

**Austinburg
Township
Zoning**

PREAMBLE

A Resolution of the **Township of Austinburg**, Ashtabula County, Ohio, enacted in accordance with all volumes of the Ashtabula County Planning Commission's Comprehensive Plan and the provisions of Ohio Revised Code §519:

Dividing the unincorporated portion of the Township into zones and districts;

Encouraging, Regulating, and Restricting therein the location, construction, reconstruction, alteration and use of structures and land;

Promoting the orderly development of residential, commercial, manufacturing, recreational, and public areas;

Providing the adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties;

Limiting congestion in the public right-of-way;

Providing the compatibility of different land uses and the most appropriate use of land;

Providing for the administration of this Resolution;

Defining the powers and duties of the administrative officers as provided hereafter; and

Prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, **all for the purpose of protecting the public health, safety, comfort and general welfare**, and for the repeal thereof.

**AUSTINBURG TOWNSHIP
ZONING RESOLUTION**

TABLE OF CONTENTS

Title Page		
Preamble		
Article 1	Title, Interpretation and Enactment	1-1
100	Title	1-1
101	Land Use Policy Statements	1-2
110	Purpose	1-2
120	Provisions of Resolution Declared to be Minimum Requirements	1-2
130	Separability Clause	1-2
140	Repeal of Conflicting Resolution	1-2
150	Effective Date	1-2
Article 2	Definitions	2-1
Article 3	Nonconformities	
300	Purpose	3-1
301	Uses Under Conditional Use Provisions Not Nonconforming Uses	3-1
302	Incompatibility of Nonconformities	3-1
310	Avoidance of Undue Hardship	3-1
320	Certificates for Nonconforming Uses	3-2
330	Substitution of Nonconforming Uses	3-2
340	Single Nonconforming Lots of Record	3-2
341	Nonconforming Lots of Record in Combination	3-2
350	Nonconforming Uses of Land	3-2
360	Nonconforming Structures	3-3
370	Nonconforming Uses of Structures / of Structures & Land in Combination	3-3
380	Termination of Nonconforming Uses	3-4
381	Termination of Use Through Discontinuance	3-4
382	Termination of Use by Damage or Destruction	3-4
390	Repairs and Maintenance	3-4
Article 4	Procedures & Requirements for Appeals and Variances	
400	General	4-1
401	Appeals	4-1
402	Stay of Proceedings	4-1
410	Variances	4-1
411	Application and Standards for Variances	4-1
412	Additional Conditions and Safeguards	4-2
413	Public Hearing by the Board of Zoning Appeals	4-2
414	Notice of Public Hearing in Newspaper	4-2
415	Notice to Parties of Interest	4-2
416	Action by Board of Zoning Appeals	4-3
417	Term of Variance	4-3
418	Authorized Variance	4-3

Article 5	Procedures & Requirements for Conditional Use Permits; Substantially Similar Uses; Accessory Uses	
500	Regulation of Conditional Uses	5-1
501	Purpose	5-1
510	Contents of Conditional Use Permit Application	5-1
520	General Standards for all Conditional Uses	5-1
530	Specific Criteria for Conditional Uses	5-2
540	Public Hearing	5-8
541	Notice of Public Hearing	5-8
542	Notice to Parties of Interest	5-8
550	Action by the Board of Zoning Appeals	5-8
551	Supplementary Conditions and Safeguards	5-9
552	Expiration of Conditional Use Permit	5-9
560	Procedure & Requirements to Determine that a Use is Substantially Similar	5-9
561	Remedy by Application for Amendment	5-9
562	Standards for Consideration of Substantially Similar Uses	5-10
563	Effect of Determination that a Use is Substantially Similar	5-10
564	Record of Substantially Similar Uses	5-10
570	Regulation of Accessory Uses	5-10
571	Purpose	5-10
572	Definition	5-10
573	General Requirements	5-10
574	Dwellings as Accessory Uses	5-11
575	Accessory Elderly Dwelling Unit	5-11
576	Retail Sales and Services as Accessory Uses	5-11
577	Small Wind Energy Systems	5-11
Article 6	Amendment	
600	Procedure for Amendment of District Changes	6-1
601	General	6-1
602	Initiation of Zoning Amendments	6-1
603	Contents of Application for Zoning Map Amendment	6-1
604	Contents of Application for Zoning Text Amendment	6-1
605	Transmittal to Zoning Commission	6-2
606	Submission to County Planning Commission	6-2
607	Submission to Director of Transportation	6-2
608	Public Hearing by Zoning Commission	6-2
609	Notice of Public Hearing in Newspaper	6-2
610	Notice to Property Owners by Zoning Commission	6-3
611	Recommendation by Zoning Commission	6-3
612	Public Hearing by Board of Township Trustees	6-3
613	Action by Board of Township Trustees	6-3
614	Effective Date and Referendum	6-3
615	File Zoning Amendments with County Recorder and County Planning Commission	6-3
Article 7	Establishment of Districts	
700	Purpose	7-1
710	Establishment of Districts	7-1
720	Zoning District Map	7-1
721	Zoning Map Legend	7-1
722	Identification of Official Zoning Map	7-1
723	Interpretation of District Boundaries	7-2
725	Zoning Map Amendments	7-2
726	File Zoning Map with County Recorder and County Planning Commission	7-2

Article 8 Official Schedule of Permitted Uses and Dimensional Requirements

AC (Accommodation Commercial) District
EC (Educational Campus) District
I/OP (Industrial/Office Park) District
NC (Neighborhood Commercial) District
PUD (Planned Unit Development) District
R-1 (Single- and Two-Family) District
R-2 (Multi-Family) District
RC (Recreation Commercial) District

Article 9 Supplementary District Regulations

900	General	9-1
901	Conversions of Dwellings to More Than One Unit	9-1
902	Principal Building Per Lot	9-1
903	Reduction of Area or Space	9-1
904	Construction in Easements	9-1
905	Parking & Storage of Vehicles & Trailers	9-2
906	Required Refuse Collection Areas	9-2
907	Junk	9-2
908	Outside Storage & Refuse Collection	9-2
910	Supplemental Yard & Height Regulations	9-3
911	Setback Requirements for Buildings on Corner Lots	9-3
912	Fence & Wall Restrictions in Front Yards	9-3
913	Yard Requirements for Multi-Family Dwellings	9-4
914	Side & Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts	9-4
915	Exceptions to Height Regulations	9-4
916	Architectural Projections	9-4
917	Visibility at Intersections	9-4
920	Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions	9-5
921	Assurance Requirements and Plans	9-6
922	Enforcement Provisions	9-6
930	Temporary Uses	9-6
940	Screening	9-7

Article 10 Special Regulations

1000	General	10-1
1000.10	Regulation of Satellite Dish Antennas	10-1
1000.11	Purpose	10-1
1000.12	Zoning Permit Required	10-1
1000.13	Ground-Mounted Satellite Dish Antennas	10-1
1000.14	Roof-Mounted Satellite Dish Antennas	10-2
1000.15	Variances on Locational Characteristics	10-2
1000.20	Regulation of Amusement Arcades	10-2
1000.21	Purpose	10-3
1000.22	Conditional Use Permit Required	10-3
1000.23	Zoning of Amusement Arcades	10-3
1000.24	Maintenance of a Nuisance Prohibited	10-3
1000.25	Restricted Access to Certain Minors	10-4
1000.26	Complaints Regarding Amusement Arcades	10-4
1000.27	Revocation of Conditional Use Permit	10-4
1000.28	Procedure for Revocation	10-4
1000.30	Regulation of Adult Entertainment Businesses	10-4
1000.31	Purpose	10-5
1000.32	Findings	10-5
1000.33	Location & Restrictions of Adult Entertainment Businesses	10-5

1000.34	Severability	10-6
1000.35	Complaints Regarding Adult Entertainment Businesses	10-6
1000.36	Revocation of Conditional Use Permit	10-7
1000.37	Procedure for Revocation	10-7
1000.40	Regulation of Television, Radio, & Microwave Tower & Telecommunications Equipment Siting	10-7
1000.41	Purpose	10-7
1000.42	Zoning Permit Required	10-8
1000.43	Approval Standards for a New Transmission Facility	10-8
1000.44	Zoning Permit Required	10-9
1000.45	Zoning Permit Not Required	10-9
1000.50	Regulation of Swimming Pools as Accessory Uses	10-9
1000.51	Purpose	10-9
1000.52	Private Swimming Pools	10-9
1000.53	Community or Club Swimming Pools	10-10
1000.60	Regulation of Long-Term Parking Facilities	10-10
1000.61	Purpose	10-10
1000.62	Conditional Use Permit Required	10-10
1000.63	Permit Requirements	10-10
1000.70	Regulation of Home Occupations	10-11
1000.71	Purpose	10-11
1000.72	Home Occupation as a Permitted Use	10-11
1000.73	Home Occupation as a Conditionally Permitted Use	10-11
1000.74	Invalidation of Home Occupation Conditional Use Permit	10-12
1000.80	Regulation of Group Residential Facilities	10-12
1000.81	Purpose	10-12
1000.82	Conditional Use Permit Required	10-12
1000.83	Zoning of Group Residential Facilities	10-13
1000.84	Variance to Distancing Requirement	10-13
1000.85	Uniformity with Respect to Granting of Conditional Use Permits	10-13
1000.90	Appearance and Design Standards for Single Family Housing	10-13
1000.91	Purpose	10-13
1000.92	Standards	10-13
1000.96	Uniformity with Respect to Granting of Variances	10-14
1000.100	Regulation of Self-Service Storage Facilities	10-14
1000.101	Purpose	10-14
1000.102	Conditional Use Permit Required	10-14
1000.103	Use Regulations	10-15
1000.104	Development Standards	10-15
1000.105	Performance Standards	10-16
1000.200	Regulation of Auctions	10-16
1000.201	Purpose	10-16
1000.202	Conditional Use Permit Required	10-16
1000.203	Use Regulations	10-16
1000.204	Developmental Standards	10-17
1000.205	Performance Standards	10-17
1000.206	Building Setback Adjacent to a River or Stream	10-17
1000.207	Agriculture Uses, Prohibitions & Limitations	10-17
1000.208	Storage Container, Storage Trailer	10-18

Article 11 Off-Street Parking and Loading Facilities		
1100	General Parking Requirements	11-1
1110	Off-Street Parking Design Standards	11-1
1120	Determination of Required Spaces	11-2
1121	Joint or Collective Parking Facilities	11-2
1122	Off-Street Storage Areas for Drive-In Services	11-3
1123	Parking of Disabled Vehicles	11-3
1130	Parking Space Requirements	11-3
1131	Handicapped Parking	11-5
1140	Off-Street Loading Space Requirements	11-5
1141	Off-Street Loading Design Standards	11-5
Article 12 Signs		
1200	General	12-1
1201	Governmental Signs Excluded	12-1
1202	General Requirements for all Signs and Districts	12-1
1203	Measurement of Sign Area & Sign Height	12-2
1210	Permit Required	12-3
1211	Signs Permitted in all Districts Not Requiring a Permit	12-3
1212	Signs Permitted in any District Requiring a Permit	12-3
1213	Signs Permitted in the R-1 District	12-4
1214	Signs Permitted in the R-2 District	12-4
1215	Signs Permitted in the RC District	12-4
1216	Signs Permitted in the NC District	12-5
1217	Signs Permitted in the AC District	12-5
1218	Signs Permitted in the I/OP District	12-5
1220	Temporary Signs and Banners	12-6
1240	Sign Setback Requirements	12-6
1241	Setbacks for Off-Premise Signs Not Exceeding 100 Sq Ft	12-6
1242	Off-Premise Signs Exceeding 100 Square Feet	12-6
1243	Setbacks for Public and Quasi-Public Signs	12-6
1244	Special Yard Provisions	12-7
1250	Limitation	12-7
1260	Maintenance	12-7
1261	Abandoned Signs (and Advertising Structures) Prohibited	12-7
1262	Non-Conforming Signs and Structures	12-8
1263	Loss of Legal Non-Conforming Status	12-8
1270	Violations	12-8
Article 13 Administration		
1300	Purpose	13-1
1301	General Provisions	13-1
1310	Zoning Administrator	13-1
1311	Responsibilities of Zoning Administrator	13-1
1320	Zoning Commission	13-2
1321	Proceedings of Zoning Commission	13-2
1322	Duties of Zoning Commission	13-2
1330	Board of Zoning Appeals	13-2
1331	Proceedings of the Board of Zoning Appeals	13-3
1332	Duties of the Board of Zoning Appeals	13-3
1340	Duties of Zoning Administrator, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal	13-4
1350	Board of Township Trustees	13-4
1351	Schedule of Fees	13-4

Article 14	Enforcement	
1400	General	14-1
1401	Zoning Permits Required	14-1
1402	Contents of Application for Zoning Permit	14-1
1403	Approval of Zoning Permit	14-1
1404	Submission to Director of Transportation	14-2
1405	Expiration of Zoning Permit	14-2
1410		14-2
1411		14-2
1412	Record of Zoning Permits & Certificates of Occupancy	14-2
1420	Failure to Obtain a Zoning Permit or Certificate of Occupancy	14-2
1430	Construction & Use to be as Provided in Applications, Plans, Permits, and Certificates	14-2
1440	Complaints Regarding Violations	14-3
1441	Entry and Inspection of Property	14-3
1450	Stop Work Order	14-3
1460	Zoning Permit Revocation	14-3
1470	Notice of Violation	14-3
1471	Ticketing Procedure	14-4
1472	Penalties and Fines	14-4
1473	Additional Remedies	14-4
Article 15	Planned Unit Developments	
1500.00	Planned Unit Development Regulations	15-1
1510.10	Purpose	15-1
1500.12	Interpretation	15-1
1500.20	PUD District Designation	15-1
1500.21	Uses Permitted in a PUD District	15-1
1500.22	Minimum Project Area Requirements	15-1
1500.23	Disposition of Open Space	15-2
1500.24	Utility Requirements	15-2
1500.25	Special PUD Lot Requirements	15-2
1500.26	Arrangement of Commercial Uses	15-2
1500.30	Procedure for Approval of PUD Districts	15-3
1500.31	Pre-Application Meeting	15-3
1500.32	Preliminary Development Plan Application Requirements	15-3
1500.33	Zoning Commission Public Hearing	15-3
1500.34	Notice of Public Hearing	15-4
1500.35	Public Access to Proposed PUD Documents	15-4
1500.36	Approval in Principle of Preliminary Development Plan	15-4
1500.40	Submission of Final Development Plan	15-4
1500.41	Final Development Plan Application Contents	15-4
1500.42	Public Hearing by Commission	15-5
1500.43	Recommendation by Commission	15-5
1500.44	Criteria for Commission Recommendation	15-5
1500.45	Public Hearing by Township Trustees	15-5
1500.46	Notice of Public Hearing by Trustees	15-6
1500.47	Action by Trustees	15-6
1500.48	Supplementary Conditions and Safeguards	15-6
1500.50	Expiration & Extension of Approval Period	15-6

ARTICLE 1

TITLE, INTERPRETATION AND ENACTMENT

100 TITLE

This resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Austinburg."

101 LAND USE POLICY STATEMENTS

OVERALL GOAL: To promote a community that is residential in character with a rural and historical identity balanced by a strong local economy that supports essential services.

1. **SUBGOAL:** To maintain residential character by:

- a. Promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities and amenities;
- b. Establishing distinct commercial and industrial zones that will not encroach physically or visually on the rural economic base, rural beauty, identity, and aesthetic qualities of the Township.

2. **SUBGOAL:** To maintain and strengthen rural and historical identity by:

- a. Preserving rural character and beauty:
 - 1) Conserve and maintain agricultural land use base;
 - 2) Discourage premature, scattered development into agricultural areas;
 - 3) Encourage innovation in neighborhood development which will result in an improved living environment, i.e. neighborhood parks, recreation and open space;
 - 4) Protect unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.
- b. Preserving the historical heritage of the Township:
 - 1) Promote single family housing in the older, historical parts of the Township;
 - 2) Implement regulations for commercial uses in historic buildings that will promote historical character while providing best compliance to modern commercial needs;
 - 3) Determine availability of programs for the Township to actively encourage historic preservation.

3. **SUBGOAL:** To stimulate and encourage continued and future economic growth and development which is compatible within various land uses by:

- a. Strengthening viability of existing Industrial/Office Park District:
 - 1) Encourage existing and new industry to build in I/OP District which ensures sound development supported by adequate public facilities and services;
 - 2) Discourage scattered nonconforming industrial uses.
- b. Encouraging growth of commercial enterprises associated with interstate travel near the I-90 interchange that will take advantage of traffic without altering identity of the Township;
- c. Discouraging, where possible, strip commercial uses along major thoroughfares;
- d. Redeveloping and revitalizing existing town center (State Routes 45 & 307) in order to maintain a viable commercial core and community identity:
 - 1) Allow for mixed single family residential and commercial uses;
 - 2) Provide for more effective use and development of the old, established commercial center;
 - 3) Encourage a higher standard of design and appeal for commercial centers to improve their marketability as well as the overall community appearance.
- e. Discouraging scattered nonconforming commercial uses;
- f. Developing additional open spaces and recreational facilities where possible;

- g. Encouraging adequate maintenance of all residential, commercial, industrial, and recreational property to keep neighborhoods blight-free and provide a suitable living, working, and recreational environment for all citizens of the Township;

110 PURPOSE

This Resolution is enacted: for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Township of Austinburg; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

120 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS

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

130 SEPARABILITY CLAUSE

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part of declared to be unconstitutional or invalid.

140 REPEAL OF CONFLICTING RESOLUTION

All resolutions or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

150 EFFECTIVE DATE

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2

DEFINITIONS

INTERPRETATION OF TERMS OR WORDS:

For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
5. The word “lot” includes the words “plot” or “parcel.”

ACCESSORY USE OR STRUCTURE¹:

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. See also Home Occupation Sec. 1000.73.

Accessory Use: A use that:

1. Is clearly incidental to and customarily found in connection with a principal building or use;
2. Is subordinate to and serves a principal building or principal use;
3. Is subordinate in area, extent, or purpose to the principal building or principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
5. Is located on the same zone lot as the principal building or use served. See also Home Occupation Sec. 1000.72 and 1000.73

ADULT ARCADE²: Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

ADULT BOOK STORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE³: A commercial establishment which, as one of its purposes, offers for sale or rental or any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” or
2. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

¹ Accessory Use or Structure Amended 3/10/97

² Adult Arcade Added 6/16/05

³ Adult Book Store...Amended; Adult Cabaret Added; & Adult Entertainment Business Amended 6/16/05

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult book store, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult book store, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.” For the purposes of this Resolution, any retail establishment which devotes at least 20% of the total lineal feet available for the display of items or materials for sale or rental which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” shall be categorized as an adult book store, adult novelty store, or adult video store.

ADULT CABARET¹: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nudity;
2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT ENTERTAINMENT BUSINESS¹: Classified as follows:

1. Adult arcades;
2. Adult book stores, adult novelty stores, or adult video stores;
3. Adult cabarets;
4. Adult drive-in motion picture theater;
5. Adult model studio;
6. Adult motel;
7. Adult motion picture theaters;
8. Escort agency;
9. Nude model studio;
10. Sexual encounter center; or
11. Any combination of classifications set forth in paragraphs (1) through (10) above.

ADULT ESTABLISHMENT: Includes any of the following:

1. The opening or commencement of any adult entertainment business as a new business;
2. The conversions of an existing business, whether or not an adult entertainment business, to any adult entertainment business;
3. The additions of any adult entertainment business to any other existing adult entertainment business; or
4. The relocation of any adult entertainment business.

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

¹Adult Book Store...Amended; Adult Cabaret Added; & Adult Entertainment Business Amended 6/16/05

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

ADULT MOTEL¹: A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this sex-oriented type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slices, or similar photographic reproductions, or by various electronic media such as the Internet, are regularly shown which are characterized by the depictions or description of “specified sexual activities” or “specified anatomical areas.”¹

ADULT MOTION PICTURE DRIVE-IN THEATER: An open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT-ONLY ENTERTAINMENT ESTABLISHMENT: An establishment where the patron directly or indirectly is charged a fee, where the establishment features entertainment or services, which constitute adult material as defined in this section, or which feature exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

ADULT THEATER¹: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

AGRICULTURE²: As used in section 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

¹ Adult Motel Added; Adult Motion Picture Theater Amended; & Adult Theater Added 6/16/05

² Agriculture definition changes added 6/14/14

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALLEY: See THOROUGHFARE.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMUSEMENT ARCADE: A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

ANIMAL SHELTER¹: A government or private organization that provides a temporary home for stray or surrendered pet animals.

ANTENNA: A system of electrical conductors that emit or receive radio waves.

ASSEMBLY HALL: A public or quasi-public meeting place associated with a community center, church/temple or school.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUCTION²: A sale where objects of art, furniture, and other goods are offered for sale to persons who bid on the objects in competition with each other. An auctioneer licensed by the State of Ohio shall conduct the auction.

AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLES, AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE GRAVEYARD: Any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

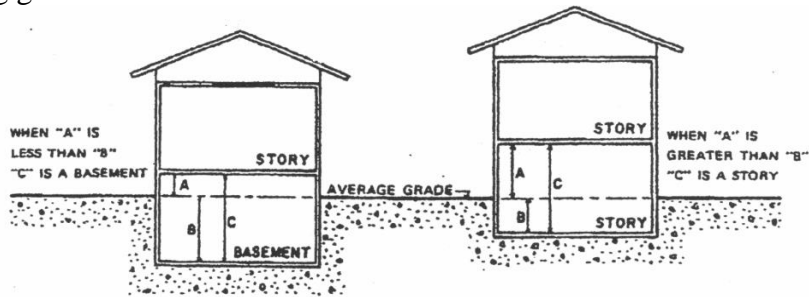
BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges (excluding flags).

