
- b. Where a commercial use abuts a residential district, the applicant may be required to construct a berm with additional evergreen, conifer plantings in order to create a visual opaque barrier to the proposed use.
- c. In such cases, the berm shall have a 3:1 slope and all landscape material installed shall be in an irregular pattern.
- d. Berms may not adversely affect natural drainage patterns.
- e. A berm, which forms a visual opaque barrier, may at the discretion of the approving body replace up to fifty feet (50') of the minimum landscape buffer area.

Site Plan Review and Performance Standards

Prior to obtaining a Zoning Certificate, all Commercial Development within this Business Commercial Retail Zoning District shall be subject to the Site Plan Review and Performance Standards, Chapter 6 of this Zoning Resolution.

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Chapter 4.7 Business Commercial Retail District

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CHAPTER 4-8 INDUSTRIAL/OFFICE/BUSINESS PARK

Section A. PURPOSE

The Industrial/Office/Business Park District is intended to provide enhanced tax base opportunities for Pittsfield Township capitalizing on the traffic carrying capacity of US.20. The District enjoys good accessibility to key arterial roads and as such acts as a gateway to the Pittsfield community. Accordingly, permitted uses encourage the development of larger scale office and industrial uses while enhancing aesthetic, quality site plan design. Larger scale uses will also minimize the curb cuts on US.20. Only clean manufacturing and other industrial uses are permitted; industries that produce significant quantities of hazardous substances are specifically prohibited. In order to forestall potential land use conflicts, any new residential development is specifically prohibited within the District.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Commercial Uses
 - a. Banks or other financial institutions
 - b. Commercial nurseries
 - c. Medical Clinics
 - d. Offices, business or professional
 - e. Recording, radio or television studios
 - f. Services; business, personal or repair
 - g. Showrooms and salesrooms for wholesale distribution
 - h. Wholesale trade
 - i. Veterinary Clinics
 - j. Sexually oriented businesses
2. Industrial Uses
 - a. Industrial business parks
 - b. Industrial use except for the following:
 - (i) All establishments included in the uses listed by the Ohio Environmental Protection Agency, as part of the Ohio Wellhead Protection Program that fall within Category I, Medium to High Pollution Risk or Category H, Medium Pollution Risk.
 - (ii) Wholesale or retail distribution or storage of scrap, waste material, auto bodies/parts, or hazardous material.
 - (iii) Asphalt, concrete or rock crushing plants.
 - c. Research Laboratories

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- d. Warehousing, distribution and/or storage within a completely enclosed structure
 - e. Workshop and custom small industry uses
 - f. Wireless Telecommunications Facilities subject to Chapter 4-9 Section
- 3) Institutional/Civic/Public Uses
- a. Essential public utility and services installations, but not including transfer stations or outdoor storage
 - b. Commercial recreational or sports training facilities
 - c. Fraternal organizations and private membership clubs.

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the District subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Commercial Use
- a. Auto repair and services, but not including wrecking or salvage, provided any accessory retail sales use shall not exceed fifteen thousand (15,000) square feet in gross floor area.
 - b. Commercial operations that involve operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving storage of goods.
 - c. Vehicle and equipment rentals
 - d. Vehicle repair/services subject to limitation in a. above.
 - e. Fully enclosed recreational vehicle, boat or truck storage.

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

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1. Television/Communication Satellite Dishes, Communication Towers.
2. Antennas that are designed to receive television broadcast signals.
3. On-premises signs – as set forth in Chapter 7 of the Resolution.
4. Off-street parking areas for employees, customers and visitors of the Principal Use.
5. Fences and Walls may abut side and rear yards but are limited to a maximum height of eight (8) feet.
6. Automatic Teller Machine (ATM) located inside or attached outside to the structure housing the principal use
7. Storage (see Section I below).

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional use Provisions of Chapter 5:

1. Minimum Lot size: Two (2) acres
2. Minimum Lot Frontage: Two hundred & fifty (250) feet
3. Minimum Lot Depth: Three hundred Twenty-Five (325) feet
4. Minimum Parking Area Setback from US.20: Twenty-Five (25) feet from Road Right of Way
5. Minimum Building Setback from US. 20: One hundred (100) feet from the Road Right of Way
- 6.. Minimum Side Yard Setback: Thirty (30) feet
7. Special Setback requirements from Residential Districts: Any new structure over Ten thousand (10,000) square feet shall be placed a minimum of one hundred & fifty (150) feet, buffered, from any residential district property line
8. Maximum Building Height: Forty (40) feet
9. Maximum Floor Area to Lot Ratio 0.30
10. Rear Setback thirty (30') feet (Added by Amendment 9/1/03)

Section F VEHICULAR ACCESS MANAGEMENT

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In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following standards:

1. Curb cuts shall be limited to two (2) access points per development
2. Minimum curb cut spacing on US.20: Six hundred (600) feet
3. All proposed development must demonstrate an overall traffic level of service “C” and a Peak Hour level of service “D”.
4. All proposed development and changes in usage for any use requiring a medium or high volume driveway shall be required to prepare and submit a traffic impact study to demonstrate compliance with 3. above.
5. All acceleration and deceleration lanes designed to meet the ODOT Access Management Manual Standards will be the responsibility of the developer and must be provided prior to opening day.

Section G PARKING LOT STANDARDS

1. Off Street parking for proposed development may be required to have a paved parking lot with asphalt or concrete surfaces.

Section H LANDSCAPING

1. Street Planting:
 - a. The planting of trees shall be required at the time a parcel is developed or redeveloped.
 - b. Maximum spacing between trees shall be fifty (50) feet for large trees and forty (40) feet for medium.
2. Buffers:
 - a. A twenty-five (25) foot deep landscape buffer is required along US.20.
 - b. For every one hundred (100) feet of street frontage length of commercial building and parking, the developer must plant five (5) small trees and two (2) medium trees as defined in Appendix A with the exception of car dealerships. Buffers need to be flexible when safety issues are involved.

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- c. Commercial development adjacent to any residential district shall require a one hundred and fifty (150) foot minimum landscaping buffer meeting the criteria of 2(b) and 1(b).

3. Parking Lots:

- a. Commercial property shall have perimeter landscaping of one tree for each one thousand (1,000) square feet of gross floor area in addition to any interior parking lot landscaping required.
- b. Any parking lot over six thousand (6,000) square feet must provide interior landscaping.

4. Earth Berms

- a. The applicant has the option of using earth berms as part of the buffer requirements of (2)(c).
- b. Where a commercial use abuts a residential district, the applicant may be required to construct a berm with additional evergreen, conifer plantings in order to create a visual opaque barrier to the proposed use.
- b. In such cases, the berm shall have a 3:1 slope and all landscape material installed shall be in an irregular pattern.
- c. Berms may not adversely affect natural drainage patterns.
- d. A berm, which forms a visual opaque barrier, may at the discretion of the approving body replace up to fifty feet (50') of the minimum landscape buffer area.

Section I OUTDOOR STORAGE REQUIREMENT

All materials and vehicles associated with activities and uses within the District must be stored within an enclosed structure or screened from view via year-round opaque landscaping or fencing. Chain link fencing with screening slats is not permitted.

Section J SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all development within this District shall be subject to the Site Plan Review and Performance Standards of this Zoning Resolution.

