

FLORENCE TOWNSHIP



FLORENCE TOWNSHIP ZONING RESOLUTION

**Resolution 17-2021
Effective June 18, 2021**

FLORENCE TOWNSHIP ZONING COMMISSION
11011 Chapel Street
Wakeman, Ohio 44889

Phone: 440-965-5331 Fax: 440-965-4093
Zoning Inspector Phone: 440-742-0026
www.florencetwp.com

It is the intent of the Florence Township Zoning Commission to have this resolution reprinted approximately every two (2) years in its entirety.

Amendments and additions will be available upon request at the Florence Township Office.

Florence Township Zoning Commission

Florence Township Trustees
11011 Chapel St., Wakeman, OH 44889
Special Zoning Meeting
 5/19/2021

RECORD OF PROCEEDINGS

The proposed amendments were recommended for passage by the Florence Township Zoning Commission on April 14th 2021 and certified to the Florence Township Board of Trustees on April 21, 2021.

The two proposed amendments to the Zoning Resolution:

1. Article 8.3, Section 8—Contents of Application for Zoning Map Amendment

Assistant Prosecutor Susan Brown explained that in Article 8.3, Section 8, Contents of Application for Zoning Map Amendment, the phrase *“and others that may have a substantial interest in the case”* can be removed from our Resolution and is not needed. She stated “This is extra language and may have a negative effect; we have a strong language using 500 feet” when listing the parties of interest to be notified on our applications.

Current language for Article 8.3, Section 8:

“A list of all property owners and their mailing address 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.”

Proposed language for Article 8.3, Section 8:

“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, except that addresses need not be included where more than (10) parcels are to be rezoned.”

2. Article 8.4, Section 2—Contents of Application for Zoning Text Amendment

Assistant Prosecutor Susan Brown stated that she had a concern that she called Regional Planning about. Tim King was not aware of this language in Article 8.4, Section 2: *“The proposed amending resolution, approved as to form by the County Prosecutor.”* She explained that “We as lawyers do not represent private citizens; it is in conflict with the township’s interest.” Ms. Brown recommends that we remove this language above with a text amendment.

Current language for Article 8.4 Section 2:

2) “The proposed amending resolution, approved as to form by the County Prosecutor.”

Proposed language for Article 8.4 Section 2:

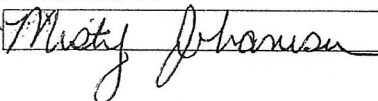
Remove above language in Article 8.4 Section 2.

LEGISLATION

RESOLUTION NUMBER	17-2021
MOTION TO Approve Changes	Orville Sayler
MOTION SECONDED BY	John Krumwiede
VOTING RESULTS	YES: 3 NO:

I certify the above accurately reflects the proceedings from the meeting held by the Florence Township Trustees.

ATTESTED BY

	Fiscal Officer	DATE 5.20.21
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Florence Township Trustees
11011 Chapel St., Wakeman, OH 44889
Regular Meeting
11-15-2017
CERTIFICATION OF PROCEEDINGS
RESOLUTION 42-2017

BEFORE THE BOARD OF TOWNSHIP TRUSTEES OF FLORENCE TOWNSHIP, ERIE COUNTY, OHIO

A RESOLUTION TO PROHIBIT CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES IN THE UNINCORPORATED TERRITORY OF FLORENCE TOWNSHIP.

WHEREAS, SB 523 legalized medical marijuana in September 2016, and

WHEREAS, O.R.C. 3796.29, as amended, authorizes the Board of Township Trustees to adopt certain prohibitions regarding medical marijuana.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF FLORENCE TOWNSHIP, ERIE COUNTY, OHIO:

SECTION 1. For the purposes of this Resolution, the definitions of O.R.C. 3796.01 are adopted.

SECTION 2. That, pursuant to O.R.C. Sections 3796.29 and 519.21(D), the cultivators, processors, and retail dispensaries licensed under O.R.C. Chapter 3796 are prohibited within the unincorporated territory of Florence Township.

SECTION 3. That any person violating this Resolution shall be subject to criminal prosecution as authorized by the Ohio Revised Code and/or shall be subject to abatement and injunction brought by the township.

At the regular meeting of the FLORENCE Township Trustees on 11-15-2017, John Krumwiede moved for adoption of the foregoing Resolution, seconded by Orville Sayler and upon roll call vote, the vote was 2 aye 0 nay.

I certify the above accurately reflects the proceedings from the meeting held by the Florence Township Trustees on November 11th, 2017.

ATTESTED BY

	Fiscal Officer	11.15.17
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ARTICLE 1- GENERAL PROVISIONS

1.0 Title

This Resolution shall be known and cited to as the “Zoning Resolution of the Township of Florence,” except as referred to herein, where it shall be known as “this Resolution.”

1.1 Interpretation

In interpretation and application the provisions of this Resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rule or regulations, other than zoning resolutions, adopted or issued, pursuant to law relating to the construction and use of buildings or premises.

Where this Resolution imposes a greater restriction upon the use of buildings or premises, upon the height of buildings, or requires larger yards than are imposed or required by other provisions of laws, rules, regulations, covenants, or agreements the provisions of this resolution shall control. But, nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, or agreements between parties, which impose restrictions greater than those imposed by this Resolution.