¹ Animal Shelter Added 10/19/11

² Auction Added 8/1/02

BARN: A structure used for agricultural purposes that is exempt from local zoning as described in Ohio Revised Code §519.21.

BASEMENT: A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.



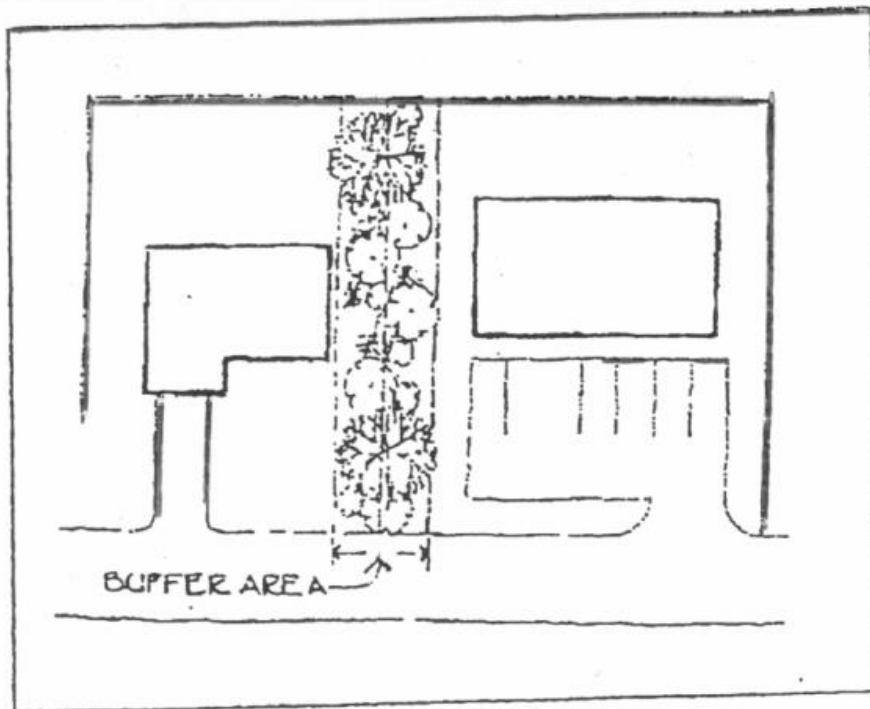
BASEMENT & STORY

BED AND BREAKFAST¹: A tourist lodging services within room of the property owner's principal residence.

BED AND BREAKFAST, UN-HOSTED¹: A tourist lodging services where the owner lives off premises but provides rooms in a separate dwelling for those services.

BOTTOMLESS: Less than full opaque covering of male or female genitals, pubic area or buttocks.

BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

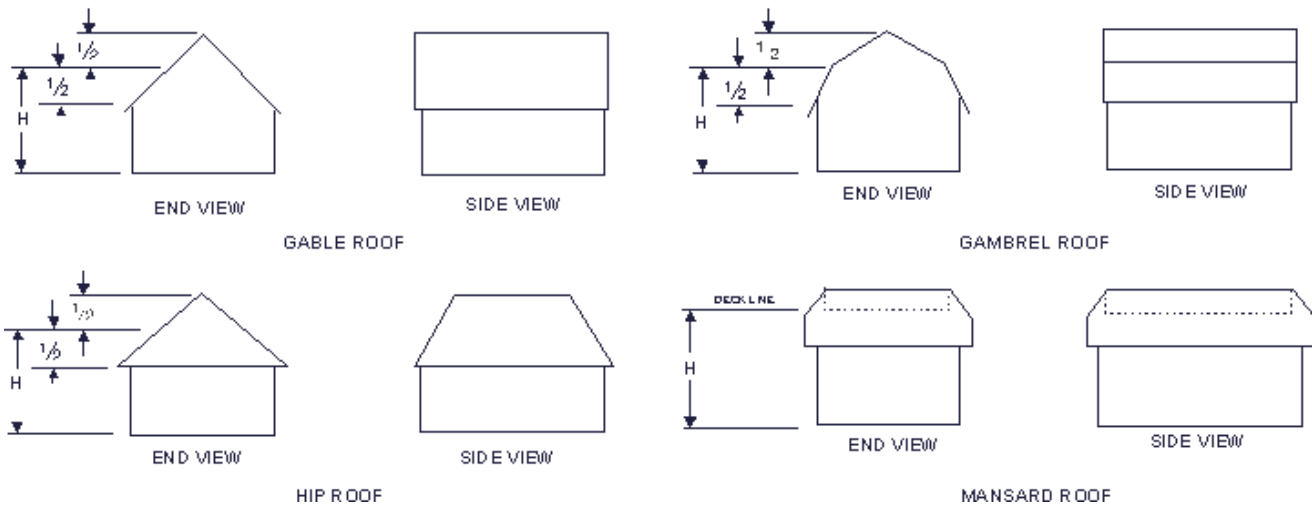


¹ Bed and Breakfast Amended & Bed and Breakfast, Unhosted Added 4/20/06

BUILDING¹: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest points of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

H = Height of Building



BUILDING LINE: See SETBACK LINE.

BUILDING, PRINCIPAL¹: See PRINCIPAL BUILDING.

BUSINESS GENERAL: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

BUSINESS USE CERTIFICATE²: Before any occupancy or change of occupancy in RC, NC, IOP, AC district application shall be made to the Zoning Inspector for a Business Use Certificate on the application from then in use by the Zoning Inspector.

CAMPGROUND: See RECREATION CAMP.

CANOPY SIGN: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CAPTIVE DISPOSAL FACILITY: A facility owned and operated by a specific party, accepting only waste(s) generated by that party. Waste(s) is restricted to a specific waste or set of waste authorized by the Ohio EPA as contained in the Permit-To-Install (PTI).

CELLAR: That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

¹ Building & Building, Principal Amended 3/10/97

² Business Use Certificate added 3/6/2013

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CHILD DAY CARE: Administering to the needs of infants, toddlers, preschool children, and schoolchildren outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the children's own home. The following are child day care facilities:

Child Day Care Center – Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day Care Home – A permanent residence of the administrator in which child day care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term “Type A family day care home” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Day Care Home – A permanent residence of the provider in which child day care or child day care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term “Type B family day care home” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHURCH/TEMPLE: A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major State, County, or Township highway.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL: See BUSINESS, GENERAL.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMUNITY CENTER (NEIGHBORHOOD): A structure located in a neighborhood and designated as a meeting place or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by a responsible homeowners' association for the neighborhood or subdivision in which it is located.

COMPREHENSIVE LAND USE DEVELOPMENT PLAN¹: A plan, or any portion thereof, adopted by the Zoning Commission and the legislative authority of the Township of Austinburg, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

CONDITIONAL USE: A non-transferable use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of Conditional Uses (see Article 5).

CONDITIONAL USE PERMIT: A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5000 square feet.

CORNER LOT: See LOT TYPES.

CUL-DE-SAC: See THOROUGHFARE.

DANGEROUS PETS²: Dangerous pets are defined as:

1. Predatory – Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts prey in manners which could cause serious injury or death to humans.
2. Nuisance – Predatory or non-native animals, birds, or reptiles which emit noises or odors of an offensive nature beyond the property of the owner.
3. Nature – Any non-native animal, bird, reptile, fish or insect which, if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions.
4. Any animal, reptile, bird, fish, or insect which is trained, confined, restrained, and cared for in a way which demonstrates and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

DEAD-END STREET: See THOROUGHFARE.

¹ *Comprehensive Land Use Development Plan Added 3/10/97*

² *Dangerous Pets Added 9/4/97*

DEAD STORAGE¹: A collective term given to the property or merchandise, deposited or removed from a Self-Service Storage Facility. Examples are: excess household items, seasonal goods, and inventories of small commercial businesses.

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density – the number of dwelling units per acre of the total land to be developed.
2. Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME: Any type of motor vehicle, recreational vehicle, or mobile home that meets any one of the following criteria:

3. Does not have a current license;
4. Is apparently mechanically inoperable;
5. Is extensively damaged (i.e. missing wheels, motor, tires or transmission);
6. Is in a dilapidated or broken down state.

DISTRICT: A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

DRILLING UNIT²: The minimum acreage on which one oil well may be drilled, but does not apply to a well for injecting gas into or removal from a gas storage reservoir.

DWELLING: Any building or structure (except a recreational vehicle or mobile home as defined by the Ohio Revised Code §4501.01) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home as defined by Ohio Revised Code §4501.01.

¹ Dead Storage Added 5/5/99

² Drilling Unit Amended 3/10/97

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

ELDERLY HOUSEHOLD: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one (1) person is elderly.

ELDERLY HOUSING FACILITY: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

ELDERLY PERSON: Any person who is 62 years of age, or older, or one under 62 years of age who is handicapped such that the person's physical impairments are of a long-term duration and impede the person's ability to live independently without a suitable housing environment.

ELECTROMAGNETIC SPECTRUM: The range of all electromagnetic energy.

Ionizing Electromagnetic Radiation (IER) – The upper portion of the electromagnetic spectrum; includes cosmic, atomic, and X-rays; alters molecular structure of living tissue through which it passes.

Non-Ionizing Electromagnetic Radiation (NIER) – The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light; insufficient to ionize living tissue; causes thermal effects; may cause non-thermal effects.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXHIBITOR: Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in that person's own place of business, irrespective of the ownership of such device.

FAMILY: A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT): Farms adapted for the use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

FEEDLOT: A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

FENCE: A structure erected around or by the side of any open space to restrict passage in or out; especially a structure enclosing or separating yards, fields, etc.

FENCE, BARRIER¹: A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon township roads covered by Ohio Revised Code §4737.05 to 4737.99 inclusive. See also Section 912 FENCE AND WALL RESTRICTIONS IN FRONT YARDS.

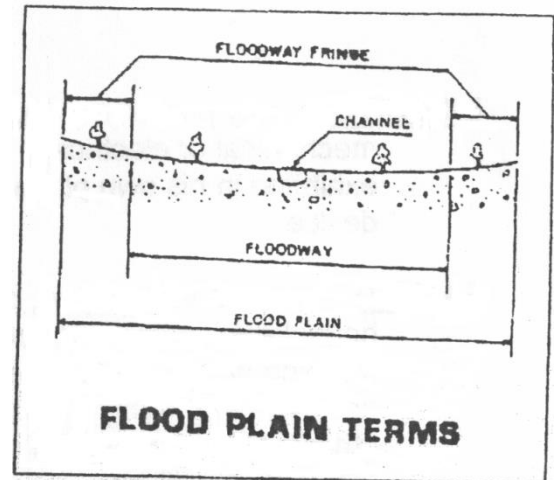
FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS: A facility for the enjoyment of handgun, rifle or shotgun shooting.

FLAG: Flags of the United States, the State, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be regulated as such.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD, REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

FLOODWAY: That portion of the flood plan, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.



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

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The floor area of the specified use excluding stairs, wash-rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

¹ Fence, Barrier Amended 3/10/97

FLOOR AREA, USABLE: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

FREQUENCY: The number of cycles completed each second by a sound wave; measured in hertz (Hz). 1 Hz = 1 cycle per second; 1 kilohertz (kHz) = 1000 Hz; and 1 megahertz (MHz) = 1000 kHz or 1,000,000 Hz.

GARAGE, PRIVATE: A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises and wherein:

1. Not more than one (1) space is rented for parking to a person not a resident on the premises;
2. No more than one (1) commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two (2) tons capacity.

GARAGE SALE: See YARD SALE.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections;
14. Major mechanical repairs.

GAS¹: All natural gas and all other fluid hydrocarbons not defined as oil, including condensate.

GO CART TRACK: A blacktopped area laid out for the riding of go-carts usually rented by the hour.

¹ Gas Added 3/10/97

GOLF COURSE: An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9). Par Three and miniature golf (such as putt-putt) are considered golf courses.

GROUP RESIDENTIAL FACILITY: A community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities:

CLASS I – Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care of rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II – Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; or place used as a home for residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

HISTORIC AREA: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

HOME OCCUPATION¹: Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and has no significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three (3) receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day Care Homes, which constitute a residential use and not an accessory use. Sections 1000.70-.74 shall apply.

HORSE RIDING CLUB: Persons joined together for the enjoyment of horses and horse riding. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and on-lookers of scheduled horse shows.

HOTEL OR MOTEL AND APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

¹ Home Occupation Amended 3/10/97

JUNK: Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

KENNEL: Any lot or premises on which four (4) or more dogs and/or cats more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See VICINITY MAP.

LOT: For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots or record, or of portions of lots of record.

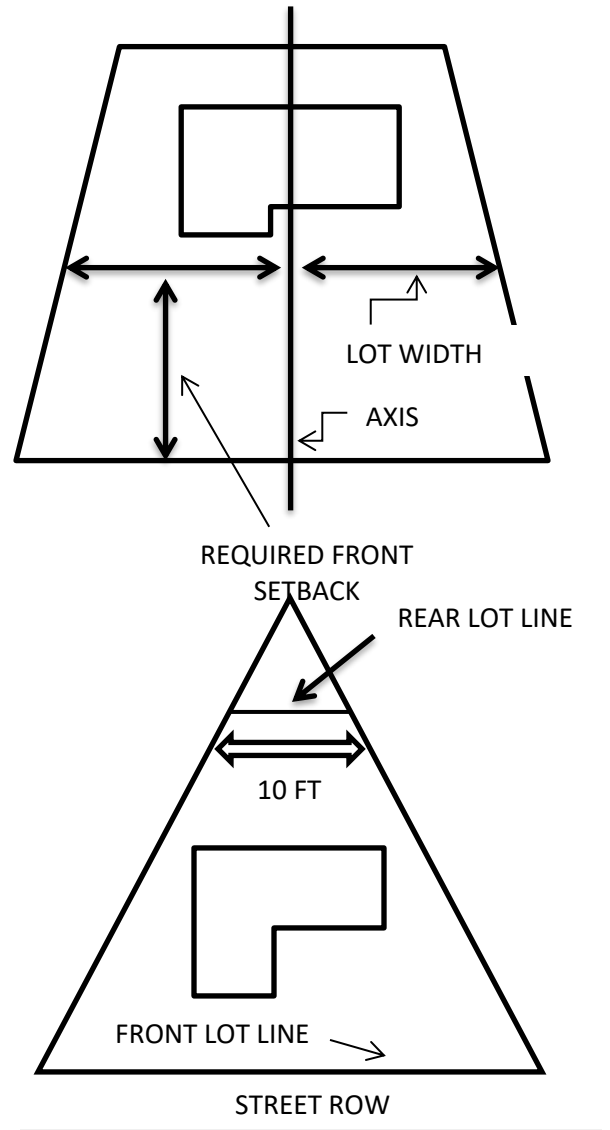
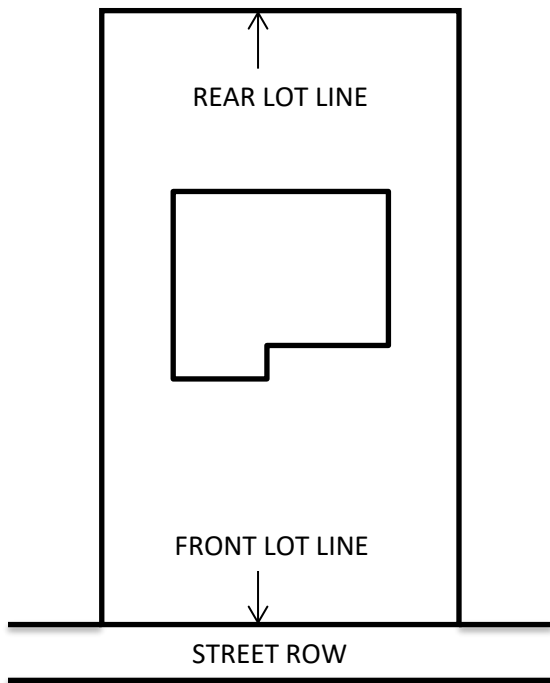
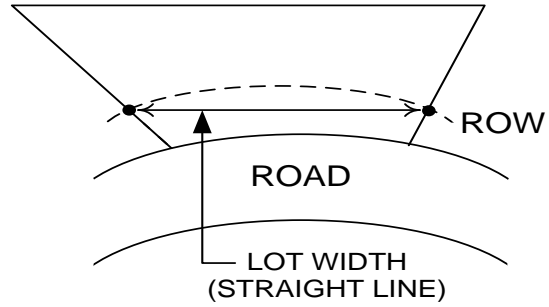
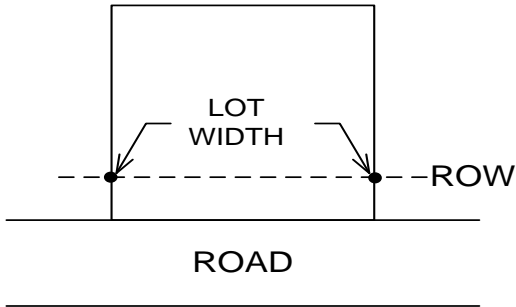
LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this Section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS¹: A lot shall be measured as follows:

1. Depth – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width – The minimum lot width shall be measured at the road RIGHT-OF-WAY line.¹
3. Cul-de-sacs & curvilinear roads – the minimum frontage will be measured at the road RIGHT-OF-WAY line. See sketch below on how to measure.

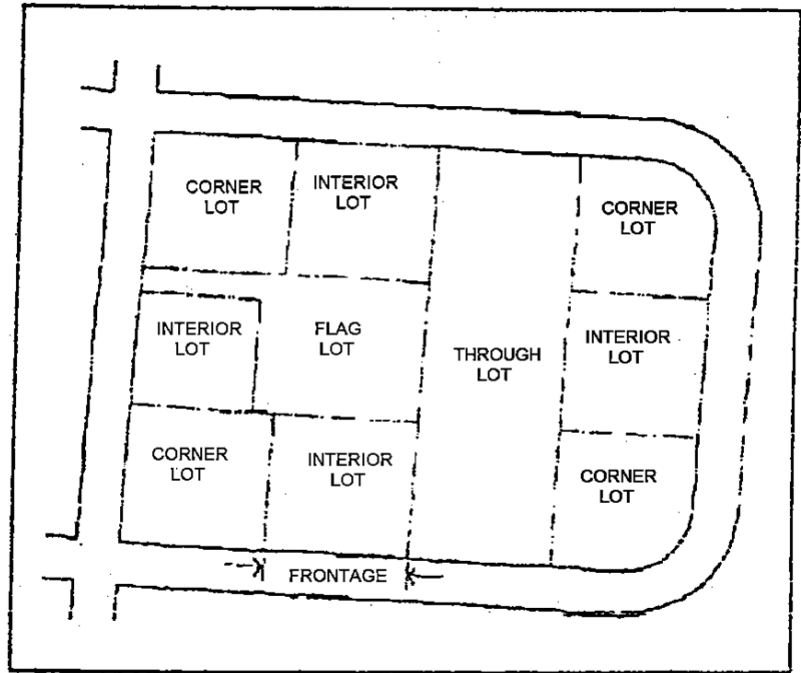


¹ Lot Measurements Amended 4/12/07

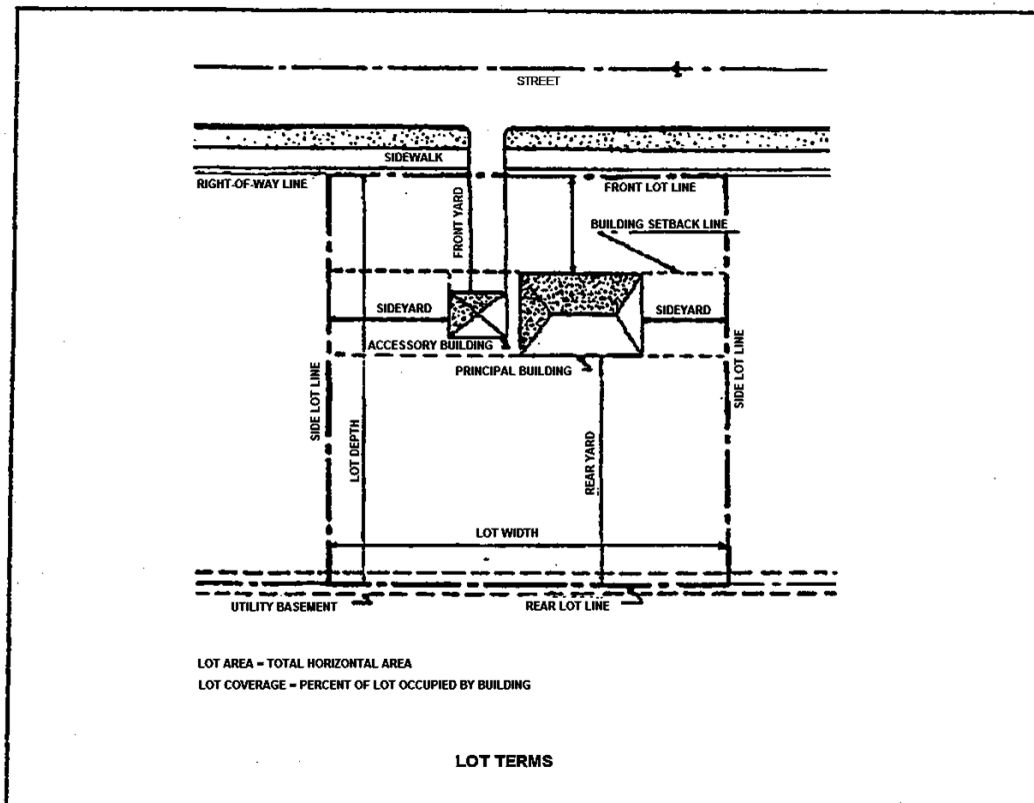
LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

1. **Corner Lot** – A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. **Interior Lot** – A lot with only one (1) frontage on a street.
3. **Through Lots** – A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots (see Ashtabula County Subdivision Regulations).
4. **Reverse Frontage Lot** – A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.