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CHAPTER 4-9 SUPPLEMENTARY REGULATIONS

Section A. PONDS

Ponds are permitted in all districts subject to the following:

- 1) No person, firm or corporation shall construct, install, modify, enlarge, clean, or dredge a pond without first obtaining a permit from the Township Zoning Inspector. All Ponds shall be designed by registered civil engineer or contractor who is trained or approved by the Lorain County Soil and Water Conservation District. All ponds will be in compliance with the Lorain County Soil and Water Conservation District Regulations. An application packet is available with the application fee at the Lorain County Soil and water Conservation District. (Paragraph Amended 9/1/03)
- 2) All land owners shall contact the Lorain Soil and Water Conservation District at least sixty (60) days in advance and apply for a Township zoning permit.
- 3) Minimum size shall be one-quarter (1/4) acre and shall be a minimum of eight (8) feet depth in twenty-five (25) percent to fifty (50) percent of the pond with no dimension less than eighty (80) feet and with three (3) to one (1) side slopes (three (3) feet horizontal to one (1) foot vertical. Mounding of the spoil material shall not exceed four (4) feet in height from the highest ground around the pond and shall be a minimum of four (4) feet in width if mounded.
- 4) Yard requirements shall be a minimum of fifty (50) feet from all right-of-ways, side and rear lot lines. This measurement shall be taken from the high water mark of the pond or the toe of the outside of the bank whichever is closest to the right of way or lot line.
- 5) The construction of the water impoundment shall not adversely affect the surface and subsurface drainage pattern of adjacent properties. Water impoundment shall not be discharged so as to affect the required field of and nearby on-site sanitary system or raise the ground water table through infiltration so as to render ineffective any on-site sanitary system or water well.

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- 6) The use of dry hydrant systems or other fire department approved water systems are encouraged.
- 7) Ponds will be managed and maintained so as not to create a nuisance and health hazard to nearby residents in the opinion of the Township Trustees.

Section B. FLOODPLAIN

- 1) Purpose

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the fifty (50) and one hundred (100) year floods in the flood plain areas of the major rivers, their branches and tributaries within the Township so that the carrying capacity shall not be reduced, thereby creating danger to the areas previously not so endangered in time of high water. Said regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency. All Flood Plain District Boundaries shall be certified by the Lorain County Soil and Water Conservation District Office. No person shall alter the flow of water within a flood plain district that may be detrimental to public safety or cause damage to another property.
- 2) Permitted Uses

No building or structure shall be erected, converted, or structurally altered and no land and/or structure shall be used except for one or more the following uses:

 - a. Open space uses, such as farms, truck gardens, nurseries and such other open space uses as preserves, bridle trails and nature paths, provided no alteration is made to the existing grade level of the flood plain or structures which may interfere with the flow of the river or its flood plain capacity
 - b. Yard and setback areas required for any district within the flood plain zone.
 - c. Parks, playgrounds recreation areas and accesses, plant nurseries, golf course or any other use that may not increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

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3) Setback Criteria

All development adjacent to a certified flood plain area shall be setback in accordance with the Site Plan Review and Performance Standards.

Section C. STORM WATER POLLUTION PREVENTION PLAN

When a proposed development involves disturbing more than one (1) acre of land, a Storm Water Pollution Prevention Plan (SWP3) shall be submitted prior to initiation of site preparation and/or construction. A SWP3 Plan shall be prepared with the essential components and requirements as deemed necessary by the Ohio Environmental Protection Agency.

Section D ROADS AND CULVERTS AND DRIVEWAYS

1) Conformance

All new roads, with the exception of those contained within a Residential Conservation District, shall conform to the construction standards of the Lorain County Subdivision Regulations.

2) Driveway Requirements

- a. Residential driveway minimum surface width shall be ten (10) feet for its entire length with a clear minimum vertical clearance of sixteen (16) feet.
- b. Driveways greater than one hundred (100) feet in length, measured from the road to the end of the driveway, shall have a turnaround located near the dwelling unit of at least ten (10) feet wide x twenty (20) feet depth.
- c. Driveways shall be constructed of a minimum depth of eight (8) inches of gravel or other materials and depth so as to have the same weight-bearing capabilities.
- d. Fences, walls and any other similar improvements shall be placed no closer to either outer edge of the driveway than three (3) feet horizontally.

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3) Culvert Requirement

- a. All driveway culverts shall be a minimum size of twelve (12) inches x twenty-four (24) feet or longer and a larger diameter and will be of approved material as determined by the Township. The culvert trench shall be back filled with a premium mat I.E. ODOT 411's or 304's. Culverts will be subject to review as the situation warrants.
- b. A concrete drive will terminate at the road right-of-way. Continuation of the drive shall be of asphalt or gravel, matching the existing road grade.

Section E TEMPORARY TRAILERS

Temporary Trailers are allowed under the following conditions:

1) During Construction

Any structure, temporary basement home or not more than one trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such use shall not be continued for more than six months with a maximum of one six month extension. A separate zoning certificate shall be required for the use of a temporary dwelling quarters. Such certificate shall not be issued without an operating sanitary system and an approved permit for new home construction. An escrow account of Five hundred (\$500) dollars shall be filed with the application for such certificate.

2) With Occupied Dwellings

A separate zoning certificate is required for a trailer or mobile home used temporarily as a residence in conjunction with an occupied dwelling. Said use shall not exceed ninety (90) days in any calendar year. A performance bond in no event less than One thousand (\$1,000) dollars shall be filed with the application for such certificate. County approved sanitary facilities must be provided in all instances.

3) Emergency Use

When a dwelling on any lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home

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may be used as a temporary residence while the permanent dwelling is being repaired or reconstructed. A separate zoning certificate shall be required for such emergency use. County approved sanitary facilities must be provided.

- 4) Construction Trailers
Office trailers, tool trailers or storage trailers used for the sole purpose of commercial construction of said building or road which such trailers would be needed must receive a Conditional Use permit for a maximum of six (6) months which may be renewed for one additional six (6) months maximum period after the first permit has expired.

Section F Wireless Telecommunication Facilities

- a. The applicant shall supply a map of the Township and all contiguous jurisdictions indicating the location of all existing telecommunication facilities within three (3) miles of the proposed site. The applicant must show that it has requested to locate or collocate on an existing tower, building or other technically suitable facility and that the collocation request was rejected by the owner/operator of the tower, building or other technically suitable facility.
- b. As a condition of issuing a Zoning Certificate to construct and operate a telecommunications tower in the Township, the owner/operator is required to allow, under commercially reasonable terms, collocation until said tower has reached full antenna capacity. Agreement to this provision must be included in the applicant's lease with the property owner, if different from the tower owner/operator.
- c. The minimum distance from any tower to an existing residential dwelling unit shall be three hundred (300) feet.
- d. All wireless telecommunication towers shall comply with the front, side and rear yard setback requirements for commercial usage.
- e. Wireless telecommunications facilities may be located on a lot with another use subject to the following conditions:
(i) The facility will not be considered an addition to the principal permitted use structure or the value of any non-conforming use.