1.2 Validity

Each section, sub-section, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not effect nor render invalid the Resolution or amendments thereto as a whole or any other part thereof, except the particular part so declared to be invalid.

1.3 Repeal of Conflicting Resolutions

All 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.

1.4 Effective Date

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

1.5 Incorporation of Map(s)

The boundaries of districts established by this Resolution are shown on the official zoning map, which is hereby incorporated into the provisions of this resolution. The zoning map in its entirety, including all amendments shall be as much a part of this resolution as if fully set forth and described herein.

Article 2- intent and purpose

2.0 Purpose

For the purpose of promoting health, safety, morals, comfort, and general welfare; to secure the most appropriate use of land; and to facilitate adequate, but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Florence Township Trustees of this Township find it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas, which may be occupied, set-back building lines, buildings and other structures including tents, cabins, and trailer coaches, and the uses of land for trade industry, residence, recreation, or other purposes and for such purposes divides unincorporated areas of the township into districts or zones.

ARTICLE 3 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.0 Construction of Language

The following rules of construction apply to the text of this Zoning Resolution:

The word “shall” is always mandatory and not discretionary.

The word “may” is permissive.

Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either...or”, the conjunction shall be interpreted as follows: “and” indicates that all the connected items, conditions, provisions, or events shall apply; “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3.1 Definitions

For the purpose of this Resolution, certain words and terms are defined as follows:

3.1.1 Accessory Building

A building located on property under common ownership with the principal building and which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, barns, shelters and decorative structures. A swimming pool shall not be deemed an accessory building for the purposes of this Resolution.

(Resolution 2012-10) Effective 8/18/12

3.2 Accessory Use

Any activities, which are incidental, subordinate and customarily carried on in addition to the primary use of the premises. In residential districts, this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant. It shall also include activities related to the occupant’s employment off-premises that are occasionally carried on in the home occupation.

Accessory uses shall meet the minimum setback requirements for the district in which they are located. Accessory uses shall also include:

- a) Residential accommodations for servants, caretakers or night watchmen in any commercial, industrial or mineral aggregate district.
- b) Swimming pools, tennis courts and other personal recreational facilities.
- c) Off-street loading and parking facilities and the storage of goods used, produced or offered for sale which shall be accessory uses in commercial and industrial districts only and subject to all regulations of the district in which they are located.
- d) Garage or other casual sales of personal property shall be considered an accessory use so long as they are limited to no more than three (3) times a year and for no longer than three (3) days each time.
- e) The storage in residential districts of trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for non-residents of the premises whether or not a fee is charged shall not be deemed an accessory use. All such items shall be stored no closer to the street than the minimum front yard setback requirements of the district.
- f) Accessory use shall include the keeping of dogs, cats or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as but not limited to lions, tigers, leopards, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- g) The sale of fruits and vegetables grown on the premises where sold.

3.3 Agriculture

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

3.4 Agricultural Production

Commercial aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

3.5 Agritourism

An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations/farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. Agritourism may include a farm tour, Ag technical tour, garden/nursery tour, heritage/ag museum, lecture or presentation, historical exhibit, school tour, winery tour, guided crop tour, barn dances, festivals and fairs, petting zoo, pumpkin patch, hay ride/corn maze, picnic/play area, camping, fishing, birdwatching, game/wildlife preserve, horseback riding, shooting sports, nature walks, hunting, trail rides and maple syrup production.

3.6 Agritourism Provider

A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

3.7 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.

3.8 Alley

See Thoroughfare, Street or Road.

3.9 Alterations

Any structural change, addition, or modification in construction or type of occupancy, or any change in the structural members of a building, such as

bearing walls, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

3.10 Apartment

A room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping unit as herein defined.

3.11 Auto Fuel Station

The business of selling motor vehicle fuels and motor oils and related products, but which does not provide any auto repair services. This business may exist on the same premises and under common management with a grocery or other retail business.

3.12 Auto Service Station

A building or buildings, structures, and adjoining space used for the dispensing of motor fuel from fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies; and where automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted; and where, if within a building, such services as battery recharging, cleaning and polishing of vehicles, chassis lubrication, motor repairs and adjustments may be rendered.

3.13 Barriers

Fencing, wheel stops, or curbs used to protect parked vehicles from extending onto adjoining properties.

3.14 Basement

The portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in the definition of story.

3.15 Bed and Breakfast Homestay

A private owner-occupied residence with one to three (3) guest rooms. The Homestay must be subordinate and incidental to the main residential use of the building.

3.16 Boarding House (Rooming House)

A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons, but not exceeding three (3) sleeping rooms. A rooming house or a furnished rooming house shall be deemed a boarding house for the purposes of this Resolution.

3.17 Buffering or Screening

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

3.18 Building

Any structure, whether temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include cargo containers or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as billboards, fences, radio towers, or structures with interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, silos, grain bins, bunks, or similar structures.

3.19 Building, Height of

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point 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.

3.20 Building Line

A line parallel to the front lot line at the minimum required front setback line.

3.21 Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is situated.