LOT TERMS:



MAJOR THOROUGHFARE PLAN: The portion of the comprehensive plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this Resolution whether or not such structure is subject to taxation under Ohio Revised Code §4503.06 or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This dwelling unit shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24CFR3280 for legal definition).

MANUFACTURED HOME PARK: Any site, or tract or land under single ownership, upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which: are generally major operations and extensive in character; require large sites, open storage and service areas, extensive service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT: Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing or any mineral natural resource.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MATERIAL RECOVERY FACILITY (WASTE REDUCTION): A centralized facility that receives, separates, processes, and markets recyclable materials. A Material Recovery Facility can be operated in conjunction with both drop-off and curbside programs, and can be designed to process separated materials or co-mingled recyclables.

MECHANICAL OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE: Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

MICROWAVE: Electromagnetic radiation with frequencies higher than 1000 MHz; highly directional when used for radio frequency transmissions; transmitted from point to point at relatively low power levels compared to other forms of transmission.

MOBILE HOME: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (see Manufactured Home).

MOBILE HOME PARK: See MANUFACTURED HOME PARK.

MODULAR HOMES: Factory-built housing certified as meeting the BOCA Basic Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

NONCONFORMITIES: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NUDE MODEL STUDIO¹: Any place where a person who appears semi-nude or who displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio shall not include:

1. Proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
2. A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported, entirely or partly by taxation; or

¹ *Nude Model Studio added 6/16/05*

3. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) semi-nude model is on the premises at any one time.

NUDE, NUDITY, OR A STATE OF NUDITY¹: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

NURSERY, NURSING HOME: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

OCCUPANCY PERMIT: DELETED March 2013

OIL²: Crude petroleum and all other hydrocarbons regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in gaseous phase in the reservoir.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

OVERLAY DISTRICT: A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

OWNER, GAS AND OIL²²: The person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool and to appropriate the oil or gas that is produced there, either for self or for others.

PARKING SPACE, OFF-STREET: For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley, and for maneuvering room, but shall be located totally outside of any street or alley right-of-way.

¹ *Nude, Nudity, or a State of Nudity Amended 6/16/05*

² *Oil & Owner, Gas and Oil Added 3/10/97*

PENNANT: Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope, wire, or string, always in series designed to move in the wind.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the County Planning Commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERSON¹: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public, such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

PICNIC GROUNDS: An area either public or private designated as a site for picnic table, pavilions, restrooms and necessary accessories. Picnic grounds areas sometimes associated with Playgrounds and/or Swimming Pool areas.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

POOL, GAS AND OIL²: An underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

PRINCIPAL BUILDING²⁴: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE²: The main use of land or structures, as distinguished from a secondary or accessory use.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PLAYGROUND, TOT LOT: An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for a picnic ground or swimming pool area.

¹ Person Added 6/16/05

² Pool, Gas and Oil; Principal Building; & Principal Use Added 3/10/97

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by another governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI-PUBLIC USE: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RADIO: A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave; specifically, refers to transmission of sound within short-wave, FM, AM, and land-mobile radio frequencies.

RECREATION CAMP: An area of land on which two (2) or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATION FACILITIES: Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE: A vehicular portable structure built on or carried on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding 8 feet and a length not exceeding 35 feet. Representative of this type of unit is:

1. **Travel Trailer (including Fifth Wheel Trailer)** – a non-self-propelled recreational vehicle not exceeding an overall length of 35 feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in Ohio Revised Code §4517.01(S).
2. **Motor Home** – a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
3. **Truck Camper** – a non-self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
4. **Van camper**

Converted school and commercial passenger buses are sometimes used as recreational vehicles but do not carry the seal of the recreational vehicle's organization. In some instances, a simple tent is also considered a recreational vehicle.

RECYCLING: The process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RESTAURANT¹: A business establishment whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings, or in non-disposal containers, and where the customer consumes these foods while seated at tables or a counter located within the building.

RESTAURANT, DRIVE-THROUGH¹: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where 1) foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the item is consumed; and 2) the establishment includes a drive-up or drive-through service facility that delivers prepared food, frozen desserts or beverages to customers in motor vehicles.

RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscape areas, viaducts, and bridges.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products.

SANITARY LANDFILL: Land waste disposal site that is located to minimize water pollution from runoff and leaching. Waste is spread in thin layers, compacted, and covered with a fresh layer of soil each day to minimize pest, aesthetic, disease, air pollution, and water pollution problems.

SATELLITE SIGNAL RECEIVER: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. "Dish-type Satellite Signal-Receiving Antennas," "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1), or a combination of two (2) or more of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.

¹ Restaurant & Restaurant, Drive-Through Added 3/10/97

2. A Low-Noise Amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

SCRAP METAL PROCESSING FACILITY: An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for re-melting purposes.

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITY¹: A facility consisting of a building or a group of buildings housing separate, individual, and private storage spaces for varying sizes. These spaces will be rented on an individual basis for varying periods of time.

SEMI-NUDITY OR IN SEMI-NUDE CONDITION²: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or part.

SETBACK LINE³: A line established by the zoning Resolution, generally parallel with and measured from the lot line for side and rear yards and from the right-of-way line from front yards, defining the limits of a yard.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUAL ACTIVITY: Sexual conduct or sexual contact, or both.

SEXUAL CONTACT: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

¹ Self-Service Storage Facility Added 4/12/99

² Semi-Nudity... Added 6/16/05

³ Setback Line Amended 3/10/97

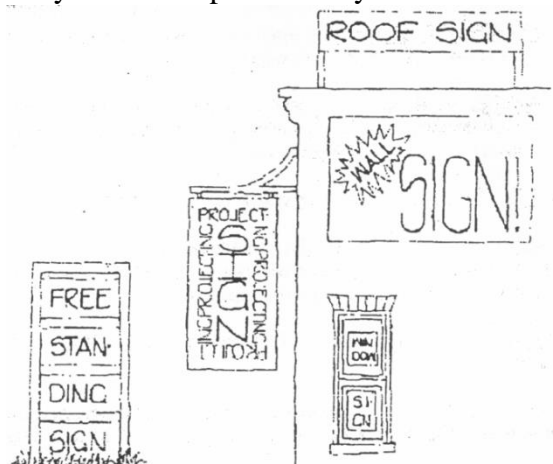
SHED¹: A subordinate structure or building used primarily for storage purposes, of a height no greater than 7 feet and the total square footage of which does not exceed 120 square feet.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

SIGN TYPES:

1. **Sign, On-Premises** – Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises** – Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. All billboards are to be construed as off-premise signs.
3. **Sign, Canopy** – Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
4. **Sign, Illuminated** – Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
5. **Sign, Incidental** – A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “No Parking,” “Entrance,” “Loading Only,” “Telephone” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
6. **Sign, Projecting** – Any sign which projects from the exterior of a building.
7. **Sign, Residential** – Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Resolution.
8. **Sign, Roof** – Any sign placed on the roof of any building where the supporting structure is *not* screened so the sign appears to be a continuation of the face of the building.
9. **Sign, Temporary** – Any sign that is used only temporarily and is not permanently mounted.
10. **Sign, Wall** – Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.
11. **Sign, Window** – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.



¹ Shed Added 8/1/02

SITE-BUILT HOMES: Dwelling unit constructed on the lot in accordance to the Building Officials and Code Administrators' National Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

SMALL WIND ENERGY SYSTEM: A single towered wind energy system that:

- 1) Is used to generate electricity;
- 2) Has a rated name plate capacity of less than 5 Megawatts; See ORV 519.213
- 3) Has a total height of 152ft. or less.¹

SOLID WASTE: Unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community mining, or demolition operations, or other waste material of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or contrary to public health, and non-combustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or hazardous waste.

SOLID WASTE COMPOST FACILITY: A compost facility for the controlled degradation of municipal solid waste. Included in this process is the removal of non-compostable inorganic materials.

SPECIFIED ANATOMICAL AREAS²:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES²: Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in subsection (1) and (2) of this section.

STABLE: A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

STORAGE CONTAINER³: A container, including what is sometimes referred to as storage "pods" or "portable on demand storage units" any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers, that are (a) designed and commonly used for storing, shipping or transporting products and materials, and (b) are typically transported by a separate motorized vehicle or upon a trailer.

STORAGE TRAILER³: Includes any dry freight van, semi-trailer, tractor trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not, used for storage and/or warehousing purposes or any purpose or intent other than that for which the container or trailer was originally designed, that being for the shipping and transporting of products and/or materials.

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

¹ *Small wind energy system added 3/06/13*

² *Specified Anatomical Areas & Specified Sexual Activities Added 6/16/05*

³ *Definitions added on 6/14/14*

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards.

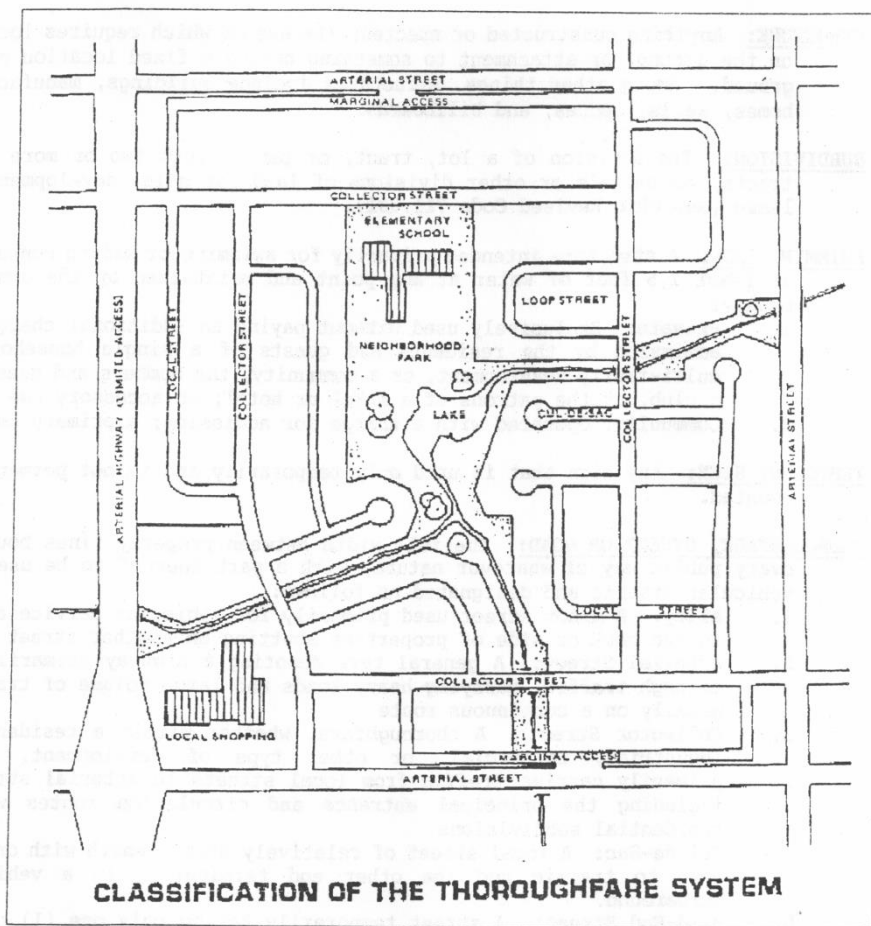
SUBDIVISION: The division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Ohio Revised Code §711.001).

SWIMMING POOL: A structure intended primarily for swimming or wading containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. **Private** – Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. **Community** – Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley** – A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street** – A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street** – A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac** – A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street** – A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street** – A street primarily for providing access to residential or other abutting property.
7. **Loop Street** – A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
8. **Marginal Access Street** – A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Streets).



THROUGH LOT: See LOT TYPES.

TIME SHARING: A land use concept which involves the transfer of ownership by deed of an undivided fee interest (share) in property to an individual or group of individuals for the use, occupancy, or possession of which circulates among owners according to a fixed or floating time basis.

TRAILER: Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than 25 miles per hour. See also RECREATIONAL VEHICLE.

TRANSFER STATION: A facility where the solid waste from several relatively small vehicles is placed into one relatively large vehicle before being hauled to a disposal site.

TRANSMISSION TOWER: The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

TRANSMITTER: Equipment that generates radio signals for transmission via antenna.

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

USE¹: See PRINCIPAL BUILDING and PRINCIPAL USE.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WASTE RECYCLING CENTER: A center which accepts solid waste that is otherwise destined for disposal although not necessarily on that location. The materials are collected, reprocessed or remanufactured, and ultimately reused.

WATER SLIDE: A recreational land use which utilizes a number of down hill slides along with water to propel the slider down the course.

WIND ENERGY SYSTEM²: Equipment that converts then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, battery, guy wire or other components used in a system.

WIND TOWER²: The monopole, freestanding or guyed structure that supports a wind generator.

WIND TURBINE²: The parts of a wind energy system including the blades associated mechanical and electrical conversion components mounted on top of them.

WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

YARD³: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front** – A portion of land between the street and the front of the principle building and extends from lot line to lot line. Also see “Lot terms”
2. **Yard, Rear** – A portion of land from the rear of the principle building and extends the full lot width to the rear lot line. Also see “Lot Terms”
3. **Yard, Side** – A portion of land that lies between side lot line and the principle building that is not part of the front yard or back yard. Also see” Lot Terms”

¹ Use Amended 3/10/97

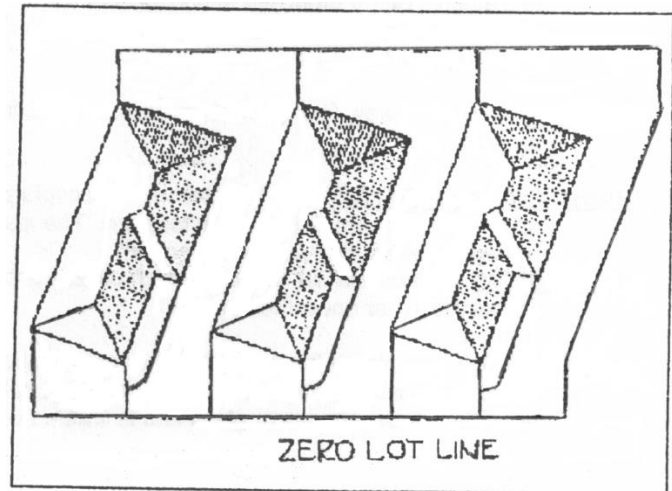
² Wind Energy System, Wind Tower and Wind Turbine added 3/6/13

³ Yard definitions changed 6/14/14

YARD SALE: Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (sales). The sale of varied used household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit.

YARD WASTE COMPOST FACILITY: The controlled biological decomposition of leaves, grass clippings, prunings, and other natural organic solid waste under aerobic conditions.

ZERO LOT LINE DEVELOPMENT: An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.



ZONE LOT: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

ZONING ADMINISTRATOR: The person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions. Zoning Inspector is the same as the Zoning Administrator.

ZONING PERMIT: A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

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ARTICLE 3

NONCONFORMITIES

300 PURPOSE

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

301 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

302 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

310 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

320 CERTIFICATES FOR NONCONFORMING USES

The Zoning Administrator may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.

330 SUBSTITUTION OF NONCONFORMING USES

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

340 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 8 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 400 through 418.

341 NON-CONFORMING LOTS OF RECORD IN COMBINATION

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

350 NON-CONFORMING USES OF LAND

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

360 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
4. Recreational vehicles, mobile homes and trailers as defined by Article 2 of this Resolution (excepting manufactured homes as defined by this Resolution) are not structures, and Sections 360 and 370 of this Resolution do not apply.

370 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

380 TERMINATION OF NON-CONFORMING USES

381 TERMINATION OF USE THROUGH DISCONTINUANCE

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

382 TERMINATION OF USE BY DAMAGE OR DESTRUCTION

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

390 REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

ARTICLE 4

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

400 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 401 to 418 inclusive, of this Resolution. As specified in Section 1332, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

401 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

402 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

410 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

411 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and telephone number of applicant(s);
2. Legal description of property;
 - a. Proof of ownership
3. Description or nature of variance requested;
4. A fee as established by resolution;
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:

- a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
- b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
- c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or buildings. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
- d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

412 ADDITIONAL CONDITIONS AND SAFEGUARDS

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

413 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

414 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before conducting the public hearing required in Section 413, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

415 NOTICE TO PARTIES IN INTEREST

Before conducting the public hearing required in Section 413, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 414.

416 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 413, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 412, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 1340.

417 TERM OF VARIANCE

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

418 AUTHORIZED VARIANCE

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 411, and Section 412 if applicable, have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations;
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width;
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities;
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent;
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent;
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

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ARTICLE 5

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

500 REGULATION OF CONDITIONAL USES

The provisions of Sections 500 to 552 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

501 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 510 to 552 of this Resolution.

510 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property and proof of ownership;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by Resolution;
10. A narrative addressing each of the applicable criteria contained in Section 520.

520 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 530, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 8 and appears on the Schedule of District Regulations adopted for the zoning district involved;

2. Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;
10. Will not permit loud speakers which cause a hazard or annoyance;
11. Will not include lighting that constitutes a nuisance, impairs safe movement of traffic on any street or highway, or shines directly on adjacent properties;
12. Will keep all permitted installations in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
13. Will provide parking spaces as required in this Resolution, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the establishment and on the basis of generally known parking conditions in the neighborhood;
14. Will have the design, location, and surface of the parking area subjected to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the surrounding neighborhood;
15. Will have all permanent buildings constructed and designed so as to conform to the setback and building design of existing uses in the district.

530 SPECIFIC CRITERIA FOR CONDITIONAL USES

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Resolution as provided for in the Conditional Uses Schedule of District Regulations. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 5.

1. Bed and Breakfast (B&B) Home¹– R-1 (Residential), NC (Neighborhood Commercial)²
 - a. B&Bs shall be allowed as a Conditional Use in the R-1 and the NC districts.²
 - b. The owner of the proposed B&B shall at the time of the request to Board of Zoning Appeals for a conditional use, show proof from the Ashtabula County Health Department that the property has an individual lot sanitary system and/or is serviced by a public sewer.² This is necessary due to the proposed change of use.

¹ Section 530(1) Added 4/20/06

² Section (530) (1), (1)(a), (1)(b), (1)(h), (1)(i), (1)(q), (1)(s) Amended 11/24/07

- c. The dwelling shall be on an individual permanent parcel of land and be a currently conforming lot.
- d. In the R-1 district a Hosted B&B may have three (3) rooms for guests with no more than seven (7) total guests.
- e. In the R-1 district an Un-Hosted B&B may have two (2) rooms for guests with no more than five (5) total guests.
- f. In the NC district a Hosted B&B may have four (4) rooms for guests with no more than ten (10) total guests.
- g. In the NC district an Un-Hosted B&B may have four (4) rooms for guests with no more than ten (10) total guests.
- h. The length of stay at all B&Bs³ shall not exceed seven (7) days and rental fees shall be based on daily rental rates only.
- i. The rooms used for guests shall be part of the primary R-1 or NC use and not specifically constructed for rental use. Requests for a B&B shall not be granted if the essential character of a lot or structure within an R-1 or NC district,³ if in terms of use, traffic generation or appearance, will be detrimental to the surrounding community.
- j. All B&B's shall be subject to all the standards set forth by the Ohio Basic Building Code, as amended, and subject to inspections by local, county and state fire officials, if applicable. The owner of the proposed B&B shall, at the time of the request to the Board of Zoning Appeals for a conditional use, show evidence of compliance with this section from the Ashtabula County Building Department and the local Fire Department.
- k. Fire exit instructions and emergency numbers for safety agencies and the owner's full name, address and telephone number shall be posted in each sleeping room and at the front entrance. Each room must have a smoke detector and one (1) visible fire extinguisher per floor of the dwelling.
- l. Off-street parking shall be provided at the rate of one (1) space per guest room, plus two (2) extra spaces. The front setback shall not be used for parking.
- m. Signage shall identify rather than advertise the establishment. See Article 12 for allowed signage.
- n. Buffering is required between two (2) different land uses to provide adequate sight, glare, reflection, noise, and air pollution control to protect the living conditions of adjacent residents. Buffering can be terrain or other natural features or planted materials that must be in place and effective from the first day of operation. It shall be maintained to provide its intended function and also so the buffering does not restrict or limit traffic sight distance visibility.
- o. Landscaping shall be aesthetically pleasing and must be planted and maintained to provide privacy to nearby residents.
- p. In the R-1 district, no other commercial industry, including retail sales, or home occupation shall be allowed if a B&B is operating on the property.
- q. If food is offered,¹ the owner must comply with all O.R.C. and Ashtabula Health Department rules and regulations. Certification for such compliance by the appropriate official must accompany the request for the conditional use.
- r. The only meal provided to guests shall be breakfast and shall only be served to registered guests in the facility. No food preparation shall be allowed within any bedroom.
- s. A B&B shall not be within 600 feet of another such establishment in the R-1 District³.