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- f. Security fencing eight (8) feet in height shall surround the tower and equipment shelter either completely or individually as determined by the Board of Zoning appeals. A metal sign of no greater than four (4) square feet shall be posted on the fence showing street address, names of companies with facilities at the site, and all 24 Hour emergency telephone numbers.
- g. In the event a separate access road is necessary, it shall be constructed of suitable materials to prevent mud deposits on local roads. Access roads shall have a gate with a locking device at or near the public road entrance to prevent unauthorized entry.
- h. The applicant shall provide evidence of legal access to the facility and maintain that access regardless of other developments which may take place on the site..
- i. The Applicant shall provide a report prepared by a licensed professional engineer describing the height, design, structural loading capacity and compliance with any applicable State or County building and inspection requirements.
- j. No equipment building shall exceed twenty (20) feet in height.
- k. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures and signs shall not be attached to the antenna or tower. If lighting is required by the Federal Aviation Administration, white strobe lights shall not be permitted unless no alternative is permitted by the FAA. Lighting for security purposes is permitted.
- l. The Applicant shall submit a certification that the facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).
- m. No advertising will be permitted on the facility.
- n. The owner/operator of the facility shall agree to remove a non-functioning facility within six (6) months of ceasing its use.
- o. The owner/operator, as a condition of issuance of the Zoning Certificate, shall post a cash or surety bond acceptable to the Board of Trustees of not less than one hundred dollars (\$100.00) per vertical foot from the natural grade of the tower, which bond shall insure that an abandoned obsolete or destroyed

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facility shall be removed within six (6) months of cessation of use or abandonment. Any collocator shall be required to additionally execute such bond as principal.

Section G. Home occupations are permitted subject to the following provisions:

- a. Such use shall be conducted entirely within the dwelling unit.
- b. Such use will be clearly incidental to the primary residential use.
- c. Such use shall be conducted only by persons residing in the dwelling unit with an additional one employee allowed.
- d. Such use will be limited to the use of 33% of the floor area of the first story of the dwelling unit.

Section H: Junk Cars

- a. Parking of junk vehicles, inoperable, abandoned or unlicensed vehicles is prohibited outdoors, as per Ohio Revised Code sections 4513.65 & 505.173
- b. The Township shall not prevent a person from storing or keeping, or restrict him in the method of storing or keeping, any collectors vehicle on private property with the permission of the person having the right to the possession of the property; except that Township may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open
- c. The County Sheriff, a state highway patrol trooper, a board of township trustees, or the zoning inspector of a township, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.
- d. No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

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Section I: -Prohibited uses

The Following uses shall be deemed to constitute a nuisance and shall not be permitted in any Districts:

1. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, unless done at a place provided by the township trustees for such specific purpose.
2. Junkyards, automobile graveyards, or places for the collection of scrapped vehicles, scrap metal paper, rags, glass or junk for salvage or storage purposes, or for dismantling used vehicles.
3. Basements, wholly or partially below the grade of the lot upon which located, for dwelling purposes, temporary or permanent.
4. Storage, piling, or accumulation of building material on a vacant lot unless a zoning certificate has been issued for construction on said lot involving the use of such material and the material is used within one year from the date of the certificate.
5. Rear houses, so that as amended, said zoning resolution will prohibit the use of trailer coaches as a residence or for commercial purposes except where a conditional permit may be issued, this would also prohibit any houses to be erected at the rear of another dwelling on the same lot or parcel.

Section J. Minimum House & Apartment Sizes

1. **Houses:** The Minimum first floor living area for a single family dwelling without a basement shall be eight hundred sixty-four (864) square feet of living area, The minimum with a basement shall be eight hundred sixty-four (864) square feet of first floor living area. Basements, porches, garages, breezeways, terraces, attics, or partial stories are exclusive of the living area.

Apartments: There shall be a minimum of 864-sq. ft. combined living area per each apartment.

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K. Sexually Oriented Business/Adult Use (Amended 12/29/03 –Moved from Chapter 5, Conditional Use Standards Section 10).

- a. Applicant shall provide certification as to percentage of sales or rentals meeting the criteria of adult use/sexually oriented business; percentage of total floor area devoted to such uses.
- b. No adult uses shall be permitted within five hundred (500) feet from any existing residential lot or zoning district.
- c. No adult uses shall be permitted within one thousand (1,000) feet of any lot containing a church, public library, public or private educational facility that that serves persons under eighteen years of age, elementary school, public park or recreation area or zoning approved day care facility.
- d. Hours of operation are limited to between 7:00 A.M. and 12:00 Midnight.
- e. The Board of Zoning Appeals may, at their discretion, require additional or heightened setbacks, screening and signage standards.

CHAPTER 5 CONDITIONAL USE STANDARDS

A. General Provisions

Conditional uses are listed within the specific Districts of this Resolution. Only those uses expressly listed as conditional uses may be considered in that zone district. All applications for a conditional use shall demonstrate compliance with the general criteria and standards.

B. Conditional Uses: General Criteria and Standards

In addition to any special conditions and standards listed in a Zoning District, all applications for a conditional use shall demonstrate that:

1. The use is consistent with the policies and intent of the corresponding zoning district in which it is located, as set forth in the Pittsfield Township Zoning Resolution and Comprehensive Plan.
2. The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:
 - a. Location on a site of activities that generate potential adverse impacts such as noise and glare;
 - b. Hours of operation and deliveries;
 - c. Location of loading and delivery zones;
 - d. Light intensity and hours of full illumination;
 - e. Placement and illumination of outdoor vending machines;
 - f. Loitering;
 - g. Litter control;
 - h. Placement of trash receptacles;
 - i. On-site parking configuration and facilities;
 - j. On-site circulation; and
 - k. Privacy concerns of adjacent uses.
3. The use can be accommodated on the site consistent with any applicable district regulations of this Resolution, and in conformance with all dimensional, site development, grading/drainage, performance, and other standards for the district in which it will be located, with no variances required.

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4. To the maximum extent feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersections and adequate sight distances are maintained for motorists entering and leaving the property proposed for the use.
5. On-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. The use will be adequately served by public facilities and services. Public facilities and services that may be considered in light of this standard include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, and storm drainage.
7. The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in this Resolution.

C. Conditional Uses: Special Conditions and Standards

A proposed conditional use must satisfy all such special conditions and standards in addition to the general criteria and standards set forth in subsection (B) above.

1. Hotels and Motels
No hotel/motel operator shall permit a guest to occupy such accommodations for a consecutive period of more than 30 days.
2. Convenience Stores
 - a. The maximum size of a convenience store shall be three thousand, five hundred (3,500) square feet of gross floor area.
 - b. If gasoline is sold as part of the convenience store operation, the following conditions must be satisfied:
 - i. Stores fronting on SR58 must also meet the minimum setback standards of E(5) of the Business Commercial Retail District.
 - ii. Gasoline pumps shall be located at least 30 feet from the edge of the right-of-way of a public street. Tanks shall be limited to a maximum capacity of 6,000 gallons and to 1 tank for each grade of fuel sold.
 - iii. All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least 25 feet from any property line, and vented, in accordance with Ohio Code requirements.
 - iv. A canopy over the fuel pumps that is detached from the principal building may be erected provided that such structure is located at least 10 feet from any property line or street right-of-way, and such structure is not enclosed.

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- v. There shall be adequate space on the subject property to allow up to 3 cars to stack in a line for services without using any portion of an adjacent public street.
- vi. Parking areas for retail sales and gasoline service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.
- c. The applicant shall submit a litter control plan as part of the application for conditional use approval.
- d. No drive-through service shall be permitted as part of the operation of a convenience store.

3. Bars and Taverns

- a. Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided the patio is no more than one-third the floor area of the entire use.
- b. Amplified outdoor live performances shall not be permitted.
- c. All bars and taverns, and restaurants serving liquor, shall be licensed to operate under the laws of the State of Ohio.

4. Day Care Centers

- a. The use shall contain no overnight accommodations.
- b. Certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the Township. A copy of an annual report with evidence of continuing certification/licensing shall be submitted to the Zoning Inspector in January of each year to be kept on file.
- c. Safe areas for pick-up and discharge of persons shall be provided that do not interfere with the free flow of traffic on adjacent streets.

