

# COLEBROOK TOWNSHIP

## ZONING RESOLUTION

**Zoning Commission**

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AUGUST 24, 2000

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## PREAMBLE

A ZONING RESOLUTION OF COLEBROOK TOWNSHIP, ASHTABULA COUNTY, OHIO, ENACTED IN ACCORDANCE WITH ALL VOLUMES OF THE ASHTABULA COUNTY COMPREHENSIVE PLAN AND/OR THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, 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, AGRICULTURAL, 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.



# REVISIONS BY DATE

## COLEBROOK TOWNSHIP

### PREAMBLE:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 1:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 2:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 3:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 4:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 5:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 6:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 7:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 8:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 9:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 10:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 11:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 12:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

### Article 13:

*Recommended Approval 6/21/00                      Adoption 7/25/00                      Effective 8/24/00*

Article 14:

Recommended Approval 6/21/00

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Effective 8/24/00

Article 15:

Recommended Approval 6/21/00

Adoption 7/25/00

Effective 8/24/00

Article 16:

Recommended Approval 6/21/00

Adoption 7/25/00

Effective 8/24/00

The entire Zoning Resolution to be re-numbered and re-formatted to follow the 1989 OHIO MODEL ZONING CODE as developed by the State and modified by the Ashtabula County Department of Planning and Community Services.

Recommended Approval 6/21/00

Adoption 7/25/00

Effective 8/24/00

Approved by Township Trustees:

Joseph W. Yubert  
James Kinis  
Charles J. Kutko

Attested to by Clerk:

Brenda L. Chotas

Date:

8-22-2000

APPROVED as to legal form:

By: Thomas L. Sartini

Thomas L. Sartini,  
Prosecuting Attorney  
County of Ashtabula

# ARTICLE 1

## TITLE, INTERPRETATION, AND ENACTMENT

100 TITLE.

This Resolution shall be known and may be cited as the "Zoning Resolution of Colebrook Township" (hereinafter referred to as the "Township").

101 LAND USE POLICY STATEMENTS.

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

I. **SUBGOAL:** To maintain residential and agricultural 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 Colebrook Township.

II. **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.

III. 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 non-conforming industrial uses.
- B. encouraging growth of commercial enterprises associated with interstate travel near the State Route 11/US 322 interchange that will take advantage of existing traffic patterns and volumes without altering the identity of the Township.
- C. discouraging, where possible, strip commercial uses along major thoroughfares.
- D. redeveloping and revitalizing the existing town center 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 at SR 46/US 322.
  - 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 non-conforming 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; 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 declared to be unconstitutional or invalid.

140 REPEAL OF CONFLICTING RESOLUTIONS.

All resolutions or parts of resolutions in conflict with this 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, and 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 STRUCTURE:** 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.

**ADULT BOOK STORE:** An establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

**ADULT ENTERTAINMENT BUSINESS:** An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

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

- a. 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
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

ADULT MOTION PICTURE THEATER: An enclosed motion picture theater which is regularly used or utilized fifteen (15) percent 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 MOTION PICTURE DRIVE-IN THEATER: An open air drive-in theater which is regularly used or utilizes fifteen (15) percent 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 features 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.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

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.

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.

**AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE, 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.

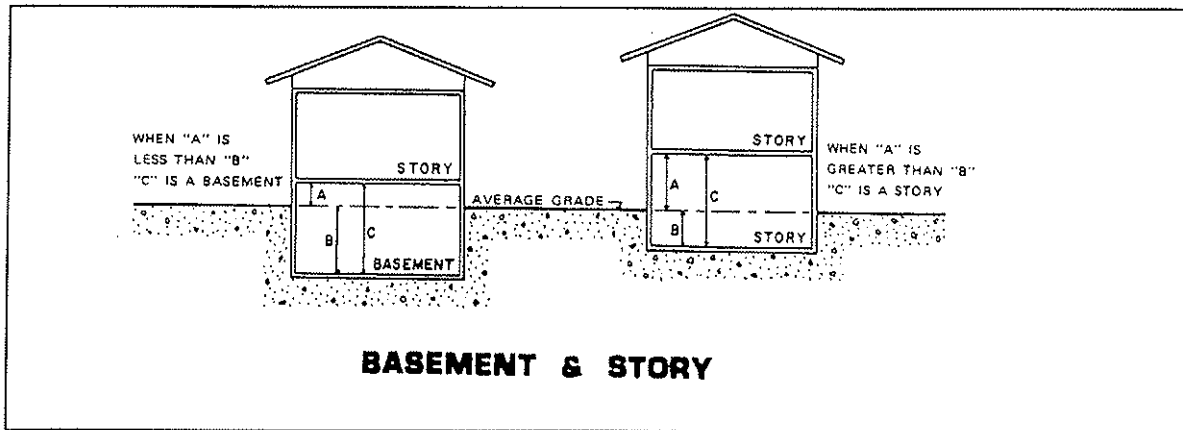
**AUTOMOTIVE WRECKING:** The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**AUTOMOBILE GRAVEYARD:** Means 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 light weight fabric or similar material that is mounted to a pole or building at one or more edges (Flags excluded).

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

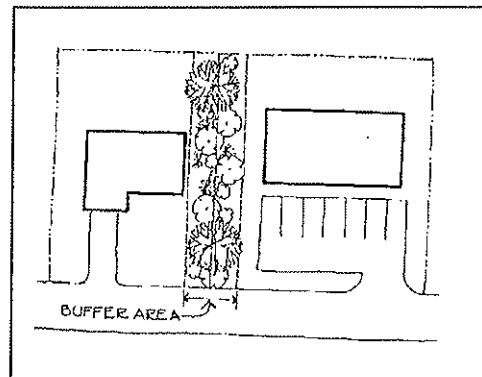
**BASEMENT:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.



**BED AND BREAKFAST:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

**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 adjacent land uses or properties from one another.





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

**BUILDING, ACCESSORY:** A building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**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.

**BUILDING LINE:** See Setback Line.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS GENERAL:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend 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.

**CAMPGROUND:** See Recreation Camp.

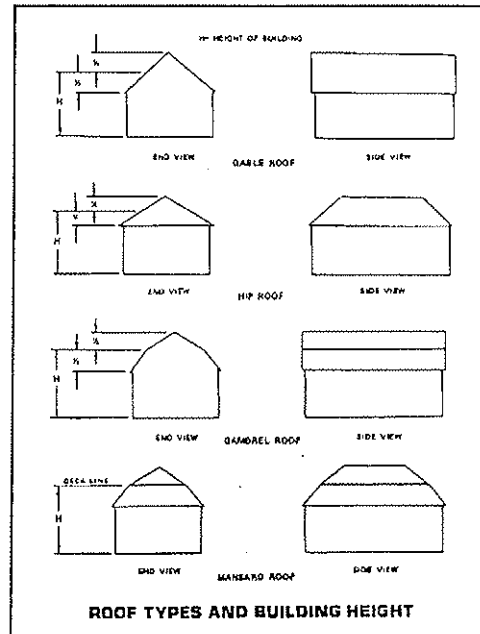
**CAPTIVE DISPOSAL FACILITY:** A facility owned and operated by a specific party, accepting only waste(s) generated by that party. Waste(s) are restricted to a specific waste or set of waste authorized by the Ohio EPA as contained in the PTI (Permit-To-Install).

**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.

**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, pre-school children, and school children 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 child'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 thirteen (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 seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (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 four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (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 one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (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 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 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 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 home owners association for the neighborhood or subdivision in which it is located.

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the Township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfare, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**COMPREHENSIVE LAND USE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the Zoning Commission and the legislative authority of the Township, 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 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 non-transferable permit issued by the Zoning Inspector 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 5,000 square feet.

**CORNER LOT:** See Lot Types.

**CUL-DE-SAC:** See Thoroughfare.

**DEAD-END STREET:** See Thoroughfare.

**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:** Any type of motor vehicle that meets any one of the following criteria:

1. does not have a current license;
2. is apparently mechanically inoperable;
3. is extensively damaged or in disrepair(i.e. missing rims/tires, motor, or transmission);
4. 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.

**DWELLING:** Any building or structure (except a recreational vehicle as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one 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 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 which accommodate one family related by blood, adoption, or marriage; or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform to either to the BOCA, OBOA, or CABO One and Two family dwelling code, or other applicable building code, or be classified as an Industrial Unit under the Ohio Basic Building Code, or conform to Ohio Revised Code [ORC 303.212-counties; ORC 519.212-townships] definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

- a.) Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- b.) Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- c.) Be connected to appropriate utilities.
- d.) Have a length of at least twenty-two (22') feet and a width of at least twenty-two (22') feet, as manufactured.
- e.) Have at least nine hundred (900) square feet of living area, or whatever greater square footage is uniformly required by zoning.
- f.) Have conventional residential siding (i.e., lap, clapboard, shake, masonry, vertical natural materials), a six (6") inch minimum eave overhang, and a minimum "A" roof pitch of 3:12.
- g.) Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement on its permanent foundation.
- h.) Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.
- i.) Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD Code standards for manufactured housing).

**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 or more dwelling units including condominiums with varying arrangements of entrances and party

walls. Multi-family housing may include public housing and industrialized units.

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

**ELDERLY HOUSEHOLD:** Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one 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 sixty-two (62) years of age, or older, or any person under sixty-two (62) years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

**ELECTROMAGNETIC SPECTRUM:** The range of all electromagnetic energy.

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

**Nonionizing Electromagnetic Radiation (NIER)** The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light. It is insufficient to ionize living tissue; causes thermal effects; may cause nonthermal effects.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by private/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 private/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 his 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 five 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, BARRIER:** A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure tangible elements from the ordinary view of persons passing upon roads covered by the Ohio Revised Code.

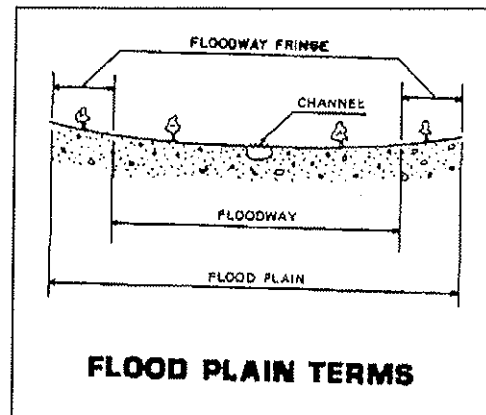
**FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS:** A facility for the enjoyment of longbow, crossbow, hand gun, rifle or shotgun shooting and the like.

**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 sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (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 one hundred (100) year recurrence interval flood.

**FLOODWAY:** That portion of the flood plain, 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.

**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) = 1,000 Hz; and 1 megahertz (MHz) = 1,000 kHz or 1,000,000 Hz.

**GARAGE, ATTACHED:** A building designed, built or used for the parking and storage of automobiles and constructed in such a manner as to be part of another structure, particularly a dwelling. The construction of a breeze way between a separate garage building and a dwelling shall be considered to result in making the garage a attached garage. Unless a garage is physically attached to a dwelling, it shall not be considered attached.

**GARAGE, DETACHED:** A building designed, built or used for the parking and storage of automobiles and which is separate from and not connected to another structure, particularly a dwelling.

**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 distributors 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; and
14. Major mechanical repairs.

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

**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 3 and miniature golf (such as putt-putt) are considered golf courses.

**GROUP RESIDENTIAL FACILITY:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two 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 and rehabilitation of dependent or 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 OCCUPATION:** 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 is without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one (1) 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 1070 - 1074 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.



**INDUSTRIALIZED UNIT:** Means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrial unit does not include a manufactured or mobile home as defined herein.

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

**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 the minimum required frontage on an improved publicly dedicated road 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.

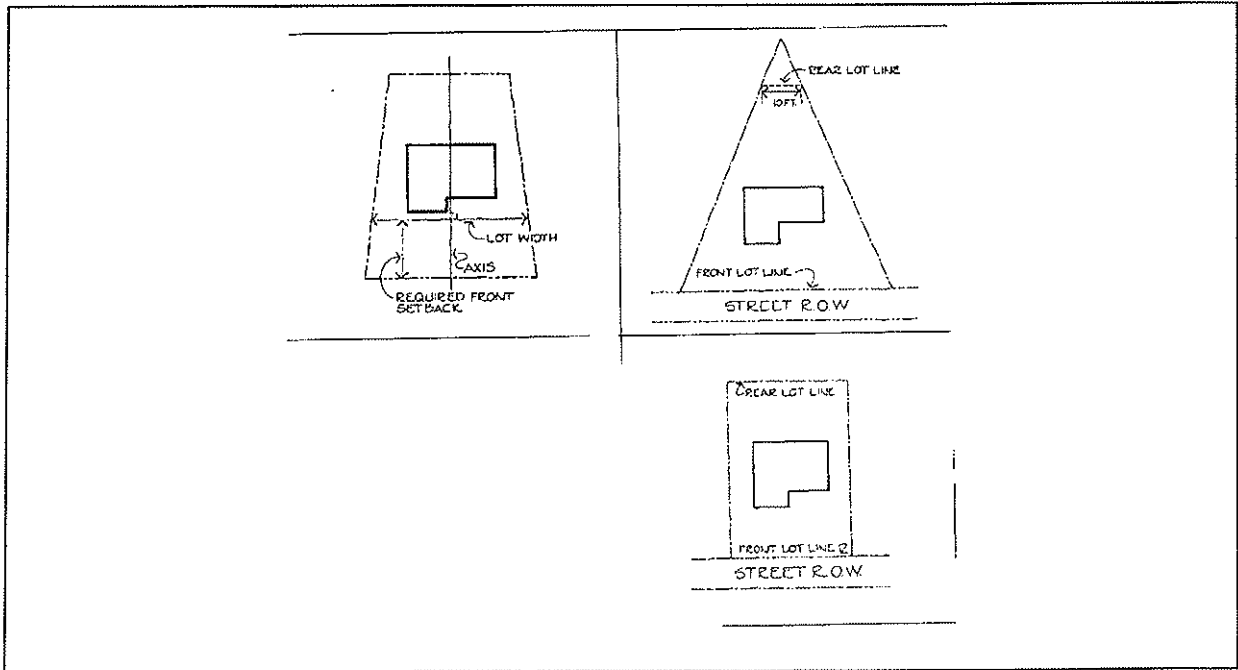
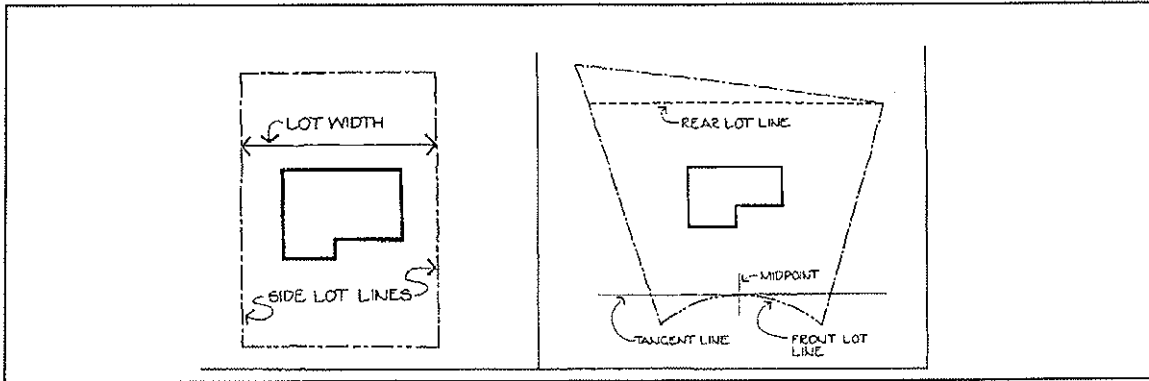
**LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the total horizontal area of the lot, expressed as a percentage.

**LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the improved publicly dedicated road. 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 improved publicly dedicated street.

**LOT MEASUREMENTS:** A lot shall be measured as follows:

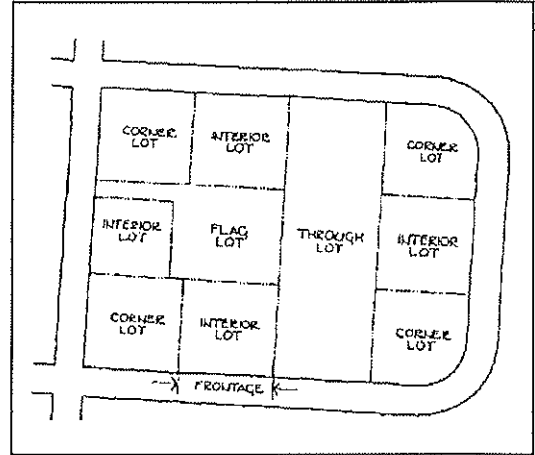
1. **Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
3. On **cul-de-sacs**, the minimum frontage will be measured at the front setback line.
4. **Frontage:** Frontage measurements must be continuous, not separated by other parcels.



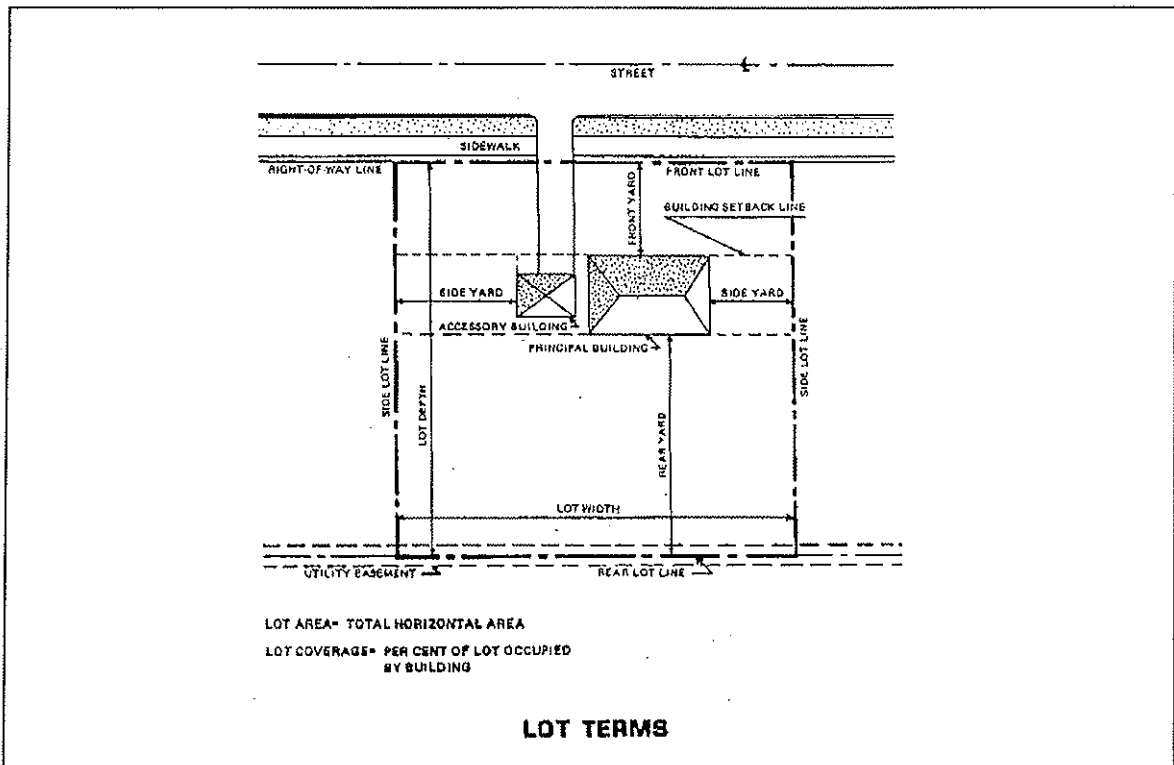
**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**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 one hundred thirty five (135) degrees.
2. **Interior Lot:** A lot with frontage on only one (1) street.
3. **Through Lots:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots (see 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 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, PERMANENTLY SITED:

Permanently-Sited Manufactured Housing must:

- a.) Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- b.) Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- c.) Be connected to appropriate utilities.
- d.) Have a length of at least twenty-two (22') feet and a width of at least twenty-two (22') feet, as manufactured.
- e.) Have at least nine hundred (900) square feet of living area, or whatever greater square footage is uniformly required by zoning.
- f.) Have conventional residential siding (i.e., lap, clapboard, shake, masonry, vertical natural materials), a six (6") inch minimum eave overhang, and a minimum "A" roof pitch of 3:12.
- g.) Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement on its permanent foundation.
- h.) Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.
- i.) Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD Code standards for manufactured housing).

MANUFACTURED HOME: Any non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and that has a label or tag affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty 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 Section 4503.06 of the Ohio Revised Code 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 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 services 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 of 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 1,000 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: A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

MOBILE HOME PARK: Any site, or tract or land under single ownership, upon which three or more mobile 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.

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 OR NUILITY: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of 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: When a building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Inspector for a Certificate of Occupancy before the intended occupant resumes use of or moves into the designated structure. If the structure has occupants while being altered or enlarged, only the new sections will be involved in the occupancy permit. A new certificate of occupancy shall be required if

there are substantial variations from the operations referred to in the building permit or previous certificate of occupancy permitting such use.

**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.

**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 maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**PENNANT:** Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope or 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 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.

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

**PICNIC GROUNDS:** An area, either publicly or privately, designated as a site for picnic tables, pavilions, rest rooms and necessary accessories. Picnic grounds are sometimes associated with Play Grounds 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.

**PRINCIPAL USE:** The main or primary use. There can be only one principal use per zone lot. See also Building, Principal.

**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.

**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 an other 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, & 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.

**QUASIPUBLIC 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 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 eight (8) feet and a length not exceeding thirty five (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 thirty five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (S) of section 4517.01 of the Ohio Revised Code.
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 organization. In some instances, a simple tent is also considered a Recreational Vehicle.
5. **Park Trailer:** A recreational vehicle that meets the following criteria:
  - a. Built on a single chassis mounted on wheels.
  - b. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
  - c. Having a gross trailer area not exceeding four hundred (400) square feet in the set up mode.
  - d. Having a gross trailer area not less than two hundred forty (240) square feet and certified by the manufacturer as complying with ANSI A119.5.

**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.

**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 orbitally 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, or a combination of two 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.
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 remelting 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 twenty four (24) lineal inches of benches, pews, or space for loose chairs.

**SETBACK LINE, FRONT:** A line established by this Resolution, generally parallel with and measured from the centerline of a publicly dedicated ROW, defining the limits of a front yard in which no building or structure may be located above ground, except as may be provided in said code.

**SETBACK LINE, REAR:** A line established by this Resolution, generally parallel with and measured from the rear lot line, defining the limits of a rear yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said code.

**SETBACK LINE, SIDE:** A line established by this Resolution, generally parallel with and measured from the side lot line, defining the limits of a side yard in which no building or structure may be located above ground, except as may be provided in said code.

**SEWERS, CENTRAL OR GROUP:** An approved sanitary sewage disposal system which provides a collection network, 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.

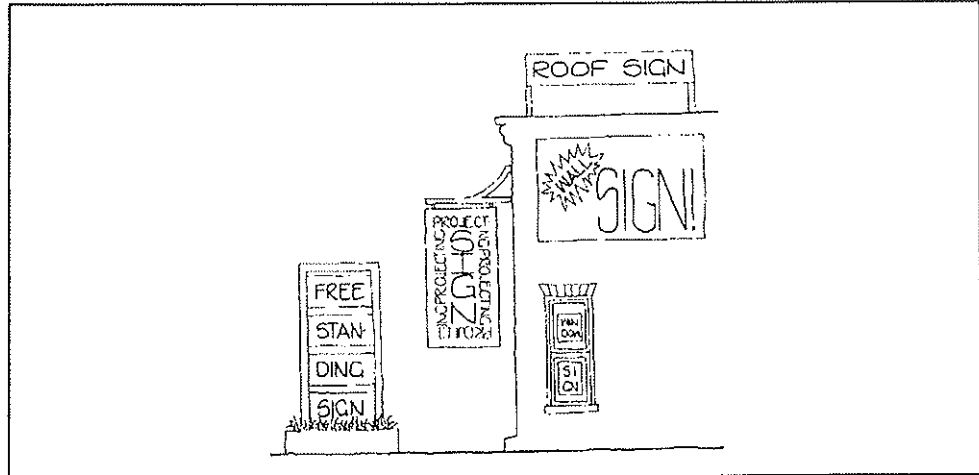
**SIDEWALK:** That portion of the road right-of-way typically found outside the roadway surface, which is improved for the use of pedestrian traffic.

**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, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
7. **Sign, Portable:** Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
8. **Sign, Projecting:** Any sign which projects from the exterior of a building.
9. **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 this Resolution.
10. **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.
11. **Sign, Temporary:** Any sign that is used only temporarily and is not permanently mounted.
12. **Sign, Wall:** Any sign attached parallel to, but within six 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 sign surface.
13. **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. (See illustrations next page)

SIGN TYPES:  
cont.



SITE-BUILT HOMES: Dwelling unit constructed on a lot of record in accordance to the BOCA Basic Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

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-compostible inorganic materials.

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

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

✓ 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 (excluding swimming pools, fences, and walls used as fences).

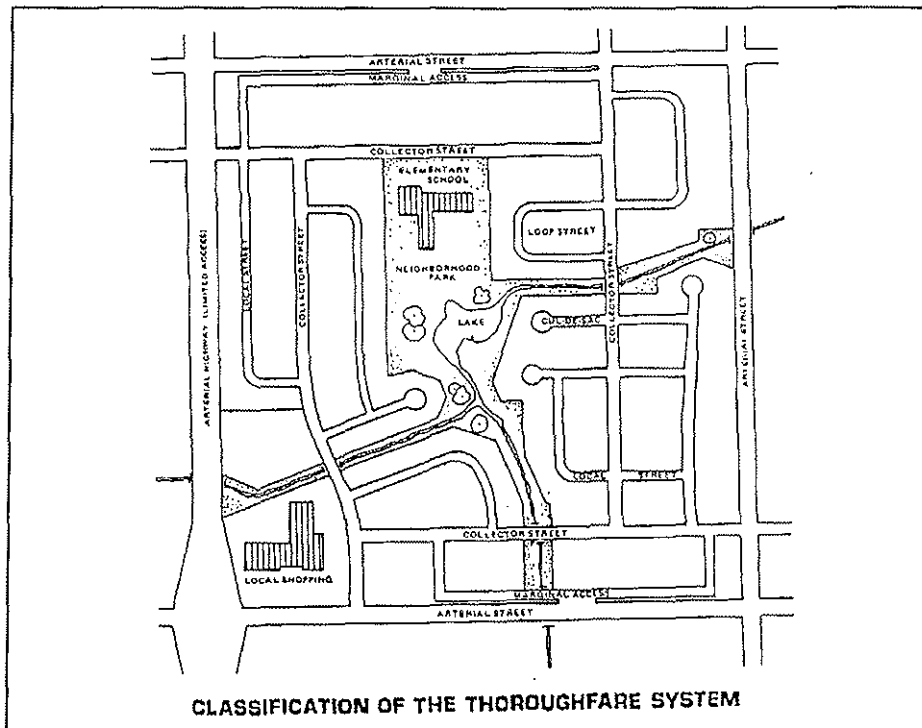
SUBDIVISION: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Ohio Revised Code 711.001).

SWIMMING POOL: A structure intended primarily for swimming or wading containing at least one and one half (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 principal 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 one hundred eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (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 semitrailer 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 twenty-five (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.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is 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 and/or practical difficulty.

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 a plan/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.