3.22 Carport

An accessory building or portion of a main building with two or more open sides designated or used for the parking of motor vehicles. When free standing, a car port shall be considered an accessory building for the setback requirements. When attached to an existing building, it shall be considered an addition to the building.

3.23 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.

3.24 Child Day-Care

Administering to the needs of infants, toddlers, pre-school children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child day-care facilities:

a) **Child Day-Care Center**

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

b) **Type A Family Day-Care Home**

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

c) **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 four (4) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the

Type B Home shall be counted. The term “Type B Family Day-Care Home” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

3.25 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.

3.26 Club

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

3.27 Commercial Entertainment Facilities

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

3.28 Comprehensive Development Plan

The 1995 Erie County Comprehensive Plan, as amended, or any portion thereof, adopted by the Erie Regional Planning Commission and the Board of Erie County Commissioners and 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.

3.29 Conditional Use

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

3.30 Conditional Use Permit

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

3.31 Condominium

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

3.32 Corner Lot (see Lot Types)

3.33 Cul-de-sac (see Thoroughfare, Street or Road)

3.34 Dead-End Street (see Thoroughfare, Street or Road)

3.35 Density

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

- a) Gross Density
The number of dwelling units per acre of the total land to be developed.
- b) Net Density
The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

3.36 District

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

3.37 Dwelling

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

3.38 Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

3.39 Dwelling, Single-Family

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

3.40 Dwelling, Two-Family

A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other.

3.41 Dwelling, Multi-Family

A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls.

3.42 Easement

Written authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property. This authorization must be officially recorded by the Erie County Recorder.

3.43 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.

3.44 Farms

Is all of the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of five (5) acres or more in area, provided further, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but not including establishments keeping fur-bearing animals, riding or boarding stables and commercial dog kennels.

3.45 Farm, Recreational

A farm adapted for use as a vacation farm, picnicking or sport area, fishing waters, camping, scenery or a nature recreation area, hunting area, hunting preserve or watershed project.

3.46 Fireworks

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank

cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers, or other devices or like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of .25 of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for the use of such caps.

3.47 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 and the area of roofed porches and roofed terraces and garages. All dimensions shall be measured between the interior faces of the walls.

3.48 Floor Area of a Non-Residential Building (to be used in calculating parking requirements)

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms and similar areas.

3.49 Food Processing

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

3.50 Garage, Private

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

3.51 Garage, Public

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.

3.52 Group Residential Facility

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

a) 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 or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental 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.

b) Class II

Any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing 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.

3.53 Home Occupation

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; is conducted entirely within the dwelling unit; and, which does not alter the residential exterior of the property or affect the residential character of the area.

3.54 Hotel or Motel

A building in which lodging or boarding is provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house or rooming housing which is herein separately defined.

3.55 Industrialized Unit

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

3.56 Junk

Scrap metals of all types, bones, rags, used bottles or cans or paper packaging, old or used machinery, tools, equipment, appliances, motor vehicles or parts thereof as defined in the Ohio Revised Code, used construction materials and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture.

3.57 Junk Buildings, Junk Shops, Junk Yards

Any land, property, structure, building or combination of the same, on which junk is stored or processed.

3.58 Junk Motor Vehicle, Abandoned

“Abandoned junk motor vehicle” means any motor vehicle meeting all of the following requirements:

- a) Left on private property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;
- b) Three (3) years old, or older;
- c) Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- d) Apparently inoperable;
- e) Having a fair market value of one thousand five hundred dollars (\$1,500) or less.

3.59 Kennel

Any lot or premises on which 4 or more domesticated animals more than 4 months of age are housed, groomed, bred, boarded, trained, sold and/or which offers provisions for minor medical treatment.

Dog kennels shall not be located within one hundred (100) feet of any property line. All health and sanitation requirements of the state of Ohio and Erie County shall be followed.

3.60 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 required 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.

3.61 Location Map

A drawing which sets forth by dimensions or other means, the relationship of a proposed subdivision or use to other nearby developments, landmarks, and community facilities or services within the general area.

3.62 Lot

For the purposes of the 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 a dedicated and accepted public street.

3.63 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.

3.64 Lot Frontage

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements for corner lots, see the "Corner Lots" sections of this Resolution.

3.65 Lot, Area of

The area of a lot is computed exclusive of any portion of the right-of-way of any public street.

3.66 Lot Depth

The mean horizontal distance between the front and rear lines of a lot.

3.67 Lot Width

The horizontal distance between side lot lines measured along the required building setback line. When the street is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

3.68 Lot of Record

A lot which is part of a subdivision recorded in the Office of the Erie County Recorder, or a lot or parcel described by legal description, the description of which has been so recorded.

3.69 Lot Types

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

a) **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 135 degrees.

b) **Interior Lot**

A lot other than a corner lot with only one frontage on a street.

c) **Reversed Frontage Lot**

A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

d) **Through Lot**

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.

3.70 Major Thoroughfare Plan

The portion of the 1995 Erie County Comprehensive Plan as amended and adopted by the Erie Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

3.71 Maintenance and Storage Facilities

Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

3.72 Manufactured Home

A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974”, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

3.73 Mobile Home

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in the Ohio Revised Code or as an industrialized unit as defined in the Ohio Revised Code. The placement of mobile homes in any district is specifically prohibited.

