

# HARPERSFIELD TOWNSHIP ZONING

## RESOLUTION

### TITLE PAGE

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2020

# PREAMBLE

*A RESOLUTION OF THE TOWNSHIP OF HARPERSFIELD, ASHTABULA COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND 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, 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.*

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# ARTICLE 1

## TITLE, INTERPRETATION AND ENACTMENT

### 100 TITLE

This resolution shall be known and may be cited to as the “Zoning Resolution of the Township of Harpersfield”.

### 101 LAND USE POLICY STATEMENTS

#### OVERALL GOAL:

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

1. **SUBGOAL:** To maintain residential character by:
  - a. Promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities and amenities.
  - b. Establishing distinct commercial and industrial zones that will not encroach physically or visually on the rural economic base, rural beauty, identity, and aesthetic qualities of the Township.
2. **SUBGOAL:** To maintain and strengthen rural and historical identity by:
  - a. Preserving rural character and beauty.
    1. Conserve and maintain agricultural land use base.
    2. Discourage premature, scattered development into agricultural areas.
    3. Encourage innovation in neighborhood development, which will result in an improved living environment, i.e. neighborhood parks, recreation and open space.
    4. Protect unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.
  - b. Preserving the historical heritage of the Township.
    1. Promote single-family housing in the older, historical part of the Township.
    2. Implement regulations for commercial uses in historic buildings that will promote historical character while providing best compliance to modern commercial needs.
    3. Determine availability of programs for the Township to actively encourage historic preservation.

3. **SUBGOAL:** To stimulate and encourage continued and future economic growth and development which is compatible within various land uses by:
  - a. Strengthening viability of existing Industrial/Office Park District
    1. Encourage existing and new businesses to build in I/OP, AC, IOP-TC and RAD districts which ensures sound development supported by adequate public facilities and services.
    2. Discourage scattered nonconforming industrial uses.
  - b. Encouraging growth of commercial enterprises associated with interstate travel near the I-90 interchange that will take advantage of traffic without altering identity of the Township.
  - c. Discouraging, where possible, strip commercial uses along major thoroughfares.
  - d. Redeveloping and revitalizing existing town center in order to maintain a viable commercial core and community identity.
    1. Allow for mixed single family residential and commercial uses.
    2. Provide for more effective use and development of the old, established commercial center.
    3. Encourage a higher standard of design and appeal for commercial centers to improve their marketability as well as the overall community appearance.
  - e. Discouraging scattered nonconforming commercial uses.
  - f. Developing additional open spaces and recreational facilities where possible.
  - g. Encouraging adequate maintenance of all residential, commercial, industrial, and recreational property to keep neighborhoods blight free and provide a suitable living, working and recreational environment for all citizens of the Township.

**102 PURPOSE**

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Township of Harpersfield; 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.

**103 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENT**

1. No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Zoning Resolution and, when required, after the lawful issuance of the certificates(s) or permit(s) required by this Development Code.



2. Existing lots, buildings, structures and uses of land that do not comply with the regulations of this Zoning Resolution are subject to the regulations set forth in Article 3, Nonconforming Uses, Lots, and Structures.
3. 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 be govern.

**104 SEPARABILITY CLAUSE**

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

**105 REPEAL OF CONFLICTING RESOLUTION**

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

**106 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:** See Section 518. 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, open porches, poles, poster panels, billboards and Seasonal Recreational Sleeping Units. Except as otherwise required in this resolution, an accessory use shall be a permitted use.

**ADULT BOOK STORE:** An establishment which utilizes 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 bookstore, 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, phonographic 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 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 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:** As defined in the Ohio Revised Code: Agriculture includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and then processing, drying, storage, marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**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.

**ATMOSPHERIC MONITORING TOWER:** Temporary tower used to monitor weather conditions and collect data.

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

**AUTOMOTIVE 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 rest room facilities;
13. Warranty maintenance and safety inspections.

Repairs described as major repairs in "Automotive Repair" shall not be permitted.

**AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLES, AND FARM IMPLEMENT SALES:**

The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

**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 Ohio Revised Code 519.21.

**BASEMENT:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. See figure 1 end of chapter

**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 pubic area or buttocks.

**BUFFER:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. See figure 2 end of chapter

**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. See figure 3 end of chapter. The height limits 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.

**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

**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.

**CERTIFICATE OF OCCUPANCY:** When a building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Administrator 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 Certificate of occupancy. 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.

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

**CHILD DAY CARE:** Administering to the needs of infants, toddlers, preschool children, and 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 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

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

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

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

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

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

**COMMERCIAL:** See Business, General

**COMMERCIAL RECREATION AND 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 homeowners’ association for the neighborhood or subdivision in which it is located.

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the County Planning Commission 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 Township.

**COMPREHENSIVE LAND USE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the Zoning Commission and the legislative authority of the Township of Harpersfield, 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 principal use permitted by right, which is permitted when certain conditions set forth in Article 5 have been satisfied and the granting of the conditional use permit has been approved of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of Conditional Uses (see Article 5).

**CONDITIONAL USE PERMIT:** A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a Conditional 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.

**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, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME:**

Any type of motor vehicle, recreational vehicle, mobile home that meets any one of the following criteria:

1. Does not have a current license
2. Is apparently mechanically inoperable
3. Is extensively damaged (i.e. missing wheels, motor, tires 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.

**DORMITORY:** A building used principally for sleeping accommodations, for participants of the indoor/ outdoor recreation facilities, where such building is related to athletic, educational, public or religious institution.

**DWELLING:** Any building or structure (except a recreational vehicle or mobile home 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.

**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.

**DWELLING, INDUSTRIALIZED UNIT:** Factory built housing approved/certified as meeting the building standards adopted by the Ashtabula Department of Building Regulations, as applicable to “Industrialized Units”. Once certified by the Ashtabula County Dept. of Building Regulations, Industrialized Units shall be subject to the same standards as site-built homes.

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

**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.

**EMERGENCY SAFETY SERVICES STATION:** A facility whose principle use is the housing of Emergency Services personnel and equipment, limited to Fire, Police and Emergency Medical Services. An Emergency Safety Services Station may include limited provisions for routine safety vehicle maintenance, administrative office areas, or sleeping and eating facilities for on-duty personnel.

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

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

**FAMILY:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that “family” shall not include more than four 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 the junk from the ordinary view of persons passing upon township roads covered by Sections 4737.05 to 4737.99 inclusive of the Ohio Revised Code.

**FINANCIAL ESTABLISHMENT:** Any establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, credit unions, or investment establishments.

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

**FLAG:** Flags of the United States, the State, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 sq. ft. in area and shall not be flown from a pole the top of which is more than 40 ft. 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 plan, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions. See figure 4 end of chapter.

**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 enclosed roofed porches and enclosed 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 includes the gross floor area of the building measured from the outside wall but excluding basements exclusively designed and intended for storage and mechanical equipment.

**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.

**FOOD SERVICE ESTABLISHMENT:** Any establishment where food and/or beverages are prepared, served, and consumed, and provides any or all the following services: dine in, carry-out, cafeteria or fast food.

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

**FUNERAL HOME/CREMATORY:** An establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held. Funeral Home may or may not include cremation for human and/or animals as per Ohio Revised Code 4717.

**GALLERY:** A room or building for the display and/or sale of works of art.

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

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

**GARAGE SALE:** See Yard Sale

**GARAGE, SERVICE STATION:** See Automotive Service Station

**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 of rehabilitation of dependent or predelinquent 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.

**HELIPORT:** Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**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 conducted entirely within the dwelling unit by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, baby-sitting, tax consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use. Sections 1006 through 1006.4 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.

**HORSE RIDING STABLE:** A place where horses are kept for people to ride.

**HOTEL OR MOTEL AND APARTMENT HOTEL:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation on a weekly or daily basis.

**INCIDENTAL SIGN:** 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.

**INDOOR/OUTDOOR RECREATION FACILITIES:** A Recreational land use conducted either outside or inside of a building or both, characterized by potentially moderate impacts on traffic, the natural environment and the surrounding neighborhood which can include athletic fields, swimming facilities, track and field facilities, therapeutic facilities, and other facilities such as tennis courts, handball, racquetball, and squash courts, batting cages and basketball courts.

**INDUSTRIALIZED UNITS:** Factory-built housing approved/certified as meeting the building standards adopted by the Ashtabula County Department of Building Regulations as applicable to “Industrialized Units”. Once certified by the Ashtabula County Department of Building Regulations, “Industrialized Units” shall be subject to the same standards as site-built homes. Industrialized Units must conform to subsection 1008.2, Standards, of this zoning resolution.

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

**INSTRUCTIONAL SIGN:** 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.

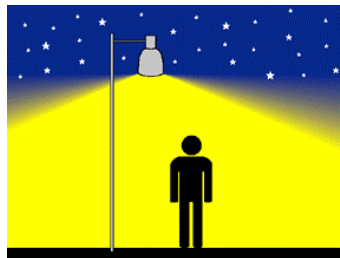
**JUNK:** Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** Any building or open area, or part thereof, used as a place to store or dump dismantle and/or sell junk.

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

**LIGHTING DEFINITIONS:**

1. **Foot-candle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
  - a. **Foot-candle, Horizontal:** The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the horizontal position.
  - b. **Foot-candle, Vertical:** The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the vertical position.
2. **Full-Shielded or Full-Cutoff Type Fixture:** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

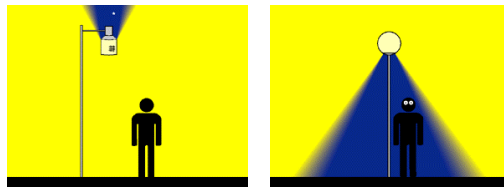


*Full cut-off lighting directs light down and to the sides as needed.*

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3. **Glare:** Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
4. **Illuminance:** The quantity of light arriving at a surface divided by the area of that surface, measured in foot-candles.
5. **Light Pollution:** Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.
6. **Light Trespass:** Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.
7. **Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
8. **Uplighting:** Any light source that distributes illumination above a ninety (90)-degree horizontal plane.

**Uplighting**



University of Texas, Austin

- Uplighting wastes energy into the sky.
- Causes glare, light trespass and harsh illumination.

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

**LOCATION MAP:** See Vicinity Map

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

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

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

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

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

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

1. **Depth:** The distance between the midpoints 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 & curvilinear roads,** the minimum frontage will be measured at the 80-foot setback line.
4. **Frontage:** Frontage measurements must be continuous, not separated by other parcels. See figure 5 end of chapter

**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 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 only one frontage on a street.
3. **Through Lots:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots (see Ashtabula County Subdivision Regulations).
4. **Reverse Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot. See figure 6 end of chapter.

**LOT TERMS:** See figure 7 end of chapter

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

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

**MANUFACTURED HOME:** also known as a HUD approved home; a non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories as defined in Ohio Revised Code Section 3781.06 (C)(4), which is designed to be used as a dwelling, whether resting on wheels, jacks, blocks, or other temporary foundation, and conforms to the National Manufactured Housing Construction and Safety Standard Act of 1974, 88 Stat.700, 42 U.S. C. A 5401, 5403, as amended, and has a permanent label or tag affixed to it as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. Manufactured homes must conform to subsection 1008.2, Standards, of this zoning resolution.

**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 service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**MANUFACTURING, LIGHT:** Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures; light manufacturing does not include uses producing products primarily from raw materials.

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

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

**MATERIAL RECOVERY FACILITY (WASTE REDUCTION):** A centralized facility that receives, separates, processes, and markets recyclable materials. A Material Recovery Facility can be operated in conjunction with both drop-off and curb side 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 payoff 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 one thousand (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:** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories as defined in Ohio Revised Code Section 4501.01 (O), which is designed to be used as a dwelling, whether resting on wheels, jacks, blocks or other temporary foundation, and which DOES NOT conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88Stat. 700, 42U.S.C.A., 5401, 5403, as amended. A “Mobile Home” DOES NOT qualify as a “manufactured home” as defined in this resolution.

**MOBILE HOME PARK:** See Manufactured Home Park

**MODEL HOME:** A structure designed and constructed as a dwelling unit but used for display as a sample to denote type of dwelling unit, which can be duplicated.

**MODULAR HOMES:** See Industrialized Unit

**MUSEUM:** A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

**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 NUDITY:** 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.

**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.

**OUTDOOR DISPLAY/SALES:** Merchandise related to commercial uses that is placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

**OUTDOOR STORAGE:** The storage of goods, materials or merchandise, related to commercial uses, in an area outside of a building or structure in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

**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 sub-divider or developer with the County Planning Commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

**PERMANENT-SITED MANUFACTURED HOME:** Also known as a HUD approved home on a permanent foundation; a manufactured home is affixed to a permanent foundation and connected to appropriate facilities, as defined in Ohio Revised Code Section 3781.06 (C) (6). A permanent sited manufactured home IS NOT located in a manufactured home park. Title must be surrendered to be considered a permanent-sited manufactured home, i.e.: real estate. Permanent-Sited manufactured homes must conform to subsection 1008.2, Standards, of this zoning resolution.

**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.

**PHYSICAL CULTURE ESTABLISHMENT:** A physical culture establishment, such as a health club, exercise business, or other business where people go for exercise or other physical activity.

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

**PLANNED UNIT DEVELOPMENT:** An area of land in which a variety of housing types and subordinates 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.

**PRE-CUT HOMES:** Factory-built housing in which building materials are factory-cut to design specification and transported to the building site and assembled, approved/certified as meeting the building standards adopted by the Ashtabula County Department of Building Regulations, as applicable to pre-cut homes. Once certified by the Ashtabula County Department of Building Regulations, pre-cut homes shall be subject standards as site-built homes. Pre-cut homes include kit, log and dome homes. Pre-cut homes must conform to subsection 1008.2, Standards, of this zoning resolution.

**PREDATORY ANIMALS DANGEROUS TO HUMANS:** Any wild animal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which because of its size, vicious nature or characteristics would constitute a danger to human life or property if it escaped secure quarters; which includes but not limited to any animal, reptile, fish, bird or insect which either bites, claws, injects venom, strangles or constricts prey in manners which could cause serious injury or death to humans. (The intent of this section provides standards intended to promote the public health, safety and general welfare, and to reduce hazards to life and property.)

**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.

**PROFESSIONAL SERVICES:** Work done for others, predominately on the premises of an office, by someone trained and engaged in such work for a career such as doctors, lawyers, and accountants.

**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 another governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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

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

**QUASI-PUBLIC USE:** Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit 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 shortwave, 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 forty (40) 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 forty (40) feet, exclusive of bumper and tongue or coupling and includes a tent type fold out camping trailer as defined in section 4517.01(R) 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 RECREATIONALVEHICLE organization. In some instances, a simple tent is also considered a Recreational Vehicle.

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

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

**RESIDENTIAL SIGN:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning resolution.

**RESTAURANT:** Restaurant includes those that are full-table service, counter and fast food service, taverns, micro-breweries etc.

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

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

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

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

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

**SEASONAL RECREATIONAL SLEEPING UNIT:** A building or structure, which is wholly or partly used for sleeping by one or more human occupants. A Seasonal Recreational Sleeping Unit shall be located in a Recreational Commercial (RC) District as an accessory use. It shall adhere to the regulations set forth in Article 10, Special Regulations.

**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.

**SENIOR CITIZEN HOUSING:** A residential complex containing twelve (12) or more dwelling units primarily designed for occupancy, which is restricted to senior citizens, defined as 55 years old or older. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care. For the purpose of this definition, senior housing does not include convalescent homes, nursing homes, assisted living facilities, or group residential facilities.

**SENIOR DWELLING UNIT:** Not more than three (3) related persons, who occupy a single dwelling unit, of whom one person is elderly.

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

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

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

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

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

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

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

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

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, illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. **Sign, Lighting Device:** Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **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.
6. **Sign, Projecting:** Any sign which projects from the exterior of a building. See figure 8 end of chapter

**SIGN TYPES:** See specific definitions such as window, wall, incidental, etc.

**SITE-BUILT HOMES:** Stick-built houses constructed on a building site in accordance to building standards adopted by the Ashtabula County Department of Building Regulations, inspected/ certified by the Ashtabula County Department of Building Regulations. Site-built homes must conform to subsection 1008.2, Standards of this zoning resolution.

**SNACK BAR/VENDING MACHINE AREA:** An area provided with vending machines and/or pre-packaged foods for public purchase.

**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 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-combustible inorganic materials.

**SPORTING GOODS STORES:** A commercial establishment whose primary activity is the sale of sporting equipment and clothing.

**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. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards.

**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:** Means an indoor or outdoor structure, chamber or tank, located in-the-ground or above-the-ground, whether permanent or portable which is capable of containing a body of water to a depth of two (2) feet or more at any point there in, maintained by the owner or manager.

1. **Private Swimming Pool:** Means a swimming pool located on a single residential, multi-family development, a community, member or guests of a club/or patrons of a hotel or motel, which is for the exclusive use of the residents and their non-paying guests; an accessory use.
2. **Licensed Swimming Pool:** Means a swimming pool to be used collectively by persons for swimming, whether operated by governmental, public or private entity or individual, and regardless of whether a fee is charged for such use; a primary use.
3. **In-Ground-Pool:** Means a “fabricated above-ground-level”, indoor or outdoor structure, chamber or tank that contains at least two (2) feet of water, which purpose is for swimming.
4. **Above-Ground-Level Pool:** Means a “fabricated above-ground-level”, outdoor structure, chamber or tank that contains at least two (2) feet of water, maximum fifty-four (54) inches in height, which purpose is for swimming.

**TEMPORARY SIGN:** Any sign that is used only temporarily and is not permanently mounted.

**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 and eighty (180) degree system of turns are not more than one thousand (1000) 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.) see figure 9 end of chapter.

**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.

**TOURIST OR DESTINATION SUPPORTING RETAIL:** Retail facilities that are intended primarily for tourists and visitors attracted to the area and/or retail facilities that support and are related to other recreational and tourist activities in the region such as, but not limited to, gift shops, sporting goods stores.

