

SECTION XI. ZONING CERTIFICATE

(Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988.)

- 11.01 A Zoning Certificate shall be required for any of the following:
- A. Construction or structural alteration of any building including accessory buildings or structures.
 - B. Change of use of land, buildings or structures to a use of a different classification.
 - C. The expansion or extension of a non-conforming use.
 - D. Any change of a non-conforming use to a different use whether non-conforming or conforming.
 - E. Use of land by any individual or entity, including a use where a previously existing use has changed ownership. This provision shall not apply where the owner of a business previously existing has changed the form of ownership of the business, but has maintained control of the new entity. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
 - F. Construction or reconstruction of parking lots, including pedestrian walkways and interior landscaping, which may or not involve a change in the square footage of the parking area, in Zoning Districts B-1, B-2, B-3, I-1, I-2, CS, REC-1, REC-2, REC-3. (Adopted December 21, 2010 by Resolution 2010-98, effective January 20, 2011)
- 11.02 A Zoning Certificate shall be obtained before any construction, alteration, use or change of use as specified in this Section shall take place. This shall specifically include personal, commercial or other use of any industrial warehouse by an individual or entity other than the owner, with the exception of the use of such space exclusively for storage. Issuance of a Zoning Certificate for property located in Commercial and Industrial Districts is conditional upon approval and inspection of the property by the Painesville Township Fire Department for compliance with all applicable fire and safety codes. In the event the property owner or applicant fails to comply with said requirements, the Zoning Inspector may revoke the Zoning Certificate. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 11.03 A. No Zoning Certificate shall be required for the use of any land for agricultural purposes or for the use, construction or structural alteration of any building or structure incident thereto, except agricultural structures built in platted subdivisions and in accordance with the provisions of Ohio Revised Code Section 519.21.
- B. No Zoning Certificate shall be required for a temporary removable structure as part of a construction project, nor for the construction of roads, sewers, service lines, pipe lines or driveways.
- 11.04 Written application for a Zoning Certificate for the construction of a new building or structure, or for the alteration of an existing building or structure, shall be made prior to the application for a building permit. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificates with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for such stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.

- 11.05 Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector prior to the initiation of any work or action on said request. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall expire one (1) year after issuance unless the work or action has been substantially begun and thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificate with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the Application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for said stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.
- 11.06 The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question attesting that the use, alteration, or construction is in conformance with the provisions of this Resolution.
- 11.07
- A. An applicant for a Zoning Certificate shall file an application for Zoning Certificate, which is provided by the Township, setting forth, among other things:
1. the dimensions of any proposed building or structure;
 2. the use to which any building, structure or land is proposed to be put.
- B. An Application for Zoning Certificate shall be accompanied by and have as a part thereof a plot plan showing, among other things:
1. location of proposed building or structure;
 2. location of adjacent buildings, structures or roads;
 3. setbacks and yard clearances for current and proposed buildings and structures.
- C. Each Application for a Zoning Certificate shall be accompanied by a fee in accordance with a fee schedule adopted by the Board of Township Trustees and amended from time to time.
- 11.08 A. The Zoning Inspector may refuse to issue a Zoning Certificate in the event the applicant fails to supply information reasonably required of him.
- B. A Zoning Certificate shall be revocable if, among other things, the actual use, construction or alteration does not conform to the terms of the application and the Zoning Certificate issued thereon.
- 11.09 A. The Board of Township Trustees shall adopt a fee schedule for Zoning Certificates. Said fee schedule shall be made a part of this Resolution. No change or modification in the fee schedule as adopted by the Board of Township Trustees shall be made unless said change or modification is proposed by proper motion at a regular meeting of the Board of Township Trustees and adopted by a majority vote.
- B. All fees received by the Zoning Inspector shall forthwith be deposited with the Township Clerk who shall credit such fees to the credit of the General Fund of Painesville Township.
- C. If the Zoning Certificate applied for shall be refused, the fee shall be non-refundable.

SITE PLAN REVIEW (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

11.10 Purpose and Intent

The purpose of the site plan review requirements is to ensure and maintain development practices and patterns to protect the public health and safety of the community and to properly advance the long term community vision and planning goals set forth in the Township Comprehensive Plan. Establishing these regulations will create a planning process to achieve the following:

- A. Promotion of an integrated approach toward site design/development with emphasis upon building design, landscaping, layout, environmental constraints and existing zoning parameters;
- B. Provide assurance that a single development and/or one built in phases will be completed in accordance with an approved plan;
- C. Ensure sites are properly designed for traffic circulation and emergency access;
- D. Promote the public health and safety for the residents of Painesville Township.