5. Medical Clinic Conditional Uses

- a. Must meet ODOT standards for low volume Driveway
- b. Less than five thousand (5,000) square feet
- c. The use shall contain no overnight accommodation
- d. Off-street Parking shall be located on the side(s) of or behind the principal building on the lot, except that no more than 10% of the required parking may be allowed in front of the building.

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- e. Adequate provisions shall be made for access by emergency medical vehicles on at least one side of the building.

6. Veterinary Clinic Conditional Uses

- a. A dwelling may be provided on the property in conjunction with the facility if it is for the sole use of the facilities manager and related family.
- b. Where applicable, certification or licensing by the appropriate State agency shall be a prerequisite to issuance of a zoning certificate by the Township. A copy of evidence of continuing certification shall be submitted in January of each year to the Zoning Inspector.

7. Vehicle and Equipment Sales, Service and Rentals

- a. All vehicle maintenance or repairs shall be wholly conducted within an enclosed structure.
- b. Storage of hazardous materials for longer than thirty (30) days shall not be permitted.
- c. Bulk Storage in excess of one thousand (1,000) gallons of flammable liquids or in excess of one hundred and twenty-five (125) cubic feet of flammable gases shall be underground. A disaster/spill plan shall be completed and shall remain on file with the Wellington and Oberlin Fire Chiefs.
- d. Adequate vehicle turning areas shall be provided on site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.
- e. The use or structure housing such use shall be located a minimum of two hundred (200) feet from any residential lot line.
- f. All property lines that adjoin a residential use or district shall be screened with a visually opaque landscape buffer.
- g. Outdoor operations or activities shall not include the storage or accumulation of waste products, including tires, waste oils, grease or other flammable, toxic or hazardous materials.
- h. The manner of outdoor operations shall facilitate access for fire fighting, shall prevent hazards from fire or explosion and shall prevent accumulation of stagnant water.

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- i. All vehicle and equipment parts shall be stored within an enclosed building or totally screened from view by a solid fence. A chain link fence with slats shall not constitute acceptable screening or fencing for purposes of this provision.
- j. All vehicles awaiting repair shall be stored on site in approved parking spaces and shall not be stored on or obstruct access to a public right of way

8. Family Business not in Primary Agricultural Use District

- a. Business proposed must be operated by owner living in principal residence.
- b. Paid employees limited to four, no more than two of which may be non-family members.
- c. All activities must be conducted within a wholly enclosed accessory structure or principal residence.
- d. Outdoor storage of equipment or materials shall not exceed five thousand (5,000) square feet and must be fully fenced or opaquely screened from neighboring properties. Outdoor storage is not permitted within the required yard setback areas.
- e. Accessory structures for Family Business use shall be limited to one thousand five hundred (1,500) square feet.
- f. The family business shall be clearly subordinate to the use of the land for residential purposes.
- g. Use of principal residence for Family Business activities limited to thirty three and one-third (33 1/3) percent of the total square footage.
- h. Property approved for Family Business use limited to two (2) total accessory structures.
- i. Driveway, parking and delivery areas shall be designed to assure safety and prevent traffic congestion impacts to neighboring properties.
- j. Overnight parking of trucks over twelve thousand (12,000) pounds gross vehicle weight and eight (8) feet in height for more than seventy-two (72) consecutive hours is prohibited unless within an enclosed structure or screened from view of adjacent properties.

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- k. A Family Business Conditional Use Permit is non-transferable and is issued solely to the property owner operating the business.
- l. The proposed Family Business shall not constitute primary or incidental storage for a business activity conducted elsewhere.
- m. The Family Business must meet all criteria of the Site Plan Review Performance Standards.
- n. In no event shall a family business that operates as a junk yard, scrap metal processing or auto salvage dealer as defined in the Ohio Revised Code be permitted.

9. Roadside Agricultural Sales

- a. Roadside stands shall be designed to be removable structures used solely for the display and sale of agricultural products. Structures shall be removed during months when not in use.
- b. Applicant shall provide for adequate parking and safe ingress and egress.
- c. At least Fifty (50) percent of the agricultural products sold must be produced on the premises.
- d. Stands may be constructed within yard setback areas but must be located a minimum of twenty (20) feet outside of the public right of way.
- e. Conditional Use Permits are not required within the Primary Agricultural Use Districts, however setbacks from rights-of-way, safe access and temporary structure standards must be maintained.

~~10. Sexually Oriented Business/Adult Use (Moved to Supplemental Regulations Section K. by amendment 12/29/03)~~

- ~~f. Applicant shall provide certification as to percentage of sales or rentals meeting the criteria of adult use/sexually oriented business; percentage of total floor area devoted to such uses.~~
- ~~g. No adult uses shall be permitted within five hundred (500) feet from any existing residential lot or zoning district.~~
- ~~h. No adult uses shall be permitted within one thousand (1,000) feet of any lot containing a church, public library, public or private educational facility that that serves persons under eighteen years of age, elementary school, public park or recreation area or zoning approved day care facility.~~

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- ~~i. Hours of operation are limited to between 7:00 A.M. and 12:00 Midnight.~~
- ~~j. The Board of Zoning Appeals may, at their discretion, require additional or heightened setbacks, screening and signage standards.~~

11. Agricultural Tourism/Entertainment

a. Parking Requirements

Off street parking adequate to meet peak time demand shall be provided in a manner that guarantees safe access and does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within required yard setback areas or within twenty (20) feet of the road right-of-way.

b. Hours of Operation

Approval of hours of operation by the Board of Zoning Appeals is required prior to initiation of activities.

c. Time Limits

The applicant shall provide data establishing the seasons and estimated weeks of operation. The Conditional Zoning Permit shall clearly establish these parameters.

d. Limits on Retail Sales

Sales are limited to agricultural products meeting the criteria of Roadside Agricultural Sales and specific supporting products related to the agricultural tourism purpose such as animal feed pellets, U-pick containers, etc.

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CHAPTER 6 - SITE PLAN REVIEW AND PERFORMANCE STANDARDS

A. Purpose

Prior to obtaining a Zoning Certificate, all reviewing agencies, the Township Zoning Inspector, Township Zoning Commission, or in the case of Conditional Use permits, the Board of Zoning Appeals, shall review site plan applications, and all submitted plans and reports, and evaluate them to determine their compliance with the District conditions and with the following standards:

B. Performance Standards

1. Limits of Disturbance

- a. Designation: Approved Limits of Disturbance shall be shown on the final site plan. Limits of Disturbance shall be designated in the field prior to commencement of excavation, grading, or construction with fencing or other methods approved by the Zoning Commission.
- b. All construction activity, including, without limitation, grading, excavation, or stockpiling of fill material shall be contained within the approved limits of disturbance.
- c. No construction activity shall be permitted within the limits of disturbance, whether to provide for a building site, on-site utilities or services, or for any roads or driveways, prior to the approval of any required erosion and sedimentation control plan for the development.
- d. Barrier fencing: Construction barrier fencing shall be provided at the limits of disturbance during construction.

2. Tree Planting Standards

- a. Plant Quality: All plants shall be Specimen Quality for the plant type, free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Association of Nurserymen or International Society of Arboriculture standards.
- b. Installation: All tree replacement required by this section shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All tree replacement in each phase of a development shall be either installed or installation shall be secured with a letter of credit, escrow, or performance bond for 125% of the value of the trees prior to the issuance of a certificate of zoning compliance for any building in such phase.
- c. Maintenance: Existing trees and vegetation shall be considered as elements of the project in the same manner as parking, building materials, and other site details, and if damaged during construction or dead within two years of completion of development, shall be promptly replaced based on the requirements of this Section.