**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.

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

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

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

**VILLAGE-LIKE:** A group of dwelling units arranged in an environment similar to a village.

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

**WALL SIGN:** 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.

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

**WINDOW SIGN:** Any sign, pictures, symbol, or combination thereof, designed to communicate information inside a window or upon the window panes or glass and is visible from the exterior of the window.

**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 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, pruning's and other natural organic solid waste under aerobic conditions.

**ZERO LOT LINE DEVELOPMENT:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero-lot line development or a street shall not be less than that required in the zoning district. See figure 10 end of chapter

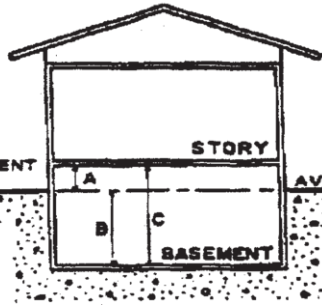
**ZONE LOT:** A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the zoning regulations.

**ZONING ADMINISTRATOR:** The Zoning Administrator is the person designated by the Board of Township Trustees, to administer and enforce zoning regulations and related resolutions. The term Zoning Administrator is construed to be synonymous with the term Zoning Inspector as used in the Ohio Revised Code

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

# Basement & Story

WHEN "A" IS LESS THAN "B" "C" IS A BASEMENT



WHEN "A" IS GREATER THAN "B" "C" IS A STORY

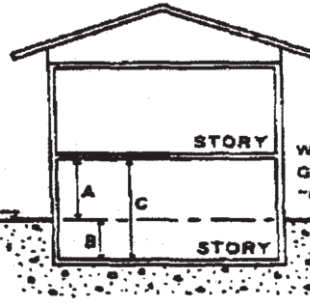


Figure 1

Figure 2

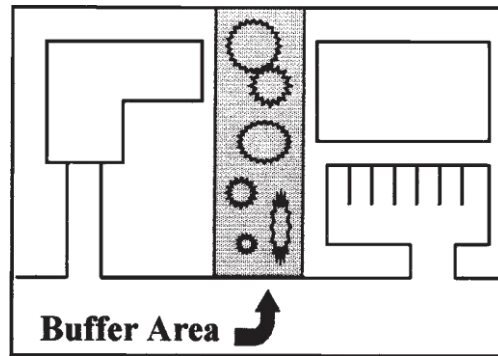
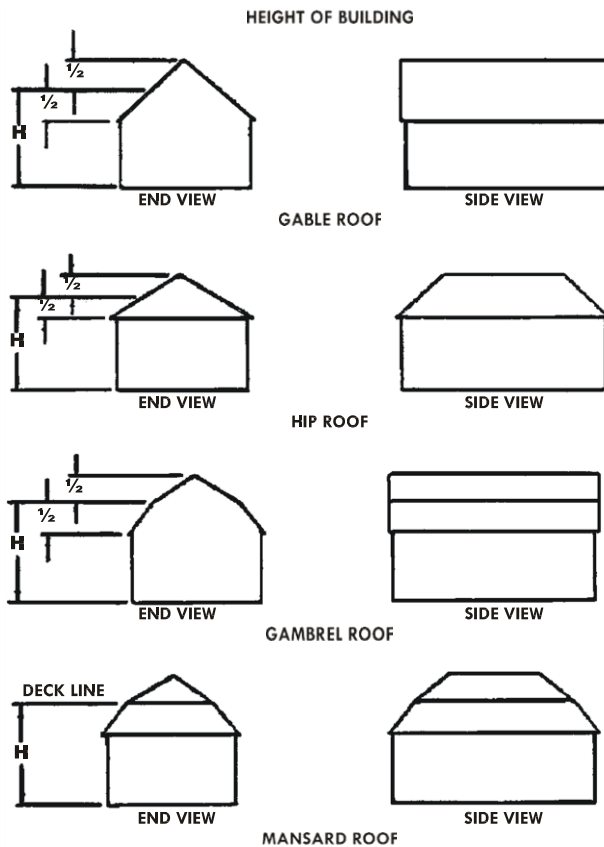


Figure 3



## ROOF TYPES AND BUILDING HEIGHT

Figure 4

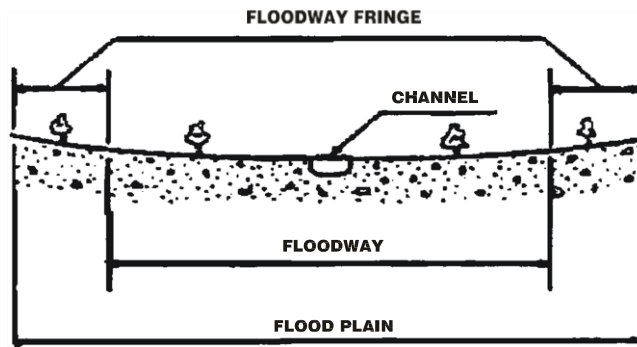


Figure 5

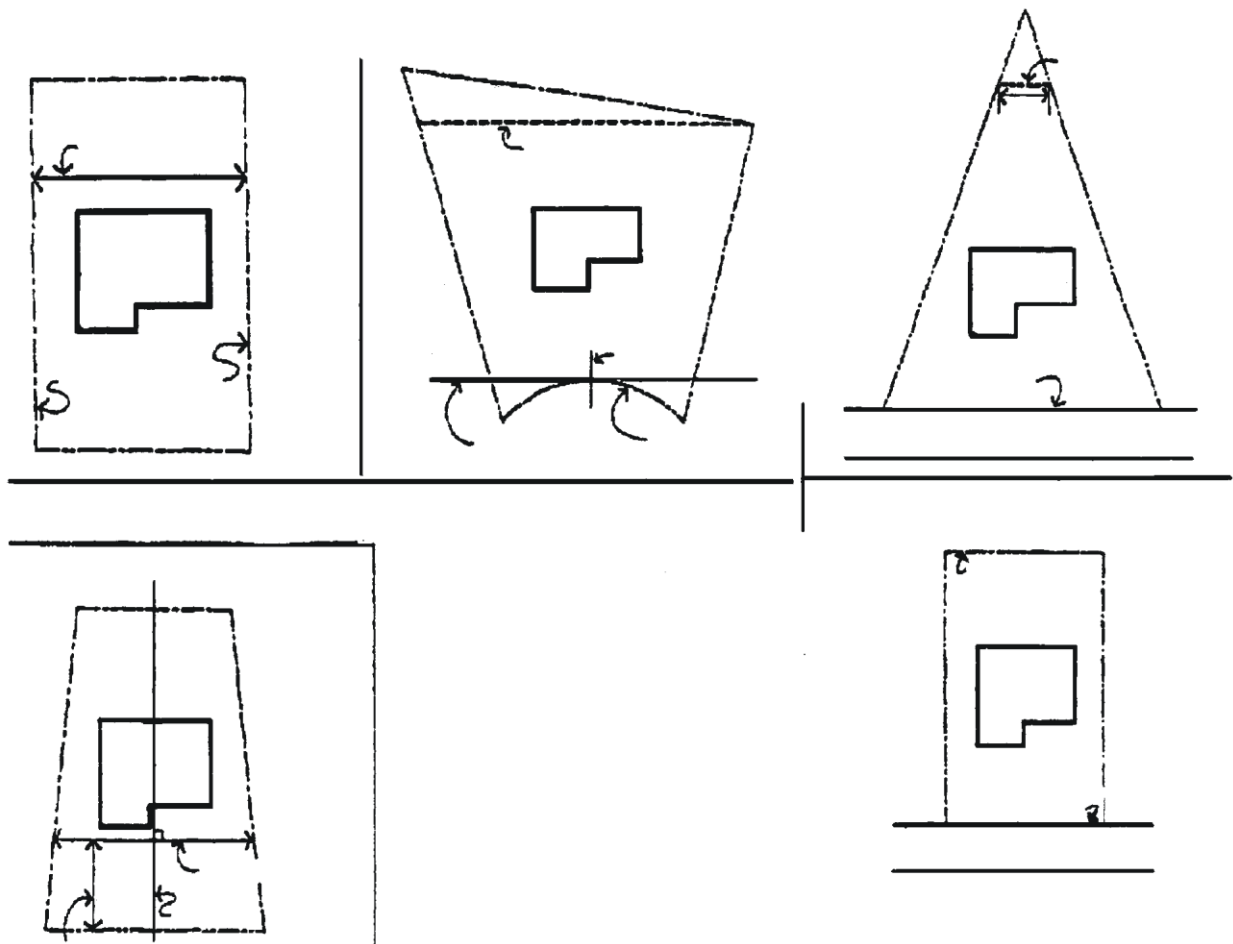


Figure 6

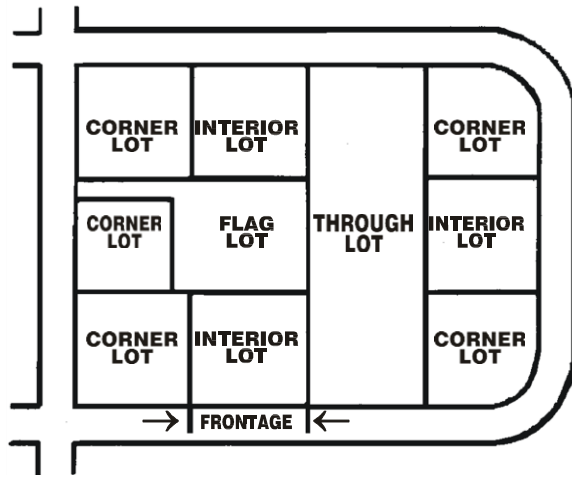


Figure 7

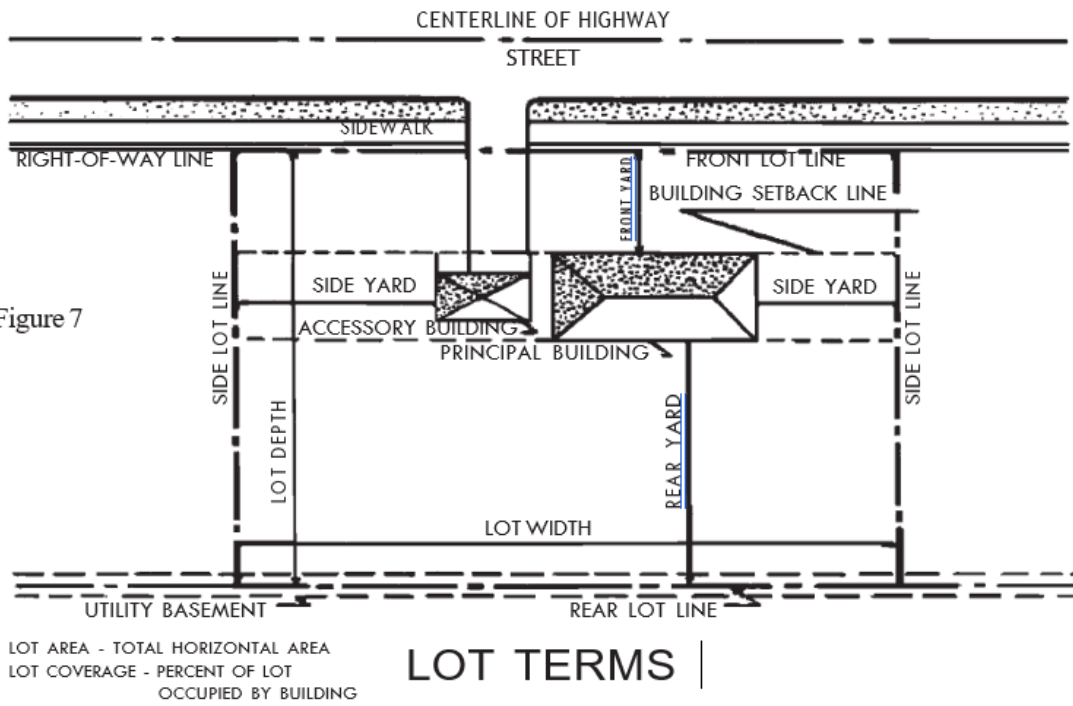
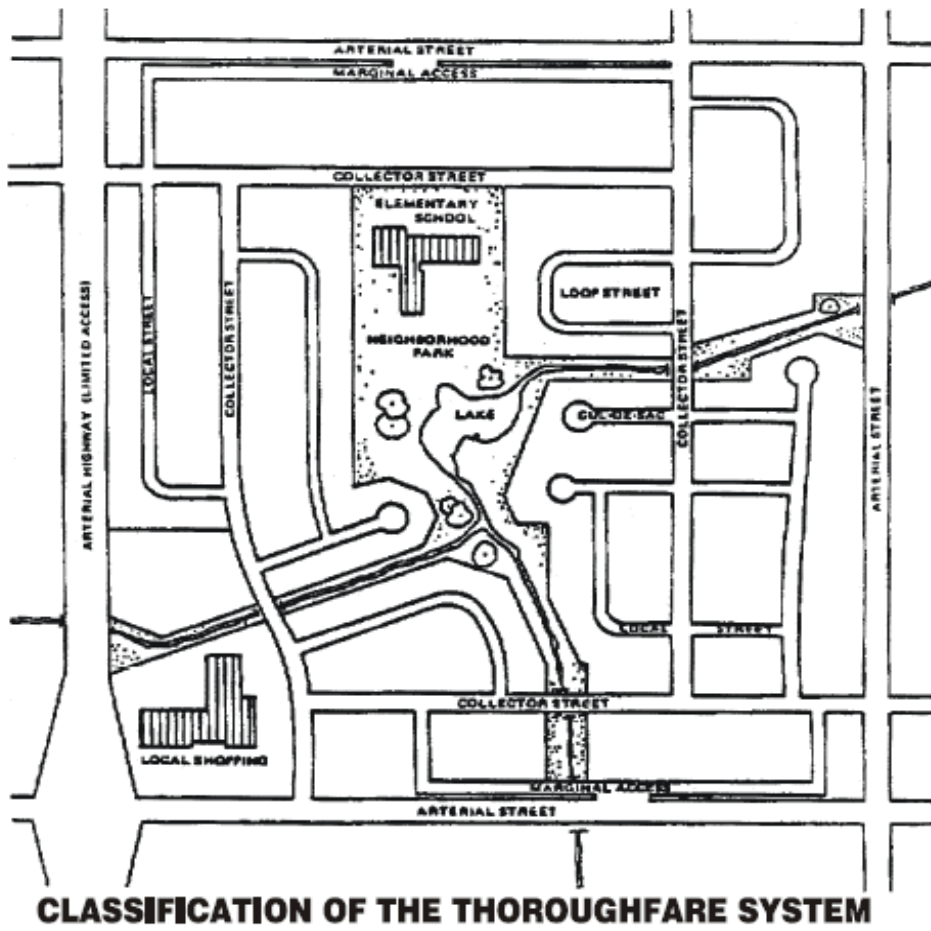


Figure 8



**CLASSIFICATION OF THE THOROUGHFARE SYSTEM**

Figure 9

Figure 10



# **ARTICLE 3**

## **NONCONFORMITIES**

**300 PURPOSE**

Within the districts established by this Resolution; lots, uses of land, structures, and uses of structures and land in combination will exist which were lawful but are no longer lawful when this Resolution takes effect. 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 NONCONFORMING USES.**

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming 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.

**303 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.

**304 CERTIFICATES FOR NONCONFORMING USES**

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

**305 SUBSTITUTION OF NONCONFORMING USES**

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

**306 SINGLE NONCONFORMING 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 from 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 411.

**307 NONCONFORMING 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.



**308 NONCONFORMING USES OF LAND**

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

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

**309 NONCONFORMING STRUCTURES**

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Recreational vehicles, mobile homes and trailers as defined by Article 2 of this Resolution (excepting manufactured homes as defined by this Resolution) are not structures, and Sections 309 and 310 of this Resolution do not apply.

**310 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.**

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

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**311 TERMINATION OF NONCONFORMING USES.**

**312 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.

**313 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 Permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction. Rebuilding to be completed within two (2) years of the date of securing the zoning permit in accordance to Article 14
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.

**314 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 through 411 inclusive, of this Resolution. As specified in Section 1308, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

### **401 APPEALS**

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

### **402 STAY OF PROCEEDINGS**

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

### **403 VARIANCES**

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

404      **APPLICATION AND STANDARDS FOR VARIANCES**

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

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

- 405 ADDITIONAL CONDITIONS AND SAFEGUARDS**  
The Board may further prescribe any conditions and safeguards that it deems necessary to ensure 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.
- 406 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**  
The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.
- 407 NOTICE OF PUBLIC HEARING IN NEWSPAPER**  
Before conducting the public hearing required in Section 406, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
- 408 NOTICE TO PARTIES IN INTEREST**  
Before conducting the public hearing required in Section 406, 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 407.
- 409 ACTION BY BOARD OF ZONING APPEALS**  
Within thirty (30) days after the public hearing required in Section 406, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 405, 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 1309.
- 410 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.

**411 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 404, and Section 405 if applicable, have been met by the applicant. Variances may be granted as guided by the following:

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

# ARTICLE 5

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

### 500 REGULATION OF CONDITIONAL USES

The provisions of Article 5 of this Resolution apply to the location, development 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 502 through 510 of this Resolution.

### 502 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

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

1. Name, address and phone number of the applicant.
2. Legal description of the property and proof of ownership;
3. Zoning district.
4. Description of existing use(s) and the existing site conditions.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require.
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration and a statement as to how the proposal is consistent with the criteria in this Article.
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question.
9. A fee as established by Resolution.
10. A narrative addressing each of the applicable criteria contained in Section 503.



### **503 GENERAL STANDARDS FOR ALL CONDITIONAL USES**

In addition to the specific requirements for conditionally permitted uses as specified in Section 504, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 8 and appears on the Schedule of District Regulations adopted for the zoning district involved.
2. Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the zoning ordinance.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. 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.
9. 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.
10. Will have all permanent buildings constructed and designed so as to conform with the setback and building design of existing uses in the district.

When evaluating applications utilizing the above criteria, the Board of Zoning Appeals shall judge the appropriateness of the proposed conditional use based upon its anticipated impacts given the scope of the proposed use on the subject site understanding that the Township has already accepted impacts normally associated with such a conditional use when the use was listed as a conditional use in the zoning district.