11.11 Requirement

- A. A site plan is required to be submitted for any use or development involving the new construction, reconstruction or expansion of structures in the B-1, B-2, B-3, I-1, I-2, R-3, R-4, CS and Recreation Districts. This includes any existing or previously approved development that proposes to modify a use or site, including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.
- B. If a Conditional Use Permit is required, this section and Section XII, Conditional Use Permit, of the Zoning Resolution must be followed and reviewed by the Board of Zoning Appeals. Conditional Use Permit applications proposed in the B-1, B-2, B-3, I-1, I-2, Recreation and CS Districts will be subject to design review.
- C. No construction activity as defined herein shall commence for any application until the site plan has been submitted and approved in accordance with these regulations and the zoning permit is issued.

11.12 Informal Review Process

It is recommended that, prior to incurring any expense associated with preparing and submitting a detailed site plan application for consideration, the prospective applicant meets for an informal review with the Zoning Inspector or his/her designated representative.

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within. This may include any potential variance requests that need to be filed with the Board of Zoning Appeals.
- B. To aid in the discussion, the potential applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, location of buildings, and parking areas, internal circulation patterns, proposed size of buildings and uses to be included in the development.
- C. No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the informal review meeting shall be relied upon by the applicant to indicate any potential and subsequent approval or disapproval of the plan.
- D. At the discretion of the Township, other agencies with appropriate technical advice may attend the meeting.

11.13 Site Plan Application and Submission Requirements

All applications shall be submitted to the Zoning Inspector. The application shall be filed by the owner, a group of owners acting jointly, or an authorized agent acting on behalf of the land owner(s). Each application will be accompanied by the required application fee in accordance with the current Painesville Township fee schedule. Additional fees may be incurred by the applicant for the cost of plan review by professional consultants, when deemed appropriate by the Township. Application shall include fifteen (15) copies of the following:

- A. Letter of description and justification: Letter should include description of existing and proposed use(s) and building(s), with details that might be considered important such as, type of business, customer traffic, external effects and other pertinent information and the reason why the proposed site plan is in the public interest.
- B. Letter of approved variance(s): Variances must be granted prior to the application for site plan approval. If applicable, correspondence from the Township Board of Zoning Appeals is required to confirm the details of the granted variance.
- C. Site Plan with the following information: The plan must be prepared, signed and sealed by an Ohio licensed professional engineer, land surveyor or architect and shall include the following:
 - 1. Title, date, north arrow and scale.
 - 2. Name, address, telephone and fax numbers of the owner or authorized agent developer, surveyor, engineer and other consultants.
 - 3. Clearly identified boundary lines, corner pins and dimensions of the subject parcel, including land survey data and parcel numbers, right-of-way lines and right-of-way names.
 - 4. Zoning and land use of subject site and adjacent parcels.
 - 5. Location, size or width of all existing and proposed roadways and driveways, curb cuts, parking areas, pedestrian paths, road rights-of-way, and public transit stops within the site. Include location of parking spaces for disabled drivers. Traffic flow map indicating ingress/egress patterns and internal circulation routes. Statement whether or not bicycle parking will be provided. If yes, provide location and description of equipment. Appendix 11-A, incorporated herein, contains required guidelines for bicycle parking. (Amendment adopted October 4, 2016 by Trustee Resolution 2016-114, effective November 3, 2016)
 - 6. Existing and proposed sanitary facilities indicating pipe size, grades, invert elevations and locations of manholes.
 - 7. Existing and proposed water facilities including line sizes and locations and hydrant locations.
 - 8. Storm water management provisions in accordance with all regulatory agencies.
 - 9. Location and elevations of existing hydrologic features, including natural or man-made surface drainage ways, flood plains and wetlands.
 - 10. Wooded areas, soils of local importance, and known and/or suspected cemeteries, historical or archeological sites.
 - 11. Widths, locations, uses and grantees of all existing and proposed easements and utility lines. Location of all other utilities including but not limited to natural gas, cable TV, electric and telephone.
 - 12. Location and size of existing and proposed freestanding identification, advertising and traffic control devices.