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- d. Plant Requirements: All trees shall have a minimum diameter at breast height (DBH) of at least 2 inches when installed.

3. Wetlands and Stream Corridors

The following setbacks are considered minimum distances:

- A. Stream Corridors. All buildings, accessory structures, and parking lots shall be set back at least one hundred (100) feet horizontally (map distance), from the ordinary high-water mark of stream corridors.
- B. Wetlands. All buildings, accessory structures, and parking areas shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.
- C. Private Open Space/Landscaping Credit. All setback areas shall be credited toward any relevant private open space set-aside requirements or landscaping requirements.

4. Lighting

The intent of this section is to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting used to illuminate buildings; parking lots or the landscape shall be evaluated in the Site Plan Review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on adjacent property owners and the neighborhood.

- a. Maximum lighting levels for outdoor facilities used at night shall be as follows:

<u>USE</u>	<u>Maximum Footcandle</u>
Building Surrounds (non-residential)	1.0
Parking Areas	2.0
Loading and Unloading Platforms	20.0

- b. The amount of light trespass projected onto residential use from another property shall not exceed 0.10 vertical footcandles at the property line.
- c. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and diffusion.
- d. No light source shall be located on building facades directed outward toward property boundaries.
- e. Light fixtures shall be mounted on poles no higher than 35 feet.

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5. Noise/Hours of Operation

- a. General Standard: No activity or operation within the district shall exceed the maximum permitted sound levels db (A) as set forth below at the property line of the receiving premises, except as provided in this section:

Source of Sound and Time	Premises Receiving Sound/Sound Level db(A)		
	Residential	Commercial/Institutional	Industrial
Commercial/ Institutional			
Day	55	60	65
Night	50	50	55
Industrial			
Day	55	60	70
Night	50	50	60

**Night shall mean the hours between 10:00 p.m. and 7:00 a.m.*

- b. Additional Standards for Specific Operations and Activities:

- i. Refuse Collection/Loading. No person or business shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at the property line. No refuse loading or collection shall take place between the hours of 6:00 p.m. and 7:00 a.m. when adjacent to Residentially Zoned Districts.
- ii. Truck Loading. No truck loading or unloading shall be allowed within two hundred and fifty (250) feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m.

- c. Exemptions:

Warning or alarm devices that have the purpose of unsafe or dangerous situations or calling for police are exempted from limitations from this section

6. Odors

No person or business shall cause or allow the emission of odorous air contaminants from any source that results in detectable odors that are measured in excess of the following limits:

- a. For areas used predominantly for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor-free air.¹

¹ The most widely used technique is the American Society of Testing Materials method using a syringe for making multiple dilutions and then determining if the odor is detectable once diluted. A scentometer measures the odor threshold. Air is drawn through carbon filters to produce odor free air, and mixed with a know amount of odorous gas. A limitation of this approach is that it assumes that equal amounts of all

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7. Air Quality/Emissions
 - a. To minimize off-site fugitive emissions, trucks carrying dry bulk materials are to be fully enclosed, or the cargo is to be enclosed within canvases, tarpaulins, or other method of confinement that fully covers the payload area of the truck. Alternatively, a crusting agent may be used to cover the cargo.
 - b. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.

8. Hazardous Waste/Materials
 - a. All hazardous materials or wastes that might cause fumes or waste or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
 - b. No hazardous materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.
 - c. If the proposed uses or tenants of a facility, building, or project are known to use or store hazardous materials or wastes onsite in excess of the amounts set forth in UFC Article 4.108, the applicant shall prepare at the direction of the Wellington Fire Chief, a hazardous materials impact analysis that:
 - i. Assesses potential off-site impacts and appropriate mitigation procedures and precautions; and
 - ii. Examines methods to reduce the use and storage of hazardous materials and the production of hazardous wastes at the site.

9. Glare or Heat

If the proposed activity or operation produces glare or heat, whether direct or reflected, that is perceptible from any point along the development's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.

10. Operational/Physical Compatibility

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

 - a. Hours of operation and deliveries
 - b. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
 - c. Placement of trash receptacles;
 - d. Location of loading and delivery areas;
 - e. Light intensity and hours of full illumination;

odors are equally objectionable--in other words, it focuses on quantity, not quality. A good discussion of odor pollution can be found in Frank L. Cross, Jr., Air Pollution Odor Control Primer (1973).

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- f. Placement and illumination of outdoor activity areas and equipment, including vending machines.

11. Adequate Public Facilities

All uses must demonstrate that adequate public facilities, in terms of sewerage treatment and water supply, are available to meet the intended use.

12. Parking Requirements—Spaces Required

For the purpose of this Resolution, in establishing off-street parking requirements, the Zoning Commission or Board of Zoning Appeals may utilize the requirements set forth below or the requirements set forth in the *Parking Generation Manual* (Institute of Transportation Engineers, 2nd Edition). The method to be used will be established during the Site Plan Review Conference. In the case of uses which are general commercial retail, the parking space requirements are considered to be maximums.

- a. Automotive Repair Services: Two spaces for each service bay, plus one space per employee.
- b. Automotive Service Stations: One space per fuel pump, plus one space for each 1.5 employees.
- c. Automotive Dealers: One space for each 400 square feet of floor area plus one (1) for each employee.
- d. Banks and other
Financial Institutions: One space for each 400 square feet of floor area plus sufficient stacking space at drive-up facilities to accommodate the number of automobiles equal to five times the number of teller windows.
- e. Bars/Taverns: One space for each 100 square feet of floor area.
- f. Bed and Breakfast Inn: One space for each guest room plus two spaces for the permanent residence.
- g. Car Wash Facilities: Automobile car washes shall provide sufficient stacking spaces for four vehicles per bay, and one space per employee.
- h. Commercial Nursery
or Greenhouse: One space per 1,000 square feet of floor area plus one space per 2,000 square feet of land area.
- i. Commercial School/
Artist Studio: One space per 300 square feet of floor area.
- j. Contractor Yard: One space for each 1,000 square feet of floor area plus one space for each facility vehicle.

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k. Convenience Store:	One space for each 200 square feet of floor area.
l. Day Care Center:	One space for each 500 square feet of floor area plus one space for each employee.
m. Golf Course:	One space per two employees, plus three per golf hole.
n. Group Home:	One space for each four beds.
o. Hotel/Motels:	One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space.
p. Industrial/Manufacturing:	One space for each employee on the shift with the highest number of employees.
q. Medical Clinics:	One space for each 100 square feet of floor area.
r. Office:	One space for each 400 square feet of floor area.
s. Personal and Business Services:	One space for each 200 square feet of floor area.
t. Private Member Recreation Facility or Club:	One space per 200 square feet of floor area or one space for each four seats, whichever is greater.
u. Public Buildings:	One space for each 200 square feet of floor area.
v. Recording, Radio, or TV Studios:	One space per 400 square feet of floor area.
w. Recreational, Non-Commercial:	One space for each 2 participants at maximum utilization.
x. Recreational, Commercial:	One space for each 3 persons at capacity.
y. Religious Places of Worship:	One space for each four seats in the place of assembly.
z. Research and Development Laboratories:	One space for each 500 square feet of floor area.
aa.	Restaurants: One space for each two seats of seating capacity.
bb.	Retail Business: One space for each 250 square feet of floor area.
cc.	Shopping Center: Four spaces for each 1,000 square feet of floor area.
dd.	Skating Rink: One space per each 200 square feet of floor area.
ee.	Swimming Club: One space for each 300 square feet of pool and promenade area.
ff.	Theaters: One space for each three (3) seats plus one for each two employees.