¹ Section (530) (1), (1)(a), (1)(b), (1)(h), (1)(i), (1)(q), (1)(s) Amended 11/24/07

2. Canoe Livery/ (R-1 District)
 - a. No more than twenty-four (24) canoes may be stored on the property except in enclosed buildings. If not enclosed, canoes may just be stored on racks. Storage may be no less than fifty (50) feet from any property line.
 - b. All additional equipment related to the business (including but not limited to lifejackets, paddles, cushions) must be stored in enclosed buildings.
 - c. Canoes may be put in and taken out only at points of public access as defined by the Ohio Department of Natural Resources.
 - d. Conditions as listed in Section 1000.73 (Home Occupation).
3. Cemetery / (R-1 District)
 - a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
 - b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
 - c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
 - d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
4. Child Day Care Center / (R-1, R-2, NC District)
 - a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
 - b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for children that will not impede other traffic.
5. Funeral Home / (NC, AC Districts)
 - a. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for visitors that will not impede other traffic.
6. Recreation & Community Center Building / (R-1, R-2 Districts)
 - a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
 - b. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
 - c. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for persons that will not impede other traffic.

7. Veterinary Clinic, Kennel, and Animal Shelter¹ / (R-1, NC, AC Districts)
 - a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
 - b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
 - c. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
 - d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
 - e. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
8. Signs, Off-Premise (101-1200 sq. ft.) / (R-1, NC, IOP, AC District)
 - a. Off-premise signs for the purpose of the message being read from the main traveled way of a highway on the interstate or primary system as defined in the Ohio Revised Code §5516:
 1. Shall have a valid current permit per Ohio Revised Code §5516;
 2. Shall not exceed 1200 square feet in area;
 3. Shall not exceed 35 feet in height;
 4. Shall comply with all other regulations of the appropriate zoning district;
 5. Shall be no closer than 500 feet to any other off-premise sign, including those on the opposite side of thoroughfares.
 - b. Off-premise signs more than 100 square feet, but not to exceed 300 square feet:
 1. Shall be located only on Major State Collectors, Minor Collectors, or Major Local Collectors as defined by the County Thoroughfare Plan;
 2. Shall be set back a minimum of 20 feet from the road right-of-way;
 3. Shall be set back a minimum of 50 feet from any property line;
 4. Shall not exceed 35 feet in height;
 5. Shall be no closer than 500 feet to any other off-premise sign, including those on the opposite side of thoroughfares;
 6. Shall have supporting structures screened with appropriate landscaping.
9. Airports and landing fields / (NC District)
 - a. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
 - b. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
10. Amusement enterprises (excluding theater) / (NC, AC Districts)
 - a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan;
 - b. The following apply to the NC District only:
 1. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities;
 2. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours;
 3. The establishment shall not operate between the hours of midnight and 7:30 A.M.

¹ 530(7) Animal Shelter Added 10/19/11

11. Convalescent / Nursing Homes / (NC, R-2 Districts)
 - a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required;
 - b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for persons that will not impede other traffic.
12. Drive-in Food Dispensary / (NC District)
 - a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan;
 - b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for persons that will not impede other traffic.
13. Firearm Ranges and/or Target Shooting Buildings / (NC District)
 - a. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
 - b. Truck parking areas, maneuvering lanes and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours;
 - c. The establishment shall not operate between the hours of midnight and 7:30 A.M.
14. Home Occupations / (R-1, R-2, NC, AC Districts) See Section 1000.70
15. Barber/Beauty Shops / (R-1, R-2 Districts) See Section 1000.70.
16. Antique Sales / (AC¹/NC District)
 - a. See Section 1000.73;
 - b. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
17. Heliport / (NC, AC Districts)
 - a. For NC District only:
 1. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
 2. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
 - b. For AC District only:
 1. All structures and activity areas should be located at least 100 feet from all property lines.
18. Miniature Golf, Tennis, Archery, Baseball/Softball, Basketball, Volleyball, Football/Soccer Facilities that are Commercial or Club-Related / (NC, AC Districts)
 - a. For AC District only:

¹ Section 530(16) Amended 8/1/02

1. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan;
 2. The establishment shall not operate between the hours of midnight and 7:30 A.M.
 - b. For NC District only:
 1. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan;
 2. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours;
 3. The establishment shall not operate between the hours of midnight and 7:30 A.M.;
 4. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities;
 5. Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.
19. Pet Shops, Bird Stores, Taxidermists / (NC District)
- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
 - b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
 - c. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
 - d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
 - e. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
20. Physical Culture Establishments / (AC District)
- a. The establishment shall not operate between the hours of midnight and 7:30 A.M.
21. Radio & Television Studios and Towers
- a. Accessory Use / (AC District)
 1. All structures and activity areas should be located at least 100 feet from all property lines, or the height of the tower, whichever is greater;
 2. The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties;
 3. Shall meet FCC specifications.
 - b. Principal Use / (AC District)
 1. Sections 1000.40 - 1000.45 to apply.
22. Retail Stores Conducting Incidental Light Manufacturing or Processing of Goods Above the First Floor or in the Basement to be Sold Exclusively on the Premises and Employing Not More Than 10 Operatives / (NC District)
- a. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours;
 - b. The establishment shall not operate between the hours of midnight and 7:30 A.M.

23. Storage Warehouse and Yards / (NC, AC Districts)
 - a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan;
 - b. For NC District only: Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
24. Residential Care Facilities (Group Homes) / (R-2, NC Districts)
 - a. Sections 1000.80-1000.85 shall apply.
25. Amusement Arcades / (RC, NC, AC District)
 - a. See Section 1000.20
26. Adult Entertainment / (IOP District)
 - a. See Section 1000.30
27. Clubs and Places of Entertainment / (NC, AC Districts)
28. Automobile Commercial Parking / (NC, AC Districts)
29. Self-Service Storage Facilities / (AC/NC Districts)¹
 - a. See Sections 1000.100 – 1000.106
30. Auctions / (NC, AC Districts)²

540 PUBLIC HEARING

The Board of Zoning Appeals shall hold a public hearing within 30 days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Administrator.

541 NOTICE OF PUBLIC HEARING

Before conducting the public hearing required in Section 540, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

542 NOTICE TO PARTIES OF INTEREST

Prior to conducting the public hearing required in Section 540, written notice of such hearing shall be mailed by the Chair of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 541 for notices published in newspapers.

550 ACTION BY THE BOARD OF ZONING APPEALS

Within 30 days after the date of the public hearing required in Section 540, the Board shall take one of the following actions:

¹ Section 530(29) Added 5/5/99

² Section 530(30) Added 8/1/02

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 551. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval;
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary;
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 1340.

551 SUPPLEMENTARY CONDITIONS AND SAFEGUARD

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

552 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than one (1) year. Conditional use permits and their conditions and restrictions will transfer to a new owner when the property is sold or transferred. The Zoning Inspector will review the conditional use permit and conditions and restrictions with the new owner. If changes are requested, the Zoning Inspector will refer the new owner to the Zoning Board of Appeals.

560 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Article 4 of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

561 REMEDY BY APPLICATION FOR AMENDMENT

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 6.

562 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Resolution;
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district;
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

563 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

564 RECORD OF SUBSTANTIALLY SIMILAR USES

The Zoning Administrator shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Board of Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Administrator shall consult this record in the process of issuing future permits.

570 REGULATION OF ACCESSORY USES

The provisions of Sections 570-575 inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

571 PURPOSE

It is the purpose of Sections 570-575 inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

572 DEFINITION

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, accessory use includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

573 GENERAL REQUIREMENTS

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be 100 percent or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements¹;
2. It shall not contain or be used as a dwelling unit;
3. It shall not exceed 35 feet in height.
4. It shall meet all yard requirements of the principal use unless otherwise specified in this Resolution.

574 DWELLINGS AS ACCESSORY USES

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment, only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses in any district.

575 ACCESSORY ELDERLY DWELLING UNIT

Notwithstanding the provisions of Subsection (2) of Section 901 of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

576 RETAIL SALES AND SERVICES AS ACCESSORY USES

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, and cafeterias. In institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

¹ Section 573(1) Amended 5/12/00

577 SMALL WIND ENERGY SYSTEMS¹

Applicants requesting a conditional use permit for a Small Wind Energy System and any attached appurtenances shall furnish such scale drawings and information as the Township Board of Zoning Appeals deems necessary, including the following:

1. A site plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjoining lot and the location of the proposed tower and guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.
2. A wind tower for a small wind energy system shall be set back a distance equal to 1.5 times its total height from all property lines. No part of the system, including guy wire anchors, may extend closer than 25 feet to the property boundary. Total height shall not exceed 152 feet. Total height means the vertical distance from the finished grade ground level to the tip of a wind generator blade when the tip is at the highest point.
3. Any blade arcs created by said tower's appurtenances shall be a minimum of thirty (30) feet above the finish grade ground level.
 4. All power lines leading from the tower to any structure shall be buried under ground.
 5. The tower shall be guarded against unauthorized climbing. The first fifteen (15) feet of the tower shall not be climbable by design or the tower must be enclosed by a non-climbable eight (8) foot high fence.
 6. No part of a tower or support(s), or any equipment lines used in connection therewith or connect thereto, shall be constructed in any other yard than the rear yard area of a lot.
 7. A small wind energy system that has been out of service for a 2-year period will be deemed to have been abandoned. The Zoning Inspector shall notify the owner and the inoperable system shall be removed within ninety (90) days.
 8. A wind tower shall not be artificially lighted except where required by the FAA.
 9. Any sign visible from a public roadway is limited to 6 sq. ft. for the manufacturer's name, installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system.
10. Small wind energy systems noise shall not exceed 60 dBA of sound in the R1,NC,RC,IOP and AC districts as measured at the closest neighboring inhabited building.
11. Each property in the R1,NC,RC districts may have up to one (1) 10 kilowatt wind energy system.
12. Each property in the IOP and AC districts may have up to (1) 100 kilowatt wind energy system.
13. A small wind energy system shall comply with all the applicable building and electrical codes including FAA, EPA, Corps of Engineers, ODNR and OEPA.

¹ Section 577 Added 03-06-13

ARTICLE 6

AMENDMENT

600 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This Resolution may be amended utilizing the procedures specified in Sections 601-614, inclusive, of this Resolution.

601 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

602 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may be initiated in one of the following ways:

1. By the adoption of a motion by the Zoning Commission;
2. By the adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

603 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Article 7 shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
11. A fee as established by Resolution of the Board of Township Trustees;
12. Legal description of property and proof of ownership.

604 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Resolution of the Board of Township Trustees.

605 TRANSMITTAL TO ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

606 SUBMISSION TO COUNTY PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

607 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within 300 feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of 500 feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

608 PUBLIC HEARING BY ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of its motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 or more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

609 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 608, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

610 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 609.

611 RECOMMENDATION BY ZONING COMMISSION

Within 30 days after the public hearing required by Section 608, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for its determination that the proposed amendment is or is not consistent with the comprehensive plan.

612 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 609.

613 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within 20 days after the public hearing required by Section 612, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the majority¹ vote of the Board of Township Trustees is required.

¹ Added on 9-8-15

614 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the zoning amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

615 FILE ZONING AMENDMENTS WITH COUNTY RECORDER AND COUNTY PLANNING COMMISSION²

The Board of Township Trustees will file text amendments and map amendments with the County Recorder and County Planning Commission within five (5) working days after the effective date of the amendment.

² Section 615 Added 3/10/97

ARTICLE 7

ESTABLISHMENT OF DISTRICTS

700 PURPOSE

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

710 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for the Township of Austinburg, Ohio:

R-1	Single- and Two-Family Residential
R-2	Multi-Family Residential
RC	Recreation Commercial
NC	Neighborhood Commercial
AC	Accommodation Commercial
I/OP	Industrial/Office Park
PUD	Planned Unit Development
EC	Educational District ¹

Nothing in this article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Resolution to provide the flexibility in its administration to allow future expansion and emendation.

720 ZONING DISTRICT MAP

The districts established in Section 710, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

721 ZONING MAP LEGEND

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white pattern may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 725.

722 IDENTIFICATION OF OFFICIAL ZONING MAP

The Official Zoning Map shall be properly identified by the signature of the Chair of the Board of Township Trustees, as attested by the Township Clerk, and bearing the official seal. The Map shall be maintained by the Zoning Administrator, and shall remain on file in the office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Resolution or any other resolution. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by resolution. Not later than January 30 of each year, the map shall be recertified by the Chair and the Clerk.

¹ EC District added 9-8-2015.

723 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

725 ZONING MAP AMENDMENTS

Within 15 days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the Resolution authorizing such change. The Official Zoning Map shall then be signed by the Chair and attested to by the Clerk.

726 FILE ZONING MAP WITH COUNTY RECORDER AND COUNTY PLANNING COMMISSION¹

The Board of Township Trustees will file amendments to the zoning map with the County Recorder and County Planning Commission within five (5) working days after the effective date of the amendment.

¹ Section 726 Amended 3/10/97

ARTICLE 8

DISTRICT REGULATIONS

800 COMPLIANCE WITH REGULATIONS

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open space; than herein required, or in any other manner be contrary to the provisions of this Resolution;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. The purpose of the Official Schedule of Permitted Uses and Dimensional Requirements is to list different land uses and specify what districts within the community allow those uses. **Any uses not listed in the Schedule are prohibited.** Specifically prohibited uses are junkyards, automotive wrecking, captive landfills, and manufactured home parks. Recreational Vehicle Trailers and Mobile Homes as primary use are prohibited in all districts except Recreational Commercial (RC).

810 OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

District regulations shall be as set forth in the Official Schedule of Permitted Uses and Dimensional Requirements hereby adopted and declared to be a part of this Resolution and in Article 9 and 10 of this Resolution, “Supplementary District Regulations” and “Special Regulations.”

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: AC – Accommodation Commercial District

Purpose: The purpose of the AC (Accommodation Commercial) District is to encourage the establishment of areas for highway commercial uses only. This district is specifically designed to service the motoring public. AC Districts are generally associated with interchange areas along the major limited access highways. *PUD's allowed as an overlay district.*

Permitted Uses	Conditional Uses
<ol style="list-style-type: none"> 1. Accessory uses & structures incidental to a permitted use which will not create a nuisance or hazard 2. Agencies or offices rendering specialized services in the professions, real estate & brokerage, including service agencies⁸ 3. Alcoholic beverage package retail sales 4. Antiques and gift retail sales 5. Appliance distributors⁸ 6. Automobile, automatic car wash 7. Automobile (new & used) & accessory sales 8. Automobile repair shops 9. Automobile service station 10. Automobile & truck leasing 11. Bakery shops & confectioneries operating both wholesale & retail business provided such operations are limited to 1500sq.ft. of manufacturing area & to the use of non-smoke-producing types of furnaces 12. Banks, finance & loan companies 13. Beauty, barber equipment sales & supply 14. Beauty, barber & other personal services 15. Bicycle sale & repair 16. Bus repair & storage terminals 17. Catering establishments 18. Clubs & places of entertainment, not including sexually-oriented businesses⁸ 19. Colleges, universities, business colleges, trade schools, music conservatories, dancing schools, & similar organizations offering training in specific fields 20. Dairy bars for retail sales on the premises only 21. Drive-in restaurant⁸ 22. Eating & drinking establishments 23. Food stores (retail only): grocery, delicatessen, meat & fish but excluding the killing & dressing of any flesh or fowl 24. Gases or liquefied petroleum gases in approved portable metal cylinders for storage or sale 	<ol style="list-style-type: none"> 1. ...¹ 2. Amusement arcade (see Section 1000.20), accessory use² 3. Amusement enterprises (excluding theater), accessory use² 4. Veterinary Clinic, Kennel, & Animal Shelter³ 5. Auctions⁴ 6. Automobile commercial parking enterprises (see Section 1000.60) 7. ...⁵ 8. Department stores 9. Electrical repair 10. Government buildings: used exclusively by the Federal, State, County, Township Government for public purposes except for garages, repair or storage yard, warehouse & buildings used or intended to be used as correctional or penal institutions 11. Miniature golf 12. Park & ride facilities 13. Parks 14. Physical culture establishments 15. Radio & television studios & towers 16. Self-Service Storage Facilities⁶ 17. Signs, off-premises, 101-1200 sq. ft. 18. Storage warehouses & yards 19. Wind energy systems¹²

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: AC – Accommodation Commercial District

<ul style="list-style-type: none"> 25. Hospitals & sanitariums located on a major or secondary major street 26. Hotels 27. Jewelry & watch sale & repair 28. Laundries & drycleaners⁸ 29. Lock & gunsmith 30. Medical & diagnostic centers⁸ 31. Motels 32. Motorcycle sales & repairs 33. Musical instrument store, sale of & instruction 34. Office buildings: government, private, & professional offices 35. Office equipment & supplies sales & service 36. Office & secretarial service establishments 37. Pet shops & bird stores⁸ 38. Photographic studios & camera supply stores 39. Postal facilities, private or publicly owned 40. Recreational vehicle sales & service 41. Repair & servicing of office & household equipment 42. Retail accessory uses wholly within the principal building and without exterior advertising display 43. Retail stores conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises and employing not more than 10 operatives 44. Retail stores including but not limited to antique sales⁷, art supply, book & stationery, camera sales & supplies & services, candy products, clothing, drug, electrical supplies, florists, footwear, furniture & floor covering, furrier, gifts & cards, hardware & appliances, music, optical, paint, sporting goods, upholstery paper hanging & decorator, variety and other similar retail sales 45. Rug & carpet cleaning establishments 46. Satellite dish (see Section 1000.10), accessory use⁸ 47. Schools, public & private 48. Storage, under cover of goods intended for retail sale on the premises 49. Swimming pools, accessory use⁸ 50. Tailors, dressmakers, milliners 51. Taverns, bars & nightclubs, not including sexually-oriented businesses⁸ 52. Taxi stand 	
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OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: AC – Accommodation Commercial District

<p>53. Telecommunications towers: Principal & Accessory Uses (see Sections 1000.40-.45)⁸ 54. Tennis courts, commercial or club-related, accessory use⁸ 55. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures 56. Tractor or trailer sales or leasing areas 57. Volleyball, commercial or club-related, accessory use⁸</p>	
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Principal Structure	Max.Bldg Density	Min. Lot Area		Min. Lot Width		Min. Principal Bldg Setbacks			Min. Accessory Building Setbacks			Max. %-age Lot Coverage		Max. Bldg Height		Min.Floor Area per Dwelling Unit
		No Sewer	With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Principal Building	Accessory Building	Principal Building
Highway Commercial		1 acre	.5 acre ⁸	200 ft.	100 ft. ⁸	50 ft. ^{8,9,10}	15 ft.	15 ft. ¹¹	80 ft. ⁹	15 ft. ¹¹	15 ft. ¹¹	50%	70% ⁸	35 ft	35 ft	1000 sq. ft.

Footnotes for AC - Accommodation Commercial District

- ¹ Adult Entertainment Conditional Use Deleted 6/16/05
- ² Conditional Uses Amended 2/18/11; deleted entries include Funeral homes, Heliport, Home Occupation
- ³ Veterinary Clinic, Kennel, & Animal Shelter Amended 10/19/11
- ⁴ Auctions Conditional Use Added 8/1/02
- ⁵ Bed & Breakfast Conditional Use Deleted 4/20/06
- ⁶ Self-Service Storage Facilities Conditional Use Added 5/5/99
- ⁷ Retail Stores including...antique sales Permitted Use Added 8/1/02
- ⁸ Permitted Uses Amended 2/18/11; deleted entries include Assembly halls...; Charitable Institutions; Churches...; Dental laboratory; Dwellings; Farm Machinery...; Feed sales & storage; Fertilizer...; Flour...; Food processing...; Fraternity & sorority houses; Frozen food lockers; Fur storage; Grounds & facilities for recreational and community center buildings...; Group Homes...; Home Occupation; Laundries: all hand laundries; Laundries, steam; Laundry pick up stations; Libraries; Lodges...; Lumber Yards...; Museums...; Nursery...; Oil/gas wells; Pavilion; Playgrounds...; Plumbing Shop...; Shoe repair...; Tennis courts...
- ⁹ No parking, loading or maneuvering area less than 15 feet from the road right-of-way line
- ¹⁰ 50 feet without Front Yard parking
- ¹¹ No parking, loading or maneuvering area less than 5 feet from any lot line; and no principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone.
- ¹² Wind Energy Systems add 3/6/2013

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: EC – Educational Campus District

Purpose: The purpose of the EC (Educational Campus) District¹ is to establish appropriate areas for the existence and development of educational campuses. The guidelines for the EC district shall supersede any regulations from other areas of the zoning text if there is a conflict.

1. All required new parking spaces, together with driveways and other circulation areas, shall be improved with such material to provide a durable dust free surface and adequate spaces shall be provided for staff, students and visitors.
2. The distance between buildings in the EC district shall be 30 feet or 1.2 times the height of the tallest building whichever is greater.
3. The prohibition of no more than one principle structure on a building lot is not applicable for EC district.
4. There shall be no development in the EC district including but not limited to buildings, driveways or parking lots within 60 ft of the boundary of the EC district. This does not include the outer boundary that is frontage on a public road.
5. Since the EC district is a non-retail use, typical required loading spaces are waived. The school is responsible for providing suitable loading spaces for service to buildings requiring regular deliveries.
6. Access from drives and public roads is to be provided for all designated dumpster locations.
7. The school occupying the EC District shall be a private, non-profit institution as defined by the IRS.
8. Building setbacks shall be 80ft from the center of the road if there is no road right of way established.
9. Minimum amount of green space shall be 50% of district acreage.