3.74 Mobile Home Park

Any site or tract of land under single ownership, upon which mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structures, vehicles, or enclosures intended for use as a part of the facilities of such park. The placement of mobile homes in any district is specifically prohibited.

3.75 Non-conformities

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

3.76 Nursing Home (Rest Home)

A state-licensed home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and/or of individuals who require personal care services, but not skilled nursing care.

3.77 On-Street Parking

On street parking means any parking located in or on the streets, roads, right-of-ways, shoulders or berms of the Township.

3.78 Open Space

An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, buffer areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

3.79 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.

3.80 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, state-licensed massotherapists and similar activities.

3.81 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.

3.82 Public Facilities/Services

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 a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewage services.

3.83 Public Uses

Churches, schools, colleges, universities, public libraries, museums, community centers, fire stations, township hall, public parks, and public playgrounds.

3.84 Quarrying

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

3.85 Roadside Stand

A structure designed or used for the display or sale of agricultural and related products.

3.86 Right-of-Way

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

3.87 Satellite Signal Receiver

“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:

- a) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- b) A low-noise amplified (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
- c) A coaxial cable whose purpose is to convey or transmit signals to a receiver.

3.88 Seat

For purposes of determining the number of off-street parking spaces or 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.

3.89 Setback Line

A line established by this 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. (See Yard.)

3.90 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.

3.91 Sexually Oriented Businesses

Sexually Oriented Business shall mean an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

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

Adult Bookstore or Adult Video Store shall mean a commercial establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas,
or

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret shall mean a nightclub, bar, restaurant, or similar commercial establishment in which persons appear in a state of nudity in the performance of their duties.

Adult Motion Picture Theater shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown fifteen (15) percent or more of the total time open to the public which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motel shall mean a hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic productions; or

Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Theater shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Escort Agency shall mean a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Nude Model Studio shall mean any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Sexual Encounter Center shall mean a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Specified Anatomical Areas shall mean human genitals in a state of sexual arousal.

Specified Sexual Activities shall mean and include any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

“Nudity” means the showing of either of the following:

The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;

The female breast with less than a fully opaque covering on any part of the nipple.

3.92 Sidewalk

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

3.93 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.

a) **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.

b) **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.

c) **Sign, Illuminated**

Any sign illuminated by electricity, gas, or other artificial light including other reflecting or phosphorescent light.

d) **Sign, Lighting Device**

Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

e) Sign, Projecting

Any sign which projects from the exterior of a building.

3.94 Story

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement.)

3.95 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, mobile homes, swimming pools, walls, fences and billboards.

3.96 Subdivision

The division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels or other divisions of land for sale, development or lease. The subdivision of land in Florence Township is regulated by this resolution, Section 711 of the Ohio Revised Code and the Erie County Subdivision Regulations.

3.97 Supply Yards

A commercial establishment storing and offering for sale building supplies, coal, and similar goods.

3.98 Swimming Pool

a) Private Residential Swimming Pool

Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing located at a dwelling, housing no more than three (3) families and used exclusively by the residents and their non-paying guests.

b) Public Swimming Pool

Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, but does not mean any public bathing area or private residential swimming pool.

c) Portable Swimming Pool

Any vessel or container which is designed for or used for holding water for wading purposes; which will not permit filling with water to a depth greater than one and one-half (1½) feet and which may be dismantled and moved from one spot to another with the use of basic hand tools.

Portable swimming pools less than 110 square feet with no greater depth than one and one-half (1½) feet shall be considered to be a conforming use within any residential district and no zoning permit shall be required.

d) Non-Portable Swimming Pool

Non-portable swimming pool means any artificial body of water, whether in ground or above ground that is supplied with water from a controlled source, is not completely enclosed within a building and is capable of holding water exceeding one and one-half (1½) feet in depth at any point.

Non-portable swimming pools may be allowed as an accessory use within any residential district provided that the following conditions shall be met:

1. The pool is intended for and used solely for the enjoyment of the occupants and guests of the owners of the property on which it is located.
2. The pool, including any decks, walkways or accessory uses adjacent thereto, may not be located closer than the setbacks that regulate accessory buildings of the lot on which it is located.
3. The pool shall be completely enclosed by a fence with a lockable gate or gates with a minimum height of five (5) feet above grade. Above ground pools with a sidewalk height of at least four (4) feet and that have a ladder or other entry system that can be removed or secured in a manner that prohibits unauthorized access may not require the above fence if plans are approved by the Zoning Inspector.
4. Swimming pools located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard setback in any adjacent streets.
5. Swimming pools, including all decks, bath houses and other related accessory uses, shall not be considered in computing the maximum percentage of lot coverage for Article 11.1 paragraph 8 of this resolution.

(Resolution 2012-10) Effective 8/18/12

3.99 Telecommunications Tower

Any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- a) The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.
- b) The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- c) The freestanding or attached structure is proposed to be located in an unincorporated area of the township, in an area zoned for residential use.
- d) The freestanding structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a freestanding structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

- e) The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

3.100 Thoroughfare, Street or Road

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

- a) Alley

A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

- b) 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.

c) Collector Streets

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.

d) 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.

e) Dead-end Street

A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

f) Local Street

A street primarily for providing access to residential or other abutting property.

g) 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 (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

h) 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).