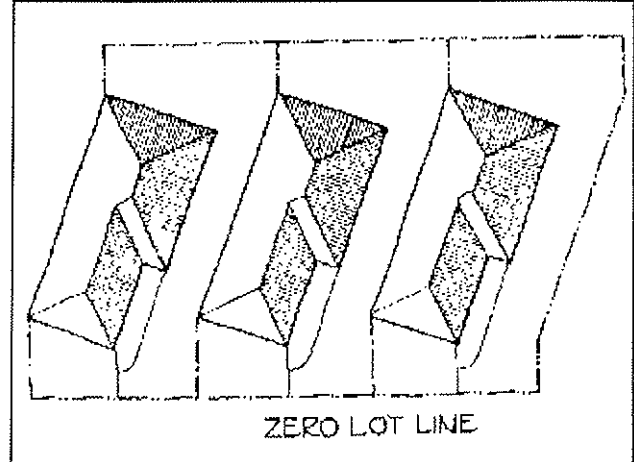
**YARD:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations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

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line/ROW to the front of the principal building.
2. **Yard, Rear:** A yard extending between the side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**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 (1) 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 INSPECTOR:** The Zoning Inspector is the person designated by the Trustees to administer and enforce zoning regulations and related resolutions.

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



## 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 Inspector 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 Inspector, 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 regulations, 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; and
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 whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved; and
4. Recreational vehicles as defined by Article 2 of 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; and
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 Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector 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 Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him or her, that by reason of facts stated in the application, a stay would, in his or her 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 Inspector 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 or practical difficulty. 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 or practical difficulty.

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 and proof of ownership;

3. Description or nature of variance requested;
4. A fee as established by Resolution; and
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 undue hardship or practical difficulty created by the strict application of this Resolution. It is not sufficient proof of undue hardship or practical difficulty 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; and it must be suffered directly by the property in question.
  - 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 HEARING BY THE BOARD OF ZONING APPEALS.**

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

- 414 **NOTICE OF HEARING IN NEWSPAPER.**  
Before conducting the 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 hearing, and the nature of the proposed appeal or variance.
- 415 **NOTICE TO PARTIES IN INTEREST.**  
Before conducting the 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 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:
- To permit any yard or setback less than the yard or setback required by the applicable regulations.
  - 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.
  - 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.
  - To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
  - 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.

- 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.
- To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
- 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.



## 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 Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain all of 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/or 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; and
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 Comprehensive Plan and/or this Resolution;
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 publicly dedicated thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;
10. Loud speakers which cause a hazard or annoyance shall not be permitted;
11. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
12. All permitted installations shall be kept 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 to reduce the impact on the surrounding neighborhood; and
15. Will have all permanent buildings constructed and designed so as to conform with 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. **Canoe Livery / (R-1/A District)**
  - a. No more than twenty-four canoes may be stored on the property except in enclosed buildings. If not enclosed, canoes must be stored on racks. Storage may be no less than 50 feet from any property line.
  - b. All additional equipment related to the business (including but not limited to life jackets, 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 1073 (Home Occupation).
  
2. **Cemetery / (R-1/A District)**
  - a. The site shall have direct access to a publicly dedicated 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 one hundred (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.
  
3. **Veterinary Clinic and Kennel / (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.
  
4. **Child Day Care Center/ (R-1/A, 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. **Bed/Breakfast Home / (NC, AC Districts)**
  - a. No more than two adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
  - b. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
  - c. Fire exit instructions shall be posted in each sleeping room.
  - d. The facility shall be operated so that guests reside at the home for not longer than one continuous week.
  - e. The facility shall contain not more than four (4) sleeping rooms for guests.
  
7. **Recreation & Community Center Buildings / (R-1/A 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.
  
8. **Signs, Off-Premise (101-150 sq.ft.) / (R-1/A, NC, AC, I/OP Districts)**
  - 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 ORC 5516;
    2. shall not exceed one hundred fifty (150) square feet in area;

3. shall not exceed thirty five (35) feet in height;
  4. shall comply with all other regulations of the appropriate zoning district; and
  5. shall be no closer than five hundred (500) feet to any other off-premise sign, including those on the opposite side of thoroughfares.
- b. Off-premise signs more than one hundred (100) square feet but not to exceed one hundred fifty (150) square feet:
1. shall be located only on Major State Collectors, Minor Collectors, or Major Local Collectors as defined by the Major Thoroughfare Plan;
  2. shall be set back a minimum of twenty (20) feet from the road right-of-way;
  3. shall be set back a minimum of fifty (50) feet from any property line;
  4. shall not exceed thirty five (35) feet in height;
  5. shall be no closer than five hundred (500) feet to any other off-premise sign, including those on the opposite side of thoroughfares; and
  6. shall have supporting structures screened with appropriate landscaping.
9. Airports and landing fields / **(AC, I/OP Districts)**
- a. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into any residential area; and
  - b. Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (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 access ways 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 twenty-four (24) hours; and
    3. The establishment shall not operate between the hours of midnight and 7:30 A.M.
11. Convalescent/Nursing Homes / **(NC Districts)**
- a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required; and
  - 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, 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; and
  - 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 / (AC, I/OP 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 access ways 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 twenty-four (24) hours; and
  - c. The establishment shall not operate between the hours of midnight and 7:30 A.M.
  
14. Home Occupations / (R-1/A, NC, AC Districts) See Section 1070.
  
15. Barber/Beauty Shops / (R-1/A, NC, AC Districts) See Section 1070.
  
16. Antique Sales / (NC District)
  - a. See Section 1073.
  - b. Truck parking areas, maneuvering lanes, and access ways 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 twenty-four (24) hours.
  
17. Heliport / (AC, I/OP Districts)
  - a. AC 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 five hundred (500) feet from any residential district, nor closer than two hundred

- (200) feet from any structure used for human occupancy in any other district.
- b. I/OP District only: All structures and activity areas should be located at least one hundred (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: 1) Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the Major Thoroughfare Plan; 2) The establishment shall not operate between the hours of midnight and 7:30 A.M.
- b. For NC District: 1) Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the Major Thoroughfare Plan; 2) Truck parking areas, maneuvering lanes, and access ways 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 twenty-four (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, Taxidermist / **(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/she 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. Wireless Telecommunications, Radio, Television, and Microwave Towers and Facilities/ **(Residential Districts only)** Article 16 to apply per ORC 519.211.
21. 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 Ten (10) Operatives / **(NC, AC District)**
- a. Truck parking areas, maneuvering lanes, and access ways 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 twenty-four (24) hours; and
- b. The establishment shall not operate between the hours of midnight and 7:30 A.M.
22. Storage Warehouse and Yards / (NC, AC, I/OP Districts)
    - a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the Major Thoroughfare Plan; and
    - b. For NC District only: Truck parking areas, maneuvering lanes, and access ways 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 twenty-four (24) hours.
  23. Residential Care Facilities (Group Homes) / (NC Districts)  
Sections 1080 - 1085 to apply.
  24. Amusement Arcades / (NC, AC District) See Section 1020
  25. Adult Entertainment / (AC District) See Section 1030
  26. Clubs and Places of Entertainment / (NC, AC Districts)
  27. Automobile Commercial Parking / (NC, AC Districts)

**540 HEARING.**

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

**541 NOTICE OF HEARING.**

Before conducting the 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 hearing required in Section 540, 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 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 thirty (30) days after the date of the hearing required in Section 540, the Board shall take one of the following actions:

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 Inspector



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 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 SAFEGUARDS.**

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. All permits are non-transferable from one owner to another.

**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 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 thirty (30) days of its receipt by the 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 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 use or a conditionally permitted use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified within the specific district.
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 Inspector 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 Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

**570 REGULATION OF ACCESSORY USES.**

The provisions of Sections 570 to 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 to 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 fifty (50) 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 requirements.
2. It shall not contain or be used as a dwelling unit.
3. It shall not exceed thirty-five (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.

# 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, 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 resolution by the Trustees; or
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/owner;
2. The proposed amending resolution;
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 Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector 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 a comprehensive plan and/or the general provisions of ORC 519;
11. A fee as established by Resolution; and
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;
3. A statement of the reason(s) for the proposed amendment;

4. A statement explaining the ways in which the proposed amendment relates to a Comprehensive Plan and/or the general provisions of ORC 519; and
5. A fee as established by Resolution.

**605 TRANSMITTAL TO ZONING COMMISSION.**

Immediately after the adoption of resolution by the Board of 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 Zoning Commission.

**606 SUBMISSION TO COUNTY PLANNING COMMISSION.**

Within five (5) days after the adoption of a motion by the Zoning 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 three hundred (300) feet of the centerline 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 five hundred (500) feet from the point of intersection of said centerline 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 Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the 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 Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) or more than forty (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 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 County Treasurer's mailing list, and to such other list or lists that may be specified by the 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 thirty (30) days after the public hearing required by Section 608, the Zoning Commission shall recommend to the 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 their determination that the proposed amendment is or is not consistent with the Comprehensive Plan, if applicable.

**612 PUBLIC HEARING BY TRUSTEES.**

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

**613 ACTION BY TRUSTEES.**

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

**614 EFFECTIVE DATE AND REFERENDUM.**

Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Trustees a petition, signed by a number of registered electors/voters residing in 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 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 COMMISSION.

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.

# ARTICLE 7

## ESTABLISHMENT OF DISTRICTS

700 **PURPOSE.**

The purpose of this article is to establish zoning districts in order to accomplish 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:

R-1/A	Single and Two Family Residential/Agricultural
R-2	Multi-Family Residential*
NC	Neighborhood Commercial
AC	Accommodation Commercial
I/OP	Industrial/Office Park
PUD	Planned Unit Development District*

\* It is hereby noted that the Township has given diligent consideration to these more intensive type of uses within its boundaries; however, until such time as the adequate infrastructure and services to support such densities present themselves, they shall not be contemplated. 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 patterns 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 Chairman of the Board of Township Trustees, as attested by the Clerk, and bearing the official seal. The Map shall be maintained by the Zoning Inspector, 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/or 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 Chairman and the Clerk.



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; and
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 fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector 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 Chairman of the Board of Township Trustees and attested to by the Clerk.

# 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; and
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open space; than herein required, or in any other manner that would 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; and
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, and captive landfills.

### 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".

TOWNSHIP OF COLEBROOK

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District:     R-1/A     Purpose: The purpose of the R-1/A (Single and Two Family District) is to permit residential/agricultural 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 ARTICLE 10, Section 1090-1096.

Permitted Uses		Conditional Uses	
1. Accessory uses & structures		1. Barber/Beauty shops (Sec. 1070)	
2. Home Occupation (Sec.1072)		2. Cemetery	
3. Assembly halls, gymnasiums & similar structures when part of a school or place of worship		3. Child Day Care Center (Type A)	
4. Church & other places of worship		4. Home Occupation (Sec. 1073)	
5. Dwellings, detached single-family (Sec. 1090-96)		5. Recreation & Community Center Building	
6. Dwellings, two family		6. Signs, off-premise 101-150 sq. ft.	
7. Fire & police stations.		7. Wireless Telecommunication Towers/Facilities (Article 16)	
8. Group home, Class I Type B (Sec. 1080-84)		8. Canoe Livery	
9. Libraries			
10. Oil/Gas Wells			
11. Pavilion			
12. Parks			
13. Playground (principal use)			

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLOG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT. PRINCIPAL ACCESSORY BLDG. BLDG.		MINIMUM FLOOR AREA PER D.U.  (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	Principal	Accessory	
1 family	1	2 acre	20,000sq'	250'	100'	100'	25'	40'	100'	25'	15'	12%	20%	35'	35'	1,200'
2 family	1	4 acres	80,000sq'	500'	200'	100'	25'	40'	100'	25'	15'	14%	20%	35'	35'	1,000'

D.U. - Dwelling Unit

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District R-1/A Page 2

14. Playground, Tot-Lot
15. Satellite Dish (Sec. 1010-15)
16. Schools, public & private
17. Swimming pools, accessory use (priv. res. only, Sec. 1052)
18. Tennis courts, private

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PER D.U.	
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.		
Use																	(Sq. Ft.)
1 family	1	2 acre	20,000sq'	250'	100'	100'	25'	40'	100'	25'	15'	12%	20%	35'	35'		1,200'
2 family	1	4 acres	80,000sq'	500'	200'	100'	25'	40'	100'	25'	15'	14%	20%	35'	35'		1,000'

D.U. = Dwelling Unit

TOWNSHIP OF COLEBROOK

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC

Purpose: The purpose of the NC District (Neighborhood Commercial) 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.