Permitted Uses	Conditional Uses
1. Private, Non-Profit Schools; uses that directly support the operation of that school	

Main Structure	Minimum district acreage	Max. Building Density	Min. Lot Area		Min. Lot Width		Min. Main Building Setbacks from the road right of way			Min. Accessory Building Setbacks from the road right of way			Max. Percentage Lot Coverage		Max. Building Height		
			No Sewer	With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Main Bldg.	Acc. Bldg.	
Educational or support thereof	20 acres						50 ft				80 ft					60 ft	35 ft

Footnotes for the EC – Educational Campus District:

¹ EC District added 9-8-2015.

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: I/OP – Industrial/Office Park District

Purpose: The purpose of the IOP (Industrial/Office Park) District is to provide a protective zone for a park-like development of industry, warehousing, distributing and office buildings. These regulations have been established so as to provide a healthful operating environment for industrial, distribution and office uses and to protect these uses from encroachment from residential & retail commercial uses. The regulations for this district are intended to minimize the impact of the allowable uses on surrounding non-industrial land uses; to lessen traffic congestion; to protect the health and safety of the residents & workers in the area; to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood.

Permitted Uses	Conditional Uses
<ol style="list-style-type: none"> 1. Accessory uses & structures incidental to a permitted use which will not create a nuisance or hazard 2. Adult Entertainment Businesses, including the retail sale of products located on the premises and associated with the business¹ 3. Agencies or office rendering specialized services in the professions, real estate & brokerage, including service agencies not involving on-premise retail trade nor wholesale trade on-premises, nor maintenance of stock of goods for sale to the general public 4. Appliance distributors for wholesale 5. Assembly of machines & appliances from previously prepared parts 6. Automobile commercial parking enterprises (See Section 1000.60) 7. Automobile & truck assembly 8. Bakeries or baking plants 9. Blueprinting & photostating establishments 10. Bookbindery 11. Bottling works for soft drinks 12. Cold storage plants, food 13. Contractor’s plants/office or storage yards 14. Dairy products processing, bottling & distribution, cream manufacture, all on a wholesale basis 15. Distribution facilities for wholesale basis 16. Electronic unit assembly plant 17. Farm machinery assembly 18. Flammable liquids: handling & storage in bulk plants 19. Flour & other grain products, milling & storage 20. Food processing in wholesale quantities except meat, fish, poultry, vinegar and yeast 21. Frozen food lockers 	<ol style="list-style-type: none"> 1. Signs, off-premises, 101-1200 sq. ft. 2. Wind Energy systems²

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: I/OP – Industrial/Office Park District

<ul style="list-style-type: none">22. Government buildings: used exclusively by the Federal, State, County, Township Government for public purposes except for buildings used or intended to be used as correctional or penal institutions23. Industry not otherwise listed provided the industry is similar to other industries permitted in an industrial district & such industry shall comply with the design control of a similar industry24. Laboratories for research and testing25. Machine shops26. Manufacturing & storage of: abrasives, bedding, carpet & pillow (cleaning & renovating), candy products, canvas & burlap products, clothing, construction materials, cosmetics & perfume, footwear, glass, hosiery, ice, jewelry, watch, clocks, leather goods (tanning prohibited), machine tools, machinery, motor vehicles & equipment, optical, scientific & musical instruments, pharmaceutical products, plastics, pottery, porcelain & vitreous china, signs, stonecutting & monuments, textiles, textile machinery27. Meat processing28. Metal fabrication plants using plate & structural shapes29. Metal stamping plants30. Office buildings: government, private, & professional offices31. Oil/gas wells32. Planing or saw mills (other than temporary)33. Plating works34. Prefabricating buildings & structural members35. Printing, publishing & reproduction establishments36. Repair & servicing of industrial equipment & machinery³37. Retail accessory uses wholly within the principal building and without exterior advertising display38. Satellite Dish (See Section 1000.10)39. Sheet metal shops40. Storage warehouses & yards41. Truck terminals, repair shops, hauling & storage yards42. Wholesale & jobbing establishments including incidental retail43. Woodworking shops, mill work	
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OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: I/OP – Industrial/Office Park District

Principal Structure	Max.Bldg Density	Min. Lot Area		Min. Lot Width		Min. Principal Bldg Setbacks			Min. Accessory Building Setbacks			Max. %-age Lot Coverage		Max. Bldg Height		Min.Floor Area per Dwelling Unit
		No Sewer	With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Principal Building	Accessory Building	Principal Building
Light Industrial & Office		1 acre			120 ft.	80 ft ⁴	20 ft ⁵	20 ft ⁵	80 ft ⁴	20 ft ⁵	20 ft ⁵		30%	60 ft	60 ft	5,000 sq.ft.

Footnotes for I/OP - Industrial/Office Park District

- 1 Adult Entertainment Conditional Use Deleted 6/16/05*
- 2 Wind Energy Systems added 3/6/2013*
- 3 Repair & servicing... Amended 2/18/11*
- 4 Includes principal & accessory buildings & parking, loading, maneuvering area.*
- 5 No parking, loading or maneuvering area less than 5 feet from any lot line and no principal or accessory building, parking, loading, or maneuvering area less than 60 ft. from the boundary of a Residential Zone.*

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC – Neighborhood Commercial District

Purpose: The purpose of the NC (Neighborhood Commercial) District is to encourage renewal in the historic core business area of the community by promoting historical character while providing best compliance to modern commercial needs. A mix of single-family residential uses, cultural, public, quasi-public, and commercial uses which tend to meet the daily needs of the residents of the community is encouraged. Marginal strip development shall be prohibited.

PUDs allowed as an overlay district.

Permitted Uses	Conditional Uses
<ol style="list-style-type: none"> 1. Accessory uses & structures incidental to a permitted use which will not create a nuisance or hazard 2. Assembly halls, gymnasiums & similar structures when a part of a school or place of worship 3. Agencies or offices rendering specialized services in the professions, real estate & brokerage, including service agencies not involving on-premises retail trade not wholesale trade on-premises, nor maintenance of stock of goods for sale to the general public 4. Alcoholic beverage package retail sales 5. Bakery shops & confectioneries operating both wholesale & retail business, provided such operations are limited to 1500 sq. ft. of manufacturing area and to the use of non-smoke-producing types of furnaces 6. Banks, finance & loan companies 7. Beauty, barber & other personal services 8. Beauty, barber equipment sales & supply 9. Bicycle sale & repair 10. Charitable institutions 11. Churches & other places of worship 12. Custodial & diagnostic centers 13. Colleges, universities, business colleges, trade schools, music conservatories, dancing schools, & similar organizations offering training in specific fields 14. Dairy bars for retail sales on the premises only 15. Dental laboratory 16. Dwellings, detached single family (see Section 1000.90-96) 17. Existing dwellings, multi-family¹ 18. Eating & drinking establishments 19. Electrical repair 20. Feed sales & storage 	<ol style="list-style-type: none"> 1. Airports & landing fields 2. Amusement Arcade (see Section 1000.20) 3. Amusement enterprises (excluding theater) 4. Veterinary Clinic, Kennel, & Animal Shelter² 5. Auctions³ (see Section 1000.200-205) 6. Automobile commercial parking enterprises (see Section 1000.60) 7. Bed & Breakfast 8. Clubs & places of entertainment 9. Convalescent/nursing homes 10. Day nurseries, kindergartens 11. Drive-in food dispensary 12. Firearm ranges 13. Funeral homes 14. Group homes: Class I Type A, Class II Type B (see Section 1000.80) 15. Heliport 16. Home Occupation (see Section 1000.73) 17. Miniature golf, tennis, archery, basketball, baseball/softball, volleyball, football/soccer facilities that are commercial or club-related 18. Pet shops, bird stores, taxidermists 19. Radio & television studios & towers 20. Retail stores conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises & employing not more than 10 operatives 21. Self-service storage facilities⁴ 22. Signs, off-premises, 101-1200 sq. ft.

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC – Neighborhood Commercial District

<ul style="list-style-type: none"> 21. Fertilizer, wholesale & retail sales & blending 22. Fire & police stations 23. Flour & other grain products, milling & storage 24. Food processing: for sale at retail on-premises, but excluding the killing & dressing of any flesh or fowl 25. Food stores (retail only): grocery, delicatessen, meat & fish but excluding the killing & dressing of any flesh or fowl 26. Fraternity & sorority houses 27. Fur storage 28. Grounds & facilities for recreational & community center buildings, country clubs, lakes, & other similar facilities operated on a nonprofit basis 29. Government buildings: used exclusively by the Federal, State, County, Township Government for public purposes except for garages, repair or storage yard, warehouse & buildings uses or intended to be used as correctional or penal institutions 30. Group homes, Class I Type B (see Section 1000.80) 31. Home Occupation (see Section 1000.72) 32. Jewelry & watch sale & repair 33. Laundry pick up stations 34. Libraries 35. Lock & gunsmith 36. Lodges, fraternal & social organizations 37. Lumber yards, building materials storage & sales 38. Museums & art galleries 39. Musical instrument store, sale of & instruction 40. Nursery (plants) 41. Office buildings: government & private, including professional, office buildings 42. Office equipment & supplies sales & service 43. Oil/gas wells 44. Parks 45. Pavilion 46. Playgrounds, principal use 47. Playgrounds, Tot-lot 48. Plumbing shop & yard 49. Postal facilities private or publicly owned 	<ul style="list-style-type: none"> 23. Storage warehouses & yard
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OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC – Neighborhood Commercial District

<p>50. Repair & servicing of office & household equipment 51. Retail accessory uses wholly within the principal building and without exterior advertising display 52. Retail stores including but not limited to antique sales⁵, art supply, book & stationery, camera sales & supplies & services, candy products, clothing, drug, electrical supplies, florists, footwear, furniture & floor covering, furrier, gifts & cards, hardware & appliances, music, optical, paint, sporting goods, upholstery paper hanging & decorator, variety and other similar retail sales 53. Satellite Dish (see Section 1000.10) 54. Schools, public & private 55. Shoe repair 56. Storage, under cover of goods intended for retail sale on the premises but not including combustibles 57. Swimming pools, accessory use (private residence only: see Section 1000.52) 58. Tailors, dressmakers, milliners 59. Taverns, bars & nightclubs 60. Taxi stand 61. Tennis courts, private 62. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures</p>	
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Principal Structure	Max.Bldg Density	Min. Lot Area		Min. Lot Width		Min. Principal Bldg Setbacks			Min. Accessory Building Setbacks			Max. %-age Lot Coverage		Max. Bldg Height		Min.Floor Area per Dwelling Unit
		No Sewer	With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Principal Building	Accessory Building	Principal Building
Mixed Commercial & Residential		2 acres ⁷	1 acre	200 ft ⁶	120 ft	80 ft ^{6,8,9}	15 ft ^{6,8,10}	15 ft ^{6,8,9}	80 ft ^{6,7}	15 ft ^{6,9}	15 ft ^{6,9}	35% ⁶	50%	35 ft ^{6,11}	35 ft ^{6,10}	Min floor area per dwelling unit for multifamily structure: 700 sq ft – 1 bedroom 850 sq ft – 2 bedroom 1000 sq ft – 3 bedroom

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC – Neighborhood Commercial District

Footnotes for NC – Neighborhood Commercial District

- 1** *Changed on 6/14/14*
- 2** *Conditional Uses Veterinary Clinic, Kennel, & Animal Shelter Amended 10/19/11*
- 3** *Conditional Uses Auctions Added 8/1/02; Antique sales deleted*
- 4** *Conditional Uses Self-service storage facilities Added 5/5/99*
- 5** *Permitted Uses #51 “antique sales” Added 8/1/02*
- 6** *Changed to per dwelling unit 6/14/14*
- 7** *Mixed Commercial & Residential Amended 7/21/04*
- 8** *No parking, loading or maneuvering area less than 15 feet from the road right-of-way line*
- 9** *See also Section 1000.206*
- 10** *No parking, loading or maneuvering area less than 5 feet from any lot line*
- 11** *Existing buildings exempt from 7/21/04 amendment*

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: PUD – Planned Unit Development District

Purpose: The purpose of the Planned Unit Development (PUD) District shall be to provide sites in which a variety of uses of land and buildings may be located in supportive and compatible arrangements subject to a flexible design and approval process and responsive to the natural, locational and man-made resources and opportunities of such sites (see also Article 15).

Permitted Uses	Conditional Uses
1. All uses permitted in the R-1 District 2. All uses permitted in the R-2 District 3. All uses permitted in the NC District 4. All uses permitted in the RC District 5. All uses permitted in the AC District	1. All uses conditionally permitted in the R-1, R-2, NC, RC, AC Districts

Principal Structure	Min. Site Area	Min. Lot Area Per Dwelling Unit	Min. Lot Width	Min. Principal Building Setbacks	Min. Accessory Building Setbacks	Max. Percentage Lot Coverage	Max. Building Height	Min. Floor Area Per Dwelling Unit				
								1 Bdrm MultiFamily	2 Bdrm MultiFamily	3 Bdrm MultiFamily	1&2 Family	
Use												
Mixed	20 acres	All dimensions to be established by the development plan					800 sq. ft.	900 sq. ft.	1000 sq. ft.	1000 sq. ft.		

Footnotes for the PUD – Planned Unit Development District:

None

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-1 – Single- and Two-Family District

Purpose: The purpose of the R-1 (Single- and Two-Family District) is to permit development of rural and near-rural areas which may not have public facilities in the near future.

This district allows single-family dwelling units and two-family dwelling units which may be site-built, modular, or manufactured housing conforming to Sections 1000.90-96.

PUD's allowed as an overlay district.

Permitted Uses	Conditional Uses
<ol style="list-style-type: none"> 1. Accessory uses & structures 2. Home Occupation (see Section 1000.72) 3. Assembly halls, gymnasiums & similar structures when part of a school or place of worship 4. Church & other places of worship 5. Dwellings, detached single-family (see Sections 1000.90-96) 6. Dwellings, two-family 7. Fire & police stations 8. Group home, Class I Type B (see Section 1000.80-84) 9. Libraries 10. Oil/Gas Wells 11. Pavilion 12. Parks 13. Playground (principal use) 14. Playground, Tot-Lot 15. Satellite Dish (see Section 1000.10-15) 16. Schools, public & private 17. Swimming pools, accessory use (private res. only; see Section 1000.52) 18. Tennis courts, private 	<ol style="list-style-type: none"> 1. Beauty/Barber shops (see Section 1000.70) 2. Bed & Breakfast¹ 3. Canoe Livery (see Section 1000.70) 4. Cemetery 5. Day Care Center (Type A) 6. Home Occupation (see Section 1000.73) 7. Veterinary Clinic, Kennel, & Animal Shelter² 8. Recreation & Community Center Building 9. Signs, off-premise 101-1200 sq. ft. 10. Wind Energy Systems³

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-1 – Single- and Two-Family District

Principal Structure	Max. Building Density	Min. Lot Area		Min. Lot Width		Min. Principal Building Setbacks			Min. Accessory Building Setbacks			Max. Percentage Lot Coverage		Max. Building Height		Min. Floor Area per Dwelling Unit
		No Sewer	With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Principal Building	Accessory Building	
1-family		2 sq. acres ¹	20,000 sq.ft.	250 sq.ft. ⁴	100 sq.ft.	50 ft. ⁵	15 ft. ⁵	40 ft. ⁵	50 ft.	15 ft.	15 ft.	16% ⁴	20%	35 ft.	35 ft.	1400 sq. ft. ⁴
2-family		4 sq. acres ⁴	80,000 sq.ft.	500 sq.ft. ⁴	200 sq.ft.	50 ft. ⁵	15 ft. ⁵	40 ft. ⁵	50 ft.	15 ft.	15 ft.	20% ^{1,4}	20%	35 ft.	35 ft.	1200 sq. ft. ⁴

Footnotes for R-1 – Single- and Two-Family District

- 1 Bed & Breakfast Conditional Use Added 4/20/06*
- 2 Veterinary Clinic, Kennel, & Animal Shelter Amended 10/19/11*
- 3 Wind Energy Systems added 3/6/2013*
- 4 Principal Structure 1-Family & 2-Family Amended 7/21/04*
- 5 See also Section 1000.206*

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-2 – Multi-Family District

Purpose: The purpose of the R-2 (Multi-Family) District is to permit development of multi-family residences in groups of not less than 3 or more than 12 dwelling units per building in areas which have the necessary public utilities.

Single- and two-family housing is permitted, but not encouraged, unless part of a PUD as described in Article 15.

PUDs allowed as an overlay district.

Permitted Uses	Conditional Uses
<ol style="list-style-type: none"> 1. Accessory uses and structures incidental to a permitted use which will not create a nuisance or hazard 2. Assembly halls, gymnasiums & similar structures when part of a school or place of worship 3. Churches & other places of worship 4. Dwellings, detached single family (see Section 1000.90-96) 5. Dwellings, two family 6. Dwellings, attached single family such as apartment buildings, row or town houses in groups of not less than 3 nor more than 12 units 7. Fire & police stations 8. Group home, Class I Type B (see Section 1000.80-84) 9. Libraries 10. Oil/Gas Wells 11. Parks 12. Pavilion 13. Playground (principal use) 14. Playground (Tot-lot) 15. Satellite Dish (see Section 1000.10-15) 16. School, public & private 17. Swimming pool, accessory use (private residence, see Section 1000.52) 18. Tennis courts, private 19. Home Occupation (see Section 1000.72) 	<ol style="list-style-type: none"> 1. Beauty/Barber shops (see Section 1000.70) 2. Bed & Breakfast¹ 3. Day Care Center 4. Group Homes: Class I, Type A; Class II, Type A, B (see Section 1000.80-85) 5. Home Occupation (see Section 1000.73) 6. Recreation & Community Center Building 7. Nursing Home

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-2 – Multi-Family District

Principal Structure	Max. Building Density	Min. Lot Area		Min. Lot Width		Min. Principal Bldg Setbacks			Min. Accessory Bldg Setbacks			Max. Percentage Lot Coverage		Max. Bldg Height		Min. Floor Area Per Dwelling Unit		
		No Sewer	With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Principal Building	Accessory Building	1 Bdrm	2 Bdrm	3 Bdrm
Multi-family	12 units net acre		1 acre		200 ft.	50 ft.	15 ft.	15 ft.	50 ft.	15 ft.	15 ft.		30%	35 ft.	35 ft.	800 sq.ft.	900 sq.ft.	1000 sq.ft.

Footnotes for R-2 – Multi-Family District:

1 Bed & Breakfast Conditional Use Added 4/20/06

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: RC – Recreation Commercial District

Purpose: The RC (Recreation Commercial) District allows the development of commercial and club-related recreational land uses that will contribute to the local economy without significantly diminishing the rural character of the Township.

Permitted Uses	Conditional Uses
<ol style="list-style-type: none"> 1. Accessory uses and structures incidental to a permitted use which will not create a nuisance or hazard 2. Campground, recreation 3. Canoe livery 4. Commercial or club-related recreational facilities for sports such as archery, basketball, football/soccer, miniature golf, softball/baseball, tennis, volleyball 5. Dwellings, detached single family 6. Firearm ranges and/or target shooting buildings 7. Gases or liquefied petroleum gases in approved portable metal cylinders for storage or sale 8. Golf courses, driving ranges, pitch & putt, par 3 courses 9. Grounds & facilities for recreational & community center buildings, country clubs, lakes, & other similar facilities operated on a nonprofit basis 10. Group homes, Class I Type B (see Section 1000.80) 11. Horse riding club, riding stables 12. Oil/Gas Wells 13. Parks 14. Pavilion 15. Picnic area 16. Playgrounds (principal use) 17. Playgrounds (Tot-lot) 18. Retail accessory uses wholly within the principal building & without exterior advertising display 19. Satellite Dish (see Section 1000.10) 20. Swimming pools, public & private (see Section 1000.52-.53) 21. Tennis courts, private 	<ol style="list-style-type: none"> 1. Amusement Arcade (see Section 1000.20) 2. Wind Energy Systems¹

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: RC – Recreation Commercial District

Principal Structure	Max. Building Density	Min. Lot Area	Min. Lot Width			Min. Principal Building Setbacks ²			Min. Accessory Building Setbacks			Max. Percentage Lot Coverage		Max. Building Height		Min.Floor Area/Dwelling Unit
			With Sewer	No Sewer	With Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	With Sewer	Principal Building	Accessory Building	Principal Building
Recreation		50 acres	50 acres	200 ft.	200 ft.	100 ft. ^{1,3}	50 Ft. ^{1,2}	50 ft. ^{1,2}	100 ft. ¹	50 ft. ¹	50 ft. ¹	30%	30%	35 ft.	35 ft.	1400 ⁴ sq. ft.

Footnotes for R-C – Recreation Commercial District:

- 1 Wind Energy Systems added 3/6/13*
- 2 No parking, loading or maneuvering area shall be located in the required yard areas.*
- 3 See also Section 1000.206*
- 4 Changed from 1200 to 1400 6/14/14*

ARTICLE 9

SUPPLEMENTARY DISTRICT REGULATIONS

900 GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

901 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and ordinances, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances.

902 PRINCIPAL BUILDING PER LOT¹

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Resolution except where allowed in certain districts.² Accessory dwellings are not permitted. Accessory buildings are permissible in rear yards and side yards if setbacks are observed. Accessory buildings are not permitted in front yards. A lot with unique natural characteristics (i.e. river, ravine, creek) on the lot line parallel to the roadway may be deemed a reverse lot by the Zoning Administrator.