### **504 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 reasonable supplementary conditions and safeguards in addition to these requirements in accordance with Article 5.

1. **Adult Entertainment (I/OP-NW District)** See Section 1002
2. **Amusement Arcades (RC, LC, AC Districts)** See Section 1001

### 3. **Amusement Enterprises (excluding Theater) (LC, 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 **LC District only**:
  1. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  2. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
  3. The establishment shall not operate between the hours of midnight and 7:30 A.M.

### 4. **Antique Sales (LC District)**

- a. See Subsection 1006.3
- b. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.

### 5. **AP Sales and Service (AP District)**

- a. No major activities shall be conducted between the hours of 12:00 midnight and 6:00AM, unless in the opinion of the Zoning Administrator, the activity constitutes as unusual and infrequent emergency response which is undertaken to preserve the business interest of the owner.
- b. Items, which are a normal and customary part of the business inventory, but not offered for direct sale to the public, shall be stored in such a manner as to avoid creating a nuisance or eyesore.
- c. Items on display offered to the public for sale, shall be maintained in a neat and orderly manner. The following are specifically prohibited from being considered; Junk (as defined in Section 906 of the Zoning Text), or any vehicle (as defined in the Ohio Revised Code), in a dilapidated or broken-down state. The display must have a base of aggregate (stone), concrete or asphalt. The base shall not be grass or dirt.
- d. Lighting shall be provided so as not to be a nuisance to others in the surrounding areas. It shall be restricted to property illumination.
- e. Screening shall be in compliance with Section 920 of the Zoning Text. It shall also be provided to restrict the view of yards or storage activities from the roadway or surrounding residential districts.

6. **Automobile Commercial Parking (LC, AC Districts)**
7. **Barber/Beauty Shops (R-1, R-2 Districts)** See Subsection 1006.3
8. **Bed/Breakfast Home (R-1, RC, LC, AC, PUD Districts)**
  - a. The facility shall contain no more than four (4) sleeping rooms for guests.
  - b. 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.
  - c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
  - d. Fire exit instructions shall be posted in each sleeping room.
  - e. The facility shall be operated so that guests reside at the home for not longer than one continuous week.
  - f. Signage shall identify rather than advertise the establishment. One (1) sign no larger than four (4) square feet shall be permitted. See Article 12.
  - g. Off street parking shall be provided at the rate of one (1) additional parking space per guest room, plus two (2) extra spaces. The front setback shall not be used for parking.
  - h. 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.
  - i. The only meal provided to guests shall be breakfast and shall only be served to registered guest in the facility. No food preparation shall be allowed within any bedroom. Number of guests served shall not exceed sixteen (16).
  - j. Each non-owner Bed & Breakfast shall have posted the owner's name and contact information.
9. **Canoe Livery (R-1 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 Subsection 1006.3 (Home Occupation).

**10. Cemetery (R-1 District)**

- a. The site shall have direct access to a major thorough fare 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 locate within 100 feet of any property line.
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

**11. Child Day Care Center (R-1, R-2, LC Districts)**

- 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.

**12. Clubs and Places of Entertainment (LC, AC Districts)**

**13. Commercial Recreation and Entertainment – Indoor (I/OP, I/OP-NW 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 LC District only:
  1. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  2. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
  3. The establishment shall not operate between the hours of midnight and 7:30 A.M.

**14. Commercial Recreation and Entertainment – Outdoor (I/OP, I/OP-TC, I/OP-NW, LC, 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; 2) The establishment shall not operate between the hours of midnight and 7:30 A.M.
- b. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan; 2) Truck parking areas, maneuvering lanes, and 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.

**15. Construction Equipment Sales and Service (AC District)**

- a. No major activities shall be conducted between the hours of 12:00 mid-night and 6:00 AM, unless in the opinion of the Zoning Administrator, the activity constitutes an unusual and infrequent emergency response which is undertaken to preserve the business interest of the contractor.
- b. Items that are a normal and customary part of a contractor's inventory, but not offered for direct sale to the public, shall be stored in such a manner as to avoid creating a public nuisance or eyesore.
- c. Items on display and offered to the public for sale, shall be maintained in a neat and orderly manner. The following are specifically prohibited from being considered; Junk (as defined in Section 906 of the Zoning Text), or any vehicle (as defined in the Ohio revised Code) in a dilapidated or broken-down state. The display area must of have a base of an aggregate (stone) or concrete or asphalt. The base shall not be grass or dirt.
- d. Lighting shall be provided so as not to be a nuisance to others in surrounding areas. It shall be restricted to property illumination.
- e. Screening shall be in compliance with Section 920 of the Zoning Text. It shall also be provided to restrict the view of yard or storage activities from the roadway.

**16. Contractor's Office, Storage/Maintenance Yards (AC District)**

- a. No major activities shall be conducted between the hours of 12:00 midnight and 6:00AM, unless in the opinion of the Zoning Administrator, the activity constitutes an unusual and infrequent emergency response which is undertaken to preserve the business interest of the contractor.
- b. Items which are a normal and customary part of a contractor's inventory, but not offered for direct sale to the public, shall be stored in such a manner as to avoid creating a public nuisance or eyesore.
- c. Items on display and offered to the public for sale, shall be maintained in a neat and orderly manner. The following are specifically prohibited from being considered; Junk (as defined in Section 906 of the Zoning Text), or any vehicle (as defined in the Ohio revised Code) in a dilapidated or broken-down state. The display area must have a base of an aggregate (stone) or concrete or asphalt. The base shall not be grass or dirt.
- d. Lighting shall be provided so as not to be a nuisance to others in surrounding areas. It shall be restricted to property illumination.
- e. Screening shall be in compliance with Section 920 of the Zoning Text. It shall also be provided to restrict the view of yard or storage activities from the roadway.

**17. Assisted Living/Nursing Homes (LC, AC Districts)**

- a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.

**18. Drive-in Food Dispensary (LC District)**

- a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.

**19. Emergency Safety Service Station (R-1, RC Districts)**

- a. Loudspeakers which cause a hazard or annoyance shall not be permitted.
- b. There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
- c. 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.
- d. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- e. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- f. Such uses should be located on an arterial thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential use.

**20. Firearm Ranges Indoor and/or Target Shooting Building (LC, RC Districts)**

- a. The establishment shall not operate between the hours of 9:00 P.M. and 9:00 A.M.
- b. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into adjacent properties.
- c. All target areas shall be no closer than 750 feet to adjacent properties.
- d. The arrangement of the range shall be such that all targets, projectiles, shells, bullets, ricochets, etc. shall be contained within the confines of the range or range property.

**21. Firearm Ranges Outdoor (RC District)**

- a. The establishment shall not operate between the hours of 9:00 P.M. and 9:00 A.M.
- b. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into adjacent properties.
- c. All target areas shall be no closer than 750 feet to adjacent properties.
- d. The arrangement of the range shall be such that all targets, projectiles, shells, bullets, ricochets, etc. shall be contained within the confines of the range or range property.

**22. Funeral Home (LC, 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.

**23. Go-Cart Track (RC District)**

- a. The Go-Cart Track shall not operate between the hours of 9:00 P.M. and 9:00 A.M.
- b. Such use shall not be conducted closer than 500 feet from any Residential District.
- c. Track is to be enclosed by a four (4) foot high spectator fence located no less than 10 feet from the edge of the track.
- d. Track is to be enclosed by a sound barrier, consisting of a six (6) foot high natural or man-made barrier that maintains the predevelopment level of sound reaching adjacent residential districts constructed of non-transparent material no more than fifty (50) feet from the spectator fence required in “c” above.
- e. Track surface is to be hard surfaced with either poured concrete or asphalt.

**24. Government Service Yards (Township and County only) (LC, AC Districts)**

- a. No major activities shall be conducted between the hours of 12:00 mid-night and 6:00 AM, unless in the opinion of the Zoning Administrator, the activity constitutes an unusual and infrequent emergency response which is undertaken to preserve the business interest of the contractor.
- b. Items that are a normal and customary part of a contractor’s inventory, but not offered for direct sale to the public, shall be stored in such a manner as to avoid creating a public nuisance or eyesore.
- c. Items on display and offered to the public for sale, shall be maintained in a neat and orderly manner. The following are specifically prohibited from being considered; Junk (as defined in Section 906 of the Zoning Text), or any vehicle (as defined in the Ohio revised Code) in a dilapidated or broken-down state. The display area must have a base of an aggregate (stone) or concrete or asphalt. The base shall not be grass or dirt.
- d. Lighting shall be provided so as not to be a nuisance to others in surrounding areas. It shall be restricted to property illumination.
- e. Screening shall be in compliance with Section 920 of the Zoning Text. It shall also be provided to restrict the view of yard or storage activities from the roadway.

**25. Heliport (I/OP, I/OP-TC, I/OP-NW, LC, AC, AP Districts)**

- a. LC 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. AC District only: All structures and activity areas should be located at least one hundred (100) feet from all property lines.



**26. Home Occupations (R-1, R-2, LC, AC Districts) - See Subsection 1006.3**

**27. Miniature Golf, Tennis, Archery, Baseball/Softball, Basketball, Volleyball, Football/Soccer Facilities That Are Commercial or Club Related (LC, 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 County Major Thoroughfare Plan; 2) The establishment shall not operate between the hours of midnight and 7:30 A.M.
- b. For LC District: 1) Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan; 2) Truck parking areas, maneuvering lanes, and 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.

**28. Modular Homes, Sales Office and Model Homes (I/OP, I/OP-NW Districts)**

- a. No major activities shall be conducted between the hours of 10 PM and 7 AM.
- b. The Principal building shall be the sales office complex. Minimum floor area of the principal building shall be 1000 square feet. The following shall be contained within the principal building.
  1. A 6" x 14"-footer with a minimum of 6" wall. Footer shall be a minimum of 36" below grade. If a crawl space, it shall be ventilated on all four sides.
  2. It shall contain heat, plumbing and underground electricity. The plumbing must be connected to an approved septic or sewer system.
  3. It shall be handicapped accessible.
  4. It shall contain two public, handicap accessible, restrooms (M/W)
  5. All sources of illumination of the exterior of the principal building (Sales office complex) shall be shielded so as not to cause direct glare and shall be directed away from the lot lines and toward the office area, shall utilize lighting, which shines against the sign so that the light emitted directly from the fixture is not shining beyond the boundaries of the sign.
  6. Screening shall be in compliance with Section 920 of this Zoning Resolution.

- c. Items, which are a normal and customary part of the business inventory, but not offered for direct sale to the public, shall be stored within the Principal Building or Accessory Buildings in such a manner as to avoid creating a public nuisance or eyesore.
- d. Model Home(s) shall be “Industrialized Units”
- e. All areas used to display model homes shall be indicated on the site plan. The model homes can be clustered on the lot.
- f. There shall be no more than one model home per acre on display at any one time, i.e.: a ten (10) acre lot shall contain no more than ten (10) model homes.
- g. The model homes shall be arranged in relation to other display model homes, in a “village - like” setting with lighting and landscaping, sidewalks being optional.
- h. Items on display, model homes offered to the public for sale, shall be maintained in a neat and orderly manner. The following are specifically prohibited from being considered; Junk (as defined in Section 906 of the Zoning Text), or any vehicle (as defined in the Ohio Revised Code in dilapidated or broken-down state.
- i. All Model homes shall have the following:
  - 1. A foundation skirting, surrounding each model home, shall have a foundation-like look.
  - 2. Underground electricity
  - 3. Heat
  - 4. Minimum side distance between model homes shall be twenty-five (25) feet.
  - 5. Minimum front and back distance between model homes shall be fifty (50) feet.
  - 6. Minimum length of each model home shall be thirty-eight (38) feet.
  - 7. Minimum width of each model home shall be twenty-six (26) feet.
  - 8. Minimum roof pitch of each model home shall be 4/12. Each model home shall have a double-pitched roof.
  - 9. All minimum roof overhangs on each model home, excluding the gutters shall be twelve (12) inches.
  - 10. All sources of illumination of the exterior of each model home shall be shielded so as not to cause direct glare and shall be directed away from the lot lines and toward the model homes, walkways, and landscape. Any signs, within the area of the model homes, shall utilize lighting, which shines against the sign so that the light emitted directly from the fixture is not shining beyond the boundaries of the sign.
- j. An Accessory Building(s) shall contain all equipment needed to maintain the sales office and the model homes. It will have a base of an aggregate (stone), concrete or asphalt. The base shall not be grass or dirt. It shall be restricted to property illumination so as not to be a nuisance to others in the surrounding area. Screening shall be in compliance with Section 920 of this Zoning Resolution.
- k. All signs, on and off property, shall conform to Article 12 of this Zoning Resolution.

- l. Any work vehicle and/or any vehicle used for the transportation or assembly of an “Industrialized Unit(s)” shall be parked/stored in the work vehicle parking area as indicated on the site plan. The vehicle(s) shall not be parked/stored on premises for more than five (5) working days.
- m. All outside Refuse Collection Area(s) shall be indicated on the site plan and conform to Sections 906 and 907 of this Zoning Resolution.

**29. Nightclubs (I/OP-TC, AC Districts)**

- a. The Board of Zoning Appeals may impose restrictions on the hours of operation to assure compliance with the general review criteria for conditional uses in this Article. All live performances and recorded music shall be inside a totally enclosed sound resistant building with closed doors and windows unless time and duration exceptions to this provision are explicitly approved by the Board of Zoning Appeals.
- b. Outdoor entertainment may be permitted provided the applicant demonstrates to the Board of Zoning Appeals that noise generated at the property line will not exceed normal conversational levels and will not otherwise cause a nuisance to adjoining properties.

**30. Pet Shops, Bird Stores, Taxidermist (LC 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/they 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.

**31. Physical Culture Establishments (AC District)**

- a. The establishment shall not operate between the hours of midnight and 7:30 A.M

**32. Predatory Animals Dangerous to Humans (R-1 District)**

- a. Acquisition and possession shall meet or exceed all federal, state and local laws.
- b. The Applicant must provide proof of liability insurance which specifically covers the animal (animals) for which this Conditional Use Permit is being requested.

- c. The Owner must have at least ten (10) acres to keep a Predatory Animal, Dangerous to Humans. Owner must have at least ten (10) additional acres for each animal regardless of species. No more than two (2) animals may be kept by any one (1) owner or group of owners.
- d. A site plan must be provided drawn to a scale of 1 inch = 100 feet and will include the property lines, all existing structures and buildings and the location and size of the wild animal enclosure or confinement area.
- e. Any Predatory Animal Dangerous to Humans cage or confinement area shall be at least 200 feet from the property or street line
- f. Facilities
  - 1. All animals shall be kept in cages which meet the following minimum criteria or shall be housed in building in which the strength of the walls and the restraints affixed to all windows, doors and other means of entry or exit in effect meet such minimum criteria:
    - A. Felidae, Ursidae and Canidae - All cages shall be constructed of and covered at the top with 9 gauge steel chain link or equivalent with tension bars and metal clamps to prevent the escape of the animal, provided that animal may be held in facilities without a top where the sides of the cage are a minimum of eleven (11) feet high with the top three (3) feet of fencing turned in at a forty-five (45) degree angle. No structures which could provide potential escape routes may be present near the fence of an open top cage.
    - B. Poisonous Animals and Constricting - All such animals shall be kept in a cage or in a glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animals escape. The cage or glass enclosure must be kept inside an outer cage or glass enclosure which is kept locked at all times. No person except the owner or his/her authorized employee shall open the cage or other container which contains poisonous/constricting animals. Persons keeping poisonous animals shall have in their possession antivenin for each species possessed.
    - C. Alligators and Crocodiles
      - 1. Cages shall consist of fencing at least eight (8) feet in height and of not less than 9-gauge steel chain link or the equivalent.
      - 2. All cages shall be well braced and securely fastened to the floor or in the ground and shall utilize metal clamps, or braces of equivalent strength as that prescribed for cage construction.
      - 3. All cage entrances shall have double safety doors, one of which only opens to the inside. These doors must remain locked at all times when unattended with chains and locks of sufficient strength to prevent the animal from breaking open the door if highly excited.

4. All cages shall be constructed with a den nest box or other connected housing unit that can be closed off and locked with the animal inside for the safe servicing and cleaning of the open area. In lieu of a nest box, a divided cage with a door between the two compartments may be used.
5. The mesh size or distance between bars shall be sufficiently small to prevent the escape of the animal being held.
6. All stationary facilities must be surrounded by a perimeter fence (secondary barrier) of at least eight (8) feet in height and a minimum of four (4) feet from the cage holding the animal, or a building or other protection of the enclosure where the animal is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal and the public.
7. Outdoor and Indoor Facilities shall be constructed and maintained so as to provide sufficient space for each animal to make normal postural and social adjustments with freedom of movement to keep the animals clean, dry and safe from injury; and to provide animals ready access to clean water and wholesome food. All outdoor pens shall have an exterior fence of sufficient height and construction so as to prevent the animals within to surmount it and to prevent injury to the public.

**33. Radio and Television Towers (I/OP, I/OP-NW, LC, AC Districts)**

- a. All structures and activity areas should be located at least one hundred (100) feet from all property lines, or the height of the tower, whichever is greater.
- b. The area of use shall be completely enclosed by a six (6) foot high fence and appropriately landscaped to be harmonious with surrounding properties.
- c. Shall meet FCC specifications.

**34. Recreation and Community Center Buildings (R-1, R-2 Districts)**

- a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
- b. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
- c. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.

35. **Residential Care Facilities (Group Homes) (R-2, RC, AC Districts)** - See Subsection 1007.2
36. **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 (LC 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;
  - b. The establishment shall not operate between the hours of midnight and 7:30 A.M.
37. **Recreation Vehicle, Boat, and Modular Home Sales and Service (RC, AC, I/OP-TC Districts)**
- a. No major activities shall be conducted between the hours of 12:00 midnight and 6:00AM, unless in the opinion of the Zoning Administrator, the activity constitutes an unusual and infrequent emergency response which is undertaken to preserve the business interest of the owner.
  - b. Items which are a normal and customary part of the business inventory, but not offered for direct sale to the public, shall be stored in such a manner as to avoid creating a public nuisance or eyesore.
  - c. Items on display offered to the public for sale, shall be maintained in a neat and orderly manner. The following are specifically prohibited from being considered; Junk (as defined in Section 906 of the Zoning Text), or any vehicle (as defined in the Ohio Revised Code) in a dilapidated or broken-down state. The display area must have a base of an aggregate (stone) or concrete or asphalt. The base shall not be grass or dirt.
  - d. Lighting shall be provided so as not to be a nuisance to others in surrounding areas. It shall be restricted to property illumination.
  - e. Screening shall be in compliance with Section 920 of the Zoning Text. It shall also be provided to restrict the view of yard or storage activities from the roadway or surrounding residential districts.