Permitted Uses						Conditional Uses																			
1.	Accessory uses & structures incidental to a permitted use which will not create nuisance or hazard	1.	Amusement Arcade (Sec. 1020)	2.	Amusement enterprises (excluding theater)	3.	Animal (Veterinary) Hospital/Clinic/Kennel	4.	Antique sales (Sec. 1073)	5.	Automobile commercial parking enterprises (Sec. 1060)	6.	Bed & Breakfast	7.	Clubs & places of entertainment	8.	Convalescent/nursing homes	9.	Child Day Care Center (Type A)	10.	Drive-in food dispensary	11.	Funeral homes	12.	Residential Group Homes: Class I Type A, Class II Type B (Sec. 1080)
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 1,500 sq. ft. of manufacturing area and to the use of non-smoke producing types of furnaces	6.	Banks, finance & loan companies																

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PER D.U., PRIN. BLDG. (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.	
Mixed commercial & residential	1	2 acre	2 acre	250'	120'	80'#	15'*	15'*	80'#	15'*	15'*	50%	50%	35'	35'	1,200

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line  
 \* No parking, loading or maneuvering area less than 5 feet from any lot line  
 D.U. - Dwelling Unit  
 Prin. Bldg. - Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District NC Page 2

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|--|---|
| <ul style="list-style-type: none"> <li>7. Beauty, barber &amp; other personal services</li> <li>8. Beauty, barber equipment sales &amp; supply</li> <li>9. Bicycle sale &amp; repair</li> <li>10. Charitable institutions</li> <li>11. Churches &amp; other places of worship</li> <li>12. Custodial &amp; diagnostic centers</li> <li>13. Colleges, universities, business colleges, trade schools, music conservatories, dancing schools, &amp; similar organizations offering training in specific fields</li> <li>14. Dairy bars for retail sales on the premises only</li> <li>15. Dental laboratory</li> <li>16. Dwellings, detached single family (Sec. 1090-96)</li> <li>17. Dwellings, two family</li> <li>18. Eating &amp; drinking establishments</li> <li>19. Electrical repair</li> <li>20. Feed sales &amp; storage</li> <li>21. Fertilizer, wholesale &amp; retail sales &amp; blending</li> <li>22. Fire &amp; police stations</li> <li>23. Flour &amp; other grain products, milling &amp; storage</li> <li>24. Food processing: for sale at retail on-premises, but excluding the killing &amp; dressing of any flesh or fowl</li> <li>25. Food stores (retail only): grocery, delicatessen, meat &amp; fish but excluding the killing &amp; dressing of any flesh or fowl</li> <li>26. Fraternity &amp; sorority houses</li> <li>27. Fur storage</li> </ul> | <ul style="list-style-type: none"> <li>13. Home Occupation (Sec. 1073)</li> <li>14. Miniature golf, tennis, archery, basketball, baseball/softball, volleyball, football/soccer facilities that are commercial or club related</li> <li>15. Pet shops, bird stores, taxidermist</li> <li>16. 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 &amp; employing not more than 10 operatives</li> <li>17. Signs, off-premises, 101-150 sq. ft.</li> <li>18. Storage warehouses &amp; yards</li> <li>19. Barber/Beauty Shops</li> </ul> |
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PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PER D.U., PRIN. BLDG. (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.	
Mixed commercial & residential	1	2 acre	2 acre	250'	120'	80'#	15'*	15'*	80'#	15'*	15'*	50%	50%	35'	35'	1,200

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line  
\* No parking, loading or maneuvering area less than 5 feet from any lot line

D.U. = Dwelling Unit  
Prin. Bldg. = Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District NC Page 3

28. Grounds & facilities for recreational & community center buildings, country clubs, lakes, & other similar facilities operated on a non-profit 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 (Sec.1080)
31. Retail accessory uses wholly within the principal building and without exterior advertising display
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. Pavilion
45. Parks
46. Playgrounds, principal use

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PER D.U., PRIN. BLDG. (Sq. Ft.)
		LOT AREA	LOT AREA	LOT WIDTH	LOT WIDTH	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.	
Mixed commercial & residential	1	2 acre	2 acre	250'	120'	80'#	15'*	15'*	80'#	15'*	15'*	50%	50%	35'	35'	1,200

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

D.U. = Dwelling Unit  
Prin. Bldg. = Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District NC Page 4

47. Playgrounds, Tot-lot
48. Plumbing shop & yard
49. Postal facilities private or publicly owned
50. Repair & servicing of office & household equipment
51. Retail stores including but not limited to 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
52. Satellite Dish (Sec. 1010)
53. Schools, public & private
54. Shoe repair
55. Storage, under cover of goods intended for retail sale on the premises but not including combustibles
56. Swimming pools, accessory use (private residence only Sec. 1052)
57. Tailors, dressmakers, milliners
58. Taverns, bars & nightclubs
59. Taxi stand
60. Tennis courts, private
61. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures
62. Home Occupation (Sec. 1072)

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PER D.U., PRIN. BLDG. (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.	
Mixed commercial & residential	1	2 acre	2 acre	250'	120'	80'#	15'*	15'*	80'#	15'*	15'*	50%	50%	35'	35'	1,200

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

D.U. = Dwelling Unit  
Prin. Bldg. = Principal Building



TOWNSHIP OF COLEBROOK

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: AC Purpose: The purpose of the AC District (Accommodation Commercial) 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.

Permitted Uses

Conditional Uses

1. Accessory uses & structures incidental to a permitted use which will not create 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. Antiques and gift retail sales
6. Appliance distributors for wholesale
7. Automobile, automatic car wash
8. Automobile (new & used) & accessory sales
9. Automobile & truck leasing
10. Automobile repair shops

1. Adult entertainment (Sec. 1030)
2. Amusement Arcade (Sec. 1020)
3. Amusement enterprises (excluding theater)
4. Animal (Vet) Hospital/Clinic/Kennel
5. Bed & Breakfast
6. Clubs & places of entertainment
7. Funeral homes
8. Heliport
9. Home Occupation (Sec. 1073)
10. Miniature golf, tennis, archery, basketball, baseball/softball, volleyball, football/soccer facilities that are commercial or club related
11. Physical culture establishments
12. Signs, off-premises, 101-150 sq. ft.
13. Storage warehouses & yards

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG. (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.	
Highway Commercial	1	2 acre	2 acre	250'	120'	80'*	15'*@	15'*@	80'*	15'*@	15'*@	50%	50%	35'	35'	1,000

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 80 ft. from the boundary of a Residential Zone

Prin. Bldg. - Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District AC Page 2

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|---|--|
| <p>11. Automobile service station</p> <p>12. Bakery shops &amp; confectioneries operating both wholesale &amp; retail business provided such operations are limited to 1,500 sq. ft. of manufacturing area and to the use of non-smoke producing types of furnaces</p> <p>13. Banks, finance &amp; loan companies</p> <p>14. Beauty, barber &amp; other personal services</p> <p>15. Beauty, barber equipment sales &amp; supply</p> <p>16. Bicycle sale &amp; repair</p> <p>17. Bus repair &amp; storage terminals</p> <p>18. Catering establishments</p> <p>19. Charitable institutions</p> <p>20. Churches &amp; other places of worship</p> <p>21. Colleges, universities, business colleges, trade schools, music conservatories, dancing schools, &amp; similar organizations offering training in specific fields</p> <p>22. Custodial &amp; diagnostic centers</p> <p>23. Dairy bars for retail sales on the premises only</p> <p>24. Dental laboratory</p> <p>25. Department stores</p> <p>26. Drive in food dispensary</p> <p>27. Eating &amp; drinking establishments</p> <p>28. Electrical repair</p> <p>29. Farm machinery repair &amp; sales</p> <p>30. Feed sales &amp; storage</p> <p>31. Fertilizer, wholesale &amp; retail sales &amp; blending</p> | <p>14. Automobile commercial parking enterprises (Sec. 1060)</p> <p>15. Airports and landing fields</p> <p>16. Drive-in Food Dispensary</p> <p>17. Firearm Ranges/Target Shooting Buildings</p> <p>18. Barber/Beauty Shops</p> <p>19. 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</p> |
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PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG.  (Sq. Ft.)		
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.			
Highway Commercial	1	2 acre	2 acre	250'	120'	80'	15'*	@ 15'*	@	80'	15'*	@ 15'*	@	50%	50%	35'	35'	1,000

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

*Prin. Bldg. = Principal Building*

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District AC Page 3

32. Flour & other grain products, milling & storage
33. Food processing: for sale at retail on-premises, but excluding the killing & dressing of any flesh or fowl
34. Food stores (retail only): grocery, delicatessen, meat & fish but excluding the killing & dressing of any flesh or fowl
35. Fraternity & sorority houses
36. Frozen food lockers
37. Fur storage
38. Gases or liquified petroleum gases in approved portable metal cylinders for storage or sale
39. Grounds & facilities for recreational & community center buildings, country clubs, lakes, & other similar facilities operated on a non-profit basis
40. 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
41. Group homes, Class I Type B (Sec.1080)
42. Hospitals & sanitariums located on a major or secondary major street
43. Hotels
44. Retail accessory uses wholly within the principal building and without exterior advertising display
45. Jewelry & watch sale & repair
46. Launderette services: where individuals, family-sized laundry equipment is rented for use by the customer
47. Laundries: all hand laundries & any small power laundries operated in

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG. (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.	
Highway	1	2 acre	2 acre	250'	120'	80'	15'*	@ 15'*	80'	15'*	@ 15'*	50%	50%	35'	35'	1,000
Commercial																

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

Prin. Bldg. = Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District AC Page 4

conjunction with a retail service counter on the premises where not more than 2,000 sq. ft. of floor space is devoted to the laundering & finishing process, provided the total operating capacity of all commercial washing machines shall not exceed 400 lb. and no coal-burning or smoke producing equipment is used

48. Laundries, steam
49. Laundry pick up stations
50. Libraries
51. Lock & gunsmith
52. Lodges, fraternal & social organizations
53. Lumber yards, building materials storage & sales
54. Motels
55. Motorcycle sales & repairs
56. Museums & art galleries
57. Musical instrument store, sale of & instruction
58. Nursery (plants)
59. Office buildings: government, private, & professional offices
60. Office equipment & supplies sales & service
61. Office & secretarial service establishments
62. Oil/gas wells
63. Pavilion
64. Parks
65. Pet shops, bird stores, taxidermists
66. Photographic studios & camera supply stores
67. Playgrounds, Tot-lot

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG.  (Sq. Ft.)				
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	Prin. Bldg.	Accessory Bldg.					
Highway	1	2 acre	2 acre	250'	120'	80'	15'*	@	15'*	@	80'	15'*	@	15'*	@	50%	50%	35'	35'	1,000
Commercial																				

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

Prin. Bldg. = Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District AC Page 5

68. Plumbing shop & yard
69. Postal facilities private or publicly owned
70. Recreational vehicle sales & service
71. Repair & servicing of office & household equipment
72. Retail stores including but not limited to 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
73. 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
74. Rug & carpet cleaning establishments
75. Satellite Dish (Sec. 1010)
76. Schools, public & private
77. Shoe repair
78. Storage, under cover of goods intended for retail sale on the premises but not including combustibles
79. Swimming pools, accessory use (private residence only Sec. 1052)
80. Tailors, dressmakers, milliners
81. Taverns, bars & nightclubs
82. Taxi stand
83. Tennis courts, private
84. Tennis courts, commercial or club related

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG.  (Sq. Ft.)	
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each	Rear	Side	Front	Each	Rear	Side	No Sewer	w/Sewer		PRINCIPAL BLDG.
Highway Commercial	1	2 acre	2 acre	250'	120'	80'#	15'*@	15'*@	80'#	15'*@	15'*@		50%	50%	35'	35'	1,000

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

Prin. Bldg. - Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District AC Page 6

- 85. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures
- 86. Tractor or trailer sales or leasing areas
- 87. Volleyball, commercial or club related
- 88. Home Occupation (Sec. 1072)

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS		MIN. ACCESSORY BLDG. SETBACKS		MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG. (Sq. Ft.)
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Rear Side	Front	Each Rear Side	No Sewer	w/Sewer	PRINCIPAL	ACCESSORY	
Highway Commercial	1	2 acre	2 acre	250'	120'	80'	15'@ 15'@	80'	15'@ 15'@	50%	50%	35'	35'	1,000

# No parking, loading or maneuvering area less than 15 feet from the road right-of-way line

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

Prin. Bldg. - Principal Building

TOWNSHIP OF COLEBROOK

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: I/OP

Purpose:

The purpose of the I/OP District (Industrial/Office Park) 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	
1.	Accessory uses & structures incidental to a permitted use which will not create a nuisance or hazard	1.	Signs, off-premise 101-150 sq. ft.
2.	Agencies or offices rendering specialized services in the professions, real estate & brokerage, including service agencies not involving on-premise retail trade or wholesale trade on-premises, nor maintenance of stock of goods for sale to the general public	2.	Airports and landing fields
3.	Appliance distributors for wholesale	3.	Firearm Ranges/Target Shooting Buildings
4.	Assembly of machines & appliances from previously prepared parts	4.	Storage Warehouses and yards
5.	Automobile commercial parking enterprises (Sect.1060)	5.	Heliport
6.	Automobile & truck assembly		
7.	Bakeries or baking plants		
8.	Blueprinting & photostating establishments		
9.	Bookbindery		
10.	Bottling works for soft drinks		

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS		MIN. ACCESSORY BLDG. SETBACKS		MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG. (Sq. Ft.)	
		No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Rear	Front	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.		
Light Industrial & Office	1	4 acre	2 acre	500'	250'	80'*	20'*@	20'*@	80'*	20'*@	20'*@	15%	30%	35' 35'	2,500

# Includes principal & accessory buildings & parking, loading, maneuvering area

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

Prin. Bldg. - Principal Building

TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District     I/OP     Page 2

11. Cold storage plants, food
12. Contractor's plants/office or storage yards
13. Dairy products processing, bottling & distribution, cream manufacture, all on a wholesale basis
14. Distribution facilities for wholesale basis
15. Electronic units assembly plant
16. Farm machinery assembly
17. Flammable liquids: handling & storage in bulk plants
18. Flour & other grain products, milling & storage
19. Food processing in wholesale quantities except fish, poultry, vinegar and yeast
20. Frozen food lockers
21. Government buildings: used exclusively by the Federal, State, County, or Township government for public purposes except for buildings used or intended to be used as correctional or penal institutions
22. Retail accessory uses wholly within the principle building and without exterior advertising display
23. 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 industry
24. Laboratories for research and testing
25. Machine shops
26. 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,

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA	MINIMUM LOT AREA		MINIMUM LOT WIDTH		MIN. PRINCIPAL BLDG. SETBACKS			MIN. ACCESSORY BLDG. SETBACKS			MAX. % LOT COVERAGE		MAX. BLDG. HT. PRINCIPAL ACCESSORY BLDG.		MINIMUM FLOOR AREA PRIN. BLDG. (Sq. Ft.)
			No Sewer	w/Sewer	No Sewer	w/Sewer	Front	Each Side	Rear	Front	Each Side	Rear	No Sewer	w/Sewer	35'	35'	
Light Industrial & Office	1	4 acre	2 acre	500'	250'	80'@	20'@	20'@	80'@	20'@	20'@	15%	30%	35'	35'	2,500	

# Includes principal & accessory buildings & parking, loading, maneuvering area

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 80 ft. from the boundary of a Residential Zone

*Prin. Bldg. - Principal Building*



TOWNSHIP OF COLEBROOK  
OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District      I/OP      Page 3

- pottery, porcelain & vitreous china, signs, stone cutting & monuments, textiles, textile machinery
27. Meat processing
  28. Metal fabrication plants using plate & structural shapes
  29. Metal stamping plants
  30. Office buildings: government, private & professional offices
  31. Oil/Gas wells
  32. Planing or saw mills (other than temporary)
  33. Plating works
  34. Prefabricating buildings & structural members
  35. Printing, publishing & reproduction establishments
  36. Repair & servicing of industrial equipment & machinery
  37. Satellite dish (Sect.1010)
  38. Sheet metal shops
  39. Storage warehouses & yards
  40. Truck terminals, repair shops, hauling & storage yards
  41. Wholesale & jobbing establishments including incidental retail
  42. Woodworking shops, mill work
  43. Concrete, concrete products & asphalt mixing plants
  44. Oxygen storage

PRINCIPAL STRUCTURE	MAXIMUM BUILDING DENSITY PER Zone Lot	MINIMUM LOT AREA	MINIMUM LOT AREA w/Sewer	MINIMUM LOT WIDTH No Sewer	MINIMUM LOT WIDTH w/Sewer	MIN. PRINCIPAL BLDG. SETBACKS		MIN. ACCESSORY BLDG. SETBACKS		MAX. % LOT COVERAGE		MAX. BLDG. HT.		MINIMUM FLOOR AREA PRIN. BLDG. (Sq. Ft.)		
						Front	Rear	Front	Rear	No Sewer	w/Sewer	PRINCIPAL BLDG.	ACCESSORY BLDG.			
Light Industrial & Office	1	4 acre	2 acre	500'	250'	80'*	20'@	20'*	@	80'*	20'*	20'*	@	15% 30%	35' 35'	2,500

# Includes principal & accessory buildings & parking, loading, maneuvering area

\* No parking, loading or maneuvering area less than 5 feet from any lot line

@ No principal or accessory building, parking or maneuvering area less than 60 ft. from the boundary of a Residential Zone

Prin. Bldg. - Principal Building

# 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 requirements, 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; and
6. The conversion is in compliance with all other relevant codes and requirements.