903 REDUCTION OF AREA OR SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

904 CONSTRUCTION IN EASEMENTS

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

¹ Section 902 Amended 8/1/02

² added on 9-8-15

905 PARKING AND STORAGE OF VEHICLES AND TRAILERS

1. The parking of a disabled vehicle as defined in Article 2 for a period of more than two (2) weeks shall be prohibited in all districts, unless such a vehicle is stored in an enclosed garage or accessory building.
2. A maximum of one (1) boat over 18 feet in length and two (2) boats less than 18 feet in length and one (1) unoccupied recreational vehicle with current license may be stored in the rear yard or the side yard behind the principle building front foundation line on any residentially zoned property if they are not disabled and meet the requirements of this Resolution for accessory structures.
3. No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except:
 - a. Those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking;
 - b. One commercial vehicle with current license owned by a resident of said property not to exceed two (2) tons in capacity.

906 REQUIRED REFUSE COLLECTION AREAS

The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials;
3. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

907 JUNK

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.

908 OUTSIDE STORAGE AND REFUSE COLLECTION

1. Neighborhood Commercial and Accommodation Commercial and Educational Districts¹

¹ Educational District added on 9-8-15

- a. The refuse collection areas provided by all non-residential uses in the NC, AC and EC¹ Districts to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator.
 - b. All inventory, materials, equipment and machinery must be kept within buildings. Exceptions to this are:
 - i. Lumber, building supplies, gardening supplies and plants, and agricultural supplies commonly stored in fenced yards connected with allowable uses;
 - ii. Vehicles used in the normal day-to-day operation of the establishment;
 - iii. Yard sales no longer than three days;
 - iv. For Accommodation Commercial only: large machinery and equipment (i.e. tractors, trucks, similar mobile equipment).
2. Industrial/Office Park
- a. The refuse collection areas provided by all uses in this zone to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator;
 - b. All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than in required front, rear or side yards, provided such outdoor storage does not exceed 15 feet in height or occupy more than ten (10) percent of the area of the lot, and is effectively screened from residential uses, as in the case of parking areas.

910 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to the regulations specified in Article 8 and in other sections of this Resolution, Sections 911-916 inclusive shall be used for clarification and interpretation.

911 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

912 FENCE AND WALL RESTRICTIONS IN FRONT YARDS

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one half (2½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and one half (2½) and ten (10) feet.

¹ Added on 9-8-15

913 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

914 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS

Nonresidential buildings or uses shall not be located nor conducted closer than 60 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Zoning Administrator is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense plantings of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility as required by Section 917 of this Resolution.

915 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

916 ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

917 VISIBILITY AT INTERSECTIONS

On a corner lot at the intersection of two (2) streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines 50 feet from the point of intersection. On a corner lot at the intersection of two (2) alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2½) and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, 25 feet from the point of intersection.

920 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one (1) or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by firefighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the OEPA;
5. Objectionable noise as determined by the Zoning Administrator due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Administrator without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulation of the OEPA;
10. Conditions or operations which result in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public. If the odors start after operations, the activity shall be removed or modified to remove the odor;
11. Any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographic survey, personal pleasure or associated uses which do not conform with the current Federal Communications Commission's regulations.
12. Discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with OEPA, the Ashtabula County Sanitary Engineer and Ashtabula County Health Department regulations.
13. Dangerous Pets, defined as:
 - a. Predatory – Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts prey in manners which could cause serious injury or death to humans.
 - b. Nuisance – Predatory or non-native animals, birds, or reptiles which emit noises or odors of an offensive nature beyond the property of the owner.
 - c. Nature – Any non-native animal, bird, reptile, fish or insect which if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions.
 - d. Any animal, reptile, bird, fish, or insect which is trained, confined, restrained, and cared for in a way which demonstrates and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.¹

¹ Section 920(13) Added 9/4/97

921 ASSURANCE REQUIREMENTS AND PLANS

Prior to the issuance of a zoning permit, the Zoning Administrator may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

922 ENFORCEMENT PROVISIONS

Any occupancy, use, conditions, or circumstances existing in violation of Section 920 and 921 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Sections 1470-1473 of this Resolution.

930 TEMPORARY USES

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Zoning Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) sixmonth extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first;
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activities may be permitted within any district for a period of one (1) year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first;
3. Temporary retail sales of plants, flowers, and other farm produce, on lots or parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any individuals or organizations in any commercial district. A zoning permit valid for a period of 90 days shall only be issued two (2) separate times for any particular lot within any 12-month period, and not more than one (1) permit may be issued at the same time for any lot. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site. Temporary permits are not required for sales of agricultural produce on the zone lot on which said produce is grown.
4. Garage sales, which for the purpose of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted.
 - a. Any individual, organization or family may conduct one (1) such sale within any 12-month period upon the property at which he or they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed;
 - b. Garage sale permits shall only be issued to neighborhood and community organizations two (2) times within any 12-month period for a period not to exceed three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs and parking are observed.

940 SCREENING

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 5 of this Resolution. The following provisions shall apply with respect to screening:

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities;
 - b. An acoustic screen to aid in absorbing or deflecting noise;
 - c. A physical barrier to contain debris and litter.
2. Screening may consist of one (1) of the following, or a combination of two (2) or more, as determined by the Zoning Administrator or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
 - a. A solid masonry wall;
 - b. A solidly-constructed decorative fence;
 - c. A louvered fence;
 - d. A dense vegetative planting;
 - e. A landscaped mound.
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall not be greater than two and one half (2½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting;
 - b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5½) feet or greater, or a solidly-constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Administrator in relation to the nature of the use;
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles;
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

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ARTICLE 10

SPECIAL REGULATIONS

1000 GENERAL

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

1000.10 REGULATION OF SATELLITE DISH ANTENNAS

Sections 1000.10 to 1000.15 inclusive shall apply to the location and construction of dish-type satellite signal receiving antennas as defined in Article 2.

1000.11 PURPOSE

It is the purpose of Sections 1000.10 to 1000.15 inclusive to regulate the location and construction of dish-type satellite signal-receiving antennas within the Township in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with wind loads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

1000.12 ZONING PERMIT REQUIRED

No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of this Resolution. In addition to the requirements of Article 14 of this Resolution, the application for such permit shall include the following:

1. A description of the type of earth station proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;
3. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;
4. Details of the method of assembly and construction of the proposed earth station;
5. A fee as required according to Section 1351 for the review of plans and specifications and the inspection of construction.

1000.13 GROUND-MOUNTED SATELLITE DISH ANTENNAS

Ground-mounted satellite dish antennas are considered as accessory structures, and are permitted as accessory uses in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

1. The maximum diameter of any ground-mounted satellite dish shall not exceed 12 feet;
2. The maximum height of any ground-mounted satellite dish shall not exceed 15 feet above the finished grade;
3. The "Dish" portion of the apparatus shall have a surface of open mesh construction, and shall not have a solid surface;

4. The satellite dish apparatus shall be painted a color which complements its environment, and shall bear no advertisement, lettering, picture, or visual image;
5. The apparatus shall not be located in a side yard or a front yard;
6. The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;
7. The apparatus shall be mounted upon a solid concrete slab or other suitable structure, and shall be constructed in such manner that it will withstand wind forces of up to 75 miles per hour;
8. Only metal supports of galvanized construction shall be used;
9. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence;
10. Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard;
11. All wiring between the apparatus and any other structure shall be placed underground in approved conduit;
12. The apparatus shall be bonded to an approved 8 foot grounding rod.

1000.14 ROOF-MOUNTED SATELLITE DISH ANTENNAS

Roof-mounted satellite dish antennas are considered as accessory structures, and are permitted as accessory uses in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:

1. The maximum diameter of any roof-mounted satellite dish shall not exceed 3 feet;
2. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than 4 feet;
3. The "Dish" portion of the apparatus shall have a surface of open mesh construction, and shall not have a solid surface;
4. The apparatus shall be painted a color which complements its environment, and shall bear no advertisement, picture, lettering or visual image;
5. All wiring and grounding of the apparatus shall be in accordance with BOCA;
6. The apparatus, its mounting and all supporting devices shall be constructed and erected in accordance with Ashtabula County Building Department directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached;
7. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to 75 miles per hour.

1000.15 VARIANCES ON LOCATIONAL CHARACTERISTICS

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 4 of this Resolution. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

1000.20 REGULATION OF AMUSEMENT ARCADES

The following regulations shall apply to amusement arcades as defined in Article 2.

1000.21 PURPOSE

The purpose of Sections 1000.20 to 1000.28 inclusive of this Resolution is to promote the public health, safety, and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained.

1000.22 CONDITIONAL USE PERMIT REQUIRED

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 5 of this Resolution. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;
2. Amusement arcades shall have an adult who is 18 years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation;
3. Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises;
4. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;
5. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
6. If the place of business or premises for which an amusement arcade is proposed is a freestanding building, the application for the conditional use permit shall include an approvable exterior lighting plan;
7. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises;
8. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business.
9. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person 14 years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

1000.23 ZONING OF AMUSEMENT ARCADES

Amusement arcades shall be conditionally permitted uses only in the NC, RC, and AC Districts.

1000.24 MAINTENANCE OF A NUISANCE PROHIBITED

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

1000.25 RESTRICTED ACCESS TO CERTAIN MINORS

No amusement arcade exhibitor shall permit, on days when school is in session, any person 14 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such

as mechanical horses, automobiles, and carrouseles. Violation of this provision shall be a minor misdemeanor.

1000.26 COMPLAINTS REGARDING AMUSEMENT ARCADES

Any resident of the Township may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining.

If the Zoning Administrator determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, he shall refer the matter to the Board of Zoning Appeals.

1000.27 REVOCATION OF CONDITIONAL USE PERMIT

The Zoning Administrator shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Township Board of Trustees according to the provisions of Section 1000.28.

1000.28 PROCEDURE FOR REVOCATION ¹

The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever there is reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Resolution. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Administrator's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. If the permit is revoked by the Board of Appeals, the applicant may seek relief through the Court of Common Pleas.

1000.30 REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The following regulations shall apply to adult entertainment business as defined in Article 2.

¹ Section 1000.28 Amended 3/10/97

1000.31 PURPOSE ¹

The purpose of Sections 1000.30 to 1000.37 is to address and establish reasonable and uniform regulations for Adult Entertainment Businesses in order to promote the public health, morals, safety and general welfare of the residents within Austinburg Township. It is also meant to protect property values as well as preserve the quality of life and character of surrounding neighborhoods. These sections are not intended to effect or suppress any activities protected by the First Amendment, but to enact a content-neutral regulation which addresses the secondary effects of Adult Entertainment Businesses.

1000.32 FINDINGS ¹

Because of their nature, Adult Entertainment Businesses have created secondary effects in other political subdivisions throughout the state of Ohio and the United States. Research has provided substantial evidence concerning adverse secondary effects of adult uses on a community in such cases as: *City of Renton v. Playtime Theatres, Inc. (1986)*, 475 U.S. 41; *Young v. American Mini Theaters, (1976)*, 426 U.S. 50; *Barnes v. Glen Theatre, Inc., (1991)*, 501 U.S. 560; and on studies in other communities throughout the U.S.

1000.33 LOCATION AND RESTRICTIONS OF ADULT ENTERTAINMENT BUSINESSES¹

1. No adult entertainment business may be established in any zoning district other than an Industrial district, and in such district may not be established within 500 feet of:
 - a. A church, Kingdom Hall, shrine, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - b. A public or private educational facility including, but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. A boundary of a residential district as defined in the zoning code;
 - d. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian bicycle paths, wilderness areas, or other similar public land within the township which is under the control, operation, or management of the township or county recreation authorities, or social service agency.
 - e. The property line of a lot devoted to a residential use as defined in the zoning code;
 - f. An entertainment business which is oriented primarily towards children or family entertainment; or
 - g. ANY ESTABLISHMENT, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
2. No adult entertainment business may be established, operated or enlarged within 500 feet of another adult business entertainment.
3. Not more than one adult entertainment business shall be established or operated in the same building, structure, or portion thereof.

¹ Section 1000.31-1000.34 Amended 6/16/05

4. For the purpose of Subsection (1) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a use listed in Subsection (1). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
5. For purposes of Subsection (2) of this Section, the distance between any two ADULT ENTERTAINMENT BUSINESSES shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
6. Any adult entertainment business lawfully operating on or before the adoption of this Resolution that is in violation of Subsections 1 through 5 of this Section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.
7. No adult entertainment business may display the merchandise or activities of the adult entertainment business to be visible from a point outside the adult entertainment business.
8. No adult entertainment business shall allow the exterior portion of the adult entertainment business to have flashing lights, or any sexually explicit words, lettering, photographs, silhouettes, drawings or pictorial representation of any manner.
9. No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting Austinburg Township.
10. Hours of operation: no adult entertainment business shall operate between the hours of 1:00 a.m. and 8:00 a.m. This Resolution is not intended to be in conflict with any provision in Ohio Revised Code §4303, or with any rule adopted by the division of liquor control pursuant to that chapter, that regulates establishments that hold a liquor permit.

1000.34 SEVERABILITY¹

If any section, subsection, or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

All sections of Austinburg Township's Zoning Resolution 1993 or part of Austinburg Township's Zoning Resolution 1993 in conflict with the provisions of this Resolution are hereby repealed.

All formal actions concerning changes of Section 1000.30 though and including Section 1000.27 were adopted in an open meeting of the Austinburg Zoning Commission and the Austinburg Township Trustees and all deliberations were in a meeting open to the public in compliance with all legal requirements including Ohio Revised Code §121.22, as amended.

1000.35 COMPLAINTS REGARDING ADULT ENTERTAINMENT BUSINESSES

Any resident of the Township may submit a written notice of complaint regarding the operation of any adult entertainment business to the Zoning Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location of the adult entertainment business, and the specific reasons why the individual is complaining.

¹ Sections 1000.31-1000.34 Amended 6/16/05

If the Zoning Administrator determines, after interviewing both the complainant and the adult entertainment business, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, the Zoning Administrator shall refer the matter to the Board of Zoning Appeals.

1000.36 REVOCATION OF CONDITIONAL USE PERMIT

The Zoning Administrator shall revoke the conditional use permit for any adult entertainment business in the event that the license to operate such adult entertainment business is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any adult entertainment business if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Township Board of Trustees according to the provisions of Section 1000.37.

1000.37 PROCEDURE FOR REVOCATION ¹

The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever there is reason to believe that the operation of an adult entertainment business has resulted in a violation of any provision of this Resolution. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the adult entertainment business and, if the Zoning Administrator's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant. If the permit is revoked by the Board of Appeals, the applicant may seek relief through the Court of Common Pleas.

1000.40 REGULATION OF TELEVISION, RADIO, AND MICROWAVE TOWER AND TELECOMMUNICATIONS EQUIPMENT SITING

Sections 1000.40 to 1000.45 inclusive shall apply to the location and maintenance of TV, radio, microwave tower and telecommunications equipment as a principal use.

1000.41 PURPOSE

1. To minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
2. To avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
3. To lessen traffic impacts on surrounding residential areas;
4. To limit radiation emitted by telecommunications equipment so that it will not adversely affect human health;
5. To maximize use of any new transmission tower to reduce the number of towers needed; and
6. To allow new transmission towers in residential areas only if a comparable site is not available outside residential areas.

¹ Section 1000.37 Amended 3/10/97

1000.42 ZONING PERMIT REQUIRED

No person, firm or corporation shall undertake the construction, erection or installation of the following without a permit:

1. VHF and UHF television towers and transmission facilities;
2. FM and AM radio towers and accessory facilities;
3. Two-way radio towers;
4. Common carriers;
5. Cellular telephone, and;
6. Fixed-point microwave.

1000.43 APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY

All uses listed in 1000.42 *must* meet *all* of the following standards:

1. Existing or approved towers cannot accommodate the telecommunications equipment for the proposed tower.
2. The site of existing and approved towers cannot practicably accommodate the proposed tower.
3. A tower for the proposed use cannot be sited outside the residential districts.
4. Structures will be set back from abutting residential district parcels, public property, or road right-of-ways a sufficient distance to:
 - a. Contain on-site substantially all ice-fall or debris from tower failure;
 - b. Protect the general public from Non-Ionizing Electromagnetic Radiation (NIER) at levels generally found to be dangerous;
 - c. Preserve the privacy of adjoining residential property by assuring that accessory structures comply with the district regulations and that sufficient vegetative screening is planted (with earthen mounds if necessary) to screen structures to a height of eight (8) feet;
 - d. Maintain a setback of tower bases from abutting residential parcels, public property or road right-of-ways by a distance of 20% of the tower height or the distance between the tower base and guy wire anchors, whichever is greater;
 - e. Maintain tower setbacks from abutting land in other districts by the rear and sideyard setback required in that district; and
 - f. Restrict placement of guy wire anchors to setback 25 feet from abutting residential district property lines, public property or road right-of-ways and the rear yard setback from abutting land in other districts.
5. The tower is set back from other on-and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
6. At least two off-street parking spaces must be provided.
7. Existing on-site vegetation shall be preserved to the maximum extent practicable.
8. Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design.
9. Accessory facilities in a residential district may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed 25% of the floor area used for transmission equipment and functions.

1000.44 ZONING PERMIT REQUIRED

An antenna, tower and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated:

1. Ham radio;
2. Citizens' Band radio;
3. A telecommunication device that only receives a Radio Frequency (RF) signal; and
4. A sole-source emitter with more than one (1) kilowatt average output.

1000.45 ZONING PERMIT NOT REQUIRED

The following uses are exempt from this Resolution:

1. Portable, handheld, and vehicular transmissions;
2. Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC;
3. A source of Non-Ionizing Electromagnetic Radiation (NIER) with an effective radiated power of seven (7) watts or less;
4. A sole-source emitter with an average output of one (1) kilowatt or less if used for amateur purposes;
5. Marketed consumer products, such as microwave ovens, Citizens' Band radios, and remote control toys; and
6. Goods in storage or shipment or on display for sale, provided the goods are not operated, except for occasional testing or demonstration.

1000.50 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

Sections 1000.50 to 1000.53 inclusive shall apply to the location and maintenance of swimming pools.

1000.51 PURPOSE

It is the purpose of sections 1000.50 to 1000.53 inclusive to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

1000.52 PRIVATE SWIMMING POOLS ¹

No private swimming pool, exclusive of portable swimming pools with a diameter of less than 12 feet or with an area of less than 100 square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the owner or tenant of the property on which it is located and their guests;
2. In ground pools or the entire property on which they are located shall be enclosed by a fence or wall of at least four (4) feet in height above the elevation of the ground before completion of the swimming pool. All gates in said fence or wall shall be self-latching.
3. Above ground pools that have a wall of at least thirty (30) inches in height above the elevation of the ground shall ensure the prevention of unintentional access to the swimming pool by *either*:

¹ Section 1000.52(1-3) Amended 10/19/11

- a. Providing an enclosure to block all direct access points to the swimming pool, meeting the fencing or wall requirements of at least four (4) feet in height above the elevation of the ground with all gates of said fence or wall being self-latching, *or*
- b. Preventing unintentional access to the swimming pool by other means including, but not limited to, the removal of the ladder entrance to the swimming pool when not in use and/or the installation and use of a secure pool cover.

1000.53 COMMUNITY OR CLUB SWIMMING POOLS

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than 75 feet to any property line or easement;
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties;
5. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

1000.60 REGULATION OF LONG-TERM PARKING FACILITIES

Sections 1000.60 to 1000.63 inclusive shall apply to the location and operation of any long-term parking facility.

1000.61 PURPOSE

It is the purpose of Sections 1000.60 to 1000.63 inclusive to regulate long-term parking facilities constructed, operated, or maintained in order to promote the public health, safety, and welfare.

1000.62 CONDITIONAL USE PERMIT REQUIRED

No person shall establish, operate or maintain on any premises as a principal or an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such use.

1000.63 PERMIT REQUIREMENTS

In addition to complying with all other provisions of this Resolution, particularly the requirements of Articles 5 and 11, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

1. That no boundary of the proposed parking area is within 50 feet of a residential district boundary;

2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment;
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties;
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security;
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

1000.70 REGULATION OF HOME OCCUPATIONS

Sections 1000.70 to 1000.74 inclusive shall apply to the location, operation, and maintenance of home occupations.

1000.71 PURPOSE

It is the purpose of Sections 1000.70 to 1000.74 inclusive of this Resolution to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of these Sections to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

1000.72 HOME OCCUPATION AS A PERMITTED USE

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than four (4) square feet shall be mounted flush to a wall of the structure;
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street;
4. Not more than 25% of the gross floor area of the dwelling shall be devoted to the use;
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
6. No additional parking demand shall be created;
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

1000.73 HOME OCCUPATION AS A CONDITIONALLY PERMITTED USE

A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of Section 1000.72. The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use;
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation;
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies;
4. There shall be no outside storage of any kind related to the use;
5. Not more than 30% of the gross floor area of any residence shall be devoted to the proposed home occupation;

6. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one (1) sign no larger than four (4) square feet shall be mounted flush to the wall of the structure;
7. Minor or moderate alterations in accordance with Ashtabula County Building Department regulations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction;
8. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
9. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard;
10. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard.