38. **Signs, Off-Premise (101-1200 sq. ft.) (R-1, LC, AC, I/OP, I/OP-TC, I/OP-NW, AP, RAD 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 Ohio Revised Code 5516.
  2. Shall not exceed 1,200 square feet in area.
  3. Shall not exceed 35 feet in height.
  4. Shall comply with all other regulations of the appropriate zoning district.
  5. Shall be no closer than 500 feet to any other off-premise sign, including those on the opposite side of thoroughfares.
- b. Off-premise signs more than 100 square feet but not to exceed 300 square feet:
  1. Shall be located only on Major State Collectors, Minor Collectors, or major Local Collectors as defined by the County Thoroughfare Plan.
  2. Shall be set back a minimum of 20 feet from the road right-of-way.
  3. Shall be set back a minimum of 50 feet from any property line;
  4. Shall not exceed 35 feet in height.
  5. Shall be no closer than 500 feet to any other off-premise sign, including those on the opposite side of thoroughfares.
  6. Shall have supporting structures screened with appropriate landscaping.

39. **Single Family Homes (RAD)** - Shall only be permitted when it is documented by the applicant that the facilities will only be occupied for teachers and families of athletes during the extended time they are actively engaged with related facilities in the RAD District.

40. **Storage Warehouse and Yards (LC, AC Districts)**

- a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the County Major Thoroughfare Plan;
- b. **For LC 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.

**41. Truck Stops (with or without Truck Wash) (AC District)**

- a. The minimum project size shall be ten (10) acres.
- b. All vehicles parked on the site shall be in sound operating condition unless disabled and parked for emergency purposes for a period not to exceed forty-eight (48) hours.
- c. The location for the parked vehicles shall be to minimize the noise from idling vehicles causing a nuisance on adjacent property.
- d. Any truck-wash shall be placed on the site as far from residential zoned property to the maximum extent practicable.
- e. The Board of Zoning Appeals may require additional landscape buffering, then specified in this resolution, to minimize any adverse impacts this use may have on adjacent property.

**42. Veterinary Clinic and Kennel (R-1, LC, 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/she/they 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. Screens and plants to buffer any structures other than buildings from adjacent residential uses are required.

**505 PUBLIC HEARING**

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

**506 NOTICE OF PUBLIC HEARING**

Before conducting the public hearing required in Section 505, 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.

**507 NOTICE TO PARTIES OF INTEREST**

Prior to conducting the public hearing required in Section 505, 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 506 for notices published in newspapers.



**508 ACTION BY THE BOARD OF ZONING APPEALS**

Within thirty (30) days after the date of the public hearing required in Section 505, 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 509. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 1309.

**509 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.

**510 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.

**511 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

**512 REMEDY BY APPLICATION FOR AMENDMENT**

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

**513 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES**

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

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

**514 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.

**515 RECORD OF SUBSTANTIALLY SIMILAR USES**

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

**516 REGULATION OF ACCESSORY USES**

The provisions of Sections 516 through 521 inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

**517 PURPOSE**

It is the purpose of Sections 516 through 521 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.

**518 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 unattached 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.

**519 GENERAL REQUIREMENTS**

Except as otherwise provided in this Resolution, excluding Recreational Commercial (RC) Districts, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be sixty (60) 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.
5. It shall not be located directly in front of the foundation of the principal use or structure, except when attached to principal use or structure but must still conform to setbacks.

**520 DWELLINGS AS ACCESSORY USES**

Dwellings may be accessory uses in residential districts if located inside the principal home or if attached 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.

**521 ACCESSORY SENIOR DWELLING UNIT**

Notwithstanding the provisions of Section 901 #2 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 senior 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.

**522 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, Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

### **602 INITIATION OF ZONING AMENDMENTS**

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

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

### **603 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT**

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

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

**604 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT**

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

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

**605 TRANSMITTAL TO ZONING COMMISSION**

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

**606 SUBMISSION TO COUNTY PLANNING COMMISSION**

Within five (5) days after the adoption of a motion by the Planning 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 center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of 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 Board of Township 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 Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

**608 PUBLIC HEARING BY ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 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) newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

**610 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION**

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

**611 RECOMMENDATION BY ZONING COMMISSION**

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

**612 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

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

**613 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

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

**614 EFFECTIVE DATE AND REFERENDUM**

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

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

**615 FILE ZONING AMENDMENTS WITH COUNTY RECORDER AND COUNTY PLANNING 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 realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

### 701 ESTABLISHMENT OF DISTRICTS

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

R-1	Single and Two-Family Residential
R-2	Multi-Family Residential
RC	Recreation Commercial
LC	Limited Commercial
AC	Accommodation Commercial
I/OP	Industrial/Office Park
I/OP-TC	Industrial/Office Park – Tourist Commercial
I/OP-NW	Industrial/Office Park - Northwest
PUD	Planned Unit Development District
AP	Airport District
RAD	Recreation Athletic Development District

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.

### 702 ZONING DISTRICT MAP

The districts established in Section 701, 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.

### 703 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 706.



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

**705 INTERPRETATION OF DISTRICT BOUNDARIES**

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

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

**706 ZONING MAP AMENDMENTS**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The Official Zoning Map shall then be signed by the Trustees and attested to by the Fiscal Officer.

# ARTICLE 8

## DISTRICT REGULATIONS

### 800 COMPLIANCE WITH REGULATIONS

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

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
  - a. to provide for greater height or bulk;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open space;than herein required, or in any other manner be contrary to the provisions of this Resolution;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. The purpose of the Official Schedule of Permitted Uses, in Section 801 and 803, 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.**

### 801 OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS FOR THE R-1, R-2, RC, PUD, AND AP DISTRICTS.

District regulations for the R-1, R-2, RC, PUD, and AP Districts 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 as further set forth in Articles 9 and 10 of this Resolution, “Supplementary District Regulations” and “Special Regulations”.

## 802 PURPOSES FOR THE R-1, R-2, RC, PUD, AND AP DISTRICTS

### **Zoning District: R-1**

**Purpose:** The purpose of the R-1 (Single and Two-Family) District is to permit development of rural and near rural areas which may not have public facilities in the near future. This district allows single-family dwelling units and two-family dwelling units which may be site built, modular, or manufactured housing conforming to Article 10, Sections 1008 through 1008.3. PUD's are allowed as an overlay district.

### **Zoning District: R-2**

**Purpose:** The purpose of the R-2 (Multi-Family) District is to permit the development of multi-family residences in groups of not less than 3 or more than 12 dwelling units per building in areas which have the necessary public utilities. Single- and two-family housing is permitted, but not encouraged unless part of a PUD as described in Article 15. PUD's are allowed as an overlay district.

### **Zoning District: RC**

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

### **Zoning District: PUD**

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

### **Zoning District: AP**

**Purpose:** The purpose of an AP District (Airport District) is to allow the establishment at areas for airport use only. This district is specifically designed to serve aircraft. Residential buildings prohibited.

**P = Permitted; C = Conditional**

## Schedule 802.1

### Official Schedule of Permitted Uses for the R-1, R-2, RC, PUD and AP Districts

USE	R-1	R-2	RC	PUD	AP
Accessory uses & structures	P				
Accessory uses and structures incidental to a permitted use which will not create a nuisance or hazard.		P	P		P
Airport					P
All uses conditionally permitted in the R-1, R-2, AC, RC, and AC Districts				C	
All uses permitted in the AC District				P	
All uses permitted in the LC District.				P	
All uses permitted in the R-1 District				P	
All uses permitted in the R-2 District.				P	
All uses permitted in the RC District.				P	
Amusement Arcade (Section 1001)			C		
Assembly halls, gymnasiums & similar structures when part of a school or place of worship	P	P			
Beauty/Barber Shops (Section 1006)	C	C			
Bed & Breakfast Homes	C		C		
Campground, recreation.			P		
Canoe Livery	C		P		
Cemetery	C				
Churches & other place of worship.	P	P	P		P
Commercial or club related recreational facilities for sports such as archery, basketball, football, soccer, miniature golf, softball/baseball, tennis, volleyball.			P		
Day Care Center (Type A)	C	C			

## Schedule 802.1

### Official Schedule of Permitted Uses for the R-1, R-2, RC, PUD and AP Districts

USE	R-1	R-2	RC	PUD	AP
Dwellings, Detached Single-Family (Section 1008)	P	P	P		
Dwellings, Multi-Family		P*			
Dwellings, Two-Family	P	P			
Emergency Safety Services Station	C		C		
Firearm Ranges and/or Target Shooting Buildings			C		
Gasses or liquefied petroleum gases in approved portable metal cylinders for storage or sale			P		
Go-Cart Tracks			C		
Golf course, driving ranges, pitch & putt, par three course.			P		
Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis			P		
Group Residential Facility, Class I Type B (Section 1007)	P	P	P		
Group Residential Facility, Class I, Class II, Type A, B		C			
Group Residential Facility, Class I, Type A; Class II, Type A, B (1007)			C		
Home Occupation (Subsection 1006.2)	P	P			
Home Occupation (Subsection 1006.3)	C	C			
Horse riding club, riding stables			P		
Kennel	C				
Libraries	P	P			
Oil/Gas Wells	P	P	P		
Parks	P	P	P		
Pavilion	P	P	P		
Picnic Area			P		
Playground. Tot-lot	P	P	P		

## Schedule 802.1

### Official Schedule of Permitted Uses for the R-1, R-2, RC, PUD and AP Districts

USE	R-1	R-2	RC	PUD	AP
Playgrounds (Principal Use)	P	P	P		
Recreation/Community Center	C	C			
Retail Accessory uses wholly within the principal building & without exterior advertising display.			P		
Retail accessory uses wholly within the principal building, specifically related to the principal use and without exterior advertising display.					P
RV Sales & Service			C		
Sales/Service					C
Satellite Dish	P	P			
Seasonal Recreational Sleeping Unit			P		
Schools, public & private	P	P			
Shooting Buildings					
Signs, off premise 101-1200 sq. ft.	C				C
Snack bar / vending machine area					C
Swimming pools, accessory use (private residence only) (Subsection 1004.2)	P	P			
Swimming Pools, public & private (Subsections 1004.2 & 1004.3)			P		
Tennis courts, private	P	P	P		

- \* 700 min. sq. ft = 1 Bedroom Multi-Family 20 or more units
- 800 min. sq. ft = 1 Bedroom Multi-Family 3-19 units
- 900 min. sq. ft = 2 Bedroom Multi-Family
- 1,000 min. sq. ft = 3 Bedroom Multi-Family

**Blank Fields = Not Allowable in district.**

## Schedule 802.2

### Dimensional Requirements for R-1, R-2, RC, PUD and AP Districts

Standard	R-1	R-2	RC	PUD	AP
<b>Minimum Lot Area per Dwelling Unit - No Sewer</b>					
1 Family	2 acres	2 acres			
2 Family	4 acres	4 acres			
Recreation			50 acres		
Mixed				20 acres	
Airport Related					30 acres
<b>Minimum Lot Area per Dwelling Unit - With Sewer</b>					
1 Family	1 acre	30,000 sq. ft.			
2 Family	2 acres	60,000 sq. ft.			
Recreation			50 acres		
Mixed				***	
Airport Related					30 acres
<b>Minimum Lot Width Per Dwelling Unit - No Sewer</b>					
1 Family	200 ft.	200 ft.			
2 Family	400 ft.	400 ft.			
Recreation			200 ft.		
Mixed				***	
Airport Related					200 ft.
<b>Minimum Lot Width Per Dwelling Unit - With Sewer</b>					
1 Family	150 ft.	150 ft.			
2 Family	200 ft.	200 ft.			
Multi-Family		200 ft. per development			
Recreation			200 ft.		
Mixed				***	
Airport Related					200 ft.

## Schedule 802.2

### Dimensional Requirements for R-1, R-2, RC, PUD and AP Districts

Standard	R-1	R-2	RC	PUD	AP
Minimum Principal Bldg. Setbacks					
1 & 2 Family	70'/15'/10'	70'/15'/10'			
Multi-Family		70'/15'/10'			
Recreation- front/side/rear			70'/50'/50' **		
Mixed - front/side/rear				***	
Airport Related- front/side/rear					50'#/ 25'^@/ 25'^@
Minimum Accessory Bldg. Setbacks					
1 & 2 Family	70'/15'/10'	70'/15'/10'			
Multi-Family		70'/15'/10'			
Recreation- front/side/rear			70'/50'/50' **		
Mixed - front/side/rear				***	
Airport Related- front/side/rear					50'#/ 25'^@/ 25'^@
Maximum % Lot Coverage - No Sewer					
1 Family	12%	12%			
2 Family	14%	14%			
Recreation			30%		
Mixed				***	
Airport Related					50%
Maximum % Lot Coverage - With Sewer					
1 Family	20%	20%			
2 Family	20%	20%			
Recreation			30%		
Mixed				***	
Airport Related					50%



## Schedule 802.2

### Dimensional Requirements for R-1, R-2, RC, PUD and AP Districts

Standard	R-1	R-2	RC	PUD	AP
Maximum building Height Principal Bldg./Accessory Bldg.					
1 & 2 Family	35ft/35 ft.	35ft/35 ft.			
Multi-Family		35ft/35 ft.			
Recreation			35ft/35 ft.		
Mixed				***	
Airport Related					35ft/35 ft.
Minimum Floor Area Per Dwelling unit or Principal Building Square Feet.					
1 Family	1600*	1600*			
2 Family	1200 (per Unit)	1200 (per Unit)			
Multi-Family		****			
Recreation			1600*		
Mixed				****	
Airport Related					1000
Minimum Runway Length					2400 ft.
Minimum Length of Threshold Front/Back					300 ft. / 300 ft.
Minimum Length of Useable Runway					1800 ft.
Minimum Distance from Runway Centerline to Side Property Line					150 ft.
Minimum Distance from Front/Back Property Line to Runway's Threshold					300 ft. / 300 ft.

\* 1000 Sq. Ft. on level 1

\*\* No parking, loading or maneuvering area shall be located in the required yard areas

\*\*\* All dimensions to be established by the development plan.

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

^ No parking, loading or maneuvering area less than 5 feet from any lot line.

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

\*\*\*\* 1,000 sq. ft. = 1 & 2 family (PUD Only)

700 sq. ft. = 1 Bedroom Multi-family 20 or more units (R-2 and PUD)

800 sq. ft. = 1 Bedroom Multi-family 3-19 units (R-2 and PUD)

900 sq. ft. = 2 Bedroom Multi-family (R-2 and PUD)

1,000 sq. ft. = 3 Bedroom Multi-family (R-2 and PUD)

**Blank Fields = Not Allowable in district.**

**803 OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES.**

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”.

**804 Purposes for the Commercial and Industrial Districts**

**Zoning District: AC**

**Purpose:** The purpose of the AC District (Accommodation Commercial) is to encourage the establishment of areas for a broad range of office, retail and highway commercial uses. This district is specifically designed to serve the motoring public. AC Districts are generally associated with interchange areas along the major limited access highways.

**Zoning District: LC**

**Purpose:** The purpose of the LC District (Limited Commercial) is to permit a mix of single-family residential uses, cultural, public, quasi-public, and commercial uses which tend to meet the common needs of the residents of the community and the surrounding areas is encouraged to be developed in a manner that best complies with contemporary commercial development 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, distribution and office buildings. These regulations have been established so as to provide a healthful operating environment and to protect these uses from encroachment from residential and retail commercial uses. The regulations for this district are intended to: minimize the impact of the allowable uses on surrounding non-industrial land uses; lessen traffic congestion; protect the health and safety of the residents and workers in the area; and, prevent detrimental effects on the use or development of adjacent properties or the general neighborhood.

**Zoning District: I/OP-TC**

**Purpose:** The purpose of the I/OP-TC District is to provide an environment suitable for industry, warehousing, distribution and office buildings and to protect these uses from residential encroachment and minimize the impact on the use and development of adjacent residential properties. It is a further purpose to permit tourist related commercial development in locations that mutually benefit the Township and the business by being along and visible to and from I-90.

**Zoning District: I/OP-NW**

**Purpose:** The purpose of the I/OP-NW District is to provide a zone in the northwest corner of the township along the Norfolk & Western railroad corridor for non-residential uses, including industry, warehousing, distribution, and office buildings. These regulations have been established so as to provide a healthful operating environment and to protect these uses from encroachment from residential and retail commercial uses. The regulations for this district are intended to: minimize the impact of the allowable uses on surrounding non-industrial land uses; lessen traffic congestion; protect the health and safety of the residents and workers in the area; and, prevent detrimental effects on the use or development of adjacent properties or the general neighborhood.

**Zoning District: RAD**

**Purpose:** The purpose of the Recreation Athletic Development (RAD) District is to provide for the coordinated development of land within the Township's portion of the Geneva-Harpersfield Township Joint Economic Development District No. 1, (JEDD1) and other territory adjacent to or within a reasonably close proximity to JEDD1. All land in this district shall feature an orderly and thematically planned sports and recreational development which may include integrated ancillary medical and health and wellness facilities along with compatible commercial land uses.