### 902 PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one residential lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 3 of this Resolution.

### 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.

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 eighteen (18) feet in length and two (2) boats less than eighteen (18) feet 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.

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 Inspector. 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; and
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 the 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
  - a. The refuse collection areas provided by all non-residential uses in the NC & AC Districts to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three 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 Inspector.
  - b. All inventory, materials, equipment and machinery must be kept within buildings. Exceptions to this are:
    1. lumber, building supplies, gardening supplies & plants, and agricultural supplies commonly stored in fenced yards connected with allowable uses;
    2. vehicles used in the normal day to day operation of the establishment;
    3. yard sales no longer than three days; and

4. Accommodation Commercial only: large machinery & equipment (i.e. tractors, trucks, and 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 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 Inspector;
    - 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 fifteen (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 through 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 impedes vision across such yard above the height of three (3) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three (3) feet and ten (10) feet.

**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 sixty (60) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector 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 twenty (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 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 three (3) feet 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 fifty (50) feet from the point of intersection. On a corner lot at the intersection of two 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 three (3) feet 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, twenty-five (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 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 fire-fighting 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 Ohio Environmental Protection Agency;
5. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector 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 Ohio Environmental Protection Agency;
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; and
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's, the Ashtabula County Department of Environmental Services', and/or the Ashtabula County Health Department's regulations.

**921 ASSURANCE REQUIREMENTS AND PLANS.**

Prior to the issuance of a zoning permit, the Zoning Inspector 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 Inspector, 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 year, except that two (2) six-month 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 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 not to exceed two (2) consecutive weeks shall only be issued three (3) separate times for any particular lot within any twelve-month period, and not more than one 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 twelve-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; and
  - b. Garage sale permits shall only be issued to neighborhood and community organizations two (2) times within any twelve (12) month period for a period not to exceed three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs & 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 this 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;  
and
  - c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector 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 plantings; and/or
  - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 5 1/2 feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than 3 feet. Plantings shall be a minimum of 4 feet in height at the time of planting; and
  - b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 5 1/2 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 Inspector 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.



# 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.

### 1010 REGULATION OF SATELLITE DISH ANTENNAS.

Sections 1010 to 1015 inclusive shall apply to the location and construction of dish-type satellite signal receiving antennas as defined in Article 2.

### 1011 PURPOSE.

It is the purpose of Sections 1010 to 1015 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 windloads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

### 1012 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; and
5. A fee as required according to Section 1351 for the review of plans and specifications and the inspection of construction.

### 1013 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 twelve (12) feet;

2. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (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 seventy-five (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 one hundred ten (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; and
12. The apparatus shall be bonded to an approved eight (8) foot grounding rod.

**1014 ROOF-MOUNTED/WALL-MOUNTED SATELLITE DISH ANTENNAS.**

Roof/wall-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/wall-mounted satellite dishes:

1. The maximum diameter of any roof/wall-mounted satellite dish shall not exceed three (3) feet;
2. The height of any roof/wall-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (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/wall of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached; and
7. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

**1015 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.

**1020 REGULATION OF AMUSEMENT ARCADES.**

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

**1021 PURPOSE.**

The purpose of Sections 1020 to 1028 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.

**1022 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 eighteen (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 free standing building, the application for the conditional use permit shall include an acceptable 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 five hundred (500) feet of any adult entertainment business; and
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 fourteen (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.

- 1023 **ZONING OF AMUSEMENT ARCADES.**  
Amusement arcades shall be conditionally permitted uses only in the NC and AC Districts.
- 1024 **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.
- 1025 **RESTRICTED ACCESS TO CERTAIN MINORS.**  
No amusement arcade exhibitor shall permit, on days when school is in session, any person fourteen (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.
- 1026 **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 Inspector. 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 Inspector 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, the Zoning Inspector shall refer the matter to the Board of Zoning Appeals.
- 1027 **REVOCATION OF CONDITIONAL USE PERMIT.**  
The Zoning Inspector 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 Inspector 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 Board of Trustees according to the provisions of Section 1028.
- 1028 **PROCEDURE FOR REVOCATION.**  
The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever the Zoning Inspector has 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 Inspector 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. The decision of the Board of Zoning Appeals may be appealed to the Board of Trustees within ten (10) days of its issuance of said decision. The Board of Trustees shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.

1030 REGULATION OF ADULT ENTERTAINMENT BUSINESSES.

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

1031 PURPOSE.

The purpose of Sections 1030 to 1033 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined in Article 2, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the Township.

1032 CONDITIONAL USE PERMIT REQUIRED.

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business 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, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;
2. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
4. No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district; and
5. No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Township.

1033 ZONING OF ADULT ENTERTAINMENT BUSINESSES.

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>
Adult Book Store	AC
Adult Motion Picture Theater	AC
Adult Motion Picture Drive-In Theater	AC
Adult Only Entertainment Establishment	AC

1034 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the adult entertainment business 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.

1035 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 Inspector. 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. If the Zoning Inspector 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 Inspector shall refer the matter to the Board of Zoning Appeals.

**1036 REVOCATION OF CONDITIONAL USE PERMIT.**

The Zoning Inspector 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 Inspector 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 Board of Trustees according to the provisions of Section 1037.

**1037 PROCEDURE FOR REVOCATION.**

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever the Zoning Inspector has 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 Inspector 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. The decision of the Board of Zoning Appeals may be appealed to the Board of Trustees within ten (10) days of its issuance of said decision. The Board of Trustees shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.

**1050 REGULATION OF SWIMMING POOLS AS ACCESSORY USES.**

Sections 1050 to 1053 inclusive shall apply to the location and maintenance of swimming pools.

**1051 PURPOSE.**

It is the purpose of sections 1050 to 1053 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.

**1052 PRIVATE SWIMMING POOLS.**

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (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 occupants of the property on which it is located and their guests;

2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifty (50') feet to any property line or easement; and
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock.

**1053 COMMUNITY OR CLUB SWIMMING POOLS.**

A community or club swimming pools 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 seventy-five (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; and
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.

**1060 REGULATION OF LONG-TERM PARKING FACILITIES.**

Sections 1060 to 1063 inclusive shall apply to the location and operation of any long-term parking facility.

**1061 PURPOSE.**

It is the purpose of Sections 1060 to 1063 inclusive to regulate long-term parking facilities constructed, operated, or maintained in order to promote the public health, safety, and welfare.

**1062 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.

**1063 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 fifty (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; and
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

**1070 REGULATION OF HOME OCCUPATIONS.**

Sections 1070 to 1074 inclusive shall apply to the location, operation, and maintenance of home occupations.

**1071 PURPOSE.**

It is the purpose of Sections 1070 to 1074 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.

**1072 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 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 twenty-five (25) percent 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; and
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

**1073 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 1072. 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 thirty (30) percent 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 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; and
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.

**1074 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.

**1080 REGULATION OF GROUP RESIDENTIAL FACILITIES.**

Sections 1080 to 1084 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

**1081 PURPOSE.**

It is the purpose of Sections 1080 to 1084 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.

**1082 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 six hundred (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; and
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.

**1083 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	NC
Class II Type A	NC
Class II Type B	NC

**1084 VARIANCE TO DISTANCING REQUIREMENT.**

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 1082 (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.

**1085 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.

**1090 APPEARANCE AND DESIGN STANDARDS FOR SINGLE FAMILY HOUSING.**

Sections 1090 to 1092 inclusive of this Resolution shall apply to the location, construction, and maintenance of all single family housing in all districts.

**1091 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.

1092 STANDARDS.

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

1. The minimum floor area of the single family dwelling unit shall be as required in Article 8. 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 twenty-two(22) feet.
3. All dwelling units shall have a minimum roof overhang of at least twelve (12) inches.
4. All dwelling units shall be double pitched and have a pitch of at least four (4) in twelve (12).
5. All dwelling units shall have roof material that is generally used in residential construction including: approved wood, clay, slate, asphalt composition shingles, and fiberglass compositions shingles. Materials excluded are corrugated aluminum, corrugated fiberglass and metal roof materials. The materials are applicable to all primary buildings, accessory buildings, garages and carports.
6. 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.
7. 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.
8. The hitch, axles and wheels of any manufactured home must be removed.
9. 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 fifty (50) percent of the unit's long dimension.
10. The lot must be landscaped to ensure compatibility with the surrounding properties.
11. 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.

1096 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.

# 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 Inspector 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 one hundred sixty two (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 wide 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 Inspector, 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 nonusable 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 twenty-four (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 five hundred (500) feet from the building served.
2. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred (100) percent 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 four hundred (400) square feet of floor area and one (1) for each two (2) employees.
  - b. Motor Vehicle repair station -- One (1) for each four hundred (400) square feet of floor area and one (1) for each employee.
  - c. Motor Vehicle salesroom -- One (1) for each four hundred (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 two hundred fifty (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 two hundred (200) square feet of floor area and one (1) for each two (2) employees.
  - i. Drive-in restaurants -- One (1) for each one hundred twenty five (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 (1) 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 two hundred (200) square feet of floor area over one thousand (1,000) 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 fifty (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 two hundred (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 two hundred fifty (250) square feet of floor area.

- s. All other types of business or commercial uses permitted in any business district -- One (1) for each one hundred fifty (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 one hundred (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 one hundred (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 one hundred (100) square feet floor area.
  - e. Libraries, museums, and art galleries -- Ten (10), and one (1) for each three hundred (300) square feet floor area in excess of two thousand (2,000) 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 (1-1/2)) 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 physical handicapped shall have conveniently located designated spaces provided as follows:

<u>Total spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
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 three thousand (3,000) 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 ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) 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 twelve (12) feet in width, sixty five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet.
2. Setbacks: Notwithstanding other provisions of this resolution and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear of side yard of any I/OP, RC, NC or AC district provided that not more than ninety (90) percent of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (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.
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 on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure 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.

# ARTICLE 12

## SIGNS

### 1200 GENERAL.

The purpose of this Article is to promote and protect the public health, safety, and welfare 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, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, 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 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 therefrom 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 or 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 Section 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 twenty (20) percent 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 Inspector, 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 three hundred (300) square feet 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; and
21. For any private driveway exiting onto a publicly dedicated road, no sign shall be placed as to impede vision across such driveway or road between the height of three (3) and ten (10) feet.

1203 MEASUREMENT OF SIGN AREA AND SIGN HEIGHT (Flags as defined in Article 2 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 (1) point. When two (2) 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 forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) 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. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

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 thirty-two (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, County of Ashtabula, or State of Ohio not to exceed two (2) square feet in area;
4. Membership signs for agencies recognized by the Township, 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 (1) wall sign on one (1) barn (as defined in Article 2 of this Resolution) per zone lot not to exceed sixty-four (64) square feet in area;
7. Flags as defined in Article 2 of this Resolution; and
8. Political Signs, Section 1230 to apply.

**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 fifteen (15) square feet in area and which shall be located on the premises of such institution.

**1213 SIGNS PERMITTED IN THE R-1/A DISTRICT.**

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

**1216 SIGNS PERMITTED IN THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT.**

1. No on-premises sign shall exceed twenty-five (25) feet in height. No off-premise sign shall exceed thirty-five (35) feet in height.
2. The total square footage of all wall and window signs shall not exceed one hundred (100) square feet.
3. Signs not requiring a permit:
  - a. One (1) wall Residential Sign not to exceed four (4) square feet;
  - b. Pennants not less than ten (10) feet from road right-of-way;
  - c. Window signs (included in total square footage, see this section, number 2).
4. Signs requiring a permit:
  - a. One (1) freestanding on-premise sign not to exceed sixty-four (64) square feet. There shall be only one (1) freestanding on-premises sign per zone lot regardless of the number of businesses conducted on said zone lot;
  - b. One (1) off-premise sign not to exceed one hundred (100) square feet per zone lot. Sections 1240-1250 to apply;
  - c. Temporary sign, Section 1220 to apply;
  - d. Banner, Section 1220 to apply; and
  - e. One (1) 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 one hundred (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 three hundred (300) square feet in area.
2. Signs not requiring a permit:
  - a. One (1) wall Residential Sign not to exceed four (4) square feet;
  - b. Pennants, not less than ten (10) feet from road right-of-way; and
  - c. Window signs (included in total square footage, see this section, number 1).
3. Signs requiring a permit:
  - a. One (1) freestanding on-premise sign per zone lot regardless of how many businesses are conducted on said zone lot, not to exceed thirty-five (35) feet in height and one hundred (100) square feet in area;
  - b. One (1) freestanding on-premise sign per zone lot regardless of how many businesses are conducted on said zone lot, not less than fifty (50) feet and not more than seventy (70) feet in height, and not more than six hundred eighty (680) square feet in area. Signs fifty (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 one hundred (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 eight (8) in number; and
  - 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 one hundred (100) square feet.