1000.74 INVALIDATION OF HOME OCCUPATION CONDITIONAL USE PERMIT

For the purposes of this Resolution, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

1000.80 REGULATION OF GROUP RESIDENTIAL FACILITIES

Sections 1000.80 to 1000.84 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

1000.81 PURPOSE

It is the purpose of Sections 1000.80 to 1000.84 inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

1000.82 CONDITIONAL USE PERMIT REQUIRED

A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 5 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking;
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
5. No such facility may be located within 600 feet of another such facility;

6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign;
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
8. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood;
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved;
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

1000.83 ZONING OF GROUP RESIDENTIAL FACILITIES

A Class I Type B group residential facility is permitted by right in any residential district. Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R2, NC
Class II Type A	R2
Class II Type B	R2, NC

1000.84 VARIANCE TO DISTANCING REQUIREMENT

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 1000.82(5) if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

1000.85 UNIFORMITY WITH RESPECT TO GRANTING OF CONDITIONAL USE PERMITS

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

1000.90 APPEARANCE AND DESIGN STANDARDS FOR SINGLE FAMILY HOUSING

Sections 1000.90 to 1000.92 inclusive of this Resolution shall apply to the location, construction, and maintenance of all single family housing in all districts.

1000.91 PURPOSE

These standards are created to ensure the health, safety, and general welfare of the Township. They will further the equitable treatment of all housing construction types and provide affordable housing for a larger segment of the Township population. Additionally, these regulations will improve the overall appearance of the housing stock and ensure more durable and safer homes for all residents.

1000.92 STANDARDS ¹

These regulations apply to all single family housing units in all districts including Manufactured Homes, Modular Homes and Site Built Homes.

¹ Section 1000.92 Amended 10/19/11

1. The minimum floor area of the single family dwelling unit shall be at least 1400 square feet of living area ¹. The garage portion of the structure is not included in the living area total calculation.
2. The minimum width of all single family dwelling units shall be at least 20 feet.
3. All dwelling units shall have a minimum roof overhang of at least 12 inches.
4. All dwelling units shall be double pitched and have a pitch of at least 3 in 12.
5. Exterior siding of all dwelling units cannot have a high-gloss finish (such as polished metal, but not semi-gloss paint) and must be residential in appearance, including but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels.
6. The home must be placed on a permanent foundation that complies with the BOCA Basic Building Code and be inspected by the Ashtabula County Department of Building Regulations.
7. The hitch, axles and wheels of any manufactured home must be removed.
8. The dwelling unit must be oriented on the lot so that its long axis is parallel with the road right-of-way. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50% of the unit's long dimension.
9. The lot must be landscaped to ensure compatibility with the surrounding properties.
10. All fuel oil supply systems shall be constructed and installed meeting all applicable building and safety codes. Any fuel supply tanks or bottled gas tanks must be fenced or screened so as not to be clearly visible from the street or abutting properties. All fuel supplies must be located in the side or rear of the lot.

1000.96 UNIFORMITY WITH RESPECT TO GRANTING OF VARIANCES

The granting of variances from the requirements of this Resolution with respect to the siting of single-family housing, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Article 4 of this Resolution.

1000.100 REGULATION OF SELF-SERVICE STORAGE FACILITIES ²

The following regulations shall apply to Self-Service Storage Facilities as defined in Article 2.

1000.101 PURPOSE ²

The purpose of Sections 100.100 to 1000.105 inclusive of this Resolution is to promote public health, safety, and welfare through the regulation of Self-Service Storage Facilities, which are constructed, operated, and maintained within Austinburg Township. The intent of these sections is to regulate Self-Service Storage Facilities in such a manner as to preserve the rural character of the surrounding community, and maintain compatibility with other uses within that district and/or the adjoining districts.

1000.102 CONDITIONAL USE PERMIT REQUIRED ²

No building shall be erected, constructed, or developed, and no existing building or premises shall be reconstructed, remodeled or rearranged for use as Self-Service Storage Facilities, unless authorized by the issuance of a Conditional Use Permit in accordance with the provisions of Article 5 of the Resolution.

¹ Section 1000.92(1) Amended 3/10/97 to 1200 square feet; Amended 7/21/04 to 1400 square feet

² Sections 1000.100-1000.105 Added 5/5/99

1000.103 USE REGULATIONS ¹

A Self-Service Storage Facility shall be subject to the following requirements:

1. Limited to dead storage use only.
2. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
3. Examples of prohibited activities include but are not limited to the following:
 - a. Auctions, commercial wholesale or retail sales, or miscellaneous or garage sales.
 - b. The servicing, repair, or fabrication of motor vehicles, watercraft, trailers, lawn mowers, appliances, or other similar equipment.
 - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - d. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - e. The storage of hazardous, explosive, radioactive, flammable materials, which could endanger the health, safety and welfare of the Township residents, shall not be allowed on the premises.
4. Maintenance / Management: A full time manager shall be designated for the area, who can be contacted at a specified address and telephone number. The function of the manager includes but is not limited to the following:
 - a. Provide proper policing of the area for trash, debris, vandalism, etc.
 - b. Report to the Ashtabula County Sheriff evidence of storage of dangerous, hazardous or contraband property or materials unlawfully possessed.
 - c. All Self-Service Storage Facilities shall be maintained in a safe and sound structural condition as determined by the Ashtabula County Building Department.
5. Fire protection shall be provided on the premises in accordance with the Ohio Fire Code and the Ohio Basic Building Code.
6. Due to the type of storage and layout of buildings, traffic shall be limited to two (2) axle vehicles.

1000.104 DEVELOPMENT STANDARDS ¹

1. All dimensional requirements, except for maximum building heights (see Section 1000.105) and maximum lot size, shall be in accordance with the regulations as defined by the text in Article 8 for the pertinent and adjoining districts.
2. Self-Service Storage Facilities' lot size shall not exceed a maximum of three (3) acres.
3. Internal Driveways and Circulation Patterns:
 - a. All one-way driveways shall provide for one 10 foot parking lane and one 15 foot travel lane.
 - b. All two-way driveways shall provide for one 10 foot parking lane and two 12 foot travel lanes.
 - c. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
 - d. Traffic direction, parking, and loading shall be designated by signing or painting.
4. In/Out driveways for vehicular ingress/egress shall be limited to one (1) point for each side of the property abutting any street lot line, and shall provide two-way traffic (minimum width of 20 feet).
5. Multiple buildings of the same or similar size shall be permitted on a single lot in Self-Service Storage Facilities.
6. The applicant/owner shall make provisions for the drainage of storm water runoff from the buildings and grounds. It shall also be compatible with drainage of the surrounding area.

¹ Sections 1000.100-1000.105 Added 5/5/99

1000.105 PERFORMANCE STANDARDS ¹

1. No building shall exceed one (1) story or eighteen (18) feet in height.
2. Total lot coverage by structures shall be limited to 50% of the total lot area.
3. All storage on the property shall be kept within an enclosed building.
4. Signage shall be limited to one (1) sign for each property line abutting or adjoining a street right-of-way. Signs identifying the nature of the Self-Service Storage Facilities shall not exceed 20 feet in height or 40 square feet in area. No additional advertising signs will be permitted on the property.
5. All outdoor lights shall be shielded to direct light and glare only into the Self-Service Storage Facilities premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
6. Fencing, screening, and landscaping / buffer areas shall be prescribed by the Board of Zoning Appeals as supplementary conditions as required by safety, privacy, and the surrounding land use.

1000.200 REGULATION OF AUCTIONS ²

The following regulations shall apply to Auctions defined in Article 2.

1000.201 PURPOSE ²

The purpose of Sections 1000.200 to 1000.205 inclusive of this Resolution is to promote public health, safety, and welfare through the regulations of auctions, which are constructed, operated, and maintained within Austinburg Township. The intent of these sections is to regulate auctions in such a manner as to preserve the rural character of the surrounding community and maintain compatibility with other uses within that district and/or the adjoining districts.

1000.202 CONDITIONAL USE PERMIT REQUIRED ²

No building shall be erected, constructed, or developed, and no existing building or premises shall be reconstructed, remodeled or rearranged, or used as an auction, unless authorized by the issuance of a Conditional Use Permit in accordance with the provisions of Article 5 of the Resolution.

1000.203 USE REGULATIONS ²

An auction shall be subject to the following requirements:

1. Shall be restricted by the definition of "Auction" in Ohio Revised Code §4707.01(A) ³.
2. No activities other than pick-up and deposit of items to be sold shall be allowed on the premises.
3. Examples of prohibited activities include but are not limited to the following:
 - a. The servicing, repair, or fabrication of motor vehicles, watercraft, trailers, lawn mowers, appliances, or other similar equipment prior to the sale.
 - b. The operation of power tools, spray-painting equipment, power saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - c. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - d. The storage of hazardous, explosive radioactive, flammable materials, which could endanger the health, safety and welfare of the Township residents, shall not be allowed on the premises.
 - e. All auctions shall be conducted within a permanent enclosed structure.
4. Fire protection shall be provided on the premises in accordance with the State of Ohio Fire Code and the Ohio Basic Building Code.

¹ Sections 1000.100-1000.105 Added 5/5/99

² Sections 1000.200-1000.205 Added 8/1/02

³ Section 1000.203(1) Amended 10/19/11

1000.204 DEVELOPMENTAL STANDARDS ^{1,2}

1. All dimensional requirements, except for maximum building heights and maximum lot size shall be in accordance with the regulations as defined by the text in Article 8, for the pertinent and adjoining district.
2. The number of parking spaces required shall be equal to or greater than the maximum occupancy standards set forth by the county building official.
3. Traffic direction, parking, and loading shall be designated by signing or painting.
4. In/Out driveways for vehicular ingress/egress shall be limited to one (1) point for each side of the property abutting any street lot line, and shall provide two-way traffic (minimum width of 20 feet).
5. The applicant/owner shall make provisions for the drainage of storm water runoff from the buildings and grounds. It shall also be compatible with drainage of the surrounding area.

1000.205 PERFORMANCE STANDARDS ^{1,2}

1. No building shall exceed two (2) stories in height.
2. Total lot coverage by structures shall be limited to 50% of the total area.
3. All storage on the property shall be kept within an enclosed building. No outside storage is permitted.
4. Signage shall be limited to one (1) sign for each property abutting or adjoining a street right-of-way. Signs identifying the nature of the auction shall not exceed 20 feet in height or 40 square feet in area. No additional advertising signs will be permitted on the property.
5. All outdoor lights shall be shielded to direct light and glare only into the auction premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
6. Fencing, screening, and landscaping/buffer areas shall be prescribed by the Board of Zoning Appeals as supplementary conditions as required by safety, privacy, and the surrounding land use.

1000.206 BUILDING SETBACK ADJACENT TO A RIVER OR STREAM ³

1. This regulation shall apply to the Grand River, Mill Creek and Coffee Creek.
2. This regulation shall apply to front, side and rear setbacks
3. The building or permanent structure setback shall be the greater of:
 - a. 50 feet from the normal stream bank or
 - b. 30 feet from a major hill, cliff or incline adjacent to a stream.

1000.207 AGRICULTURE USES, PROHIBITIONS AND LIMITATIONS ⁴

According to Ohio Revised Code, a township shall have the authority to regulate agricultural uses in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the ORC, or any area consisting of 15 or more lots approved under section 711.131 of the ORC. In such areas agriculture shall comply with the following:

¹ Sections 1000.200-1000.205 Added 8/1/02

² Fire Marshall changed to county building official 6/14/14

³ Section 1000.206 Added 10/19/11

⁴ Agricultural uses added 6/14/14

1. On lots of ½ acre or less and within a platted subdivision, only the raising of fruits, vegetables, or nursery stock for private use, consumption or incidental sale shall be permitted. All buildings in conjunction with that use must adhere to size and setbacks regulations.
2. On lots of more than ½ acre and less than 5 acres, when one or more animals are kept outdoors on a lot for agricultural uses, an accessory building shall be constructed on that lot for their shelter. Those buildings must adhere to all size setback regulations set forth in the district where the building is located.
3. A fence suitable for keeping the animals in the lot must be constructed.

1000.208 STORAGE CONTAINER, STORAGE TRAILER ¹

1. In the R1 and R2 districts one (1) storage container is allowed for a period not to exceed 30 days for the purpose of moving in or moving out. This container shall not exceed twenty (20) feet in length.
2. In the NC and RC districts one (1) storage container per occupancy is allowed for a period not to exceed sixty (60) days.
3. In the IOP and AC districts a container or a storage trailer is allowed under the following conditions:
 - a. Only two storage containers or storage trailers per lot.
 - b. Must not be connected to any other structure.
 - c. No utilities are allowed to be connected.
 - d. No storage of hazardous materials.
 - e. Merchandise, pallets, furniture, tires, equipment, fixtures, products, trash, debris, or other material shall not be stacked under or on top of any storage container or storage trailer. Such items shall not be placed in a fire lane or within ten (10) feet of a storage trailer or storage container.
 - f. Storage containers or storage trailers shall only be placed in the rear yard and with a side yard and rear yard setback of ten (10) feet each.
 - g. Storage containers and Storage trailers shall be maintained in a neat and orderly manner.
 - h. Storage trailers and storage containers shall not be lived in or occupied.

¹ Storage Container, Storage Trailer added 6/14/14

ARTICLE 11

OFF-STREET PARKING AND LOADING FACILITIES

1100 GENERAL PARKING REQUIREMENTS

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Section 1100 to 1141 of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Resolution is changed in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

1110 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

1. Parking Space Dimensions:
 - a. Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
 - b. Parking spaces shall not be located closer than five (5) feet to any lot line.
2. Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
 - a. *For one single- or two-family residential dwelling:* the access drive shall be a minimum of nine (9) feet in width.
 - b. *For all other residential uses and all other uses:* the access drive shall be a minimum of ten (10) feet in width for one-way traffic and sixteen (16) feet in width for two-way traffic. For drives that will accommodate tractor trailers, the drive width minimum shall be twelve (12) feet for one-way traffic and twenty (20) feet for two-way traffic.
 - c. All parking spaces, except those required for single, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. Setbacks: the location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall the parking area be located closer than three (3) feet to any street or alley.
4. Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 940 of this Resolution.

5. Paving: All required parking spaces, together with driveways, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.
6. 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 the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
8. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator, and shall be maintained in a clearly visible condition.
10. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
11. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked in compliance with Article 12.
12. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residential district.

1120 DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar unusable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 24 lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.
3. Fractional numbers shall be increased to the next whole number.

1121 JOINT OR COLLECTIVE PARKING FACILITIES

The joint or collective provision of required off-street parking areas, where permitted, shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
2. Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

1122 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar use which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six (6) storage spaces per entrance.
4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

1123 PARKING OF DISABLED VEHICLES

The parking of a disabled vehicle as defined in Article 2 for a period of more than two (2) weeks shall be prohibited in all districts, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

1130 PARKING SPACE REQUIREMENTS

For the purposes of this Resolution the following parking space requirements shall apply:

1. Residential uses
 - a. Single-family or two-family dwellings – Two (2) for each unit.
 - b. Apartments, townhouses or multi-family dwellings – Two (2) for each unit.
2. Business-related uses
 - a. Animal hospitals and kennels – One (1) for each 400 square feet of floor area and one (1) for each two (2) employees.
 - b. Motor vehicle repair station – One (1) for each 400 square feet of floor area and one (1) for each employee.
 - c. Motor vehicle salesroom – One (1) for each 400 square feet of floor area and one (1) for each employee.
 - d. Motor vehicle service stations – Two (2) for each service bay and one (1) for every two (2) gasoline pumps.
 - e. Car washing facilities – One (1) for each employee.
 - f. Banks, financial institutions, post offices, and similar uses – One (1) for each 250 square feet of floor area and one (1) for each employee.
 - g. Barber and Beauty shops – Three (3) for each barber or beauty operator.
 - h. Carry-out restaurants – One (1) for each 200 square feet of floor area and one (1) for each two (2) employees.

- i. Drive-in restaurants – One (1) for each 125 square feet of floor area and one (1) per each two (2) employees.
 - j. Hotels, motels – One (1) for each sleeping room plus one space for each two (2) employees.
 - k. Bed/Breakfast Home – One (1) for each sleeping room.
 - l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments – Two (2) plus one (1) additional space for each 200 square feet of floor area over 1000 square feet.
 - m. Consumer and trade service uses not otherwise specified – One (1) for each employee.
 - n. Funeral homes, mortuaries and similar type uses – One (1) for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.
 - o. Laundromats – One (1) for every two (2) washing machines.
 - p. Administrative business and professional office uses – One (1) for each 200 square feet of floor area.
 - q. Sit-down restaurants, tavern, night clubs, and similar uses – One (1) for each three (3) persons of capacity.
 - r. Retail stores – One (1) for each 150 square feet of floor area.
 - s. All other types of business or commercial uses permitted in any business district – One (1) for each 150 square feet of floor area.
3. Recreational and entertainment uses
- a. Bowling alleys – Four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one (1) for each three (3) employees.
 - b. Dance halls, skating rinks – One (1) for each 100 square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees.
 - c. Outdoor swimming pools (public, community or club) – One (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant.
 - d. Auditoriums, sport arenas, theaters, and similar uses – One (1) for each four (4) seats.
 - e. Miniature golf courses – Two (2) for each hole and one (1) for each employee.
 - f. Private clubs and lodges – One (1) for each ten (10) members.
 - g. Tennis facilities, racquetball facilities or similar uses – Two (2) for each playing area; one (1) for each employee; and one (1) for each 100 square feet of other activity area.
4. Institutional uses
- a. Churches and other places of religious assembly – One (1) for each eight (8) seats in main assembly room, or one (1) for each classroom, whichever is greater.
 - b. Hospitals – One (1) for each three (3) beds.
 - c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses – One (1) for each three (3) beds.
 - d. Medical and dental clinics – One (1) for every 100 square feet of floor area.
 - e. Libraries, museums, and art galleries – Ten (10), and one (1) for each 300 square feet floor area in excess of 2000 square feet.
5. Educational institution (public, parochial, or private) uses
- a. Elementary schools and kindergartens – Four (4) for each classroom; one (1) for every four (4) seats in auditoriums or assembly halls; and one (1) for each additional non-teaching employee.
 - b. High schools and middle schools – One (1) for every ten (10) students, or one (1) for each teacher and employee, or one (1) for every four (4) seats in auditoriums, assembly areas or sports fields, whichever is greater.
 - c. Business, technical and trade schools – One (1) for each two (2) students.
 - d. Child care centers, nursery schools, and similar uses – Four (4) for each classroom.

6. Manufacturing Uses

- a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district – One (1) for every employee (on the largest shift for which the building is designed), and one (1) for each motor vehicle used in the business.
- b. Cartage, express, parcel delivery, and freight terminals – One and one half (1½) for every one (1) employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

1131 HANDICAPPED PARKING

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

Total spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

1140 OFF-STREET LOADING SPACE REQUIREMENTS

In any district, every building or part thereof hereafter erected and having a gross floor area of 3000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space, and one (1) additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3000 square feet.

1141 OFF-STREET LOADING DESIGN STANDARDS

All off-street loading spaces shall be in accordance with the following standards and specifications:

- 1. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- 2. Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Used and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any IOP, RC, NC or AC district, provided that not more than 90% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than 5 feet from any street, alley or lot line.
- 3. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 940 of this Resolution.
- 4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- 5. Paving: All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.
- 6. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.
- 7. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

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ARTICLE 12

SIGNS

1200 GENERAL

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, to provide more open space, and to curb the deterioration of the natural environment. It is further intended to enhance community development by permitting signs which are compatible with their surroundings, and by providing for the uniform and eventual elimination of all signs not in conformance with this Resolution or a previous variance thereof.

1201 GOVERNMENTAL SIGNS EXCLUDED

For the purpose of this Resolution, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

1202 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this section shall apply to all signs and all use districts:

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Sections 1220 herein;
7. No sign or part thereof shall contain or consist of banners, posters, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign. The exception is pennants in districts where specifically permitted;
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway shall occupy more than 20% of the window surface;

9. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
10. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign.
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign;
12. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
13. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
14. All signs shall be secured in such a manner as to prevent significant movement due to wind.
15. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
16. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
17. No sign shall be attached in such manner that it may interfere with any required ventilation openings;
18. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing. Off-premises outdoor advertising signs larger than 300 sq. ft. and regulated as conditional uses excepted
19. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires;
20. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like;
21. From any public or private driveway exiting onto a dedicated road, no sign shall be placed as to materially impede vision across such driveway or road between the height of 2 1/2 and 10 feet.

1203 MEASUREMENT OF SIGN AREA AND SIGN HEIGHT (Flags as defined in Article 2 of this Resolution excepted)

1. Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning resolution regulations and is clearly incidental to the display itself.
2. Computation of Area of Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

3. Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or, (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

1210 PERMIT REQUIRED

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.
2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. As long as the size, shape, and location of the sign is not changed, the copy may be changed, requiring a new permit.¹

1211 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located. Such signs shall not exceed 32 square feet in area, except in Residential Districts where the sign shall not exceed eight (8) square feet;
2. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;
3. Commemorative plaques placed by historical agencies recognized by the Township of Austinburg, County of Ashtabula, or the State of Ohio not to exceed two (2) square feet in area;
4. Membership signs for agencies recognized by the Township of Austinburg, County of Ashtabula, or State of Ohio including but not limited to Farm Bureau, 4-H Club, Soil and Water Conservation District, not to exceed two (2) square feet in area;
5. Incidental signs as defined in Article 2 of this Resolution, freestanding signs not to exceed eight (8) square feet in area and wall signs not to exceed four (4) square feet in area;
6. One wall sign on one barn (as defined in Article 2 of this Resolution) per zone lot not to exceed 64 square feet in area;
7. Flags as defined in Article 2 of this Resolution;
- 8.²

1212 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT

Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed 15 square feet in area and which shall be located on the premises of such institution.