**Schedule 804.1**

**Official Schedule of Permitted Uses for the I/OP, I/OP-TC, I/OP-NW, AC, LC and RAD Districts**

<b>USE</b>	<b>I/OP</b>	<b>I/OP-TC</b>	<b>I/OP-NW</b>	<b>LC</b>	<b>AC Rt. 534 Corridor</b>	<b>RAD District</b>
<b>Residential</b>						
Assisted Living/ Nursing Homes				CP	CP	
Dormitories/ Fraternities & Sororities						CP
Single Family				P	P	C
<b>Commercial/Institutional</b>						
Administrative, Professional and Medical Offices	P	P	P	P	P	P
Adult Businesses			C			
Automobile Commercial Parking				P	P	
Automotive Repair					P	
Automotive Sales – New and Used cars and trucks		P			P	
Automotive Sales – Used cars and trucks		P			P	
Automotive Service Stations					P*	
Car/ Wash					P	
Child Day Care Center	P	P	P	CP	CP	P
Commercial Recreation and Entertainment-Indoor	C	P	C	P	P	P
Commercial Recreation and Entertainment-Outdoor	C	C	C	C	C	P
Construction Equipment Sales and Service					C	
Drive-up Windows		P*		CP*	CP*	
Firearm Ranges Indoor and/or Target Shooting Buildings				C		
Funeral Home				CP	CP	
Government Safety Facilities (Township and County only)	P		P			
Government Service Yards (Township and County only)				C	C	
Heliport	C	C	C	C	C	
Hotels/Motels including Bed & Breakfast		P			P	P
Light Manufacturing (no initial processing from raw materials)	P	P	P		P	
Medical Facilities – clinics, hospitals, urgent care	P	P	P		P	P
Multi-Family					CP**	CP**
Museums, Galleries	P	P	P	P	P	
Nightclubs		C			C	
Places of Worship	P	P	P	P	P	P

## Schedule 804.1

### Official Schedule of Permitted Uses for the I/OP, I/OP-TC, I/OP-NW, AC, LC and RAD Districts

USE	I/OP	I/OP-TC	I/OP-NW	LC	AC Rt. 534 Corridor	RAD District
Radio/Television Towers	C	C	C	C	C	
Recreation Vehicles, Boat and Modular Home Sales and Service		C			C	
Research Facilities	P	P	P	P	P	
Restaurants – Includes full service sit down, counter service, taverns and bars	A	P	A	P	P	P
Retail in enclosed buildings <sup>(a)</sup>	A		A	P	P	
Senior Citizen Housing					CP***	CP***
Signs, Off-Premise	C	C	C	C	C	C
Tourist or Destination Supporting Retail		P		P	P	P
Truck Stop with or without Truck Wash					C	
Veterinary Clinic and Kennel				C	C	
Warehouse Storage	P	P	P		P	
Wineries and related Retail	P	P	P		P	
<b>P = Permitted; C = Conditional; A = Accessory Use</b>						
<b>Outdoor Storage and Outdoor Displays are permitted when in compliance with the definitions in Article 2</b>						

\* See Section 804.3

\*\* 700 min. sq. ft = 1 Bedroom Multi-Family 20 or more units  
 800 min. sq. ft = 1 Bedroom Multi-Family 3-19 units  
 900 min. sq. ft = 2 Bedroom Multi-Family  
 1,000 min. sq. ft = 3 Bedroom Multi-Family

\*\*\* 700 min. sq. ft = 1 Bedroom (Senior Citizen Housing)  
 900 min. sq. ft = 2 Bedroom (Senior Citizen Housing)  
 1,000 min. sq. ft = 3 Bedroom (Senior Citizen Housing)

**Blank Fields = Not Allowable in district.**

## Schedule 804.2

### Dimensional Requirements for Commercial and Industrial Districts

Standard	I/OP	I/OP-TC	I/OP-NW	LC	AC	RAD District
Minimum Lot Size	1 ac.	2 ac.	1 ac.	1 ac.	1 ac.	1 ac.
Minimum lot Width	120 ft.	200 ft.	120 ft.	120 ft.	120 ft.	120 ft.
<b>Proposed Parking/Driveway Setbacks</b>						
Front yard	20 ft.	20 ft.	20 ft.	30 ft.	20 ft.	
Side/Rear Yard – General	20 ft.	20 ft.	20 ft.	30 ft.	30 ft.	
Side/Rear Yard – Residential	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	
<b>Proposed Building Setbacks</b>						
Front	50 ft.	50 ft.	50 ft.	80 ft.	50 ft.	50 ft.
Side/Rear- General	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.	20 ft.
Side/Rear – Residential	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Maximum Site Coverage (b)	65%	65%	65%	75%	75%	75%
Minimum Landscaping in Large Parking lots <sup>(a)</sup>	5%	5%	5%	5%	5%	5%
Building Height	35 ft.	55 ft.	35 ft.	35 ft.	55 ft.	55 ft.

**Notes:**

- (a) Applies to landscaped areas within the parking area when the parking area has more than fifty (50) contiguous parking spaces and the width of the parking area is at least 82 feet.
- (b) Includes buildings, parking, access drives and loading areas, outside storage areas and outside display areas. All areas not included in the maximum coverage area shall be landscaped pursuant to Subsection 804.4, below.

**Blank Fields = Not Allowable in district.**

### 804.3 Supplemental Regulations for Selected (P\*) Uses

1. Automotive Service Stations – The canopy and pump islands for any service station shall be setback as set forth in the following:

	Canopy	Pump Islands
Front Setback	20 feet	40 feet
Side and Rear Setback (abutting commercial property)	20 feet	40 feet
Side and Rear Setback (abutting residential property)		60 feet

2. Automobile Sales-Used Cars and Light Trucks (I/OP-TC and AC)
  - a. The minimum lot area shall be four (4) acres and the minimum lot width shall be 200 feet.
  - b. The minimum building area shall be 25,000 square feet and there shall be sufficient building area to include space for offices; indoor display of at least five motor vehicles; inspection, servicing and repair of at least five motor vehicles; and sufficient parts and storage.
  - c. The ground floor area of all buildings shall not exceed thirty percent (30%) of the area of the site.
  - d. The portion of the site that is paved shall be used for the parking and display of vehicles in compliance with the following.
    1. A maximum of fifty percent (50%) of the paved area shall be devoted to the parking and display of motor vehicles;
    2. A maximum of fifteen percent (15%) of the paved area may be devoted to car rental facilities.
    3. Parking spaces for customers and employees shall be provided in accordance with Section 1106.
  - e. The minimum setback for pavement shall be 20 feet from the street right-of-way. The open space between the right-of-way and the pavement shall be landscaped and maintained in accordance with Subsection 804.4
  - f. Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a plan approved by the Zoning Board of Appeals.

Only vehicles that are in good repair, fully operational, and with no missing parts or damage shall be permitted to be displayed or stored outdoors.

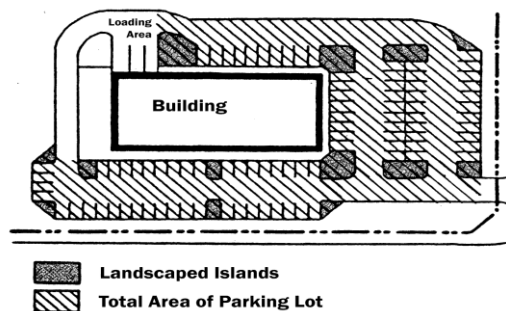
3. Drive-up Windows
  - a. All drive-up windows shall comply with the vehicle stacking requirements in Section 1104.
  - b. The Zoning Administrator may impose greater landscaping and screening requirements along the border of adjacent property, than specified in this Chapter in order to give maximum protection to any unique conditions on the adjacent property.
  - c. Lighting and sound from speakers shall be installed to assure minimum adverse impact on adjacent property.
  - d. Drive-up windows and related traffic shall be located and arranged to minimize adverse impact on adjacent property and to minimize conflicts with other traffic patterns and pedestrian flow on the site.

#### **804.4 Landscaping and Screening**

1. Applicability: The provisions of this Section shall apply to all developments permitted pursuant to this Section 804 and shall specifically include: new developments on vacant land; the expansion of an existing building by more than twenty-five (25%) percent; the expansion of a parking area by twenty-five (25%) percent; or when the area of the development is expanded by a minimum of twenty-five (25%) percent. When the proposed development does not comply with this section the minimum landscaping and screening required by this Section shall be provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part.

2. Landscaping Along Street Frontage and in the front Parking Setback: All areas within the required setback adjacent to a street right-of-way and parking setback, excluding driveway openings, shall be landscaped as follows:
  - a. Three (3) large deciduous trees shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
  - b. Twenty shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
  - c. All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment.
  
3. Landscaping within the Interior of Parking Lots: Interior landscaping shall be provided for any parking area designed to accommodate fifty (50) or more vehicles and is more than eighty (80) feet wide according to the following requirements:
  - a. A minimum of five percent (5%) of the parking lot shall be planted as landscaped island areas, developed, and reasonably distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.
  - b. Each interior landscaped area shall be no less than 100 square feet. The minimum width for each area shall be ten (10) feet except when the island is curved to permit safe vehicle turning movements. When a landscaped island exceeds forty (40) linear feet, one shade tree shall be planted for each forty (40) feet of length or fraction thereof.
  - c. Each landscape island shall have at least one (1) shade tree.
  - d. Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
  - e. For the purpose of this Section, the area of a parking lot shall be the total vehicular use area within the perimeter of the parking lot, including the landscaped islands, parking spaces and all circulation aisles except those with no parking spaces or landscaped islands located on either side. See Figure 1, Parking Lot Interior Calculation.

Figure 1. Parking Lot Interior Calculation.



- f. Landscaped areas along the perimeter of the parking area, or in any part of a yard, shall not be counted as interior parking lot landscaped areas meeting the requirements of this subsection.



4. **Perimeter Landscaping Requirements.** Perimeter landscaping shall be required within the setback along any side of a parking lot that abuts adjoining property, which is not a right-of-way, and shall include one (1) large deciduous or two small shade trees for each forty (40) lineal feet. The requirements of Subsection 804.4, Buffering and Screening Between Districts and Uses shall apply where planting is required for screening between districts and uses.
5. **Buffering and Screening Between Districts and Uses:** The intent of this Section is to establish provisions for a visual screen or buffer between contrasting uses and to reduce the effects of glare from automobile headlights, noise, and other objectionable activities conducted on a given lot. This Section shall apply when a lot in a zoning district included in this Article abuts a lot in the R-1 Single and Two-Family Residential, R-2 Multiple Family Residential, or RC Recreation Commercial districts and such screening and buffering, within the required parking or building setbacks, shall be designed and arranged to form a solid, continuous, visual screen at a minimum height of six (6) feet along the entire length of the common boundary at the time of occupancy, and shall include one or more or combination thereof of the following:
  - a. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within one (1) year after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.
  - b. Non-living opaque structures, such as a wall or fence, together with a landscaped area at least fifteen (15) feet wide.
  - c. A landscaped mound or berm with no more than a 2.5:1 slope.
6. **Trash Collection Areas:** Trash and/or garbage collection and service areas shall be enclosed on all sides by a solid wall or fence and a solid gate at least 1 foot-higher than the highest refuse container in the collection area if such area is not within an enclosed building or structure, but in no case shall the wall or fence be less than six (6) feet in height. Such solid wall or solid fence shall be situated so as to screen the view of the collection area from adjacent roads and properties. Such wall or fence shall be constructed of wood, brick, decorative concrete, split face block, or stone. These enclosures are to be located at least five (5) feet from the property line, unless otherwise specifically regulated in this Resolution.
7. **Installation and Maintenance:** Areas within the setback and all other portions of the lot not covered by permitted structures or impervious surfaces shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.
  - a. **Installation.** Each tree at the time of installation shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six (6) feet. When this Article permits a small tree, such tree shall have a minimum caliper of two (2) inches and a clear trunk height of at least five (5) feet at the time of installation.

- b. Maintenance. The owner of landscaping required by this Resolution shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. No plant material required by this Resolution shall be removed for any reason unless replaced with like kind and size, at the time of removal. Prior to such removal, a revised landscape plan shall be submitted to the Zoning Administrator for review and approval.

## 804.5 Lighting

1. Purpose: To assure that appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety and security and control light trespass and glare on adjacent properties and public roadways to protect the nighttime use and enjoyment of property within the Township.
2. General Requirements: All outdoor lighting fixtures regulated according to this Article, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall:
  - a. Be full-cutoff type fixtures, unless exempt per Subsection 804.5 (3) Exemptions.
  - b. Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.
  - c. Signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed incandescent lamp not exceeding twenty-five (25) watts shall not require shielding.
  - d. Light trespass over a property line shall be limited to no more than two (2.0) horizontal foot-candles at the property line.
  - e. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.
  - f. Maximum Height of Light Poles. The total height of exterior lighting poles shall not exceed thirty-five (35) feet. Height shall be measured from the average grade surrounding each light pole.

Prior to a zoning permit being issued, the applicant shall submit to the Zoning Administrator a site plan and lighting information with sufficient detail for the Zoning Administrator to determine that the proposal is in compliance with this Section.

3. Exemptions: The following are exemption form the provisions of Subsection 2, above:
  - a. Upward-directed architectural, landscaping, and decorative lighting provided direct light emissions shall not be visible above the building line roof.
  - b. Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform provided these objects are illuminated using a narrow cone beam or light that does not extend beyond the illuminated object.
  - c. Outdoor Recreational Uses, because of their unique requirements for nighttime visibility and their limited hours of operation, such as: ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses.

- d. Temporary construction or emergency lighting provided such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
- e. Lighting required by the FAA or any other federal regulatory authority.

**804.6 Standards for Outdoor Storage and Outdoor Displays**

All inventory, materials, equipment and machinery must be kept within buildings with the exceptions of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities provided that Outdoor Storage and Outdoor Displays shall be limited as follows:

- 1. All areas devoted to Outdoor Storage shall comply with the front side and rear building setbacks, shall not be placed in front of the front wall of the principal building, shall not exceed fifteen (15) feet in height and shall not exceed thirty (30) % of the lot area.
- 2. All areas for Outdoor Displays shall comply with the parking setback requirements and shall comprise a maximum of fifteen (15%) percent of the site.
- 3. Displays and storage of cars and trucks and activities related to outdoor recreation must comply with the parking setback requirements but are exempt from the coverage requirements in Subsections 1 and 2 above.

# ARTICLE 9

## SUPPLEMENTARY DISTRICT REGULATIONS

### 900 GENERAL

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

### 901 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT

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

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

### 902 PRINCIPAL BUILDING PER LOT

No more than one principal building or structure may be constructed upon any one lot in the R-1 District 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 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.

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

## **905 REQUIRED REFUSE COLLECTION AREAS**

The refuse collection areas provided for all uses, other than single-family homes, in the R-1, R-2, RC, PUD, and AP Districts shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator. In addition, the following requirements shall be met:

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

## **906 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.

## **907 OUTSIDE STORAGE AND REFUSE COLLECTION**

1. **Neighborhood Commercial and Accommodation Commercial**
  - a. The refuse collection areas provided by all non-residential uses in the LC, AC, RC and AP 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 Administrator.

- b. All inventory, materials, equipment and machinery must be kept within B 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.
  4. Accommodation Commercial only: large machinery & equipment (i.e. tractors, trucks, and similar mobile equipment).
  5. Airport District Only: Aircraft and related 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 Administrator; All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than in required front, rear or side yards, provided such outdoor storage does not exceed 15 feet in height or occupy more than ten percent of the area of the lot, and is effectively screened from residential uses, as in the case of parking areas.

**908 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS**

In addition to the regulations specified in Article 8 and in other sections of this Resolution, Sections 909 through 914 inclusive shall be used for clarification and interpretation

**909 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.

**910 FENCE AND WALL RESTRICTIONS IN FRONT YARDS**

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

**911 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.

**912 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES  
ABUTTING RESIDENTIAL DISTRICTS**

Nonresidential buildings or uses in the R-1, R-2, RC, PUD, and AP Districts 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 Administrator is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 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 915 of this Resolution.

**913 EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the Official Schedule of District Regulations except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**914 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 require minimum front, side or rear yard.

**915 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 two and one half (2½) 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 two and one half (2½) 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.

**916 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR  
CONDITIONS**

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 firefighting and fire-protection equipment or by such safety devices as are normally required for such activities.
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.

3. Radioactivity, air pollution, water pollution or contamination or hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
4. Noise exceeds a maximum of eighty (80) decibels at the boundary of the property or sixty (60) decibels at the nearest residential district boundary located within the Township. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. During the hours of 7:00 a.m. to 6:00 p.m. on Mondays through Saturdays, sound may equal but not exceed the prevailing traffic noise in the vicinity if greater than the above limits.
5. Vibrations are perceptible, without the aid of instruments, beyond the district boundary. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
6. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
7. 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.
8. 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.
9. 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, Ashtabula County Sanitary Engineer's Office and the Ashtabula County Health Department's regulations.

**917 ASSURANCE REQUIREMENTS AND PLANS**

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

**918 ENFORCEMENT PROVISIONS**

Any occupancy, use, conditions, or circumstances existing in violation of Section 916 and 917 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Sections 1415 through 1418 of this Resolution.

**919 TEMPORARY USES**

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



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

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one 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.
  - 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.

## **920 SCREENING**

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted uses, other than single family, in the R-1, R-2, RC, PUD, and AP Districts which are in or abut any residential district, in addition to compliance with setback and yard requirements provided elsewhere in the Resolution. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
  - a. A visual barrier to partially or completely obstruct the view of structures or activities.

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

# 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.

### 1001 REGULATION OF AMUSEMENT ARCADES

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

#### 1001.1 PURPOSE

The purpose of Sections 1001 through 1001.8 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.

#### 1001.2 CONDITIONAL USE PERMIT REQUIRED

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

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
2. Amusement arcades shall have an adult who is 18 years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation.
3. Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.
4. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device.
5. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
6. If the place of business or premises for which an amusement arcade is proposed is a free-standing building, the application for the conditional use permit shall include an approvable exterior lighting plan;

7. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises;
8. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business.
9. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person 14 years of age or younger to operate any devices on the premises before 4:00 PM on days when school is in session.

### **1001.3 ZONING OF AMUSEMENT ARCADES**

Amusement arcades shall be conditionally permitted uses only in the Neighborhood Commercial, Accommodating Commercial, and Recreation Commercial Districts.

### **1001.4 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.

### **1001.5 RESTRICTED ACCESS TO CERTAIN MINORS**

No amusement arcade exhibitor shall permit, on days when school is in session, any person 14 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 PM. 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.