13. Location of all existing and proposed structures, building heights and dimensions, uses, gross floor area, location of entrances, and loading points within 100' of site. Include architectural renderings and elevation drawings of dominant building(s) on the site in accordance with Section XXXIV, Design Standards, which accurately reflects the conditions as they will appear upon completion of the development.
14. Dimensions of all building setbacks and building spacing.
15. A Landscaping Plan identifying the following and in accordance with Section XXXV, Landscaping & Screening Requirements, of the Zoning Resolution:
 - a. Outline of all buildings and impervious surface areas.
 - b. Location of all existing and proposed landscaping, fences and walls, and other screening features with cross-sections.
 - c. Species, size and condition of all new trees, shrubs, plants, sod and ground cover.
 - d. Area calculations for all areas used towards landscaping and buffer areas.
 - e. Legend showing all plant materials, species and common names, sizes, and symbol used on plan, including exact area of coverage.
 - f. Contour lines at one foot intervals, indicating the location of berms, mounds, detention/retention areas and swales.
 - g. Phasing lines, if the landscaping is to be installed in more than one season.
 - h. Irrigation system plans (if applicable).
16. Location of mechanical equipment, trash enclosures, backflow devices, and services areas.
17. Existing and proposed topographic contours at one foot intervals within 100 ft. of the proposed site.
18. Vicinity map.
19. The following data block must also be included on the site plan:
 - Land area within property lines: (acres, square feet)
 - Gross floor area: (square feet)
 - Proposed streets:
 - Number of buildings:
 - Number of stories:
 - Maximum height of buildings
 - Total building coverage area: (% square feet)
 - Hard surface area: (% square feet)
 - Present zoning:
 - Proposed uses:
 - Building setbacks (front, side and rear)
 - Building spacing
 - Permitted maximum sign area: (square feet)
 - Proposed sign area
 - Parking area (square feet)
 - Parking spaces required:
 - Parking spaces provided:
 - Handicap parking required:
 - Handicap parking provided:
 - Interior parking lot landscaping required:
 - Interior parking lot landscaping provided:
 - Loading spaces required:
 - Loading spaces provided:(Show parking calculations below the data block)
20. Written verification from appropriate agency that sufficient water and sanitary sewer capacity exists to accommodate the proposed development. If an on-site sewage disposal system is

proposed, correspondence from the Lake County General Health District and/or Ohio EPA is required.

21. Proposed landscaping and screening plans indicating the location and nature of existing and proposed vegetation, landscaping and screening elements. Design should be in accordance with parking and buffer requirements set forth in the Township Zoning Resolution.
22. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
23. Proposed timetable and schedule for the development of the site.
24. Any other items required by the Zoning Inspector to assist in a complete and proper review of the proposed site plan, including but not limited to a traffic impact study.

11.14 Approval Process

- A. Review for Completeness: The Zoning Inspector or his/her designated representative shall, within ten (10) days of receiving the site plan application, review the application to determine the accuracy and compliance with the applicable regulations and submission requirements. When the application is deemed sufficient and the fee has been paid; the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be reviewed by the Zoning Commission, Board of Zoning Appeals for Conditional Use Permits, Fire Department, and Planning Commission Staff.

Once an application is officially accepted, it shall be placed on the agenda of the Zoning Commission.

- B. Plan Distribution: The Zoning Inspector may distribute the application to the following for review and comment:
1. Regulatory agencies that have the statutory authority to subsequently review and approve any aspect of the development
 2. Other agencies which, at the discretion of the Township, may have appropriate technical advice.
 3. Appropriate local Township officials and departments.
 4. Appropriate professional consultants retained by the Township.

All reports, comments or expert opinions shall be returned to the Zoning Inspector.

- C. Transmission to the Zoning Commission: The Site Plan application and all reports or comments prepared by the individuals in Section 11.14(B) above shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission or Board of Zoning Appeals.

- D. Zoning Commission Review Criteria: In reviewing the site plan, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

1. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of the Zoning Resolution.
2. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

3. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Zoning Resolution.
4. All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
5. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement and parking areas. Stormwater and water quality measures shall be integrated in the design of parking lots and roof water run off to assure that the runoff water quality is maintained or improved. Incorporation of Best Management Practices (B.M.P.) such as rain gardens and or bio retention basins shall be used.
6. Grading, surface drainage and sediment control provisions will comply with all applicable agency regulations and requirements including the Lake County Soil and Water Conservation District, Stormwater Management Department and the Lake County Engineer.
7. The design and construction standards of all private streets and any public improvements will comply with the provisions of all applicable agencies including the Lake County Engineer and Lake County Utilities Department.
8. Maximum possible privacy for adjacent residential properties shall be provided through good building design and landscaping according to the requirements set forth in the Zoning Resolution.
9. On-site circulation shall be designed to provide for adequate fire and police protection and safe and efficient pedestrian and vehicular circulation.
10. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion.
11. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
12. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property in accordance with Sections 22 and 35 of the Zoning Resolution, as applicable.
13. If the proposed development is to be carried out in phases, each phase shall have adequate provision for vehicular and pedestrian access, parking, landscaping, and seeding of applicable open space areas and other improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases and adjoining property.