¹ Section 1210(3) Amended 10/21/09

² Deleted on 10/19/2011.

1213 SIGNS PERMITTED IN THE R-1 DISTRICT

1. No on-premise sign shall exceed 25 feet in height. No off-premise sign shall exceed 35 feet in height.
2. Signs not requiring a permit:
 - a. One freestanding Residential Sign as defined in Article 2 not to exceed six (6) square feet in area;
 - b. One wall Residential Sign not to exceed four (4) square feet.
3. Signs requiring a permit:
 - a. One freestanding sign not to exceed 32 square feet in area per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name.
 - b. One off-premise sign per zone lot, not to exceed 100 square feet, sections 1240-1250 to apply.

1214 SIGNS PERMITTED IN THE R-2 DISTRICT

1. No sign shall exceed 25 feet in height.
2. Signs not requiring a permit:
 - a. One freestanding Residential Sign not to exceed six (6) square feet in area;
 - b. One wall Residential Sign not to exceed four (4) square feet in area;
3. Signs requiring a permit:
 - a. One freestanding sign not to exceed 32 square feet in area per exclusive entrance to a subdivision, tract, or multi-family housing complex, such signs restricted to the subdivision, tract, or complex name.

1215 SIGNS PERMITTED IN THE RECREATION COMMERCIAL (RC) DISTRICT

1. No sign shall exceed 25 feet in height;
2. Signs requiring a permit:
 - a. One freestanding on-premise sign not to exceed 64 square feet;
 - b. Temporary signs according to Section 1220;
 - c. Banner according to Section 1220;
 - d. One wall sign not to exceed 32 square feet.

1216 SIGNS PERMITTED IN THE NEIGHBORHOOD COMMERCIAL DISTRICT

1. No on-premises sign shall exceed 25 feet in height. No off-premise sign shall exceed 35 feet in height;
2. The total square footage of all wall and window signs shall not exceed 100 square feet;
3. Signs not requiring a permit:
 - a. One wall Residential Sign not to exceed four (4) square feet;
 - b. Pennants not less than 10 feet from road right-of-way;
 - c. Window signs (included in total square footage; see Section 1216(2));
4. Signs requiring a permit:
 - a. One freestanding on-premise sign not to exceed 64 square feet. There shall be only one freestanding on-premise sign per zone lot regardless of the number of businesses conducted on said zone lot;
 - b. One off-premise sign not to exceed 100 square feet per zone lot. Sections 1240-1250 to apply;
 - c. Temporary sign (Section 1220 to apply);
 - d. Banner (Section 1220 to apply);
 - e. One wall sign for each business not to exceed an area equivalent to one and one half (1½) square feet of sign area for each lineal foot of building width, or part of building, occupied by said business but shall not exceed a maximum area of 100 square feet.

1217 SIGNS PERMITTED IN THE ACCOMMODATION COMMERCIAL (AC) DISTRICT

1. The total square footage of all canopy, wall, and window signs shall not exceed 300 square feet in area;
2. Signs not requiring a permit:
 - a. One wall Residential Sign not to exceed 4 square feet;
 - b. Pennants, not less than 10 feet from road right-of-way;
 - c. Window signs (included in total square footage; see Section 1217(1)); 3
3. . Signs requiring a permit:
 - a. One freestanding on-premise sign per zone lot regardless of how many businesses are conducted on said zone lot, not to exceed 35 feet in height and 100 square feet in area;
 - b. One freestanding on-premise sign per zone lot regardless of how many businesses are conducted on said zone lot, not less than 50 feet and not more than 70 feet in height, and not more than 680 square feet in area. Signs 50 feet or more in height must be set back from all property lines and right-of-ways a distance at least equal to the height of the sign;
 - c. One freestanding off-premise sign not to exceed 100 square feet per zone lot (Sections 1240-1250 shall apply);
 - d. Temporary signs (Section 1220 shall apply);
 - e. Banner (Section 1220 shall apply);
 - f. Canopy signs not to exceed 8 in number;
 - g. Two (2) wall signs for each business not to exceed a total area equivalent to one and one half (1½) square feet or sign area for each lineal foot of building width, or part of building, occupied by said business but shall not exceed a maximum total area of 100 square feet.

1218 SIGNS PERMITTED IN THE INDUSTRIAL/OFFICE PARK (IOP) DISTRICT

1. No on-premise sign shall exceed 25 feet in height. No off-premise sign shall exceed 35 feet in height;
2. Exterior spot lighting is permissible, but only if shielded so as to direct the light to the sign only;
3. Signs requiring a permit:
 - a. One freestanding sign to identify the Industrial Park not to exceed 32 square feet in area;
 - b. One freestanding sign per zone lot regardless of how many businesses are conducted on said zone lot, identifying the building occupation, establishment or use not exceeding 32 square feet in area;
 - c. The total amount of wall signage permitted on any principal structure is calculated on the basis of: Front width of the building x 2.5 sq. ft., equals the total allowable square feet of the wall sign. The total square footage of the wall sign shall not exceed 125 square feet;¹
 - d. One freestanding off-premise sign not to exceed 100 square feet per zone lot. (Sections 12401250 shall apply).

1219 SIGNS PERMITTED IN THE EDUCATIONAL DISTRICT²

1. No free standing signs to exceed 32 sq feet with a maximum height of 8ft excluding those already allowed in section 1211.

¹ Section 1218(3)(c) Amended 11/6/03

² Section 1219 added on 9-8-15

1220 TEMPORARY SIGNS AND BANNERS

1. All temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240-1244, and in addition such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200;
2. Signs permitted in any district not requiring a permit:
 - a. Temporary signs not exceeding 50 square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of 60 days plus the construction period;
3. Signs permitted in the Recreational Commercial, Neighborhood Commercial, and Accommodation Commercial Districts requiring a permit:
 - a. One temporary sign or banner not exceeding 50 square feet in area may be permitted for a specified 60-day period.
 - b. No more than two (2) temporary sign permits shall be issued to the same business license holder on the same zone lot in any calendar year.

1230¹

1240 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 1241 through 1244, on-premise signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least 10 feet. No off-premise sign shall be erected in front of the required setback line for the appropriate zoning district.

1241 SETBACKS FOR OFF-PREMISE SIGNS NOT EXCEEDING 100 SQUARE FEET

If a setback line is not established for the appropriate zoning district, off-premise signs shall be set back a minimum of 20 feet from the right-of-way line.

1242 OFF-PREMISE SIGNS EXCEEDING 100 SQUARE FEET

Off-premise signs more than 100 square feet in area but not to exceed 1200 square feet shall be conditionally permitted in the R-1, NC, AC, and IOP Districts. See Article 5 for applicable regulations.

1243 SETBACKS FOR PUBLIC AND QUASI-PUBLIC SIGNS

Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution may be erected not less than 10 feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections or driveways.

1244 SPECIAL YARD PROVISIONS

1. On-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, onpremise signs shall not be erected or placed within 12 feet of a side or rear lot line. If the requirement for a single sideyard in the appropriate zoning district is more than 12 feet, the latter shall apply;
2. Off-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, onpremise signs shall not be erected or placed within 20 feet of a side or rear lot line. If the requirement for a single sideyard in the appropriate zoning district is more than 20 feet, the latter shall apply.

¹ Section 1230 Deleted 10/21/09

1250 LIMITATION

For the purpose of this Article, outdoor advertising of off-premise signs shall be classified as a business use and be conditionally permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code §5516 and the regulations adopted pursuant thereto.

1260 MAINTENANCE

1. All signs shall be maintained in safe and sound structural condition at all times and shall be presentable;
2. No person shall maintain or be permitted to maintain, on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign, or, if the owner of the sign cannot reasonably be determined or located, by the owner of the premises;
3. The Zoning Administrator shall remove any off-premise advertising sign or structure found to be unsafe or structurally unsound within 30 days of issuing a written notification to the owner of the sign or of the property;
4. The Zoning Administrator shall remove any on-premise sign which is determined to be unsafe or structurally unsound within 10 days of issuance of written notification to the property owner.

1261 ABANDONED SIGNS (AND ADVERTISING STRUCTURES) PROHIBITED

An abandoned sign is declared to be a nuisance, is prohibited, and shall be removed by the owner of the sign, or, if the owner of the sign cannot be reasonably determined, by the owner of the property.

1. Any on-premise sign which is located on property which becomes vacant or unoccupied for a period of two (2) years or more, or any on-premise sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. On-premise signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of two (2) years or more.
2. Any off-premise sign which pertains to a time, event, or purpose which no longer applies; or which no longer and for a period of two (2) years advertises goods, products, services, or facilities available to the public; or which directs persons to a different location where such goods, products, services, or facilities are not for a period of two (2) years available; shall be deemed to be abandoned.

1262 NON-CONFORMING SIGNS AND STRUCTURES

Advertising signs and structures in existence prior to the effective date of this Resolution and for which a permit or variance has been granted which violate or are otherwise not in conformance with the provisions of this Article shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

1263 LOSS OF LEGAL NON-CONFORMING STATUS

1. A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into compliance with this Article or removed if it meets any one of the following criteria:
 - a. It is altered in copy (except changeable copy signs);
 - b. It is altered in structure;
 - c. It is enlarged;
 - d. It is relocated or replaced;
 - e. It is structurally damaged to an extent greater than one-half (1/2) of its estimated replacement value;
 - f. It is abandoned as defined in Section 1261;
 - g. It is in violation of Section 1202.

1270 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 14 of this Resolution. Political signs posted in violation of Section 1230 of this Resolution are subject to removal by the Zoning Administrator five (5) days after written notice of violations of Sections 1230 has been given.

ARTICLE 13

ADMINISTRATION

1300 PURPOSE

This article sets forth the powers and duties of the Zoning Commission, Board of Zoning Appeals, Board of Township Trustees, and the Zoning Administrator with respect to the administration of the provisions of this Resolution.

1301 GENERAL PROVISIONS

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township of Austinburg government:

1. Zoning Administrator
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees
5. County Prosecutor

1310 ZONING ADMINISTRATOR

A Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. The Zoning Administrator may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

1311 RESPONSIBILITIES OF ZONING ADMINISTRATOR

For the purpose of this Resolution, the Zoning Administrator shall have the following duties:

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution, and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which is authorized to act on by the provisions of this Resolution within the specified time or notify the applicant in writing of refusal or disapproval of such application and the reasons thereof. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.
7. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative of legal action as needed, to address such violations.

11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

1320 ZONING COMMISSION

The Zoning Commission is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years, except that the initial appointment shall be one (1) member for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of Austinburg Township. Members of the Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.¹

1321 PROCEEDINGS OF ZONING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting shall be held each year in the month of January. Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission and Trustees.

1322 DUTIES OF ZONING COMMISSION

For the purpose of this Resolution the Commission shall have the following duties:

1. Recommend the proposed Zoning Resolution, including text and Official Zoning District Map to the Township Trustees for formal adoption.
2. Initiate advisable changes to the Official Zoning District Map or to the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Township Trustees.
3. Review all proposed amendments to the text of this Resolution and the Official Zoning District Map and make recommendations to the Township Trustees as specified in Article 6.
4. Review all Planned Unit Development Applications and make recommendations to the Township Trustees as provided in this Resolution.
5. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

1330 BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

¹ Section 1320 Amended 3/10/97

1331 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chairperson and at such times as the Board may determine. The chairperson, or in absentia the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Appeals and also with the Township Clerk.

1332 DUTIES OF THE BOARD OF ZONING APPEALS The

Township Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator;
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution;
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under Subsection 4 of this Section and of the holder's right to a hearing before the Board, within 30 days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, may be represented by an attorney or may present a position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

1340 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 1351 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Ohio Revised Code §2505 and §2506. Any such appeal shall be made within ten (10) days of the Board's written decision.

1350 BOARD OF TOWNSHIP TRUSTEES

The powers and duties of the Board of Township Trustees pertaining to the Zoning Resolution are as follows:

1. Appoint a Zoning Administrator.
2. Approve the appointments of members to the Zoning Commission.
3. Approve the appointments of members to the Zoning Board of Appeals.
4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
5. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

1351 SCHEDULE OF FEES

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

13-4

13-5

ARTICLE 14

ENFORCEMENT

1400 GENERAL

This article stipulates the procedures to be followed in obtaining permits, certifications, and other legal or administrative approvals under this Resolution.

1401 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit thereof, issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from Board of Township Trustees approving a Planned Unit Development District, as provided by this Resolution.

1402 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two (2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and telephone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. If applicable, application for a sign permit or a conditional special, or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

1403 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by a signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Resolution.

1404 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within 300 feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said center line with any public road or highway, the Zoning Administrator shall give notice, by registered mail, to the Director of Transportation that the Zoning Administrator shall not issue a zoning permit for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Administrator that the Director of Transportation will proceed to acquire the land needed, then the Zoning Administrator shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Administrator that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

1405 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

1410 DELETED March 2013

1411 DELETED March 2013

1412 RECORD OF ZONING PERMITS¹

The Zoning Administrator shall maintain a record of all zoning permits, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

1420 FAILURE TO OBTAIN A ZONING PERMIT ¹

Failure to obtain a zoning permit shall be a punishable violation of this Resolution.

1430 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

¹ "CERTIFICATES OF OCCUPANCY" deleted March 2013.

1440 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Resolution.

1441 ENTRY AND INSPECTION OF PROPERTY

The Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

1450 STOP WORK ORDER

Subsequent to his determination that work is being done contrary to this Resolution, the Zoning Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this Resolution.

1460 ZONING PERMIT REVOCATION

The Zoning Administrator may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

1470 NOTICE OF VIOLATION

Whenever the Zoning Administrator or the Zoning Administrator’s agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated;
4. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or
2. By certified mail deposited in the United States Post Office addressed to the person or persons at the last known address. If the certified mailed envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mail shall be evidence by a certificate of mailing which shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1472 PENALTIES AND FINES

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

1473 ADDITIONAL REMEDIES

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Administrator, the County Prosecutor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

² Section 1472 deleted.

ARTICLE 15

PLANNED UNIT DEVELOPMENTS (PUD)

1500.00 PUD REGULATIONS

Sections 1500.00 to 1500.50 inclusive of this Resolution shall apply to the location and maintenance of the PUD's as herein defined.

1500.10 PURPOSE

It is the purpose of these Sections to promote the public health, safety, and welfare by providing for the regulation of PUD's. It is the intent of these regulations to provide maximum opportunity for orderly large-scale developments which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs.

1500.12 INTERPRETATION

Whenever the requirements of Sections 1500.00 to 1550.00 appear to be in conflict with other Sections of this Resolution or with those of other existing codes, the provisions of these Sections shall prevail.

1500.20 PUD DISTRICT DESIGNATION

Subsequent to the approval of the Zoning Commission and the Township Trustees, the designation "Planned Unit Development District" may be applied to any residential district. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.

1500.21 USES PERMITTED IN A PUD DISTRICT

Residential, commercial, public, and quasi-basic uses may be combined in PUD districts, provided that the proposed location of the commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the locations of such uses are specified in the final development plan. Lot area and other yard requirements of the residential district shall apply except as modified in Section 1500.25. The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Commission and approved by the Township Trustees.

1500.22 MINIMUM PROJECT AREA REQUIREMENTS

The gross area of a tract of land proposed to be developed in a PUD district shall be a minimum of 20 acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the PUD proposed contains a mixture of residential uses with commercial uses, the Commission may limit the development of not more than 15% of the tract to commercial uses. A minimum of 20% of the land developed in any PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1500.23 of this Resolution.

1500.23 DISPOSITION OF OPEN SPACE

The required amount of common space land reserved under a PUD shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

1500.24 UTILITY REQUIREMENTS

Underground utilities, including telephone, cable television, and electrical systems, are required within the limits of all PUD's. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed PUD.

1500.25 SPECIAL PUD LOT REQUIREMENTS

The lot requirements for PUD's approved by the Commission may vary from requirements previously prevailing for the district as follows:

1. Lot width, setback, and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types;
2. Lot area per dwelling unit requirements may be reduced by not more than 20%; and
3. To provide for the availability of lower- and moderately-priced rental and sale residences within PUD's, the Commission may permit the following:
 - a. A PUD development plan proposing the inclusion of at least 12% lower or moderately-priced rental or sale dwelling units may entail no minimum lot or yard requirements, provided that the total area of the residential developments equal to 90% of the total minimum lot requirement for such residential development in the district, and that buffering and screening devices are sufficient;
 - b. A PUD development plan proposing the inclusion of at least 10% lower- or moderately-priced rental or sale dwelling units may entail a dwelling unit density 10% in excess of the density requirement for the district;
 - c. Each property development in the PUD should abut common open space of similar areas, provided, however, that any residential property not abutting such uses shall have well-designed access to, and shall be no more than 500 feet from, such areas.

1500.26 ARRANGEMENT OF COMMERCIAL USES

When PUD districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

1500.30 PROCEDURES FOR APPROVAL OF PUD DISTRICTS

PUD Districts shall be approved in accordance with the procedure in Sections 1500.30 to 1500.48. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process to remove the necessity, in many instances, to proceed under Article 6 prior to the commencement of the PUD plan review and approval process.

1500.31 PRE-APPLICATION MEETING

The developer shall meet with the Zoning Administrator and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

1500.32 PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS

An application for preliminary PUD approval shall be filed with the Zoning Administrator by at least one owner of property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant;
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
3. Legal description of property;
4. Present use(s);
5. Present and proposed zoning district;
6. Proposed amending Resolution;
7. A vicinity map at a scale approved by the Zoning Administrator showing the property lines, streets, existing and the proposed zoning, and such other items as the Zoning Administrator may require;
8. A preliminary development plan at a scale approved by the Zoning Administrator showing topography at 10-foot intervals; location, and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets; right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Commission may deem necessary;
9. Proposed schedule for the development of the site;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years;
11. A fee as established by Resolution;
12. A list containing the names and mailing addresses of all owners of property within 500 feet of the property in question; and
13. Verification by at least one (1) owner of property that all information in the application is true and correct to the best of their knowledge.

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in the developer's opinion, the PUD would be in the public interest and would be consistent with the stated intent of these PUD requirements.

1500.33 ZONING COMMISSION PUBLIC HEARING

The Zoning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than 20 or more than 40 days from the date of filing such an application.

1500.34 NOTICE OF PUBLIC HEARING

Before holding the public hearing, notice of such Commission hearing shall be given in one (1) or more newspapers of general circulation at least 15 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the PUD, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Township Trustees for further determination. Also before holding the public hearing, written notice of such hearing shall be sent by the Zoning Commission by first class mail, at least 20 days before the hearing, to all owners of property within 500 feet of the property in question and to such others as the Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.

1500.35 PUBLIC ACCESS TO PROPOSED PUD DOCUMENTS

For a period of at least 20 days prior to the public hearing by the Commission, all papers relating to the PUD shall be available for public inspection in the office of the Zoning Administrator.

1500.36 APPROVAL IN PRINCIPLE OF PRELIMINARY DEVELOPMENT PLAN

Within 60 days after the public hearing, the Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

1500.40 SUBMISSION OF FINAL DEVELOPMENT PLAN

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Administrator. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purpose of this Resolution, the submission of the final development plan is a formal request for rezoning of the property in question. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which should include an urban planner, licensed architect, registered landscape architect or landscape horticulturist.

1500.41 FINAL DEVELOPMENT PLAN APPLICATION CONTENTS

An application for approval of the final development plan shall be filed with the Zoning Administrator by at least one (1) owner of property for which the PUD is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties;

3. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population by type of housing; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Resolutions governing development;
4. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development;
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship;
6. Preliminary building plans;
7. Landscaping plans;
8. 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, including those areas which are to be commonly owned and maintained; and
9. A fee as established by Resolution.

1500.42 PUBLIC HEARING BY COMMISSION

Within 30 days after submission of the final development plan, the Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Sections 1500.34 and 1500.35 of this Resolution.

1500.43 RECOMMENDATION BY COMMISSION

Within 60 days after receipt of the final development plan, the Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to the Township Trustees.

1500.44 CRITERIA FOR COMMISSION RECOMMENDATION

Before making its recommendation, the Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
3. Any proposed commercial or industrial development can be justified at the location proposed;
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price;
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development; and
6. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

1500.45 PUBLIC HEARING BY TOWNSHIP TRUSTEES

After receiving the recommendation from the Zoning Commission, the Trustees shall hold a public hearing on the PUD final development plan within a reasonable time.

1500.46 NOTICE OF PUBLIC HEARING BY TRUSTEES

Before holding its public hearing, notice of such hearing shall be given by at least one (1) publication in one (1) or more newspapers of general circulation at least 30 days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the PUD, and a statement that all papers relating to the PUD are on file with the Clerk and open for public inspection. Also, written notice of the hearing on the PUD shall be mailed by the Clerk by first class mail, at least 20 days before the date of the public hearing, to all owners of property within 500 feet of the proposed PUD and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

1500.47 ACTION BY TRUSTEES

After the public hearing, the Trustees shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Zoning Administrator to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in such PUD shall be permitted without repetition of the procedures in these Sections. In the event that the Trustees deny or substantively modify the final development plan as recommended by the Commission, any resulting final development plan for said PUD shall not be effective unless passed or approved unanimously by the Trustees.

1500.48 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any PUD application, both the Zoning Commission and the Trustees may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Resolution and be punishable as such.

1500.50 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a PUD district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the PUD was granted.