### **1001.6 COMPLAINTS REGARDING AMUSEMENT ARCADES**

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

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

### **1001.7 REVOCATION OF CONDITIONAL USE PERMIT**

The Zoning Administrator shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Township Board of Trustees according to the provisions of Section 10, Subsection 1001.8.

## **1001.8 PROCEDURE FOR REVOCATION**

The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever he 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 Administrator 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 Township Trustees within ten (10) days of its issuance of said decision. The Township 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.

## **1002 REGULATION OF ADULT ENTERTAINMENT BUSINESSES**

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

### **1002.1 PURPOSE**

The purpose of Sections 1002 through 1002.7 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.

### **1002.2 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 1,500 feet of another adult entertainment business.
3. No adult entertainment business shall be permitted in a location which is within 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 500 feet of any residence or boundary of any residential district.

5. No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting the Township.
6. Adult entertainment businesses are retail commercial uses.

**1002.3 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	Industrial Office Park - Northwest
Adult Motion Picture Theater	Industrial Office Park - Northwest
Adult Motion Picture Drive-In Theater	Industrial Office Park - Northwest
Adult Only Entertainment Establishment	Industrial Office Park - Northwest

**1002.4 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

**1002.5 COMPLAINTS REGARDING ADULT ENTERTAINMENT BUSINESSES**

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

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

**1002.6 REVOCATION OF CONDITIONAL USE PERMIT**

The Zoning Administrator shall revoke the conditional use permit for any adult entertainment business in the event that the license to operate such adult entertainment business is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any adult entertainment business if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Township Board of Trustees according to the provisions of 1002.7.

**1002.7 PROCEDURE FOR REVOCATION**

The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever he 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 Administrator 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 Township Trustees within ten (10) days of its issuance of said decision. The Township 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.

**1003 REGULATION OF TELEVISION, RADIO, AND MICROWAVE TOWER AND TELECOMMUNICATIONS EQUIPMENT SITING**

Sections 1003 through 1003.5 inclusive shall apply to the location and maintenance of TV, radio, microwave tower and telecommunications equipment as a principal use.

**1003.1 PURPOSE**

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

**1003.2 ZONING PERMIT REQUIRED**

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

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

**1003.3 APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY**

All uses listed in 1003.2 must meet all of the following standards:

1. Existing or approved towers cannot accommodate the telecommunications equipment for the proposed tower. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a mile of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiring. The applicant's letter(s) as well as response(s) shall be presented to the Zoning Administrator as a means of demonstrating the need for a new tower.
2. The site of existing and approved towers cannot practicably accommodate the proposed tower.

3. Structures will be set back from abutting residential district parcels, public property, or road right-of-way's a sufficient distance to
  - a. Contain on-site substantially all ice fall or debris from tower failure.
  - b. Protect the general public from non-ionizing electromagnetic radiation (NIER) at levels generally found to be dangerous.
  - c. Preserve the privacy of adjoining residential property by assuring that accessory structures comply with the district regulations and that sufficient vegetative screening is planted (with earthen mounds if necessary) to screen structures to a height of eight (8) feet.
  - d. Maintain a setback of tower bases from abutting parcels, public property, or road right-of-ways by a distance of one hundred percent (100%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.
  - e. Maintain tower setbacks from abutting land in other districts by the rear and side yard setback required in that district.
  - f. Restrict placement of guy wire anchors to set back fifty (50) feet from abutting residential district property lines, public property, or road right-of-ways and the rear yard setback from abutting land in other districts.
4. The tower is set back from the other on-and-off site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
5. At least two (2) off-street parking places must be provided.
6. Existing on-site vegetation shall be preserved to the maximum extent practicable.
7. Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design.
8. No tower shall exceed two hundred (200) feet in height in all districts.
9. Accessory facilities in a residential district may not include offices, long- term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions, and in no event may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.
10. All towers 100 feet or more in height must be illuminated according to FAA specifications.

#### **1003.4 ZONING PERMIT REQUIRED**

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

1. Ham radio.
2. Citizens Band radio.
3. A telecommunications device that only receives a Radio Frequency RF signal.
4. A sole source-emitter with more than 1 kilowatt average output.

#### **1003.5 ZONING PERMIT NOT REQUIRED**

The following uses are exempt from this resolution:

1. Portable, handheld, and vehicular transmissions;



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

## **1004 REGULATION OF SWIMMING POOLS**

Sections 1004 through 1004.3 inclusive shall apply to the location and maintenance of swimming pools.

### **1004.1 PURPOSE**

It is the purpose of sections 1004 through 1004.3 inclusive to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained.

### **1004.2 PRIVATE SWIMMING POOLS - An Accessory use.**

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 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 swimming 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 swimming pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement.
3. The “in-the-ground” swimming pool area or the property upon which it is located, shall be walled/fenced in such a manner as to prevent uncontrolled access by children, crawling, entering or otherwise passing through, under, or over such enclosure. The pool and the wall/fence shall comply with the standards set forth by the Ashtabula County Department of Building Regulations, Ashtabula County Health Department, the State of Ohio Building Code and the National Electrical Code (NEC) for electricity.
4. The “above-the-ground” swimming pool’s steps shall be secure in such a manner as to prevent uncontrolled access by children, crawling, entering, otherwise passing through, under, or over the steps. The pool and the steps shall comply with the standards set forth by the Ashtabula County Department of Building Regulations, Ashtabula County Health Department, the State of Ohio Building Code and the National Electrical Code (NEC) for electricity.
5. Any exterior lighting used in the pool area shall be shaded or directed that it does not cast light directly on adjacent properties.
6. The “in-the-ground” pool and its enclosure or the “above-the-ground” pool and its secured “steps” shall be properly maintained to prevent uncontrolled access by children.

**1004.3 LICENSED SWIMMING POOLS - A Primary use**

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

1. The pool is intended solely for, and is used solely for, the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than 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 area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
5. Such pool facilities shall not be operated prior to 9:00 AM in the morning or after 10:00 PM in the evening.
6. The pool and accessory structures shall comply with the standards set forth by the Ashtabula County Department of Building Regulations, Ashtabula County Health Department, the State of Ohio Building Code and the National Electrical Code (NEC) for electricity.

**1005 REGULATION OF LONG-TERM PARKING FACILITIES**

Sections 1005 through 1005.3 inclusive shall apply to the location and operation of any long-term parking facility.

**1005.1 PURPOSE**

It is the purpose of Sections 1005 through 1005.3 inclusive to regulate long-term parking facilities constructed, operated, or maintained in order to promote the public health, safety, and welfare.

**1005.2 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.

**1005.3 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.
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

## **1006 REGULATION OF HOME OCCUPATIONS**

Sections 1006 through 1006.4 inclusive shall apply to the location, operation, and maintenance of home occupations.

### **1006.1 PURPOSE**

It is the purpose of Sections 1006 through 1006.4 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.

### **1006.2 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.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

### **1006.3 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 1006.2. 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.
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.

**1006.4 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.

**1007 REGULATION OF GROUP RESIDENTIAL FACILITIES**

Sections 1007 through 1007.5 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

**1007.1 PURPOSE**

It is the purpose of 1007 through 1007.5 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.

**1007.2 CONDITIONAL USE PERMIT REQUIRED**

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

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.

4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within 600 feet of another such facility;
6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
8. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

**1007.3 ZONING OF GROUP RESIDENTIAL FACILITIES**

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-2, AC, RC
Class I Type B	R-1, R-2, AC, LC, RC
Class II Type A	R-2, AC, RC
Class II Type B	R-2, AC, RC

**1007.4 VARIANCE TO DISTANCING REQUIREMENT**

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Subsection 1007.2 (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.

**1007.5 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.

**1008 APPEARANCE AND DESIGN STANDARDS FOR SINGLE FAMILY HOUSING**

Sections 1008 through 1008.3 inclusive of this Resolution shall apply to the location, construction, and maintenance of all single-family housing in all districts.

**1008.1 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.

## **1008.2 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 at least 1,200 square feet of living area in all districts except R-1 and R-2 which shall be 1,600 for 1 family dwelling units. The garage portion of the structure is **not** included in the living area total calculation.
2. The minimum width of all single-family dwelling units shall be at least 20 feet.
3. All dwelling units shall have a minimum roof overhang of at least twelve (12) inches (excluding gutters).
4. All dwelling units shall be double pitched and have a pitch of at least 3 in 12.
5. All dwelling units shall have roof material that is generally used in residential construction including: approved wood, clay, slate, asphalt composition shingles, fiberglass compositions shingles, and metal roofs. Material excluded are corrugated aluminum, corrugated fiberglass. The materials are applicable to all primary buildings, attached accessory buildings, attached garages and attached carports.
6. Exterior siding of all dwelling units cannot have a high gloss finish,, metallic or highly reflective finish, or highly reflective roofs 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 or on piers with a frost wall and comply with the Ashtabula County Dept. Of Building Regulations Basic Building Code and be inspected by the Ashtabula County Department of Building Regulations.
8. All dwelling units shall have a frost wall around the perimeter of the unit. The frost wall shall be a 6" x 14"-footer with a minimum 6" concrete block wall. Footers shall be a minimum of 36" below grade or placed on solid rock. The crawl space created shall be ventilated on all 4 sides, treated with an approved vapor barrier material and a minimum 2" concrete mud slab installed, leveled with a broom or trowel finish.
9. The hitch, axles, and wheels of any manufactured home must be removed.
10. The dwelling unit must be oriented on the lot so that its long axis is parallel with the road right-of-way. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension.
11. The lot must be landscaped to ensure compatibility with the surrounding properties.
12. All fuel oil supply systems shall be constructed and installed within the foundation wall or underground within all applicable building and safety codes, except that any bottled gas tanks may be fenced so as not to be clearly visible from the street or abutting properties.

## **1008.3 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.

**1009 REGULATION OF ATMOSPHERIC MONITORING TOWER**

**1009 through 1009.9** Inclusive, shall regulate the establishment, siting, administration, approval process, design security, maintenance, abandonment, removal, and other site aspects of an Atmospheric Monitoring Tower and related facilities within all zoning districts.

**1009.1 PURPOSE**

Harpersfield Township is primarily a semi-rural to rural community that still retains many agricultural areas. The township contains a variety of dwellings, several wineries and many working farms that produce a wide range of crops and produce. Owner occupied, single family dwellings, dominate the township, mostly on two acre or greater lots. The chief developed commercial/retail area is located near I-90 and State Route 534. Because the residents consider Harpersfield Township a pristine place to live and raise their families, it is important for the township to protect the country atmosphere of the community while it permits development. To this end the township wishes:

1. To accommodate the need by which atmospheric data may be acquired by the erection of a temporary tower, while regulating their locations in the zoning districts of the Township.
2. To encourage the location of Atmospheric Monitoring Towers and facilities on non-residential land.
3. The Atmospheric Monitoring Towers shall be designed, constructed, erected and maintained with the greatest care for safety of persons and property. Access to the tower shall only be through a locked gate, properly maintained and secured 24 hours per day.
4. To ensure an Atmospheric Monitoring Tower, the monitoring equipment and the facilities are configured in such a way as to minimize adverse visual effect of the tower through careful design, siting, and vegetative screening.
5. To avoid potential damage to adjacent properties from tower failure through competent engineering, construction, and erection of the tower.
6. To accommodate the public's demand for atmospheric data through these standards, so that changing technology will continue to serve these needs, while concurrently preserving the "township's aesthetic and ecological integrity, that residents may continue to enjoy the comfortable living standards of Harpersfield Township.

**1009.2 TIME LIMITS**

1. The Conditional Use permit shall be issued for three (3) years
2. Any extension to the Conditional Use Permit may be granted upon written request from the tower's owner to the Board of Zoning Appeals, showing just cause for the extension. The written request must be submitted to the Board of Zoning Appeals a minimum of ninety (90) days before the Conditional Use permit expires.

**1009.3 ZONING PERMIT REQUIRED**

No person, firm or corporation shall undertake the construction, erection or installation of an Atmospheric Monitoring Tower without a permit.

**1009.4 APPROVAL AND DESIGN STANDARDS FOR ATMOSPHERIC MONITORING TOWERS**

1. Atmospheric data not available from another source.
2. Atmospheric data available from another source not accurate/sufficient enough for data required/requested. The applicant shall provide the Zoning Administrator a notarized letter stating: What data is available, the source of the data and why the data is insufficient to his/her/their needs.
3. A posted erection completion, demolition and removal bond to insure erection and removal of the Atmospheric Monitor Tower, its base, guy wires, guy wire anchors, anchor's bases, and any adjacent structure erected to support the Atmospheric Monitor Tower. The amount and conditions of the bond shall be set by the Harpersfield Township Board of Zoning Appeals upon the issuance of the Conditional Use Permit.
4. The tower, including anchors and guy wires shall not be located within the required front, side, or rear setbacks for a lot in its district.
5. Maintain tower setbacks from abutting land in other districts by the rear and side setback required in that district.
6. Restrict placement of guy wire anchors to set back of fifty (50) feet from abutting residential district property lines, public property, or road right-of-way and the rear set back from abutting land in other districts.
7. The tower shall be a unipole or a monopole.
8. The maximum height of any tower shall be two hundred (200) feet. measured from the tower's base to the highest point of the tower or instrument(s) attached to the tower. A ratio of one to one (1 - 1) set back shall be maintained from lot setbacks, principal structure, accessory structure(s) and above ground utilities lines, creating a free fall zone. No new structure shall be built in the free fall zone.
9. The tower and its instruments shall be designed and constructed so as not to cause radio and/or television interference to adjacent properties.
10. To prevent unauthorized access to the tower area, all anchors, accessory structures and tower, shall be fenced, individually, in groups or as a whole. If applicable, tower must have all climbing rungs within twelve (12) feet of the base removed.
11. Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design. The fence shall be a chain link, minimum of eight (8) feet in height. Two (2) "No Trespassing" signs shall be posted on each fenced-in area.
12. Accessory structures shall be only for the receiving or transferring of data.
13. One readable sign shall be maintained, a minimum of six (6) square feet in area stating:
  - A. Owner of tower, name and telephone number.
  - B. Maintenance contact, name and telephone number.
  - C. Emergency contact, name and telephone number.
14. All towers must meet F.A.A. specifications. Certification from the F.A.A., stating lighting approval must be presented to zoning administrator at time of application for zoning permit.



**1009.5 SITE PLAN DRAWING (Zoning Permit Application must contain site drawings when submitted)**

1. Lot lines and dimensions.
2. Existing and proposed setbacks of all structures on the lot.
3. Location and height of all buildings, structures, above ground utilities, and general location of all trees approximately fifty (50) feet in height or higher on the lot.
4. The location of proposed Atmospheric Monitoring Tower and placement of its guy wire anchors.
5. The location and dimensions of any accessory structures required to support the collection/transfer of collected data
6. A landscaping and fence design that may be considered by the Zoning Administrator and the Board of Zoning Appeals.

**1009.6 STANDARD DRAWING (of the components of the Atmospheric Monitoring Tower)**

1. Detailed structural drawing of the tower, the tower's base, footings, anchors and their composition that demonstrates compliance with applicable provisions of existing state code as adopted by the Ashtabula Department of Building Regulations.
2. Standard drawing of design and installation of electrical equipment in compliance with National Electrical Code.
3. Standard drawing of design for any accessory structure.
4. Standard drawing of design of security fencing.

**1009.7 EXPIRATION OF CONDITIONAL USE PERMIT**

When the Conditional Use permit expires, the property owner, at the owner's expense, shall dismantle and remove the tower, its base, guy wires and guy wire anchors, the anchor's base(s) and any adjacent structures erected to support the Atmospheric Monitoring Tower. The dismantling and removal of Atmospheric Monitoring Tower shall be completed in 60 days.

**1009.8 INSPECTION OF ATMOSPHERIC MONITORING TOWERS**

Harpersfield Township hereby reserves the right to inspection of the Atmospheric Monitoring Tower site by its Zoning Administrator or duly authorized representative. If the Zoning Administrator or duly authorized representative finds the Atmospheric Monitoring Tower is not maintained in a safe and/or operational condition, the township shall give written notice to the owner. Upon receipt of notification, the owner of the Atmospheric Monitoring Tower shall take expeditious action to correct the item(s) listed on the notice. Upon failure to comply with written notification within thirty (30) days, the Atmospheric Monitoring Tower's owner shall be cited.

**1009.9 VIOLATIONS**

Any violation of any of the provision of Sections 1009 through 1009.8 of this zoning resolution and/or the Conditional Use permit shall be cause for revocation of the Conditional Use permit.

## **1010 Regulation of Small Wind Turbine Generating Systems, SWTGS**

Sections 1010 through 1010.9, inclusive, shall regulate the establishment, siting, administration, approval process, design, security, maintenance, abandonment, removal and other site aspects of Small Wind Turbine Generating Systems (SWTGS), and related facilities within all zoning districts.

### **1010.1 PURPOSE**

In response to increased demands for electricity, to reduce demand on the state electric grid, to increase consumer energy independence, to reduce fossil fuel electric generation, it is the purpose of this regulation to promote the safe, effective and efficient use of Small wind Turbine Generating Systems,(SWTGS) to reduce on-site- home, farm and small commercial consumption of utility supplied electricity. To this end, the Township wishes:

1. To accommodate the need for Small Wind Turbine Generating Systems, (SWTGS) while regulating their location, size and noise producing characteristics.
2. To ensure the design, construction, erection and maintenance of the Small Wind Turbine Generating Systems, (SWTGW), with the greatest care for safety of persons and property.
3. To ensure a Small Wind Turbine Generating System, (SWTGW), is configured in in such a way as to minimize adverse visual effect of the Township through careful design, siting and vegetative screening.
4. To avoid potential damage to adjacent properties from Small Wind Turbine Generating Systems, (SWTGS), through competent engineering, construction and erection of towers.
5. To accommodate the public's demand for Small Wind Turbine Generating systems, (SWTGS), through these standards, so that the changing technology will continue to serve these needs, while concurrently preserving the Township's esthetic and ecological integrity, so that residents may continue to enjoy the comfortable living standards of Harpersfield Township.