E. Zoning Commission Action:

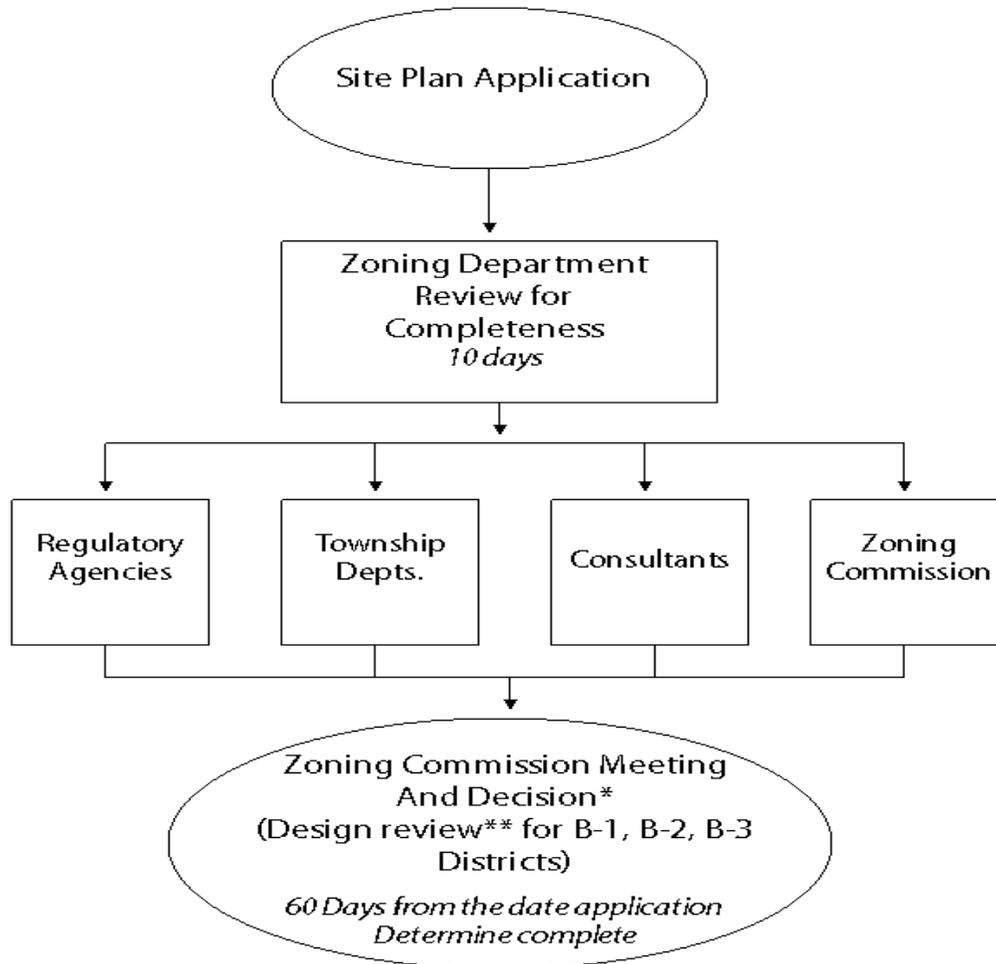
1. Zoning Commission shall either:
 - a. Approve the site plan as submitted; or
 - b. Conditionally approve the site plan subject to the inclusion of specific conditions not originally included in the plan as submitted. Such conditions may include, but not be limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets.

The Zoning Inspector shall issue a letter to the application within 10 days specifically stating the conditions placed upon the application. Or,

