

## **SECTION 34**

### **ESTATE LOT OVERLAY RESIDENTIAL DISTRICT**

Adopted and Effective 12/29/2010

#### **34.01 PURPOSE:**

In accordance with the Comprehensive Plan, the Estate Lot Overlay Residential District is intended to provide for agricultural, residential and undeveloped open space land uses while considering the unique physical and environmental characteristics of the area. Efforts to preserve and enhance riparian corridors, wetlands, mature wood lots, agricultural activities and scenic corridors during future growth are encouraged. This district is being established in conformance with the provisions of Section 519.021(C) of the Ohio Revised Code.

#### **34.02 ESTABLISHMENT OF ESTATE LOT OVERLAY RESIDENTIAL DISTRICT:**

The following shall govern the establishment of any Estate Lot Overlay Residential District.

- A. The Estate Lot Overlay Residential District shall be in addition to and shall overlay the R-1 Residential and R-2 Rural Residential Districts.
- B. Until such time as a property owner applies for and receives approval for the development of an Estate Lot Overlay Residential District as provided here, the underlying provisions of the R-1 Residential and R-2 Rural Residential Districts shall apply.
- C. Upon final approval by the Township Trustees of an Estate Lot Overlay Residential District application and plan, a notation shall be placed on the LeRoy Township Zoning Map to reflect such approval and that the provisions of the R-1 Residential District or R-2 Rural Residential District no longer apply to land contained within the Estate Lot Overlay Residential District. Final division of land does not occur until approval by the Lake County Planning Commission.
- D. The gross area of a tract of land proposed to be developed as an Estate Lot Overlay Residential District shall be not less than eleven (11) acres.
- E. Each Estate Lot Overlay Residential District shall be developed in conformance with a development plan which has been reviewed and approved by the township in accordance with the provisions set forth in Section 34.05.

#### **34.03 PERMITTED USES:**

The following uses and no other shall be permitted in all Estate Lot Overlay Residential districts:

1. Single-family dwelling for residential purpose and buildings accessory thereto, but excluding the use of tents, cabins, cottages and trailer coaches (recreational vehicle) except as hereinafter permitted.

#### **34.04 ACCESSORY USES AND BUILDINGS:**

Accessory uses and buildings shall follow the standards set forth in Section 15.04, 15.05, 16.04 and 16.05 of existing zoning resolution.

#### **34.05 DEVELOPMENT STANDARDS:**

The following development standards are established to control the planning, development and use of land in an Estate Lot Residential Overlay District.

1. Access Parcel – A parcel shall be created with the minimum of sixty (60’) feet frontage on a public right-of-way and shall contain one common access drive and any other utilities to service the estate lots. The estate lots serviced by the common access drive shall be contiguous to the access parcel. The access parcel shall be owned by the estate lot owners, with each estate lot having an equal, undivided interest.
  - a. Maintenance – The common access drive will not be maintained by the Township or any other public entity.
  - b. Maintenance Agreement – The development plan must contain a common access drive maintenance plan to be recorded on approval and referenced in all property deeds within the Estate Lot Overlay Residential District.
  - c. Restrictions – Future extensions or interconnections of the common access driveway to a public right-of-way or other common access drive shall not be permitted.
2. Utilities – All utilities shall be located underground.
3. Density – There shall be no more than three (3) dwelling units per approved development plan.
4. Lot Size – The minimum lot size shall be no less than five (5) acres with a minimum width at the building line of no less than two-hundred (200’) feet. No portion of the access parcel shall be used in computation of minimum lot size.
5. Setbacks – The minimum setback from any public right-of-way line shall be no less than one-hundred (100’) feet and no less than fifty (50’) feet from the access parcel. A minimum setback from side and rear property lines shall be no less than twenty (20’) feet.
6. Dwelling Size – The minimum dwelling size shall be 1,400 square feet for a single floor dwelling and 1,600 square feet for a two story dwelling.
7. The maximum height of any structure shall not exceed thirty-five (35’) feet as measured from the finished elevation.

8. Identification Signs – Each Estate Lot Overlay Residential District shall be permitted one identification sign subject to the following regulations:
  - a. A sign indicating the name, if any, of the District development.
  - b. Lighting: For purposes of public safety and security the sign may be illuminated by a single light per face which does not exceed a fifty (50) watt incandescent bulb or the equivalent. Such light must be designed so that the fixture is not visible and does not affect vehicular traffic or shine onto another property.
  - c. The house numbers of each lot and the names of each property owner in the District development if desired.
  - d. Said sign shall have one face and be a maximum of thirty-two (32) square feet, or if it has two faces, be a maximum of twenty (20) square feet per face.
  - e. Said sign shall be situated in the access parcel and no part of the sign shall be closer than forty (40') feet to the center of the traveled portion of the road or ten (10') feet from the public right-of-way line, whichever is greater.