### **1010.2 DEFINITIONS**

1. "Small Wind Turbine Generating System" or SWTGS: a wind energy conversion system consisting of a foundation, a tower, a nacelle (containing the generator, rotor and blades) and associated control or conversion electronics. A SWTGS, shall have a sweep area less than forty (40) meters square or 430.6 square feet.
2. "Tower Height": the height above grade of the fixed portion of the tower, excluding the wind turbine.
3. "Mast": the poles used to mount "wall-mounted" or "attic-mounted" SWTGS.
4. "Nacelle": the housing that contains the drivetrain and other elements on top of a horizontal axis wind turbine tower.
5. "Swept area": the projected area perpendicular to the wind direction that a rotor will describe during one complete rotation.

### **1010.3 REQUIREMENTS FOR CONDITIONAL USE PERMIT**

No person, firm or corporation shall undertake the construction, erection or installation of a SWTGW, without a permit. A SWTGS, shall require a Conditional Use Permit approval in compliance with Article 5 (Conditional Use Permits) of this resolution and a Building Permit issued by the Ashtabula County Department of Building Regulations.

### **1010.4 APPLICATION REQUIREMENTS**

A Conditional Use Permit application for a SWTGS, shall include all information and material required by Article 5 and the following:

1. Standard drawings and an engineering analysis of the system's tower, showing compliance with applicable provisions of existing state code as adopted by the Ashtabula County Department of Building Regulations.
2. A line drawing of electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the electrical code adopted by the Ashtabula County Department of Building Regulations.
3. A notarized letter, from the property owner, stating that the system will be used only to reduce on-site consumption of utility generated electricity.
4. Evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator. If the property owner intends not to install an interconnect to a utility generating electricity, a notarized letter must be attached to the Conditional Use Permit application.
5. Evidence that the proposed height of the SWTGS, does not exceed the height recommended by the tower manufacturer or the distributor of the SWTGS.

### **1010.5 LOCATIONS OF SWTGS**

SWTGS, may be located in all zoning districts of Harpersfield Township. A SWTGS shall not be located on a parcel between the front baseline of the primary structure and the front property line.

### **1010.6 STANDARDS**

A SWTGS shall comply with the following standards:

1. SWTGS shall only be located on a parcel that is one (1) acre or larger in size. Strict adherence to the setback requirements shall be followed.
2. Setback requirements:
  - a. A SWTGS shall not be located closer to a lot line than the height of the tower plus 1/2 the height of the blade plus the lot's side setback.
  - b. The tower, including anchors and guy wires shall not be located within the required front, side and rear setbacks for a lot in its district.
  - c. SWTGS shall maintain setbacks from abutting land in other districts by the rear and side setback required in that district.

- d. Restrict placement of guy wire anchors to setback of fifty (50) feet from abutting residential district property lines, public property, or road right-of-way and the rear set back from abutting land in other districts.
- 3. Height Limits
  - a. Tower -mounted SWTGS shall not exceed a maximum height on one hundred (100) feet. Strict adherence to the setback requirements shall be followed.
  - b. The height of “Mast-mounted” SWTGS is measured from the upper mounting plate to the top of the mast. The height shall not exceed eight (8) feet. Placing of mounting plates and method of securing mounting plates shall meet standards set forth by the Ashtabula County Department of Building Regulations.
- 4. Turbine- The turbine shall be certified by Underwriters Laboratories, Inc. (UL). It shall be installed per manufacturer’s installation requirements.
- 5. Noise - Except during short-term events including utility outages and severe windstorms, a SWTGS shall be designed, installed and operated so that the noise generated by the system shall not exceed the sixty (60) decibels (dBA), as measured at the closest neighboring lot line.
- 6. The tower shall be guided tower or a monopole.
- 7. A ratio of one-to-one (1:1) set back shall be maintained from lot setbacks, principal structure, accessory structure(s) and above ground utility lines, creating a free fall zone. No new structure can be built in the free fall zone.
- 8. The tower and its instruments shall be designed and constructed so as not to cause radio and/or television interference to adjacent properties.
- 9. To prevent unauthorized access to the tower area, the tower must have all climbing rungs within twelve (12) feet of the base removed, if applicable.
- 10. A certificate of ownership shall be filed with the Harpersfield Township Office of Zoning and the Harpersfield Township Fire Department. It shall contain:
  - a. Owner of the tower, name, address and telephone number.
  - b. Maintenance contact, name and telephone number.
  - c. Emergency contact, name and telephone number.
- 11. All towers must meet F.A.A. specifications. Certification from the F.A.A. stating light approval must be presented to the zoning administrator at time of application for zoning permit.

**1010.7 SITE PLAN DRAWING TO SCALE MUST BE SUBMITTED WITH ZONING PERMIT APPLICATION AND PROVIDE THE FOLLOWING**

- 1. Lot lines and dimensions.
- 2. Existing and proposed setbacks of all structures on the lot.
- 3. Location and height of all buildings, structures, above ground utilities, and general location of all trees approximately fifty (50) feet in height or higher on the lot.
- 4. The location of the proposed SWTGS and placement of its guy wire anchors.
- 5. The location and dimensions of any accessory structures supporting a SWTGS.

6. A landscaping and fence design that may be considered by the Board of Zoning Appeals during the conditional use process.

Harpersfield Township hereby reserves the right to inspect a SWTGS site by its zoning administrator or duly authorized representative. If the zoning administrator or duly authorized representative find the SWTGS is not maintained in a safe and/or operational condition, the Township shall give written notice to the owner. Upon receipt of notification, the owner of the SWTGS shall take expeditious action to correct the item(s) listed on the notice. Failure to comply with written notification within thirty (30) days, shall result in the SWTGS owner being cited.

When the Conditional Use permit expires, the property owner, at the owner's expense, shall dismantle and remove the tower, its base, guy wires and guy wire anchors, the anchor's base(s) and any adjacent structures erected to support the SWTGS. The dismantling and removal of SWTGS shall be completed in sixty (60) days.

**1010.8 ABANDONMENT OF USE**

A SWTGS which is not used for sixty (60) days, shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the "property owner".

**1010.9 VIOLATIONS**

Any violation of any of the provisions of Sections 1010 through 1010.8 of this zoning resolution and/or the Conditional Use Permit, shall be cause for revocation of the Conditional Use Permit.

**1011 SEASONAL RECREATIONAL SLEEPING UNIT**

Shall regulate Seasonal Recreational Sleeping Unit(s) **located only** in recreational Commercial (RC) Districts.

**1011.1 PURPOSE**

These standards are created to ensure the health, safety and general welfare of Harpersfield Township. they will further provide uniformity in design and construction to Seasonal Recreational Sleeping Unit(s) in Harpersfield Township and ensure more durable and safer structures.

**1011.2 STANDARDS**

These regulations apply only to the Seasonal Recreational Sleeping Unit found in Recreational Commercial (RC) Districts.

1. Each Seasonal Recreational Sleeping Unit shall be considered an accessory structure.
2. Each Seasonal recreational Sleeping Unit shall be a building or structure, except a recreational vehicle or mobile home as defined by Ohio Revised Code 4501.01, wholly or partly used or intended to be used for sleeping by one or more occupants.
3. Maximum footprint of a Seasonal Recreational Sleeping Unit shall be four hundred (400) square feet.
4. Maximum height of a Seasonal Recreational Sleeping Unit shall be sixteen (16) feet, measured from the floor surface to the peak of the roof.

5. Each Seasonal Recreational Sleeping Unit shall have a minimum roof overhang of at least twelve (12) inches (excluding gutters).
6. Seasonal Recreational Sleeping Units shall be double pitched roof and have a pitch of at least 4/12, four inches in twelve inches.
7. Seasonal Recreational Sleeping Units shall have roof material that is approved for residential construction and approved for use by the Ashtabula County Department of Building Regulations.
8. Seasonal Recreational Sleeping Units shall have exterior siding material approved for residential construction and approved for use by the Ashtabula County Department of Building Regulations.
9. Seasonal Recreational Sleeping Units shall be set on piers.
10. NO SANITARY SEWER shall be connected to a Seasonal Recreational Sleeping Unit.
11. NO POTABLE WATER SUPPLY shall be connected to a Seasonal Recreational Sleeping Unit by a centralized private or public water system.
12. Each Seasonal Recreational Sleeping Unit shall be located a minimum of twenty (20) feet from another Seasonal Recreational Sleeping Unit, including the porch/dock, if applicable.
13. Maximum porch/deck area, if applicable, shall not exceed 100% of the footprint of the Seasonal Recreational Sleeping Unit.
14. Seasonal Recreational Sleeping Units shall comply with standards set forth by the Ashtabula county Department of Building Regulations as basic building codes and be inspected and approved by the Ashtabula County Department of Building Regulations.

# ARTICLE 11

## OFF-STREET PARKING AND LOADING FACILITIES

### 1100 GENERAL PARKING REQUIREMENTS

In all districts, at any time a building, structure or use of land is erected, enlarged or increased in capacity, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Sections 1100 through 1108 of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

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

### 1101 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 be not less than nine (9) feet wide and eighteen (18) feet long exclusive of access drives or aisles and shall be of usable shape and condition.
  - b. Access drives with adjacent parking shall be a minimum of 24 ft. wide.

***Note: This standard assures a minimum of 60 ft. “bumper to bumper” in a double loaded parking area.)***

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 dwellings, the access drive shall be a minimum of nine (9) feet in width.

- b. For 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.
  - c. 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.
  - d. 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 shall be in compliance with parking setbacks as specified in Sections 801 and 803.
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 Sections 801 and 920 of this Resolution.
5. Landscaping: All parking areas greater than fifty (50) parking spaces and more than eighty (80) feet wide shall have landscaping within the boundaries of the parking area at least equal to five percent (5%) of the total parking area.
6. 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.
7. 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.
8. 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.
9. 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.
10. Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator and shall be maintained in a clearly visible condition.
11. 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.
12. 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.
13. 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.

**1102 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.
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.

**1103 JOINT OR COLLECTIVE PARKING FACILITIES**

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

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
2. Not more than 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 percent (100) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

**1104****OFF-STREET STACKING AREAS FOR DRIVE-IN SERVICES**

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

Establishments serving and/or selling food and/or drinks:	Five (5) waiting/queuing spaces per drive-thru window as measured from the order board or station
Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	Six (6) waiting/queuing spaces
Facilities with service windows or service entrances such as banks, drug stores, dry cleaners, ticket booths, drive-up ATM machines and other similar facilities:	Four (4) waiting/queuing spaces for the first drive-thru window or stall and two (2) waiting/queuing spaces for each additional window or stall
Self-serve car wash facilities:	Two (2) waiting/queuing spaces per stall
Gasoline stations:	Two (2) waiting/queuing spaces per accessible side of a gasoline pump island
All other uses	Three (3) waiting/queuing spaces for each window or stall

**1105****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.

**1106****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 for each unit.
  - b. Apartments, Townhouses or multi-family dwellings — Two for each unit.
2. Business Related uses
  - a. Animal hospitals and kennels — One for each 400 square feet of floor area and one for each two employees.

- b. Motor Vehicle repair station — One for each 400 square feet of floor area and one for each employee.
  - c. Motor Vehicle salesroom — One for each 400 square feet of floor area and one for each employee.
  - d. Motor Vehicle service stations — Two for each service bay and one for every two gasoline pumps.
  - e. Car washing facilities — One for each employee.
  - f. Banks, financial institutions, post offices, and similar uses — One for each 250 square feet of floor area and one for each employee.
  - g. Barber and Beauty shops — Three for each barber or beauty operator.
  - h. Carry-out restaurants — One for each 100square feet of floor area
  - i. Hotels, motels — One for each sleeping room.
  - j. Bed/Breakfast Home — One for each sleeping room.
  - k. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments — Two plus one additional space for each 200 square feet of floor area over 1000 square feet.
  - l. Consumer and trade service uses not otherwise specified — One for each employee.
  - m. Funeral homes, mortuaries and similar type uses — One for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.
  - n. Laundromats — One for every two washing machines.
  - o. Administrative business and professional office uses — One for each 300 square feet of floor area.
  - p. Sit-down restaurants, tavern, night clubs, and similar uses — One for each three persons of capacity
  - q. Retail stores — One for each 250 square feet of floor area.
3. Recreational and Entertainment Uses
- a. Bowling alleys — Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for each three employees.
  - b. Dance halls, skating rinks — One for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge; and one for each three employees.
  - c. Outdoor swimming pools: public, community or club — One for each ten persons of capacity and one for each three persons of capacity for a restaurant.
  - d. Auditoriums, sport arenas, theaters, and similar uses — One for each three (3) seats.
  - e. Miniature golf courses — Two for each hole and one for each employee.
  - f. Private clubs and lodges — One for each ten members.
  - g. Tennis facilities, racquetball facilities or similar uses — Two for each playing area; one for each employee; and one for each 100 square feet of other activity area.

4. Institutional Uses
  - a. Churches and other places of religious assembly — One for each eight (8) seats in main assembly room, or one for each classroom, whichever is greater.
  - b. Hospitals — One for each three beds.
  - c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses — One for each 3 beds.
  - d. Medical and dental clinics — One for every 150 square feet floor area.
  - e. Libraries, museums, and art galleries — Ten, and one for each 300 square feet floor area in excess of 2,000 square feet.
5. Educational Institution (Public, Parochial, or Private) Uses
  - a. Elementary schools, and kindergartens — Four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional non-teaching employee.
  - b. High schools and middle schools — One for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
  - c. Business, technical and trade schools — One for each two students.
  - d. Childcare centers, nursery schools, and similar uses — Four for each classroom.
6. Manufacturing Uses
  - a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district — One for every employee (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.
  - b. Cartage, express, parcel delivery, and freight terminals — One and one half for every one employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

**1107 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 or applicable federal and state requirements that from time to time may be amended:

<u>Total spaces in Lot/Structure Spaces</u>	<u>Number of Designated Accessible</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

**1108 OFF-STREET LOADING DESIGN STANDARDS**

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

1. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
2. Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Used and Dimensional Requirements, off- street loading spaces may be located in the required rear

of side yard of any IOP, IOP/TC, IOP/NW, RC, LC, AC, or AP district provided that not more than 90% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than thirty (30) 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 920 of this Resolution.
4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.
6. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water 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, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, 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.

To assure that the provisions of this Chapter do not infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution, all Sections in this Article are to be construed to protect the rights of residents and visitors to speak freely. All provisions of this Chapter shall be interpreted in a content-neutral manner excepting those narrow, legally recognized exceptions explicitly identified in this Chapter.

### 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 and commemorative plaques placed by historical agencies recognized by the Township of Harpersfield, County of Ashtabula, or State of Ohio not to exceed two (2) square feet in area.

### 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 only emit a light of constant intensity, and no sign shall:
  - a. Be illuminated by or contain flashing, intermittent, rotating, or moving light or lights; or
  - b. Employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention or shall contain or consist of banners, posters, ribbons, streamers, spinners, or other similar moving devices except as specifically permitted by this Article.

2. 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;
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 four (4) 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 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 or cover ventilation openings;
8. 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;
9. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign;
10. 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;
11. 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;
12. All signs shall be secured in such a manner as to prevent significant movement due to wind;
13. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
14. No sign shall be attached in such manner that it may interfere with any required ventilation openings;
15. 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;
16. 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.
17. From any public or private driveway exiting onto a dedicated road, no sign shall be placed as to materially impede vision across such driveway or road between the height of 2 1/2 and six (6) feet.

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

1. Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, and not comprising more than three (3) such shapes, 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 Multifaced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or, (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.



**1204 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 as set forth in Schedule 1204.

<b>Schedule 1204 Administrative Requirements</b>		
<b>Sign Type</b>	<b>Sign Permit Required</b>	<b>Sign Permit Not Required</b>
Building, Permanent	X	
Signs During Construction - Residential	X	
Signs During Construction – non-Residential	X	
Freestanding, Permanent	X	
Window, Permanent	X	
Window, Temporary		X
Instructional	X	
Nameplate		X
Temporary – Non-Window - Residential	X	---
Temporary – Non-window – non-Residential	X	

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.

**1205 SIGNS PERMITTED ON VACANT LOTS**

On a lot within a recorded subdivision one sign is permitted that shall not exceed eight (8) square feet. On a lot that is not within a recorded subdivision, one sign is permitted that shall not exceed thirty-two (32) square feet.

**1206 SIGNS PERMITTED IN THE R-1 AND R-2 DISTRICTS**

1. One freestanding Residential Sign as defined in Article 2 not to exceed eight (8) square feet in area;
2. Two (2) additional signs not to exceed four (4) square feet.
3. One freestanding sign not to exceed 32 square feet in area per exclusive entrance to a subdivision or tract.
4. One off-premise sign per zone lot, not to exceed 100 square feet, sections 1213 through 1217 to apply.
5. For non-residential uses, both permitted and conditionally permitted:
  - a. Wall signs shall be limited to 0.5 square foot of sign area per each lineal foot of building frontage.
  - b. A free-standing sign not to exceed thirty-two (32) sq. ft.
6. No on-premise sign shall exceed eight (8) feet in height. No off-premise sign shall exceed 35 feet in height.
7. From up to thirty (30) days prior to the day absentee ballots are available or the day early voting is permitted, whichever comes first, for a general, primary, or special election and up to three (3) days following such election the number of political signs permitted on any residential lot is not restricted, provided that no such sign shall be larger than eight (8) square feet or higher than four (4) feet.

**1207 SIGNS PERMITTED IN THE RECREATION COMMERCIAL DISTRICT**

1. No sign shall exceed 25 feet in height.
2. Signs requiring a permit:
  - a. One freestanding on-premise sign not over 64 square feet;
  - b. Temporary signs according to Section 1212;
  - c. Banner according to Section 1212;
  - d. One wall sign not to exceed 32 square feet.

**1208 SIGNS PERMITTED IN THE AIRPORT DISTRICT**

1. No on-premise sign shall exceed 25 feet in heights. No off-premise sign shall exceed 35 feet in height.
2. Exterior spot lighting is permissible, but only if shielded so as to direct the light to the sign only.
3. Signs requiring a permit:
  - a. One freestanding sign to identify the Airport District not to exceed thirty-two (32) square feet in area.
  - b. One freestanding sign per zone lot regardless of how many businesses are conducted on said zone lot, identifying the building occupation, establishment or use not exceeding thirty-two (32) square feet in area.
  - c. One wall sign for each business not to exceed thirty-two (32) square feet in area.
  - d. One freestanding off-premise sign to exceed one hundred (100) square feet per zone lot. Sections 1213 through 1217 shall apply.