- c. Deny the site plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission shall identify the deficiencies and suggest modifications to the site plan that, if made, may bring the site plan into compliance.
 1. The Zoning Inspector shall issue a letter to the applicant within 10 days specifically stating the decision of the Zoning Commission.
 2. A modified site plan may be resubmitted for consideration by the Zoning Commission at a regularly scheduled meeting. The Zoning Inspector shall transmit such plan to the Zoning Commission Secretary for review in accordance with the criteria set forth in Section 11.14 D.
 2. Upon conditional approval of the site plan, the developer shall prepare and submit to the Zoning Inspector a final site plan. The final site plan shall include any modifications required by the Zoning Commission during the site plan approval procedures. The Zoning Permit will not be issued until conditions placed on the site plan by the Zoning Commission are met and included by the applicant in the final site plan.
 3. Upon approval of the site plan, the Zoning Inspector shall issue a Zoning Permit for the proposed use.
 4. The Zoning Commission shall act within sixty (60) days from the date the application was determined to be complete, or an extended period as mutually agreed upon by the applicant and Zoning Commission.
- F. Expiration of Plan Approval: An approved site plan shall remain valid for a period of twelve (12) months following the date of the issuance of the Zoning Permit, unless the Zoning Commission authorizes a longer period at the time of approval. If, at the end of that time, construction of the development has not commenced, then approval of the site plan shall expire and be of no effect unless resubmitted and re-approved in accordance with this Section. Construction is deemed to have commenced when all necessary excavation and piers or footings of one or more principal buildings included in the site plan, or relevant phase thereof have been completed.
- G. Deviation From Plan: Any deviations or alterations from the approved site plan by the Painesville Township Zoning Commission are prohibited. Upon determination that alternations to the approved plan are necessary, the applicant shall immediately notify the Zoning Inspector who shall make a determination whether or not the applicant shall resubmit the site plan and newly determined alterations to the Zoning Commission for the purpose of amending the approval.

Note: A flow chart is provided on the following page as a summary of the site plan review procedures set forth in Section XI. In the event there is a conflict between the procedures set forth in Sections 11.01 through 11.06 and the following chart, the procedures in Sections 11.01 through 11.06 shall apply.

Flow Chart for Site Plan Review



* Proposed Conditional Uses to be reviewed by the Board of Zoning Appeals.

** The Design Guidelines will be reviewed by the Zoning Commission

*Proposed Conditional Uses to be reviewed by the Board of Zoning Appeals.

APPENDIX 11-A

BICYCLE PARKING DESIGN STANDARDS

(Adopted October 4, 2016 by Trustee Resolution 2016-114, Effective November 3, 2016)

I. Purpose and Intent

- A. It is hereby determined that by developing reasonable standards for bicycle parking, Painesville Township seeks to contribute to the general health, safety and welfare of its residents.
- B. The specific purposes of implementing design standards as set forth herein are intended to:
 - 1. support and encourage “buy local” initiatives by providing safe and convenient bicycle parking;
 - 2. create a visually appealing and unifying element throughout the Township’s business corridor; and
 - 3. promote the Township as a bicycle friendly community that encourages cycling as a healthy form of transportation and therefore reducing motor vehicle traffic, pollution, and wear on Township roads.

II. Definitions

- A. “Bicycle Parking Space”: A physical space that is a minimum of 2.5 feet in width by 6 feet in length with a vertical clearance of at least 7 feet.
- B. “Bicycle Rack”: A stationary device consistent with industry standards that:
 - 1. is capable of supporting two (2) or more bicycles in a stable position;
 - 2. permits the securing of the bicycle frame and one wheel with a standard u-shaped lock; and
 - 3. is of a character and color that adds aesthetically to the immediate environment.

III. Design Standards

A. Preferred Designs

- 1. **Custom/Logo/Art Bike Racks** (collectively, “Custom Bike Racks”): Painesville Township recognizes custom bike racks as a visually unifying design element that enhances the streetscape and creates a sense of community. Any bicycle rack that meets the criteria in this section will be subject to approval by the Zoning Inspector and/or Zoning Commission. (*See examples below*)



B. **Standard Bicycle Racks.** Inverted ‘U’ type and loop type racks are encouraged. However, all racks must:

- 1. be made of steel or other likewise durable material;

2. be U-lock compatible;
3. support the bicycle upright by its frame in two places, allowing both the frame and one or both wheels to be secured;
4. be a minimum of 36" tall from base to top of rack, no less than 2 feet in length with a sufficient gap near the bottom for pedal clearance;
5. comply with Americans with Disabilities Act (ADA);
6. not include sharp edges; and
7. be child proof – so that a child cannot put their head through a space and become trapped.

Acceptable Designs	Unacceptable Designs
	
	
	

IV. Location. Each bicycle parking space shall be:

- A. within fifty (50) feet of a buildings entrance or at least as close as the nearest non-handicapped automobile parking space;
- B. located in a highly visible and well lit space;
- C. positioned to minimize interference with pedestrian paths or vehicle rights-of-way; and
- D. positioned no less than thirty-six (36) inches in all directions from any obstruction.

V. Installation.

- A. Bicycle racks must be installed on a solid surface using any of the following methods:

In ground	Surface mount	Free-standing/rail mount
The rack is placed directly into concrete or asphalt.	The rack must be anchored into a solid surface (concrete, asphalt or other durable material as may be approved by the Zoning Inspector) using Tamper proof bolts.	The rack must be so large and/or heavy that it cannot be easily removed.