3.101 Through Lot

See Lot Types.

3.102 Use

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

3.103 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.

3.104 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.

Veterinary Clinics shall be located in a C-1 District and shall not be located within one hundred (100) feet of any property line. All Health and Sanitation requirements of the State of Ohio and Erie County shall be followed.

3.105 Vicinity Map

See Location Map.

3.106 Yard

A required open space unoccupied and unobstructed by any structure or portion of a structure; provided, accessory buildings, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

a) 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.

b) Yard, Rear

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

c) 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.

3.107 Zoning Inspector

The Zoning Inspector is the person designated by the Florence Township Board of Township Trustees to administer and enforce zoning regulations and related resolution.

3.108 Zoning Permit

A document issued by the Florence Township Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

ARTICLE 4 - ADMINISTRATION

4.0 Purpose

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

4.1 General Provisions

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

- 1) Zoning Inspector
- 2) Zoning Commission
- 3) Board of Zoning Appeals
- 4) Township Trustees
- 5) County Prosecutor or Special Counsel hired pursuant to R.C. 519.24.

4.2 Zoning Inspector

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

4.3 Responsibilities of Zoning Inspector

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

- 1) Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
- 2) Respond to questions concerning applications for amendments to 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 notation of any special conditions involved.
- 4) Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within the specified time, or notify the applicant in writing of his or her 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 the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- 6) Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Township office(s).
- 7) Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- 8) Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
- 9) Review and approve plot 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.

4.4 Township Zoning Commission

The Board of Township Trustees of any Township proceeding under Sections 519.01, inclusive, of the *Ohio Revised Code* shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Board and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Where there is a County or Regional Planning Commission, the Board may appoint qualified members of such Commission. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges and after a copy of the charges have been served upon the member so charged at least ten (10) days prior to the hearing, either personally by certified mail or by leaving such copy at this usual place of residence. The members shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

The Township Trustees may appoint two (2) alternate members to the Zoning Commission who shall serve in accordance with the procedures prescribed in a resolution adopted by the Trustees.

4.5 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission

The Township Zoning Commission shall submit a plan, including both text and maps representing the recommendations of the Zoning Commission, for the carrying out by the Board of Township Trustees for the powers, purposes, and provisions set forth in Sections 519.01 to 519.99, inclusive, of the *Revised Code*, including additions to territory in which this Township Zoning Resolution is in effect.

The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such other compensation, or both, as the Board may approve and provide. No Township Trustee shall be employed by the Zoning Commission of his or her Township.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies; therefore, such officials, departments, and agencies having information, maps, and data pertinent to Township Zoning shall make them available for the use of the Zoning Commission.

In any county where there is a Regional Planning Commission, the Zoning Board or Township Zoning Commission may request such Planning Commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the Township or any portion of the same.

4.6 Amendments to Zoning Resolution; Procedure; Referendum

Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a Resolution therefore by the Board of Township Trustees, or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessees of property filing an application to amend the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall set a date for a

public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the Erie County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and shall include all of the following:

- 1) The name of the zoning commission that will be conducting the public hearing.
- 2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list.
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
- 5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
- 7) Any other information requested by the Zoning Commission.
- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the zoning resolution, rezones, or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
- 3) The time and place where the text and map of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 4) The name of the person responsible for giving notice of the public hearing by publication.
- 5) A statement that after conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
- 6) Any other information requested by the Zoning Commission.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Regional Planning Commission.

The Regional 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 Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- 1) The name of the board that will be conducting the public hearing.

- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list.
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
- 5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
- 7) Any other information requested by the Board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the Erie County Auditor's current tax list, the published notice shall include all of the following:

- 1) The name of the board that will be conducting the public hearing on the proposed amendment.
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 4) The name of the person responsible for giving notice of the public hearing by publication.
- 5) Any other information requested by the board.

Within twenty (20) days after such public hearing, the board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in 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 registered electors residing in the unincorporated area of

the township or part thereof included in the zoning plan equal to not less than eight 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 amendment to the electors of such area for approval or rejection at a special election to be held on the day of such next primary or general elections. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment, resolution, motion, or application furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the *Ohio Revised Code*.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five days prior to the election at which the question is to be voted upon.

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.

4.7 Ratification of Amendments to Township Zoning Plan

All amendments or supplements to a township zoning plan adopted by a Board of Township Trustees prior to the effective date of this act, except those amendments or supplements which a court of competent jurisdiction declared unlawful or unreasonable or which are the subject of action now pending in such a court, are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a Board of Township Trustees, except that no right of appeal on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provisions of this section.

4.8 Township Board of Zoning Appeals; Compensation and Expenses

In any township which adopts zoning regulations, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory in the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his or her successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the *Ohio Revised Code*. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be

allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Township Trustees may appoint two (2) alternate members to the Board of Zoning Appeals who shall serve in accordance with the procedures prescribed in a resolution adopted by the Trustees.

The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

4.9 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

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

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under number (4) of Section 4.9 and of his or her right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he or she 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 or her attorney or other representative, or he or she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. 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.