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- gg. Veterinarian Facility: Four spaces for each examination room.
- hh. Warehousing: One space for each 1,000 square feet

13. Parking Lot Standards

a. Joint or Collective Parking Facilities:

Shared parking facilities are strongly encouraged and are permitted if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or weekdays only.) The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating their reasons for the requested parking reduction. Shared parking may be approved if:

- i. A sufficient number of spaces are provided to meet the highest demand of the participating uses;
- ii. Evidence to the satisfaction of the Zoning Commission or Board of Zoning Appeals, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
- iii. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Zoning Commission or Board of Zoning Appeals are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the development from the uses they are intended to serve.

b. Handicapped Parking Requirements

- i. A sufficient number of spaces are provided to meet the highest demand of the participating uses;
- ii. The dimension of parking spaces serving handicapped persons shall be at least twelve (12) feet wide by eighteen (18) feet long and shall have a 96” access aisle.

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- iii. Parking facilities serving buildings and facilities required to be accessible to the physically disabled shall have conveniently located designated handicapped parking spaces to be provided as follows:

TOTAL PARKING SPACES IN LOT	MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

c. Paving

Any off-street parking or loading area shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.

d. Drainage

All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto public streets.

e. Pedestrian and Bicycle Paths

- i. To the maximum extent feasible retail and commercial development shall provide pedestrian linkages, including bikeways, to existing trail systems, parks, schools, and adjacent developments.

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- ii. Bicycle Paths: Where linkages are provided through the development of dedicated off-road bicycle paths, the minimum right-of-way will be 18 feet, and the pavement width will be 10 feet.

C. Site Plan Review Procedures

Zoning Certificates for all uses in the Business Commercial Retail, Small Business, Industrial/Office Business Park and Transitional Districts and Conditional Uses in all Districts will be issued only after completion of Site Plan Review and approval by the Zoning Inspector or, in the case of Conditional Use permit, the Board of Zoning Appeals.

1. Establishment of Allowable Use

Prior to the Site Plan Review process, the applicant must establish that the use proposed is contained within the use regulations of the District. The applicant is required to meet with the Zoning Inspector to determine if the proposed use is a permitted, conditional or prohibited use. Within ten (10) days of the meeting, the Zoning Inspector shall issue a Statement Of Use Compliance. Principal permitted uses will be processed under Section _____. Conditional uses will be processed under Section _____. A decision of prohibited use by the Zoning Inspector may be appealed to the Board of Zoning Appeals.

2. Site Plan Review of Permitted Uses

a. Site Plan Review Conference

The Applicant shall attend a Site Plan Review Conference with the Zoning Inspector and the Chair of the Zoning Commission prior to submitting a Site Plan Review application. The Site Plan Review Conference is intended to facilitate the processing of the application and to clearly establish the items needed to be submitted for review by the Zoning Commission. No representation made by the Zoning Commission Chair or the Zoning Inspector during this conference shall be binding upon the Township with respect to the final disposition of the application. No application will be considered complete and acceptable for processing until all required application documentation is received by the Zoning Inspector.

b. Site Plan Review Application and Fees

- i. The Applicant must submit all documentation unless expressly waived in writing by the Zoning Inspector after review with the Zoning Commission Chair. The waiving of submission requirements shall be done only where the information required has previously been submitted and the information is still current or the item is clearly inapplicable to the application. All fees required for processing according to the Township Fee Schedule will be submitted at the time of application.
- ii. Ten (10) copies of the application and submittal documentation must be submitted.
- iii. Within three (3) working days, the Zoning Inspector shall forward the application to the following agencies for their review and comments.
 - County of Lorain Department of Health or Ohio EPA.
 - County of Lorain Soil and Water Conservation District
 - County of Lorain Engineer
 - Wellington or Oberlin Fire Department, as applicable

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--Any other expert or consultant chosen by the Zoning Commission to review pertinent application sections.

- iv. Comments from the above listed agencies and/or experts will be included in the application review package for consideration by the Zoning Commission. Agencies shall have fourteen (14) working days to forward their comments to the Township. Absence of a reply will connote approval.
- v. Upon receipt of comments from the above agencies, the Zoning Inspector shall prepare a Site Plan Review report and forward this report along with the completed application to the Zoning Commission for consideration at the next regularly scheduled meeting of the Commission or within thirty (30) days whichever is greater.

3. Site Plan Review by Zoning Commission

The Zoning Commission shall review the application to determine compliance with the Performance Standards of this Section and make a recommendation to approve or deny the Site Plan within thirty (30) days. If approval is recommended, the Zoning Inspector shall be advised to issue zoning certificate for the proposed use. If the recommendation is to deny the application, the Zoning Commission shall so advise the Zoning Inspector to make a like decision. The applicant may appeal this administrative decision to the Board of Zoning Appeals.

4. Site Plan Review of Conditional Uses and Conditional Use Applications

a. Site Plan Review Conference

The applicant shall attend a Site Plan Review Conference with the Zoning Inspector prior to submitting a Site Plan Review and Conditional Use application. This conference is intended to facilitate the application review process and to clearly establish the items needed to be submitted for review by the Board of Zoning Appeals. No representation made by the Zoning Inspector during this conference shall be binding upon the Board of Zoning Appeals with respect to the final disposition of the application. No application will be considered complete and acceptable for processing until all required documentation is received by the Zoning Inspector.

b. Site Plan Review/Conditional Use Application and Fee

The applicant must submit all required documentation unless expressly waived in writing by the Zoning Inspector after review with the Board of Zoning Appeals Chair. The waiving of submission requirements shall be done only where the information required has previously been submitted and the information is still current or the item is clearly inapplicable to the application. All fees required for processing according to the Township Fee Schedule will be submitted at the time of application.

c. Ten (10) copies of the application and submittal documentation must be submitted. Within ten (10) days, the Zoning Inspector shall forward the application to the following agencies for their review and comment.

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- i. County of Lorain Department of Health or Ohio EPA.
 - ii. County of Lorain Soil and Water Conservation District
 - iii. County of Lorain Engineer
 - iv. Wellington or Oberlin Fire Department
 - v. Any other expert or consultant chosen by the Zoning Commission to review pertinent application sections.
- d. Comments from the above listed agencies or experts will be included in application review package for consideration by the Board of Zoning Appeals. The above listed agencies or experts shall have fourteen (14) working days to forward their comments to the Township. Absence of a reply will connote approval.
- e. Upon receipt of agency comments the Zoning Inspector shall prepare a Conditional Use/Site Plan Review report and forward this report along with the completed application to the Board of Zoning Appeals for consideration and public hearing at the next regularly scheduled meeting of the Board of Zoning Appeals or within forty-five (45) days whichever is greater, with the exception noted below.

f. Conditional Use Permit/Site Plan Review

The Board of Zoning Appeals shall hold a public hearing or hearings on the Conditional Use Permit/Site Plan application after publication of hearing notice. The Board of Zoning Appeals shall review the application and make Findings of Fact to approve or deny the application within thirty (30) days of the final public hearing.