#### **34.06 APPLICATION REQUIREMENTS AND PROCEDURES:**

##### 1. Application

Property owners who wish to have their land designated as an Estate Lot Overlay Residential District shall make application for development plan approval. Applications shall be made by filing an application for approval of a development plan conforming with the requirements of this section and such filing fees as may be established by the Township Trustees with the Zoning Inspector who shall place said application on the next Zoning Commission agenda occurring at least twenty-one (21) days after the submission date.

##### 2. Development Plan

Each application for development plan review shall include eleven (11) copies of a plan for the entire Estate Lot Overlay Residential District, drawn to scale and shall include, at a minimum, the following data:

- A. The name of the development, the name of the owner or developer, north arrow, date and scale.
- B. The owners and zoning classification of parcel(s) and adjoining parcels.
- C. A boundary survey.

- D. Existing topography and proposed finished grade with a maximum two feet (2') contour interval.
- E. Proposed parcel and approximate building locations.
- F. Location of all minimum setback lines.
- G. Location, width and material of access drive.
- H. Copy of the access drive maintenance agreement language to be incorporated as a deed restriction.
- I. Written verification from the Lake County General Health District regarding the feasibility and proper Household Sewage Disposal System (HSDS).
- J. Location of signage.

### 3. Development Plan Approval

The Zoning Commission shall review each development plan for an Estate Lot Overlay Residential District and shall make a recommendation to the Township Trustees regarding same within sixty (60) days of the date at which such development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Township Trustees may attach, such conditions to the approval of a development plan as may be reasonably required for the public health and safety, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and to insure consistency with the implementation of the Township's Comprehensive Plan.

The Township Trustees shall act upon each development plan for an Estate Lot Overlay Residential District referred by the Zoning Commission within sixty (60) days of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Trustees with the consent of the applicant. The Zoning Commission and Township Trustees may obtain professional advice and assistance in reviewing final site development plans as deemed necessary and appropriate.

### 4. Final Development Plans Required

After the Board of Township Trustees approves the application for an Estate Lot Overlay Residential District and the development plan for said Estate Lot Overlay Residential District, the applicant shall submit a final site development plan, in conformance with Subsection 5 thereof.

## 5. Final Site Development Plan Requirements

Final site development plans shall be based on a previously approved development plan. A minimum of four (4) copies shall be submitted with the Zoning Inspector. Submission shall include a fee as established by the Township Trustees.

Final site development plans shall be certified by a civil engineer or land surveyor duly registered by the State of Ohio. Final Development Plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). All conditions that were added by the Township Trustees shall be addressed in this Plan.

## 6. Final Site Development Plan Approval

The Zoning Inspector shall review and act upon each final site development plan within thirty (30) days from the date of filing. The Zoning Inspector may obtain professional advice and assistance in reviewing final site development plans as he deems necessary and appropriate.

## 7. Subdivision of Land

Land may be subdivided after final site plan approval by the Township Trustees. Final subdivision of land will occur on approval of the Lake County Planning Commission.

## 8. Compliance Required

Subsequent to the approval of an Estate Lot Overlay Residential District, all building permits, zoning certificates, and all development and/or construction within the District shall be in substantial compliance with the approved final site development plan and any conditions of such approval adopted by the Township. Any departure from the approved plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the final site development plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

## 9. Amendments to Development or Final Development Plans

The owner of a property within an Estate Lot Overlay Residential District may submit plans for amendment of either the development plan or final site development plan approved for the District. The Zoning Commission and Township Trustees shall review and act upon such amended plan in conformance with the review and approval procedures set forth above.

## 10. Professional Assistance

The extent and complexity of certain applications for Estate Lot developments will require that the Zoning Commission, Township Trustees, and/or Zoning Inspector obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission, Township Trustees, and/or Zoning Inspector shall determine when such studies or expert advice are necessary to evaluate a proposed development relative to the requirements of this Section. The Zoning Commission, Township Trustees, and/or Zoning Inspector shall advise the applicant if such studies are required. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

### **34.07 NATURAL RESOURCE PROTECTION:**

1. Site development plan shall be in accordance with Section 31.

### **34.08 SCREENING AND LANDSCAPING:** See Section 26.

### **34.09 PARKING:** See Section 25.