4.10 Rules, Organization and Meeting of Zoning Appeals Board

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board determines. The chairman, or in his absence the acting chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Township Trustees and be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers or general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appeal in person or by attorney.

4.11 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of 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 Board of 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 4.13 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 Chapter 2505 and 2506 of the *Ohio Revised Code*. Any such appeal shall be made within thirty (30) days of the Board's written decision.

4.12 Board of Township Trustees

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

- 1) Approve the appointments of members to the Zoning Commission.
- 2) Approve the appointments of members to the Zoning Board of Appeals.
- 3) Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. All action upon a suggested zoning amendment shall be undertaken at a public hearing.
- 4) Approve appointment of the zoning inspectors and assistants, as may be requested.

4.13 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 Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the 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 5- Enforcement

5.0 Zoning Certificate Required

Before constructing, locating, changing the use of, or altering the exterior foundation dimension of any building, including accessory buildings and porches, or changing the use of any premises, application shall be made to the Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location or change of use and shall include a plot plan, showing the proposed location and dimensions, height of the building and proposed use. A permit for sanitary waste disposal from the Erie County Health Department shall be required before the issuing of a zoning certificate. All septic tanks, distribution boxes, leaching beds, and/or filter beds for sanitary wastes shall be located at least fifty (50) feet from any well or source of water supply on the lot or property on which such means for sanitary wastes are located. Said means for sanitary wastes shall also be located at least fifty (50) feet from any well or source of water supply and any adjoining or neighboring lot or property. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate of the proposed construction, alteration, or change of use if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee, or shall refuse the same, if it does not comply. Said certificate shall expire and be null and void if not used within one year after issue.

The Township Zoning Inspector shall make one or more inspections to see if the construction, alteration, or use for which a zoning certificate has been issued is in compliance with said certificate.

5.1 Enforcement

It shall be unlawful to construct, enlarge, change, maintain, or use any building or to use any land in violation of any regulation or any provision of this Resolution or amendment thereto. Any person, firm, or corporation violation this Resolution or any regulation, provision, or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred (\$500) dollars. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

In case any building is proposed to be located, erected, constructed, reconstructed, enlarged, change, maintained, or used or any land is proposed to be used in violation of law, or this Resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove

such lawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

Any complaint of a zoning violation shall be submitted to the Township Zoning Inspector in writing and shall show the date and the name of the complaint. The Township Zoning Inspector shall notify the complainant of the final disposition of such complaint.

Article 6- Non-Conformities

6.0 Purpose

Within the districts established by this Resolution or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist, which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities are 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.

6.1 Discontinuance of Non-Conforming Uses

A non-conforming use existing at the time of this Resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such districts.

6.2 Completion of Non-Conforming Structures

Any building arranged, intended, or designed for non-conforming use the construction of which has been started at the time of the passage of this Resolution, but not completed may be completed and put to such non-conforming use, providing it is done within one year after this Resolution takes effect.

6.3 Destruction of Non-Conforming Use or Structure by Fire or Natural Disaster

Any building or structure existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within six (6) months from the date of the said destruction.

6.4 Alteration or Enlargement of Non-Conforming Use or Structure

A building or structure devoted to a non-conforming use at the time this Resolution takes effect may not be altered or enlarged, so as to extend said non-conforming use more than twenty five (25) percent in area.

6.5 Substitution of Uses

Wherever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

Article 7- Procedures and Requirements for Appeals and Variances

7.0 General

Appeals and variances shall conform to the procedures and requirements of Section 7.1 to 7.11 inclusive of this Resolution. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

7.1 Appeals

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

7.2 Stay of Proceedings

An appeal stays all actions by the Township Zoning Inspector seeking enforcement of or compliance with the order or decision appealed from unless the Zoning Inspector certifies to the Board of Appeals, that (because of facts stated in the certificate) a stay would, in his or her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or a court, issued on application of the party seeking the stay for due cause shown after notice to the Township Zoning Inspector.

7.3 Variances

A variance may be granted by the Board of Zoning Appeals if it concludes that strict enforcement of the Resolution would result in unnecessary hardships in the case of use variances for the applicant, and that by granting the variance the spirit of the Resolution will be observed, public safety and welfare secured, substantial justice done, and that the variance will not be contrary to the public interest. 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 in the case of a use variance or practical difficulties in the case of an area variance.

7.4 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 phone number of applicant(s).
- 2) Legal description of property.
- 3) Description or nature of variance requested.
- 4) A fee as established by this Resolution.
- 5) Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - a) The granting of the variance shall be in accordance 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 building. 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 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 should not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

7.5 Additional Conditions and Safeguards

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

7.6 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 of variance from the Township Zoning Inspector or an applicant.

7.7 Notice of Public Hearing in Newspaper

Before conducting the public hearing required in Section 7.6, 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.

7.8 Notice to Parties in Interest

Before conducting the public hearing required in Section 7.6, 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 required of notices published in newspapers as specified in Section 7.7.

7.9 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7.6, the Board of Zoning Appeals shall approve, approve with supplementary conditions, or

disapprove the request for appeal or variance. The Board of Zoning Appeals shall maintain minutes containing its conclusions of fact and reasons for granting or refusing to grant the variance or for sustaining or denying the appeal. Appeals from the Board's decision shall be in accordance with Chapter 2506, *Ohio Revised Code*.