D. Minor Modifications to Approved Site Plans

1. The Zoning Inspector may approve minor Site Plan changes as defined below.
 - a. Decreases in building size
 - b. Changes in building siting less than twenty-five (25) ft. if all required setbacks and spacing of the district are met.
 - c. Changes in roadway location by not more than ten (10) feet if all required setbacks and spacing of the district are met.
 - d. A decrease or increase in lot size as long as requirements of the District and all required setbacks and spacing of the district are met.
2. Procedure for Approval of Minor Modifications
 - a. Within fourteen (14) days of the submittal of an application for approval of minor modifications, the Zoning Inspector shall approve or deny the application.

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- b. Prior to approval or denial, the Zoning Inspector shall confer with the County Engineer on any proposed modification of D(1)(c) above. All denials shall be in writing. Approved modifications shall be noted on a revised plan which shall plainly be marked as “Amended.”

E. Major Modification to Approved Site Plan

All modifications to an approved Site Plan not covered by Section D shall be considered a request for an amended Site Plan and shall be reviewed under the procedures for Site Plan Review.

F. Occupancy and Use Changes

All changes in occupancy or use must be applied for in writing and submitted to the Zoning Inspector. All requirements for a change in occupancy or use must comply with the requirement of the Zoning Resolution existing at the time of the application. All applications will be treated as a new application for zoning permit and follow the same procedure for approval.

G. Professional Review Provisions and Fees

A fee structure established under the parameters of the Township Trustees will be set to provide for the professional review of Site Plan Applications as deemed required by the Zoning Commission or Board of Zoning Appeals. All fees required must be paid at time of application.

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CHAPTER 7 - SIGN REGULATIONS

Section A. PURPOSE

The purpose of this section is to provide for the use, location, and size of signs throughout the Township in an orderly manner that will promote the public safety, health, convenience, comfort, general welfare, and traffic safety; provide for adequate identification of uses; minimize the confusion, unsightliness, and self-defeating consequences of the use of an excessive number of signs or signs of excessive size; assure the continued attractiveness of the community and assist in economic development.

Section B. SIGNS PERMITTED IN ANY DISTRICT

- 1) Permanent signs limited to the following:
 - a. Signs incidental to legal process and necessary to the public safety and welfare. No zoning certificate or fee shall be required.
 - b. Memorial signs or tablets, name of building, and date of erection. Memorial signs or tablets shall have an area not to exceed four (4) square feet facing each road and shall be affixed flat against any building. Signs under this subsection may be illuminated only as part of the overall illumination of the building exterior. No zoning certificate or fee shall be required.
 - c. Signs appropriate to a church, school, community center or other public or semi-public building for the purpose of displaying the name and activities or services therein provided, having an area not larger than twenty (20) square feet per sign face, not exceeding four (4) feet maximum overall height above the average grade in the area of the sign, and restricted to the premises.
 - d. One (1) non-illuminated sign not to exceed one (1) square foot in area is permitted for the indication of the name and/or address of the occupant or premises; no zoning certificate or fee shall be required.
 - e. One (1) non-illuminated sign not to exceed nine (9) square foot in area, not to exceed three (3) ft. on any one side, is permitted when in direct relation to a permitted home occupation. One (1) non-illuminated sign not to exceed sixteen (16) square feet is permitted when in direct relation to an approved family business.

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- f. Any public notice or warning required by a federal, state, or local governmental unit. No zoning certificate or fee shall be required.
 - g. Traffic control signs on private property, which contain no commercial message. No zoning certificate or fee shall be required.
- 2) Temporary signs limited to the following:
- a. Real Estate and Development Signs
 - (i) One (1) non-illuminated real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or rental of the particular building or premises upon which displayed. Such sign shall be removed by the property owner or realtor identified on the sign within ten (10) days after the time said building or premises is sold, leased, rented, or the real estate listing for the property is terminated or otherwise withdrawn. No zoning certificate or fee shall be required.
 - (ii) One (1) non-illuminated 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 six (6) month 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 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 Zoning Inspector to have one (1) such sign for each phase but shall at no time have more than one (1) such sign facing any abutting thoroughfare. A sign permitted under this section shall not exceed twenty (20) square feet in area per sign face with a limit of two (2) faces, shall not exceed four (4) feet in overall height above the average grade in the area of the sign, nor shall it be located closer than twenty-five (25) feet to any road right-of-way line. If eligible, the renewal of the zoning certificate shall be made only if the sign and ground upon

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which the sign is located are maintained in a neat and orderly manner.

b. Special Events Signs

(i) **Special Event**

The Zoning Inspector may permit in any district of the Township the placement of not more than a total of fifteen (15) temporary signs advertising events or activities occurring or to occur within the Township, or advertising other locally oriented objectives of any type. Each such sign shall not exceed sixteen (16) square feet in area and shall be limited to display period of thirty (30) days. No fee shall be required, but a cash deposit of fifty (\$50) dollars shall be made with the Zoning Inspector by any individual or organization wishing to place a sign or signs. Such cash deposit shall be refundable upon the removal of all signs and supporting materials. Upon failure to remove signs within the thirty (30) day period, without limitation of remedy, the cash deposit shall be forfeited to the Township to defray the costs of removing the signs.

(ii) **Political Signs**

The Zoning Inspector may permit in any district of the Township the placement of signs promoting candidates for public office, the support or defeat of issues, or other objectives to be placed on the ballot. Such signs shall not be placed on utility poles or over public property or right-of-ways. Such signs shall not exceed sixteen (16) square feet in area. No fee shall be required. Such signs shall be placed no earlier than thirty (30) days prior to the date of the election to which they relate and such signs and all supporting materials shall be removed within five (5) days following the election or signs shall be removed by the Township.

(iii) **Garage Sale**

The Zoning Inspector may permit in any Residential District of the Township the placement of not more than a total of four (4) temporary signs advertising a garage sale or residential family sales. Each such sign shall not exceed four (4) square feet in area and shall be limited to a display

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period of three (3) days before the start of said sale to one (1) day after said sale. No Zoning Certificate or fee shall be required.

3) Signs Relating to the Sale of Seasonal Agricultural Products at Roadside Stands

One (1) unlighted sign not more than twenty (20) square feet in area or temporary portable sign may be used in conjunction with a roadside stand and shall be used only to advertise seasonal agricultural products on the premises. Such sign shall be removed at conclusion of the seasonal sale.

Section C. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

1) Permanent Residential Development Identification Signs

One (1) permanent, non-illuminated identification sign not to exceed twenty (20) square feet per face or side shall be permitted at the primary entrance to identify any residential development. Such signs shall not be closer than twenty (20) feet to the road right-of-way. All such signs shall be landscaped and maintained in a neat and orderly manner.

2) Permanent Directional and Informational Signs in Residential Developments

Non-illuminated signs may be used in conservation development and in multi-family residential developments to direct vehicular traffic within the development and to 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 as part of the general plan to the Zoning Commission and approved prior to the sign construction. The Commission may require changes in sign specifications in order to maximize the safety and welfare of future residents of the development.

3) Security, Lawn Service, and Contractor Signs

Non-illuminated signs no greater than five (5) square feet in area shall be allowed in the front yard of a dwelling. Such sign shall display the name and/or logo of a security system company, lawn service company, or

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building contractor, and shall be maintained in a neat and orderly manner.

Section D SIGNS PERMITTED IN BUSINESS, OFFICE OR INDUSTRIAL DISTRICTS

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

1) Identification Signs

Two (2) exterior business name or identification signs may be erected for each primary business building.