**1218 SIGNS PERMITTED IN THE INDUSTRIAL/OFFICE PARK (I/OP) DISTRICT.**

1. No on-premise sign shall exceed twenty-five (25) feet in height. No off-premise sign shall exceed thirty-five (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 (1) freestanding sign to identify the Industrial Park not to exceed thirty-two (32) square feet in area;
  - b. One (1) 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 thirty-two (32) square feet in area;
  - c. One (1) wall sign for each business not to exceed thirty-two (32) square feet in area; and
  - d. One (1) freestanding off-premise sign to exceed one hundred (100) square feet per zone lot. Section 1240-1250 shall apply.

**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:  
Temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.

**1230 POLITICAL SIGNS.**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall exceed four (4) square feet in area. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

**1240 SIGN SETBACK REQUIREMENTS.**

Except as modified in Sections 1241-1244, on-premise signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises 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 twenty (20) feet from the right-of-way line.

**1242 OFF-PREMISE SIGNS EXCEEDING ONE HUNDRED (100) SQUARE FEET.**

Off-premise signs more than one hundred (100) square feet in area but not to exceed one hundred fifty (150) square feet shall be conditionally permitted in the R-1/A, NC, AC, and I/OP 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 ten (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, on premise signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (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, on



premise signs shall not be erected or placed within twenty (20) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twenty (20) feet, the latter shall apply.

**1250 LIMITATION.**

For the purpose of this Article, outdoor advertising off-premises 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 Chapter 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 permit to be maintained on any premises owned or controlled by him/her 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 Inspector shall remove any off-premise advertising sign or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a written notification to the owner of the sign or the property owner.
4. The Zoning Inspector shall remove any on-premise sign which is determined to be unsafe or structurally unsound within ten (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 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 fifty percent (50%) of its estimated replacement value;
  - f. It is abandoned as defined in Section 1261; and
  - 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 Inspector 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 Inspector five (5) days after written notice of violations of Section 1230 has been given.

# ARTICLE 13

## ADMINISTRATION

### 1300 PURPOSE.

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

### 1301 GENERAL PROVISIONS.

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

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

### 1310 ZONING INSPECTOR.

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

### 1311 RESPONSIBILITIES OF ZONING INSPECTOR.

For the purpose of this Resolution, the Zoning Inspector 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 this Resolution 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 the Zoning Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit such application 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, 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 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 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 or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the 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.

**1321 PROCEEDINGS OF ZONING COMMISSION.**

The Zoning 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. Zoning Commission meetings shall be held at the call of the chair and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning 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 Zoning Commission and Trustees.

**1322 DUTIES OF ZONING COMMISSION.**

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

1. Recommend the proposed Zoning Resolution and the Official Zoning District Map to the Trustees for formal adoption.
2. Initiate advisable Official Zoning District Map changes, or changes in the text of this Resolution, where same will promote the best interest of the public in general through recommendation to the Trustees.
3. Review all proposed amendments to this Resolution and the Official Zoning District Map and make recommendations to the Trustees as specified in Article 6.
4. Review all Planned Unit Development Applications and make recommendations to the 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 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 of Zoning Appeals may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

**1331 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals 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 chair and at such times as the Board of Zoning Appeals may determine. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals 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 Zoning Appeals and Trustees.

**1332 DUTIES OF THE BOARD OF ZONING APPEALS.**

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

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 Inspector;
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/or practical difficulty, 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 this Resolution; and
4. Revoke an authorized variance or conditional zoning certificate that has been granted, if any condition of the variance or certificate is violated.

The Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under item 4 of this section and of the right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if the holder of such variance or certificate so requests. If the holder of such variance or certificate requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing, and notify the holder of such variance or certificate. At the hearing, the holder of such variance or certificate may appear in person, by attorney, or may submit position(s) in writing. The holder of such variance or certificate may present evidence and examine witnesses appearing for or against the holder of such variance or certificate. If no hearing is requested, the Board of Zoning Appeals 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 abovementioned powers, such Board of Zoning Appeals 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 INSPECTOR, 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 Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the 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 Trustees shall have only 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 of Zoning Appeals to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the written decision of the Board of Zoning Appeals.

**1350 TRUSTEES.**

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

1. Appoint a Zoning Inspector.
2. Approve the appointments of members to the Zoning Commission.
3. Approve the appointments of members to the Board of Zoning Appeals.
4. Initiate or act upon suggested amendments to this Resolution or the 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 Trustees.

**1351 SCHEDULE OF FEES.**

The 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 Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the 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.

# 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 therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from 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 has not been 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 and owner, if different;
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(s);
7. Building height(s);
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; and
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 Inspector 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 (1) year. One (1) copy of the plans shall be returned to the applicant by

the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Zoning Inspector's signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector 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 three hundred (300) feet of the centerline 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 five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that the Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that Director of Transportation shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector 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 Inspector; 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 Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

**1410 CERTIFICATE OF OCCUPANCY.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a certificate of occupancy in no way relieves the recipient from compliance with all the requirements of this Resolution and other regulations.

**1411 TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.



- 1412 **RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.**  
The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.
- 1420 **FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.**  
Failure to obtain a zoning permit or certificate of occupancy 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 Inspector 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.
- 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 Inspector. The Zoning Inspector 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 Inspector 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 Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.
- 1450 **STOP WORK ORDER.**  
Subsequent to the Zoning Inspector's determination that work is being done contrary to this Resolution, the Zoning Inspector 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 Inspector, shall constitute a punishable violation of this Resolution.
- 1460 **ZONING PERMIT REVOCATION.**  
The Zoning Inspector 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 Inspector or his 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; and
  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(s) 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(s) responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. 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 one hundred (\$100) dollars 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 Inspector, 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.

# ARTICLE 15

## GAS AND OIL WELLS

### 1500 PURPOSE.

This article sets forth the requirements to ensure that any operation incidental to and including the exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety, and welfare. In event of conflict between these regulations and state law, adopted pursuant to the Ohio Revised Code 1509, The Ohio Administrative Code, and applicable regulations, the most stringent regulations shall apply.

### 1501 REQUIREMENT FOR ZONING CERTIFICATE.

A zoning certificate shall be required by this Resolution for the drilling, operation, production, plugging, or abandonment of any oil, gas, or disposal well. The Zoning Inspector may inspect oil, gas, and disposal wells and storage facilities at any time to insure compliance with local regulations.

### 1502 EXEMPTION FROM ACREAGE AND DISTANCE REQUIREMENTS.

No minimum acreage requirements for drilling units, and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from boundaries of tracts, drilling units, other wells and from streets, roads, highways, railroad tracks, or the restoration or plugging of an oil and gas well, shall be required by this Resolution.

### 1504 HEALTH AND SAFETY STANDARDS.

The health and safety standards for the exploration, drilling, production, and abandonment of oil, gas, and disposal wells as provided under Chapter 1509 of The Ohio Revised Code and chapter 1501 of The Administrative Code (Rules of Division of Oil and Gas of the Ohio Department of Natural Resources) are hereby incorporated into and made part of this Resolution and shall be enforced by the Zoning Inspector.

### 1505 NOTIFICATION OF COMMENCEMENT OF OPERATION.

At least seven (7) days prior to the commencement of any operation to drill a new well, drill an existing well deeper, re-open a plugged well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, the owner shall provide a copy of the information required by Section 1509.06 of The Ohio Revised Code to the Zoning Inspector. The driller or operator shall file with the Zoning Inspector the following:

1. **A plan, drawn to scale showing:**

- A. Ingress and egress points;
- B. The well location;
- C. The location of all known gas and oil wells, storage tanks, and separators within one thousand five hundred (1,500) feet;
- D. Proposed transmission lines, power shut-offs, oil and gas flow shut-offs;
- E. Access roads;
- F. Proposed storage tanks and separators;

- G. All dikes and swales for erosion control and spill prevention;  
and
- H. Proposed temporary pits.
- 2. The owner shall also provide the Zoning Inspector with the name(s) and telephone number(s) of such person(s) authorized to act on behalf of the owner in the event of an emergency, including but not limited to fire, oil, or brine spills, and damage to persons or property;
- 3. A copy of the State Permits;
- 4. A copy of the brine and waste disposal plat (to include handling of brine, frac water, sludge, and other oil field wastes);
- 5. A statement schedule of the coverage for all operation related to drilling; and
- 6. A statement of liability coverage for all operations related to drilling, production, storage, and transmission of all products and wastes.

Copies of the information required by this Section shall be distributed by the Zoning Inspector to the Trustees and to the Chiefs of all fire departments serving the Township.

**1506 DISTANCE OF WELLS FROM DWELLINGS AND PUBLIC BUILDINGS.**

The following distances from oil, gas, and disposal wells shall apply:

- 1. No oil, gas, or disposal well shall be drilled nearer than two hundred (200) feet to any building;
- 2. No dwelling shall be erected nearer than two hundred (200) feet to any active well;
- 3. No well shall be drilled nearer than two hundred (200) feet to any building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public; and
- 4. No building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public shall be erected nearer than two hundred (200) feet to any active well.

**1507 DISTANCE OF STORAGE TANKS FROM DWELLINGS AND PUBLIC BUILDINGS AND ROADS.**

The following distance requirements for storage tanks shall apply:

- 1. No permanent storage tanks or separator units shall be located nearer than two hundred fifty (250) feet to any dwelling;
- 2. No dwelling shall be erected nearer than two hundred fifty (250) feet to any permanent storage tanks or separator units;
- 3. No permanent storage tanks or separator units shall be located nearer than two hundred fifty (250) feet to any building or structure which may used as a place of resort, assembly, education, entertainment, lodging, trade, manufacturing, repair, storage, traffic, or occupancy by the public;
- 4. No building or structure which may used as a place of resort, assembly, education, entertainment, lodging, trade, manufacturing, repair, storage, traffic, or occupancy by the public shall be located nearer than two hundred fifty (250) feet to any permanent storage tanks or separator units; and
- 5. No permanent storage tanks or separator units shall be located nearer than one hundred (100) feet to the centerline of any public or private road.

**1508 DIKING.**

Prior to production, any vessel, including tanks utilized for the accumulation or storage of oil or waste products at the well site, production, or storage areas shall be surrounded by an earthen dike with a capacity of two (2) times that of the storage container. The dike shall be constructed and compacted in such a manner as to contain any spillage. The Zoning Inspector shall require two (2) layers of lining, with the second layer being lain in opposite direction to the first. The lining shall have a minimum thickness of six (6) mils and both layers shall be backed by sufficient earthen aggregate material to withstand one and one half (1½) times the pressure of the liquids within the dike. To ensure vessel integrity and prevent leakage, the Zoning Inspector shall require the creating of ditches or swales to divert or control storm water runoff.

**1509 OIL AND GAS LINES.**

All gas and oil lines located outside of fenced-in-areas shall be buried and at a minimum depth of thirty six (36) inches. All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies. The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission lines within one thousand (1,000) feet of the well. All transmission lines shall be marked with permanent markers at each side of any right-of-way.

**1510 FENCING.**

Prior to the initiation of production, all permanent production and storage facilities shall be entirely enclosed by a chain link fence not less than six (6) feet in height. All gates shall be padlocked at all times. All storage tank manholes, discharge valves, fill valves and shut-off valves shall be included within the fenced area.

**1511 IDENTIFICATION.**

At all times, a sign shall be posted on storage tanks in no less than three (3) inch letters showing:

1. Owner(s);
2. Well Permit(s);
3. Permit Number(s); and
4. Emergency Phone Number(s).

**1512 MAINTENANCE.**

All production sites and equipment shall be painted and kept in a clean, neat, and orderly condition. The name and telephone number of the waste hauler, the method and location of disposal and statement of liability from the hauler shall be provided to the Zoning Inspector.

**1513 ACCESS DRIVES AND CULVERTS.**

The minimum width of all entrances to access drives to any well or permit or permanent production and storage facilities shall be forty (40) feet and require a culvert of sixty (60) feet minimum length and a minimum inside diameter of twelve (12) inches. Such access drives shall be properly graded and constructed with a gravel base and shall be maintained so as to be dust free and passable in all seasons and weather conditions. All truck loading and parking areas shall be located outside of any road right-of-way. Any mud, debris, or trash tracked or deposited on public roads or property shall be immediately removed and properly disposed of by the well owner or operator.

**1515 DRILLING, PRODUCTION, AND WASTE REMOVAL.**

No person shall conduct any well drilling, production, or transmission operation that contaminates or pollutes the land or any surface or ground water. All waste substances shall be held in completely enclosed, above-ground steel, fiberglass re-enforced plastic, or below ground concrete holding tanks. All temporary pits are to used only during drilling operations and shall be filled and leveled prior to well production and/or sixty (60) days after drilling operations have ceased. No saltwater, brine, sludge, frac water, or other oil field wastes shall be deposited or discharged in the Township for any purpose, except into an authorized injection well in accordance with Chapter 1509 of The Ohio Revised Code and Chapter 1501 of The Ohio Administrative Code (Rules of the Division of Oil and Gas of the Ohio Department of Natural Resources).

## ARTICLE 16

# WIRELESS TELECOMMUNICATIONS, RADIO, TELEVISION, AND MICROWAVE TOWERS AND FACILITIES

### 1600 Purpose

To provide for the common good and preserve the enjoyment of private property through the regulation of the construction, placement, and modification, of wireless telecommunications, radio, television, and microwave systems, including their towers and associated facilities, while ensuring the ability of the consumer to use and enjoy these types of services, and to protect the right of private and public enterprise to exercise free trade.