7.10 Term of Variance

No order of the Board of Zoning 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.

Article 8- Amendment

8.1 General

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

8.2 Initiation of Zoning Amendments

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

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

8.3 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted, as part of this Resolution by Article 10 shall contain at least the following information:

- 1) The name, address, and phone number of applicant.
- 2) A statement of the reason(s) for the proposed amendment.
- 3) Present use.
- 4) Present zoning district.
- 5) Proposed use.
- 6) Proposed zoning district.
- 7) A vicinity map at a scale approved by the Township Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Township Zoning Inspector may require.
- 8) 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, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
(Resolution 17-2021) Effective 6/18/21

- 9) A statement on the ways in which the proposed amendment relates to the comprehensive plan.
- 10) A fee as established by Resolution of the Board of Township Trustees.

8.4 Contents of Application for Zoning Text Amendment

Application 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:
(Resolution 17-2021) Effective 6/18/21

- 1) The name, address, and telephone number of the applicant.
- 2) A statement of the reason(s) for the proposed amendment.
- 3) A site plan indicating how the site will be developed.
- 4) A fee as established by Resolution of the Board of Township Trustees.

8.5 Transmittal to Zoning Commission

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

8.6 Submission to Regional Planning Commission

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one 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 Regional Planning Commission. The Regional 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.

8.7 Standards of Recommendations of Township Zoning Commission

The Zoning Commission shall review the particular facts and circumstances and each amendment should be carefully considered, keeping in mind the fact that the burden of proof and that the need for the change rests with the applicant. The following questions should be asked when considering district changes.

- 1) Is there vacant land in the area already zoned to accommodate this use? If there is a considerable amount of land zoned for the requested purpose and if little of it is used, the need to rezone more land should be carefully analyzed.

The fact that the cost of the land already zoned may be more expensive does not mean that the Township should rezone more land.

- 2) What other effects might the adoption of the proposed amendment have on future land uses in the area? What will be the long-term effect of the proposed change?
- 3) How does the proposed change relate to existing public facilities and services such as water, sewer, police and fire protection, and schools?
- 4) What is the present character of the area in terms of existing land use and physical characteristics? Do the physical characteristics of the area cause problems for development?
- 5) What are the factors that make this location well suited for the users permitted in the proposed zoning district?
- 6) Would all of the permitted uses in the proposed district be compatible with the existing potential future development in the area?
- 7) What effect would the rezoning have on property values?
- 8) Would the rezoning cause a considerable increase in the volume of traffic? Can existing roads accommodate this traffic?
- 9) Does the area proposed for rezoning reflect land needed for the proposed use or does it merely reflect the applicant's property lines?
- 10) Is there a physical feature such as a river, creek, or railroad that can be used as a natural dividing line to separate a new district from adjacent properties?

8.8 Submission to Director of Ohio Department of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department 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 Zoning Commission shall give notice by registered or certified mail to the Director of Transportation. The Zoning 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.

8.9 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) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

8.10 Notice of Public Hearing in Newspaper

The notice of the hearing before the Zoning Commission, which is published and sent to landowners if there are ten or fewer parcels, must contain in addition to the time, date, and place of the hearing the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing.
- 2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list.
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
- 5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
- 7) Any other information requested by the Zoning Commission.

- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

The notice that is published if the amendment alters the text or when there are more than ten parcels must contain in addition to the time, date, and place of the public hearing all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 4) The name of the person responsible for giving notice of the public hearing by publication.
- 5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
- 6) Any other information requested by the Zoning Commission.

8.11 Notice of 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 to the address of such owners appearing on the County Auditor's current tax list, the Treasurer's mailing list, and to such other list or lists that may be specified by the Board of Township Trustees at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted. The failure to deliver the notice, 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 8.10.

8.12 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 8.9, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based and include the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Plan.

8.13 Public Hearing by Board of Township Trustees

Where the proposed amendment intends to rezone ten (10) or fewer parcels, the published notice must contain in addition to the time, date, and place of the hearing:

- 1) The name of the board that will be conducting the public hearing.
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
- 5) The time and place where the motion, application, or resolution of the proposed amendment to the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail or by both publication and mail.
- 7) Any other information requested by the board.

If the amendment alters the text or rezones more than ten (10) parcels, the published notice must contain in addition to the time, date, and place of the hearing:

- 1) The name of the board that will be conducting the public hearing on the proposed amendment.
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 4) The name of the person responsible for giving notice of the public hearing by publication.
- 5) Any other information requested by the board.

8.14 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 8.14, 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 Township Trustees is required.

8.15 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 include 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 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 voters cast on the issue are 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.

Article 9-Conditional Use Permits

9.0 Statement of Purpose

Certain uses hereinbefore defined in this Resolution are conditionally permitted; therefore, prior to the use of any land, building, structure, or for the erection of any building or structure for said conditional uses, a conditional zoning permit must first be approved and authorized by the Board of Zoning Appeals. Conditional uses possess unique characteristics vis-à-vis those permitted by right in the affected district. These characteristics have inherent in them a degree of incompatibility with the uses permitted by right; therefore, it is important that individual site consideration be given these proposed uses. The purpose of this Article is to establish reasonable procedures to insure the proper disposition of conditional zoning certificate applications.