- a. Not more than one (1) wall or building face identification sign may be fixed flat against the wall of the building or on a face of a marquee wall, except in the case of a corner lot where one (1) sign may be placed on the side facing each thoroughfare.
- b. No wall sign shall extend above or beyond the building wall or project more than twenty-four (24) inches from the surface of the wall structure. Such sign shall not exceed fifty (50) square feet or ten (10) per cent of the area of the wall face of the building to which the sign is affixed, whichever is smaller.
- c. One (1) monument sign displaying the business name or identification may be erected in the front yard of the parcel upon which the primary business building is located, except in the case of a corner lot where one (1) sign may be placed in the front yard facing each thoroughfare.
 - (i) Such sign shall not exceed fifty (50) square feet in area per side.
 - (ii) The overall height of the sign shall not be more than Eight (8) feet from the grade level at the side of the sign and shall be an integral part of the required front yard landscaping.
 - (iii) No monument sign shall be located closer than twenty (20) to the road right-of-way line.
 - (iv) Landscaping shall be provided at the base of each monument sign. Landscaping shall include a mixture of evergreen and deciduous shrubs and ground cover.

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Maintained areas of annual or perennial flowers are also acceptable.

- (v) No pole type or high-rise sign may be utilized.

2) Product and Service Signs

- a. One (1) exterior sign may be erected which advertises the services, products, merchandise or commodities produced, stocked, and sold on the premises. Such a sign shall not exceed fifty (50) square feet and shall be limited to a sign used in lieu of a freestanding or wall located identification sign specified above and under the same conditions.
- b. In addition to other signs permitted by this section, automobile stations may have for pricing and service information purposes not more than one (1) double-faced sign per pump island. Such sign(s) shall not be greater than twenty-four (24) inches by thirty-six (36) inches, shall be confined to the pump islands and permanently attached.
- c. Special and periodic advertising signs located inside an enclosed building and visible through a window or windows may be permitted where the area of the sign(s) does not exceed twenty (20) percent of the window area. Such sign(s) shall advertise only those products and services provided on the premises.

3) Signs for Shopping Centers Group of Buildings, and Other Multiple Occupancy Buildings

The Zoning Commission or Board of Zoning Appeals as part of the application review process may authorize the issuance of a Zoning Certificate for one (1) sign to be permitted for each individual business, premises, or occupant in a shopping center or multiple occupancy building. Such a sign may be in addition to the two (2) identification signs permitted under this section. Said identification signs to be limited to the identification of the name of the shopping center, groups of buildings, or multiple occupancy buildings when not part of a building group. The authorization of additional signs shall be subject to the following objectives and criteria:

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a. Objectives

- (i) The primary sign(s) shall be the identification sign(s) for the shopping center, group of buildings, or overall building in which the individual businesses, premises, or occupants are located; the individual business signs shall be for location identification purposes only and shall be secondary to the primary identification sign in size, positioning, and all other characteristics.
- (ii) To as great a degree as possible, the individual business sign shall be designed and located so as to be complimentary and consistent with the architectural design of the overall building and area.

(a) The one (1) free-standing on the ground identification sign permitted in the front yard of the shopping center, the groups of buildings, or overall buildings shall be used for the identification of the shopping center and individual businesses.

(b) Individual businesses or occupancy signs shall be primarily for identification purposes by the shopper or client from vantage points on the shopping center site or on the site of the overall building.

b. Criteria

- (i) The area of the sign(s) permitted for each individual business, premises, or building occupant shall be proportional to the percentage of the total floor area occupied; however, no individual business, premises, or occupancy sign shall exceed a total area of twenty (20) square feet, all faces included.
- (ii) The aggregate area of all individual signs shall not exceed an area equal to ten (10) percent of the total wall area upon which the signs are located, but in no case shall such aggregate area exceed two hundred (200) square feet unless specifically permitted by the Board of Zoning Appeals.
- (iii) All individual business, premises, or building occupant signs shall be located as part of a unified directory at key pedestrian circulation or parking area locations or shall be

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oriented to the specific location of each business.

- (iv) All signs shall be located so no part of the sign extends above the top of walls, canopies, or other building elements upon which the sign is located.
- (v) Signs permitted under this section may be internally or externally illuminated from a non-fluorescent source.
- (vi) All proposed changes in signs and their location or the addition of new signs shall require the prior approval of the Zoning Commission.

4) Directive Signs

Directive signs, not to exceed six (6) 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. Signs shall not exceed four (4) feet in overall height. 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.

Section E SUPPLEMENTARY SIGN REGULATIONS

1) Prohibited Signs

- a. Animated, flasher-type, blinker-type, racer-type, moving or revolving signs, flags, streamers, exposed light bulbs, and other similar features or signs shall be prohibited.
- b. No pole-type or high-rise sign may be erected and/or maintained in any district of the Township.
- c. Internally illuminated signs in the Office Transisiton Zoning District.

2) Location

- a. Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at road intersections. No sign shall be constructed on or over any road right-of-way.

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- b. No signs provided for in this section shall be erected on any private property unless the property owner's permission has been obtained.
- c. Unless otherwise specified in this section, all signs shall be located at least twenty (20) feet from any street right-of-way line. All signs on properties adjacent to Rt. 58 and US Rt. 20 shall be in compliance with Ohio Revised Code 519.20 and 5516.06.

3) Similarity to Traffic Control Devices

Signs visible from a road shall not contain any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.

4) Illumination

Unless otherwise permitted or restricted in this Resolution, signs, which are illuminated, shall use lighting in which the source of light shall not be visible from the road and shall not shine on adjoining properties. No flashing, revolving, or intermittent illumination shall be employed. In addition, lighting shall comply with the intensity limits contained in the Site Plan Review and Performance Standards.

5) Design, Construction, and Maintenance

Any sign erected in accordance with the provisions of this section shall be compatible with the general character of the community and neighborhood and shall constitute a minimum interference in the unity aesthetic appearance of the premises and adjacent properties.

The Zoning Inspector may order any sign to be painted or refurbished 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. The Zoning Inspector may order removed 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 Zoning Inspector to do so.. All signs shall be constructed to meet the requirements of the Ohio Basic Building Code.

6) Removal of Obsolete, Unsafe, and Nonconforming Signs

- a. If any nonconforming advertising sign or structure is damaged in excess of one-half (1/2) of its replacement value, it shall be reconstructed in accordance with existing Township Zoning Regulations.

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- b. Any conforming or nonconforming sign and supporting materials existing which no longer advertises a bona fide business conducted, shall be taken down and removed within thirty (30) days of said business termination by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found. Written notification from the Zoning Inspector concerning the removal of a sign shall be complied with within thirty (30) days.
- c. If the Zoning Inspector shall find that any sign or other advertising structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having the beneficial use of said sign, who shall thereafter immediately correct the condition for which said notice was given.

7) Logo Flags

Any business located in the Commercial, Office or Industrial District is allowed to fly one (1) logo flag provided it is flown in conjunction with, and is no larger than, the United States flag being flown at the same business.

8) Zoning Certificate Requirement

A zoning certificate shall be required for every permitted sign except as otherwise provided herein. All signs shall be erected only upon the submission of a proper plan and its approval by the Zoning Inspector.

9) Portable Signs

a. Portable/Temporary Signs Greater than Sixteen (16) Square Feet

These are signs which can be readily moved and are not permanently installed. Such signs intended to be in place longer than seven (7) consecutive days. It is required that the sign be registered with the Zoning Inspector with the date of installation, date of intended removal, owner's name and location noted. In no case shall a temporary sign be given a Zoning Certificate to exceed sixty (60) consecutive days annually.

Portable signs which require electrical service shall have a positive connecting device on the sign and all electric service lines shall be protected from traffic damage.

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