Furthermore, to all extent permitted by law, Colebrook Township shall apply these regulations to specifically accomplish the following:

1. Accommodate the need for wireless telecommunications, radio, television, and microwave towers and facilities to further meet the public's demand for the use and convenience of these services, while regulating their location and number in **residential** zoning districts of the Township;
2. To encourage the location of towers and facilities on non-residential land;
3. To minimize the total number of towers and facilities;
4. To ensure towers and antennas are configured in such a way as to minimize adverse visual impact by design, careful siting, landscape screening, camouflaging, and innovative techniques brought about through the advance of science and technology;
5. To avoid damage to adjacent properties from tower failure through competent engineering, construction, and erection of towers;
6. To ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructures are provided to serve the residents, businesses, public sector, and visitors to the Township;
7. To create and preserve a wireless telecommunications facilities system which will serve as an effective part of the Township's emergency response network; and,

8. To accommodate the public's demand for present day wireless telecommunications services through these standards, so that changing technologies will continue to serve these needs, while concurrently preserving the Township's aesthetic and ecological integrity, so that residents of the future may continue to enjoy the comfortable living standards of Colebrook Township.

#### 1602 Definitions For This Article Only

##### 1. **Antenna:**

- a. **Generally:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.
  - b. **Antenna, Building Mounted:** Any antenna other than one with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast, or similar structure used for providing telecommunications services, other than towers or antennas as defined by this article.
  - c. **Antenna, Directional:** Also known as a "panel antenna", is a device which transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.
  - d. **Antenna, Ground-Mounted:** Any antenna with its base, single or multiple posts, placed directly on the ground.
  - e. **Antenna, Omni-Directional:** Any antenna which transmits and/or receives radio frequency signals in a 360-degree radial pattern.
  - f. **Antenna, Parabolic:** Also known as "satellite dish antenna", is a device which incorporates a reflective surface that is solid, open mesh, or bar configured that is a shallow dish, cone, horn, bowl, or saucer-shaped, and is used to transmit and/or receive electromagnetic or radio frequency communication signals in a specific directional pattern.
  - g. **Antenna, Portable:** Any Device used to transmit and/or receive electromagnetic or radio frequency communications signals in a specific pattern, located on a portable or moveable base, to be placed for either temporary or long term use at a given site.
  - h. **Antenna, Wireless Telecommunications:** Any antenna system designed to transmit and/or receive communications as authorized by the Federal Communications Commission (FCC) including amateur radio operators' antennas.
2. **Camouflage:** The art and science of concealing wireless telecommunications antennas and towers by means of mimicking other objects; to disguise with colors, foliage, etc., including the placement of such devices.
  3. **Cellular:** A wireless transmission technology which uses a grid of antennas (cell sites) to send and receive signals from mobile telephones. The antennas "hand-off" signals as the user travels between cell sites, enabling the same frequency, or channel, to be used by many callers simultaneously.



4. **Cellular Telecommunications Service:** Personal communications accessed by means of cellular equipment and services.
5. **Collocation:** The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building, or other structure permanently affixed to real property, supporting two or more antennas, disks, pods, or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Collocation shall apply to such devices whether readily discernable to the naked eye or camouflaged (see definition).
6. **Commercial Wireless Telecommunications Services:** Wireless Telecommunications services by private providers licensed by the Federal Communications Commission including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.
7. **District:** A "Zoning District" as defined in the Colebrook Township Zoning Resolution; also a zoning classification.
8. **FAA:** The Federal Aeronautics Administration.
9. **FCC:** The Federal Communications Commission. It is primarily responsible for the administration of the Telecommunications Act of 1996, as may be amended from time to time.
10. **Facility; Facilities:** Any entire wireless telecommunications facility, including a tower, equipment building, parking area, and other structures and signs, or one, or a combination of these objects and devices.
11. **Locate; Location:** For purposes of this article, intended to mean: to place (or the placement of) a tower or related wireless telecommunications facility and incidental structures on a zoning lot within Colebrook Township pursuant to obtainment of the required permits through ordinary due process.
12. **Lot:** For purposes of this article, lot shall have the same meaning as "lot" defined in article 2 of this zoning resolution.
13. **NIER:** Non-Ionizing Electromagnetic Radiation, that is, electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.
14. **PCS:** Personal Communication Services, including digital transmission, typically wireless or cellular telecommunications generally.
15. **Personal Wireless Telecommunications Service:** Communications service provided by a commercial mobile service provider. It includes a common carrier wireless exchange access services, cellular services, and unlicensed wireless services.
16. **Place; Placement:** To locate (a tower or related wireless telecommunications facility and incidental structures) on a lot.

17. **Premises:** For purpose of this article, shall mean a lot, or the immediate vicinity (of a tower and related wireless telecommunications facility), consisting of land and structures and appurtenances thereof.
18. **Provider:** A private or public, including governmental and quasi-governmental, entity, licensed by the Federal Communications Commissions who provides wireless telecommunications services.
19. **Public Utility:** Persons, corporations, or governments supplying gas, electric, cable television, radio, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this article, a wireless telecommunications provider duly licensed by the FCC is a public utility in the State of Ohio, and may locate a wireless telecommunications tower and related facilities pursuant to ORC 519.211 within non-residential districts and in residential zoning districts as shall be regulated in accordance with this resolution and other applicable federal, state, and local laws in the unincorporated territory (i.e., townships) of Ohio.
20. **Quasi-Public (Property):** Real property owned or controlled at least in part by a governmental entity, or public non-profit agency or organization duly authorized by law.
21. **Radio Frequency (RF):** Any of the electromagnetic wave frequencies that lie in the range extending from below 3 kilohertz to about 300 gigahertz and that include frequencies for radio, television, and wireless telecommunications.
22. **Residential District:** For purposes of this article, a residential district shall be all land within the township boundaries of Colebrook Township currently zoned, or as might convert to a residential zoning district from a non-residential zoning district and be of any residential zoning classification pursuant to adopted zoning regulations through ordinary due process.
23. **Structure:** Any man-made building or object affixed to a zoning lot on which is located a wireless telecommunications tower and related facility, and is incidental, ancillary, or otherwise supportive to that facility.
24. **Telecommunications:** For purposes of this article, telecommunications relates to all communications services and the use thereof, whether by means of public or private providers, and includes cellular telecommunications, personal wireless services, and radio broadcasting, by any transmission, emission, or reception of signals, writing, images, and sounds, or information of any nature by wire, radio, visual, or the electromagnetic system.
25. **Telecommunications Act of 1996:** Public law 104-104, as adopted by the Congress of the United States, February 8, 1996, as may from time to time be amended. This act is the basic law governing wireless telecommunications.

26. **Tower:**
- a. **Generally** Any ground or above ground mounted pole, spire, structure, or combination thereof, taller than 15 feet, including supporting lines, cables, wires, braces, or masts, and including smoke stacks, water towers, and other similar structures which can accommodate the mounting of an antenna, meteorological or telecommunications device, or similar apparatus above grade.
  - b. **Multi-User:** A tower to which is attached the antennas of more than one wireless telecommunications service provider, including a governmental entity, or other similar provider.
  - c. **Single-User:** A tower to which is attached only the antenna(s) of a single provider, although such tower may be designed to accommodate the antennas of multiple uses.
  - d. **Lattice:** A support structure constructed of vertical metal struts and cross braces forming a triangular or rectangular structure which often tapers from the foundation to the top.
  - e. **Monopole:** A support structure constructed of a single, self-supporting pole or similar device securely anchored to a foundation, not necessarily the ground.
  - f. **Cellular or Wireless Communications:** Any tower as defined in this article used to support a cellular or wireless telecommunications antenna(s). Such tower may be a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A building permanently affixed to real property which supports a device as defined in this resolution as a tower, when that device extends above the highest point on such building by more than 15 feet, and used for telecommunications purposes, the device so extending, shall be considered a tower under this article.
27. **Wireless Telecommunications:** For purpose of this article, means the same as "telecommunications", "personal communication system(s)", "PCS", or "communications".
28. **Wireless Telecommunications Equipment Building (Equipment Building):** The structure in which the electromagnetic receiving and relay equipment for a wireless telecommunications facility is housed.
29. **Wireless Telecommunications Facility (Facility; Facilities):** The facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
30. **Zoning District:** A zoning district established by Colebrook Township Zoning Resolution for purposes of this article is synonymous with "zoning classification".

## 1604 Location Criteria

Wireless telecommunications facilities, towers, and related structures may be located in any zoning district; however, they are strongly discouraged in that territory zoned residential [see exception as provided in 519.211 Division(B)(1)(c)], as established and defined in the current Colebrook Township Zoning Resolution and delineated according to the Official Zoning Map. Wireless telecommunications towers are not encouraged in residential areas because their use is industrial in nature, and may be objectionable in the community at large because they are frequently considerably taller than surrounding structures, causing them to be seen from long distances. Their location is therefore regulated as permitted by the Telecommunications Act of 1996, as may from time to time be amended, the Ohio Revised Code, and by other operation by law as may be applicable.

1. **Priority:** In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare, Colebrook Township permits and encourages the placement of wireless telecommunications facilities and towers in non-residential areas, in the following order of preference:

- 1<sup>st</sup> : Township-owned property, except parks;
- 2<sup>nd</sup> : Light Manufacturing/Industrial;
- 3<sup>rd</sup> : Quasi-public property;
- 4<sup>th</sup> : Commercial; and
- 5<sup>th</sup> : Other non-residential districts.

2. **Collocation:** When a wireless telecommunications facility is located in conformity with this article, and the antenna(s) is (are) collocated as herein defined, and is (are) attached to an institutional, recreational, public utility, office, industrial, or commercial structure or building, equipment and apparatus supporting a facility, shall be stored on the premises inside the wireless telecommunications equipment building or other structure on the premises of the facility.

## 1606 Regulation of Towers in Residential Zoning Districts

In addition to the definitions of "tower", for the purpose of this article, the following shall be regulated by this section.

1. **Towers located in Residential Zoning Districts Generally:**
  - a. **Sole Use on a Lot:** A wireless telecommunications tower and related facilities are permitted as the sole use on a lot, and may be permitted, by approval of the Zoning Inspector, on lots containing other uses where existing structures enable collocation, including on township owned property.
  - b. **Minimum Lot size:** The minimum lot size on which a wireless telecommunications tower and related facilities are placed shall be the minimum lot size required for the underlying zoning district.

- c. **Setbacks:** For purposes of this article only, any provision of the Colebrook Township Zoning Resolution notwithstanding, the setback for a tower of any variety, including monopole, shall be measured from the base of the tower or monopole at the point where it is placed in the ground to the property line. The exception to this regulation is where a tower, monopole, antenna, whether camouflaged or not, or any apparatus defined herein as a tower, when that tower is affixed to any existing building, and the use of it as a tower for wireless telecommunications is approved by the Zoning Inspector.
- A. An equipment building, and all other structures except the tower, shall be set back the minimum distance required in underlying zoning district.
  - B. In industrial zoning districts the Township suggests that the setback for the tower be at least 25% of the total height of the tower; a minimum of 50 feet is recommended.
  - C. The Township suggests that in non-residential zoning districts other than industrial zoning districts, the tower be setback 50% of the total height of the tower; a minimum of 100 feet is recommended.
  - D. In residential zoning districts where the lot on which a tower is located abuts another lot on which is located a school of any type, including institutions of higher learning beyond high school level, public or private parks (but not including golf courses), hospitals, playgrounds, day care centers, health centers, or other human services and educational uses as determined by the Zoning Inspector to apply to this subsection, the tower shall be setback a distance equal to the total height of the tower.
  - E. In non-residential zoning districts of any classification, where a lot on which a tower is located abuts any lot within a residential zoning district of any classification, the Township suggests that the tower be setback 75% of the total height of the tower; a minimum of 150 feet is recommended.
  - F. Guyed wires may be anchored within the required setback area only if the tower itself is placed in conformity with this article regarding its setbacks, but guyed wires and other similar supporting devices shall not be anchored any less than 20 feet from any adjoining parcel or lot, regardless of that parcel's underlying zoning district.

2. **Design Requirements, Towers and Facilities:**

- a. Any wireless telecommunications tower shall be designed, structurally and electrically, to accommodate both the applicant's antenna and at least comparable antennas for at least two additional service providers if the tower is at least 100 feet in total height, or for one additional service

provider if the tower is at least 60 feet in total height. Towers shall be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at various heights.

- b. Towers and antennas, as well as all wireless telecommunications facilities, shall be designed and situated upon a lot so as to minimize their visibility and to the greatest extent possible to blend into the surrounding environment.
- c. Towers shall be designed, constructed, erected, and maintained with the upmost care for safety of persons and property.

**3. Tower Height:**

- a. **Maximum Height:** The maximum height of a tower shall not exceed 200 feet in residential zoning districts, unless a technically logical reason for locating a higher tower is demonstrated to the satisfaction of the Zoning Inspector and the Board of Zoning Appeals to be in order, on a case by case basis, by the wireless telecommunications service provider making the request. When a higher tower is required by provision of law consistent with the Telecommunications Act of 1996, as may from time to time be amended, the provider shall submit written verification of such fact. Towers less than 200 feet in height are especially encouraged.
- b. **Collocation Ability:** The physical ability to collocate antennas on any tower is required on all towers higher than 60 feet in height in residential zoning districts, unless it can be demonstrated that because of the type of tower involved for a given proposal and/or for other technically logical reasons, the physical ability to collocate on such a tower above 60 feet in height is not feasible, or desired. A tower 100 feet or higher should be designed to have sufficient structural capacity to accommodate at least three providers.

**4. Interrelationship of Tower and Related Structures:**

A tower and its related wireless telecommunications equipment building and other structures, landscaping, and other features, if any, shall be located on a single lot in all residential zoning districts. The provider shall locate a tower and related wireless telecommunications facilities only on a lot of sufficient dimensions and conditions to accommodate the overall facility, tower, etc., so that all minimum setbacks and any other zoning requirements of the underlying residential zoning district are met.