**1209 SIGNS PERMITTED IN THE I/OP, I/OP-TC, I/OP-NW, LC, AC AND RAD DISTRICTS**

The basic allowances for signs in the commercial and industrial districts are in the following Schedule 1209

<b>Schedule 1209.1</b>						
<b>Basic Sign Regulations for the I/OP, I/OP-TC, I/OP-NW, LC, AC and RAD Districts</b>						
USE	I/OP	I/OP-TC	I/OP-NW	LC	AC Rt 534 Corridor	RAD District
Permanent Signs – Commercial Uses						
Wall Signs – Area, Primary Frontage	1.0 sq. ft. per lineal ft. of frontage	1.0 sq. ft. per lineal ft. of frontage	1.0 sq. ft. per lineal ft. of frontage	1.0 sq. ft. per lineal ft. of frontage	1.5 sq. ft. per lineal. ft. of frontage <sup>(a)</sup>	1.5 sq. ft. per lineal ft. of frontage
Wall Signs Bonuses – Additional Frontages	(a)	(a)	(a)	(a)	(a)	(a)
Sign at each building entrance						2 sq. ft.
Sign on Awning						8 sq. ft.
Freestanding Signs-Number					1	
Freestanding Signs -Area	48 sq. ft. per lot	48 sq. ft. per lot		48 sq. ft. per lot	100 sq. ft.	150 sq. ft. (each entrance)
Maximum Height	25 ft.			25 ft.	35 ft.	35 ft.
Allowance for Corner lots/Secondary frontages				none		
Pennants					10 ft. from ROW (ACJ)	10 ft. from ROW
Permanent Signs – Residential Uses						
Wall signs						
Area				4 sq. ft.	4 sq. ft.	
Number of				1		
Free-Standing Signs						
Area						
Number						
Window Signs - Total	40%	40%	40%	40%	40%	
Permanent Signs	20%	20%	20%	20%	20%	20%
Temporary Signs	20%	20%	20%	20%	20%	
Total Area					300 sq. ft	300 sq. ft.

**Schedule 1209.1**

**Basic Sign Regulations for the  
I/OP, I/OP-TC, I/OP-NW, LC, AC and RAD Districts**

USE	I/OP	I/OP-TC	I/OP-NW	LC	AC Rt 534 Corridor	RAD District
Off-Premise Signs - Also subject to Sections 1214, 1215 and Article 5						
Number Permitted per lot				2	1	
Maximum Area				100	100	
<i>These are the existing standards for off-premise signs</i>				Only on corner lot		

Note: Suggest eliminating the restriction – 2 signs per business  
(a) See Section 1210

**SUPPLEMENTAL REGULATIONS FOR SIGNS IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS**

1. Signs for extra-large buildings or sites: It is recognized that certain enterprises are housed in large buildings on relatively large lots. Such buildings often have setbacks that are considerable distance from the public highway. In recognizing that effective street identification/visual on-site recognition is paramount to the enterprises, some sign bonuses may be considered.
  - a. Large Site Frontage: For every two hundred (200) feet of lot frontage, or fraction thereof, in excess of 250 feet of lot frontage, an overall freestanding sign area bonus of twenty (20) square feet shall be permitted.
  - b. Large Setback: For every additional two hundred (200) feet greater than 150 feet of front set back the overall building sign area may be increased by one half sq. ft. (0.5 sq. ft.) of sign area for each foot of building frontage.
2. Sign Bonuses for Multiple Frontages: The maximum allowable area for building signs, when a building is located on a corner lot, otherwise faces a public street, has a principal entrance not facing the primary frontage, and/or faces commercial parking lots or other commercial businesses shall be increased beyond the allowable area set forth in Schedule 1209 in compliance with the following:
  - a. The increased sign area for each additional building frontage shall be equal to thirty (30) percent of the sign area that would be permitted if the secondary frontage were the primary frontage.
  - b. The additional sign area may be utilized only on the secondary building frontages.
  - c. The sign area permitted on the primary building frontage may, however, be redistributed along the additional building frontage(s), provided that the total sign area on any building frontage does not exceed the basic allowance set forth in Schedule 1209.
3. Instructional Signs: Instructional signs are intended for instructional purposes and shall be permitted, as needed, provided such signs: are not larger than necessary to serve the intended instructional purpose; are the minimum number to serve the intended instructional purpose; and are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.
4. During construction: A sign, up to thirty-two (32) square feet, is permitted at each construction entrance to the parcel and such sign shall only be in place during the time of construction.
5. Height and Area of Pole Signs at Freeway Interchange Areas: Businesses in the immediate vicinity of I-90, may be allowed signs constructed to dimensions which are reasonable and proper taking into consideration the necessity of giving notice to users of the high-speed highways of the existence of services and facilities off such highways and taking into further consideration the necessity of having notice of these services conveyed to users of the limited access highways without unduly impeding the ordinary flow of traffic thereon. For the purpose of determining reasonable and proper dimensions, the Zoning Administrator may consider the following:

- a. A standard and generally accepted signed advertising a service which is of a standard design and dimension in other areas and sections of the country.
- b. The prevailing average height and style of signs utilized in other limited access highway interchange areas outside of the City.
- c. An opinion, or certification from an engineer licensed by the State and properly qualified, certifying to the ability of the structure to withstand the natural or other forces to which such sign or structure may be expected to be subjected.

**1211 ELECTRONIC MESSAGE CENTER SIGNS**

In the I/OP, I/OP-TC, I/OP-NW, LC, AC, and RAD Districts one (1) permanent freestanding or wall sign, greater than twenty (20) square feet, and otherwise permitted by these regulations, is permitted to use a portion of such sign as an Electronic Message Center (EMC) in compliance with the following:

- 1. The EMC shall not to exceed sixty-seven (67%) percent of the total sign face area of a freestanding sign or one hundred (100) square feet whichever is less.
- 2. The EMC portion of the sign shall be set off from the edge of the sign by a contrasting and static border a minimum four (4) inches wide.
- 3. A sign with an EMC shall be a minimum of one-hundred 100 feet from a property in a residential zoning district.
- 4. The interval of change of any messages shall occur no less than once every eight (8) seconds.
- 5. The image of the EMC shall change instantaneously, and animation, movement, or continuous scrolling of messages is prohibited.
- 6. The brightness of the EMC's, as measured by "illuminance limits" (defined herein) shall not exceed three-tenths (0.3) of a foot-candles above the ambient light level. Illuminance is the amount of additional light - measured in foot-candles, at a perpendicular distance in front of the EMC based on an all-white (maximum brightness) illuminated display – compared to the ambient light level when the EMC is turned off.

The distance from the sign that the illuminance is measured is based on the formula:

Measurement Distance = The Square Root of the (Area of the Sign X 100)

- 7. The illumination of the EMC shall:

- a. Be programmed or set in a manner such that the display will turn dark and emit no light in case of a malfunction.

- b. Be equipped with photosensitive equipment that is programmed to automatically adjust the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

<b>Examples of Distance from the Sign that the Illuminance is to be Measured</b>	
<b>Area of Sign (Square feet)</b>	<b>Measurement Distance (feet)</b>
25	50
50	71
75	87
100	100
200	141
300	173
400	200

**1212 TEMPORARY SIGNS AND BANNERS**

1. All temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1213 through 1217, 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 50 square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of 60 days plus the construction period.
3. Signs permitted in the Recreational Commercial, Neighborhood Commercial, and Accommodation Commercial Districts requiring a permit:
  - a. One temporary sign or banner not exceeding 50 square feet in area may be permitted for a specified 60-day period.
  - b. No more than two temporary sign permits shall be issued to the same business license holder on the same zone lot in any calendar year.
4. Non-profit organizations will be allowed one portable sign.

**1213 SIGN SETBACK REQUIREMENTS**

Except as modified in Sections 1214 through 1216, 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.

**1214 SETBACKS FOR OFF-PREMISE SIGNS NOT EXCEEDING 100 SQUARE FEET**

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

**1215 OFF-PREMISE SIGNS EXCEEDING 100 SQUARE FEET**

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

**1216 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 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 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 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 20 feet, the latter shall apply.

**1217      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 Article 5516 and the regulations adopted pursuant thereto.

**1218      MAINTENANCE**

1. All signs shall be maintained in safe and sound structural condition at all times and shall be in good repair.
2. No person shall maintain or permit to be maintained on any premises owned or controlled by him/her/them, 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. If such sign is not removed or repaired, it shall be removed or ordered to be removed by the Zoning Administrator.
3. The Zoning Administrator shall remove any off-premise advertising sign or structure found to be unsafe, structurally unsound or deemed to be a public nuisance within 30 days of issuing a written notification to the owner of the sign or the property owner.
4. The Zoning Administrator shall remove any on-premise sign which is determined to be unsafe or structurally unsound within 10 days of issuance of written notification to the property owner.

**1219      ABANDONED SIGNS (AND ADVERTISING STRUCTURES) PROHIBITED**

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

1. Any on premise sign which is located on property which becomes vacant or unoccupied for a period of three months 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 six months 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 three consecutive months 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 three consecutive months available; shall be deemed to be abandoned.



**1220 NON-CONFORMING SIGNS AND STRUCTURES**

Any Signs and related structures in existence prior to the effective date of this Resolution and any amendments thereto for which a permit or variance has been granted which 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 sign or structure shall be upon the owner of the sign or structure.

**1221 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 structure
  - b. It is enlarged
  - c. It is relocated or replaced
  - d. It is structurally damaged to an extent greater than one half of its estimated replacement value.
  - e. It is abandoned as defined in Section 1219
2. It is in violation of Section 1202

**1222 VIOLATIONS**

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Resolution, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 14 of this Resolution. Political signs posted in violation of Section 1206 of this Resolution are subject to removal by the Zoning Administrator five (5) days after written notice of violations of Sections 1206 has been given.

# ARTICLE 13

## ADMINISTRATION

### 1300 PURPOSE

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

### 1301 GENERAL PROVISIONS

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

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

### 1302 ZONING ADMINISTRATOR

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

### 1303 RESPONSIBILITIES OF ZONING ADMINISTRATOR

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

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons, therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action
6. Maintain in current status the Official Zoning District Map that shall be kept on permanent display in the Township offices.

7. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, certificate of occupancy, inspection documents, and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

**1304 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 chairman 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.

**1305 DUTIES OF ZONING COMMISSION**

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

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

**1306 BOARD OF ZONING APPEALS**

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

Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

**1307 PROCEEDINGS OF THE BOARD OF ZONING APPEALS**

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

**1308 DUTIES OF THE BOARD OF ZONING APPEALS**

The Township Board of Zoning Appeals may:

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

The Board shall notify the holder of the variance or certificate by certified mail its intent to revoke the variance or certificate under item 4 of this section and of his/her/their right to a hearing before the Board, within thirty days of the mailing of the notice, if he/she/they so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his/her/their attorney or he/she/they may present his/her/their position in writing. He/She/They may present evidence and examine witnesses appearing for or against him/her/them. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

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

**1309 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 1311 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

**1310 BOARD OF TOWNSHIP TRUSTEES**

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

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

**1311 SCHEDULE OF FEES**

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

# **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 Administrator. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from Board of Township Trustees approving a Planned Unit Development District, as provided by this Resolution.

### **1402 CONTENTS OF APPLICATION FOR ZONING PERMIT**

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

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

**1403 APPROVAL OF ZONING PERMIT**

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

**1404 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

Before any zoning permit is issued affecting any land within 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 Administrator shall give notice, by registered mail, to the Director of Transportation that he/she/they 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 Administrator that he/she/they shall proceed to acquire the land needed, then the Zoning Administrator shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Administrator that acquisition at this time is not in the public interest, or upon the expiration of the one- hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

**1405 EXPIRATION OF ZONING PERMIT**

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

**1406 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 Administrator stating that the proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Resolution and other regulations.

**1407 TEMPORARY CERTIFICATE OF OCCUPANCY**

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

**1408 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY**

The Zoning Administrator 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.

**1409 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.

**1410 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES**

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

**1411 COMPLAINTS REGARDING VIOLATIONS**

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

**1412 ENTRY AND INSPECTION OF PROPERTY**

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

**1413 STOP WORK ORDER**

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

**1414 ZONING PERMIT REVOCATION**

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



#### **1415 NOTICE OF VIOLATION**

Whenever the Zoning Administrator 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.
4. State the time by which the violation shall be corrected.

#### **Service of notice of violation shall be as follows:**

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

#### **1416 TICKETING PROCEDURE**

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date, and place for appearance in court;
5. State the amount of the fine payable in lieu of a court appearance. If the ticket cannot be served personally, the Zoning Administrator shall request that a summons be issued by the Court.

#### **1417 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.

**1418 ADDITIONAL REMEDIES**

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

# ARTICLE 15

## PLANNED UNIT DEVELOPMENT

### 1500 PLANNED UNIT DEVELOPMENT REGULATIONS

Sections 1500 through 1526 inclusive of this Resolution shall apply to the location and maintenance of the Planned Unit Developments as herein defined.

### 1501 PURPOSE

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

### 1502 INTERPRETATION

Whenever the requirements of Sections 1500 through 1526 appear to be in conflict with other Sections of this Resolution or with those of other existing codes, the provisions of these Sections shall prevail.

### 1503 PUD DISTRICT DESIGNATION

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

### 1504 USES PERMITTED IN A PUD DISTRICT

Residential, commercial, public, and quasi-basic uses may be combined in PUD districts, provided that the proposed location of the commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the location of such uses are specified in the final development plan. Lot area and other yard requirements of the residential district shall apply except as modified in Section 1508.

The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Zoning Commission and approved by Township Trustees.

### 1505 MINIMUM PROJECT AREA REQUIREMENTS

The gross area of a tract of land proposed to be developed in a planned unit development district shall be a minimum of twenty (20) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the planned unit development proposed contains a mixture of residential uses with commercial uses, the Commission may limit the development of not more than fifteen (15) percent of the tract to commercial uses.

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1506 of this Resolution.

**1506 DISPOSITION OF OPEN SPACE**

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

**1507 UTILITY REQUIREMENTS**

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

**1508 SPECIAL PUD LOT REQUIREMENTS**

The lot requirements for planned unit development approved by the Commission may vary from requirements previously prevailing for the district as follows:

1. Lot width and setback and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types;
2. Lot area per dwelling unit requirements may be reduced by not more than twenty (20) percent;
3. To provide for the availability of lower and moderately priced rental and sale residences within planned unit developments, the Commission may permit the following:
  - a. A PUD development plan proposing the inclusion of at least twelve (12) percent lower or moderately priced rental or sale dwelling units may entail no minimum lot or yard requirements, provided that the total area of the residential developments equal to ninety (90) percent of the total minimum lot requirement for such residential development in the district, and that buffering and screening devices are sufficient;
  - b. A PUD development plan proposing the inclusion of at least ten (10) percent lower or moderately priced rental or sale dwelling units may entail a dwelling unit density ten (10) percent in excess of the density requirement for the district;

- c. Each property development in the PUD should abut common open space or similar areas, provided, however, that any residential property not abutting such uses shall have well designed access to, and shall be no more than 500 feet from, such uses.

**1509 ARRANGEMENT OF COMMERCIAL USES**

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

**1510 PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENT DISTRICTS**

Planned Unit Development Districts shall be approved in accordance with the procedure in Sections 1511 through 1526. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process to remove the necessity, in many instances, to proceed under Article 6 prior to the commencement of the planned unit development plan review and approval process.

**1511 PRE-APPLICATION MEETING**

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

**1512 PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS**

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

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. Present and proposed zoning district.
6. Proposed amending Resolution.

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

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

**1513 ZONING COMMISSION PUBLIC HEARING**

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

**1514 NOTICE OF PUBLIC HEARING**

Before holding the public hearing, notice of such Zoning Commission hearing shall be given in one or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned unit development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Township Trustees for further determination.

Also before holding the public hearing, written notice of such hearing shall be sent by the Zoning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property within 500 feet of the property in question and to such others as the Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.

**1515 PUBLIC ACCESS TO PROPOSED PUD DOCUMENTS**

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

**1516 APPROVAL IN PRINCIPLE OF PRELIMINARY DEVELOPMENT PLAN**

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

**1517 SUBMISSION OF FINAL DEVELOPMENT PLAN**

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

**1518 FINAL DEVELOPMENT PLAN APPLICATION CONTENTS**

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

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population by type of housing; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Resolutions governing development.

4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
6. Preliminary building plans.
7. Landscaping plans.
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
9. A fee as established by Resolution.

**1519 PUBLIC HEARING BY COMMISSION**

Within thirty (30) days after submission of the final development plan, the Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Sections 1517 and 1518 of this Resolution

**1520 RECOMMENDATION BY COMMISSION**

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

**1521 CRITERIA FOR COMMISSION RECOMMENDATION**

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

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

**1522 PUBLIC HEARING BY TOWNSHIP TRUSTEES**

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



**1523 NOTICE OF PUBLIC HEARING BY TOWNSHIP TRUSTEES**

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least thirty (30) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the planned unit development, and a statement that all papers relating to the PUD are on file with the Clerk and open for public inspection.

Also, written notice of the hearing on the PUD shall be mailed by the Clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within 500 feet of the proposed PUD and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

**1524 ACTION BY TOWNSHIP TRUSTEES**

After the public hearing, the Trustees shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Zoning Administrator to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in such PUD shall be permitted without repetition of the procedures in these Sections.

In the event that the Trustees deny or substantively modify the final development plan as recommended by the 9Commission, any resulting final development plan for said PUD shall not be effective unless passed or approved unanimously by the Trustees.

**1525 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

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

**1526 EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

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

## Disclaimer

This copy of the Harpersfield Zoning Text is for information only, and may not be the most recent copy, and may not contain any recent changes that have been made to the zoning text. Please contact the Harpersfield Zoning Office for current zoning regulations.