- 5. **Underground Facilities:** Underground wireless telecommunications equipment buildings are especially encouraged, especially on lots abutting other residential zoning districts where a tower is placed.

**1608 Aesthetics of Towers and Related Wireless Telecommunication Facilities in Residential Zoning Districts**

The provisions of this section pertain to towers and all other wireless telecommunications facilities and structures in all residential zoning districts.

1. **Landscaping:** All towers and related wireless telecommunications facilities shall be located in a landscaped setting. A landscaped buffer area of not less than 10 feet in depth shall be placed between the wireless telecommunications facility and the public right-of-way, other residential zoning districts, and any adjacent residential uses, regardless of the underlying zoning district thereof. Such buffer area shall, at minimum, consist of dense foliage and vegetation, of at least partially evergreen species, not less than 6 feet in height. Landscaping shall be continuously maintained and promptly reconditioned, if necessary. Other landscaping may be required by the Zoning Inspector and the Board of Zoning Appeals. The arrangement of landscaping and the overall design thereof within a lot on which a wireless telecommunications tower and related facility is placed may be considered by the Zoning Inspector and the Board of Zoning Appeals.

2. **Fencing:** Screened fencing shall be provided for appearance, public safety, and personal security, according to the following table:

a. Height:	Minimum	Maximum
R-1/A	6'	9'

b. **Type:** In any permissible residential zoning district, the screened fencing should consist of a chain link fence as commonly understood and approved by the Zoning Inspector.

c. **Color:** Fencing may be unpainted or painted to blend into the surrounding area.

d. **Locked:** Access to the tower and related wireless telecommunications facility shall only be through a locked gate, properly maintained and secured 24 hours per day. Colebrook Township shall not be responsible for any damage to the tower or other auxiliary structures, and shall be held harmless from any liability of any kind relating to damage, destruction, misfeasance of the tower or auxiliary structures, and from any personal injury to any party whomever, for as long a time as the tower and related wireless telecommunication facilities shall exist on the site.

3. **Illumination:** Except as required by law, an antenna or tower shall not be illuminated, and lighting fixtures or signs, other than those sanctioned by this article, shall not be attached to an antenna or tower. Security lighting shall be permitted for the wireless telecommunications equipment building and other auxiliary structures, if any. Any permitted lighting shall be situated and directed so as not to emit light directly or indirectly onto any adjoining residential property. Such lighting shall be designed, placed, and directed to minimize its emission and glare onto any adjoining property, regardless of the underlying zoning district.

4. **Signs and Symbols:** A tower or related wireless telecommunications facility shall contain no symbols. The fencing surrounding the wireless telecommunications equipment building shall contain an appropriate number of signs to warn the public of danger and also at least 2 signs stating "NO TRESPASSING", and a sign identifying the wireless telecommunications service provider, of a type, size, color and allotment as approved by Zoning Inspector.

#### 1610 Registration of Wireless Telecommunications Providers

All wireless telecommunications services providers, including governmental, public, and quasi-public providers, who operate or propose to operate on residentially zoned territory within Colebrook Township, shall register with the Zoning Inspector and the Board of Zoning Appeals on forms and in a manner as prescribed by the Zoning Inspector. At minimum, the following information shall be required.

1. The identity and legal status of the provider, including business affiliations.
2. The name, address, phone number, fax number, and electronic mail address (if available), of the officer, agent, or employee responsible for the accuracy of the registration statement. It shall be the responsibility of the provider to keep this information up-to-date.
3. A narrative and map description of all the provider's existing or proposed wireless telecommunications towers and related facilities in Colebrook Township and elsewhere.
4. A description of the wireless telecommunications services the provider intends to provide, or is currently offering anywhere.
5. Written information sufficient in the opinion of the Zoning Inspector to verify that the provider has applied for and received certification and approval as a licensed wireless telecommunications provider by the FCC, to operate in the State of Ohio.
6. Any other information reasonably related to the application and the probable, substantive effects of locating a wireless telecommunications tower and related facility in a residential zoning district in Colebrook Township.

#### 1612 Design Criteria of Towers in Residential Zoning Districts

##### 1. Camouflaging of Towers:

- a. Towers shall be located in a landscaped setting. The Zoning Inspector may require additional landscaping for residential districts. Camouflaging of towers is especially encouraged. Such camouflaging may take the form of erecting a tower which resembles or mimics another object, such as a tree or flag pole. Camouflaging may also consist of placing antennas on existing structures such as water towers or buildings in such a way that they are not easily detected and cannot be seen by the naked eye from a long distance.
- b. If antennas are collocated on existing structures within residential zoning districts, which are not towers as defined by this article, it shall be presumed that such antennas are camouflaged unless their positioning and placement causes them to be easily seen and discerned by a reasonable person as being wireless telecommunications antennas.
- c. A building or other structure may be a prop only, that is, unused and unusable as anything but a device to camouflage an antenna(s). It shall be aesthetically pleasing and maintained continuously.



- d. Camouflaging, whatever variety and however employed, shall be of a type compatible with the immediate surrounding area. For example, an artificial oak tree, 100 feet in height would satisfy this requirement; and an artificial palm tree would not.
  - e. Antennas may be placed on facades of buildings if colored and designed to match the color, texture, and style of the building to which it is attached, and shall be attached at least 25 feet above grade.
2. **Color of Towers:** All towers of any type shall be of a color which blends into the natural color of the immediate area or skyline, but shall not be painted at all, if by coloring the tower, it would be more visible to the naked eye from a long distance than if it were erected in the ordinary tone of its construction materials, such as the grayish color of galvanized steel.
3. **Towers of Excessive Height:** Wireless Telecommunications towers in residential zoning districts higher than 200 feet or located within 2,500 feet of any airport runway, public or private, shall be registered with the FAA. The provider/operator of such tower shall submit written verification of such registration with the FAA. Lighting shall be required for that part of towers in excess of 200 feet, or as otherwise required by the FAA. When such lighting is required by the FAA or other governmental authority, and the zoning lot on which a tower is located abuts any other residential zoning district, it shall be oriented inward of the zoning lot and shall not project, or be cast onto all abutting zoning lots within residential zoning districts.
4. **National Environmental Protection Act:** The location, construction, and operation of towers and related wireless telecommunications facilities shall comply with all applicable requirements and laws of the National Environmental Protection Act Chapter 19, as may from time to time be amended.
5. **Advertising and Identification:**
- a. Identification of towers and related wireless telecommunications facilities shall be permitted if required by the FCC, FAA, Federal or State EPA, OSHA, or other governmental agency for regulation or identification purposes as necessary pursuant to the Telecommunications Act of 1996 as may from time to time be amended, or other applicable law. Colebrook Township shall be permitted to require identification signs for towers and related wireless telecommunication facilities in any residential zoning district.
  - b. No advertising shall be permitted on towers or related wireless telecommunications facilities, unless required as indicated in (a) above, or by other action of law. The only signs permitted shall be those signs indicating danger and no trespassing signs, or other signs important to the identification of the tower or facility as determined by the Zoning Inspector or the Board of Zoning Appeals. All such signs shall be permanently attached to the tower or other wireless telecommunications structure and shall be placed at least 4 feet above grade. The only colors permitted shall be black, white, red, yellow, orange, or any combination of these colors. Signs shall not be illuminated in any manner.

#### **1614 Roads and Parking**

1. All lots, on which towers and related wireless telecommunications facilities are proposed in residential zoning districts, shall abut a public right-of-way. If the road surface of such right-of-way is unimproved or otherwise impassible, it shall be the responsibility of the wireless telecommunications provider to construct the roadway, at his or her expense, according to the road construction requirements of the Ashtabula County Engineer. The zoning permit to erect a wireless telecommunications tower and related facility shall not be granted for a tower or related wireless telecommunication facility in any residential zoning district until the road is constructed as herein specified.
2. Existing or new roads shall be used for access.
3. If available, existing parking shall be used and not expanded. Each zoning lot on which is located a tower and related wireless telecommunications facility shall have sufficient parking to accommodate service of the site. A minimum of one parking space and a maximum of three parking spaces shall be provided.
4. If the wireless telecommunications facility is fully automated, a maximum of two parking spaces shall be required for maintenance workers. If the site is not fully automated, a maximum of three parking spaces shall be permitted.

#### **1616 Accessory Buildings**

All accessory or utility buildings and structures not a tower or related wireless telecommunications facility as defined per this article, shall be architecturally designed to blend in with the surrounding area and shall meet the minimum setback requirements of the underlying residential zoning district. Landscaping and other regulations of this article shall also apply. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the surrounding neighborhood.

#### **1618 Demonstration of Necessity**

1. To assure that the Township's and public's objectives are achieved, the wireless telecommunications service provider requesting a zoning permit to locate a tower and related wireless telecommunications facility in any residential zoning district, shall produce written evidence of contact with all wireless telecommunications services providers who supply service within the distribution sphere of the proposed facility. The applicant-provider shall inquire about potential collocation opportunities at all technically feasible locations in, or which could service Colebrook Township.
2. To evaluate the need for a tower, antenna, and related wireless telecommunications facility at a particular location, the Township may contract with a competent expert to assist in making such a determination. If requested by the Township, the applicant-provider shall deposit with the Township the estimated reasonable fee for such professional consultation. Such deposit shall be made prior to the application being considered by the Township. Any unused amounts on deposit shall be refunded to the applicant-provider.

**1622 Non-Ionizing Electromagnetic Radiation (NIER) Exposure**

No wireless tower or related wireless telecommunications facility shall be located in such a manner that it poses, either by itself, or in combination with other such facilities, a potential threat to public health, including but not limited to, human or animal exposure to non-ionizing electromagnetic radiation. A wireless telecommunications facility shall not produce at any time power densities which exceed the American National Standards Institute (ANSI) C95.1-1992 standard for human exposure, or any more reasonably restrictive standard subsequently adopted or promulgated by Colebrook Township, Ashtabula County, State of Ohio, or the United States of America.

**1624 Abandonment**

Any antenna, tower, or related wireless telecommunications facility located in any residential zoning district which is not operated for its intended purpose for a continuous period of 2 years shall be considered abandoned, and the tower and antenna(s) shall be removed at the expense of the wireless telecommunications provider within 120 days of the issuance date of notice to remove such tower and antenna(s).

**1626 Supplemental Provisions**

1. Colebrook Township may require that any new tower be constructed to facilitate future collocation whenever technically feasible, as regulated per this article.
2. Colebrook Township may lease or rent space on towers in any zoning district to other public or private wireless telecommunications providers for the purpose of placing antennas to provide separate wireless telecommunications services. Fees obtained through collocation when the Township is the owner of a tower or related wireless telecommunications facility, even amounts in excess of cost, shall be permissible, if reasonably related to the maintenance of wireless telecommunications towers and facilities and mitigation of any adverse impacts thereof.
3. Colebrook Township may prepare and use public land for wireless telecommunications towers and related facilities for the purpose of providing for modern, effective wireless telecommunications services for the public and regulating their location to promote the general welfare.
4. Colebrook Township and all competing wireless telecommunications service providers should show good faith in their dealings with one another and diligently negotiate with each other in all matters concerning locating and sharing wireless telecommunications towers and related facilities, by providing written documentation as to the said contact and/or communication by and between the above mentioned.

**1628 Approval Procedure, Residential Districts**

1. Application for approval to locate towers, antennas, and related wireless telecommunications facilities in any and all residential zoning districts shall be controlled as set forth under ORC 519.211 and Colebrook Township Zoning Regulations, and the applicant/provider shall apply for a Zoning Permit as a conditional use in residential districts through the Board of Zoning Appeals.

2. In addition to the requirements for a Zoning Permit, the following shall be submitted in an application for approval.
  - a. A written document certifying that the applicant is a wireless telecommunications service provider licensed by the FCC.
  - b. An affidavit swearing that the applicant shall comply with all regulations of the Telecommunications Act of 1996, as may from time to time be amended.
  - c. A written document which certifies that the applicant shall locate no tower in violation of laws governed by the FAA.
  - d. A report from a certified, structural engineer or other qualified professional which:
    - i. Describes the tower height and design including a Cross-section and elevation;
    - ii. Documents the total tower height and its potential for mounting positions for collocated antennas, their minimum separation distances, and general ability for accommodating collocation;
    - iii. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
    - iv. Certifies that the tower is structurally sound and if it should fail, under what conditions it might fail, and the likely result thereof; and,
    - v. Includes the structural engineer's stamp and registration number or signature of other qualified professional.
3. For all private, commercial wireless telecommunications service providers, a letter of intent committing the provider or tower owner and his or her successors and assignees, to permit collocation if technically feasible, and if another provider agrees in writing to meet reasonable terms and conditions of collocation, may be required by the Zoning Inspector or the Board of Zoning Appeals.
4. A report from a certified electrical engineer, or other professional having the expertise to attest to the electrical and radio frequency safety of an antenna receiving or transmitting radio waves associated with wireless telecommunications. Such report shall include a statement regarding levels on non-ionizing electromagnetic radiation (NIER) by an individual qualified to make such statement. The qualifications of such individual shall be submitted in writing with the report.

#### 1632 Application Fee

The Township may charge a reasonable fee in addition to the usual fee required for processing an application for a zoning permit, to locate a tower, antenna, or related wireless telecommunications facility in any residential zoning district in Colebrook Township.

**1634 Leasing by Colebrook Township; Any Zoning District**

Colebrook Township may lease or rent at prevailing market rates, the use of existing or new towers and related wireless telecommunications facilities to private or public service providers for collocation of antennas. A private or public service provider, or Colebrook Township, may be the sole user of a tower, antenna, or related wireless telecommunications facility. Colebrook Township may itself lease or rent, or construct, place, modify, and/or maintain towers and related wireless telecommunications facilities on public or private property for exclusive or shared operations with other private or public service providers, and may charge any reasonable leases, fees, or permits in a manner as would a private wireless telecommunications service provider under similar business circumstances.

**1636 Violations**

Whoever intentionally violates this article shall be guilty of a misdemeanor.