9.1 Procedures for Approval

- 1) Application: Every application shall be filed with the Township Zoning Inspector on a form prescribed by the Board of Zoning Appeals and supplied to the applicant by the Township Zoning Inspector. Every application shall in addition be accompanied by the following information and data:
 - a) Site plan, plot plan, or development plan, drawn to a scale of not less than ¼ inch equals one foot, of the total property involved and also showing the location of all abutting streets, location of all existing and proposed structures, and the type of buildings and their uses.
 - b) Vehicular and pedestrian movement plan.
 - c) Landscape plans including the provision of any screening or buffering of adjacent uses.
 - d) A legal description and proof of ownership of the property.

The Township Zoning Inspector shall in turn convey the application and plans to the Board of Zoning Appeals.

- 2) Public Hearing: Pursuant to Chapter 519.15 of the Ohio Revised Code, the Board of Zoning Appeals shall hold a public hearing prior to any determination of the conditional use application.
- 3) Board of Decision: The Board of Zoning Appeals shall be governed by the powers, rules, and standards provided in Article 4- Administration of this Resolution and Chapter 519 of the Ohio Revised Code. In addition, the Board of Zoning Appeals shall not modify the minimum standards relative to each conditional use provided in the various articles of this Resolution.

9.2 General Standards for Granting Conditional Use Permits

In consideration of all conditional uses the Board of Zoning Appeals shall review each case individually as to its applicability to each of the following standards, so that the proposed new land use:

- 1) Will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood, and applicable regulations of the zoning district in which the conditional use is to be located.
- 2) Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal of the district. This involves taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic with particular attention to minimizing child-vehicle contact in residential districts.
- 3) Will be designed as to location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance whether by reason of dust, noise, fumes, vibration, smoke, or lights emanating there from, which might be noxious to the occupants of any other nearby permitted uses.
- 4) Will be such that the proposed location and height of buildings or structures, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- 5) Will relate harmoniously with the physical and economic aspects of adjacent land uses in regards to prevailing shopping habits, convenience of access for prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- 6) Is necessary for the public convenience at that location.
- 7) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
- 8) Will not cause substantial injury to the value of other property in the neighborhood in which the conditional use is to be located.

9.3 Standards for Reviewing Site Plans for Conditional Uses

Where required site plans are to be reviewed by the Board of Zoning Appeals based upon the following considerations:

- 1) The site plan shall contain such information and be in such form as the Board of Zoning Appeals may prescribe in its rules.

- 2) The Board of Zoning Appeals shall within thirty (30) days advise the Township Zoning Inspector of its recommendation in writing. Failure to respond within the thirty (30) day period shall automatically imply approval of the site plan.
- 3) In the process of reviewing that site plan, the Board of Zoning Appeals shall consider:
 - a) Adjoining development(s).
 - b) The location and design of driveways providing vehicular ingress to and egress from the site in relation to streets giving access to the site and in relation to pedestrian traffic.
 - c) The traffic circulation features within the site and location of automobile parking areas. The Board of Zoning Appeals may make such requirements with respect to any matters as will assure:
 - 1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - 2) Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- 4) The adequacy of essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, utilities, and schools.
- 5) The desirability and stability of the proposed development in order to assure that contiguous property will not be unreasonably affected.
- 6) The Board of Zoning Appeals may further require landscaping, fences, and walls in pursuance of these objectives and the same shall be provided and maintained as to condition of the establishment and the continued maintenance of any use to which they are appurtenant.

Article 10- Zoning Districts

10.0 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.

10.1 Establishment of Districts

The unincorporated portions of Florence Township are hereby divided into districts or zones as shown on the Township Zoning Map, which accompanies this Resolution. The different districts are as follows:

- 1) Residential/Agricultural District (RA)
- 2) Local Shopping District (C-1)
- 3) General Business District (C-2)
- 4) Industrial and Manufacturing District (I)
- 5) Airport District (A)

10.2 Zoning District Map

The districts as shown on the map hereto attached are hereby established and said map is made part of this Resolution. No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

Article 11-Residential/Agricultural District (RA)

11.0 Principally Permitted Uses

The following uses and no other shall be deemed class “RA” uses and permitted in all “RA” districts:

- 1) Agricultural uses.
- 2) Single and two-family dwellings for residence purposes and building accessories thereto, but excluding tents, cabins, tent trailers, trailer coaches, house trailers, automobile trailers, mobile homes, mobile coaches, and all other structures originally designed for and/or constructed with wheels whether or not said wheels remain attached to the structure or are separated therefrom, and also excluding any of the foregoing structures, whether or not wheels remain attached thereto, as component parts of any dwelling or any building accessory thereto; and also excluding any structure for sleeping, living, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses, or skirting.

A visitor’s permit may be issued for thirty (30) days in any one calendar year to park a trailer in a residential area. The Township Zoning Inspector with the approval of the Board of Zoning Appeals may grant extension.

Camping trailers owned or belonging to the occupant of the premises may be stored on residential property, provided that no utility connections are made. Wherever possible such trailers shall be placed at the rear of the home.

- 3) Tourist homes, rooming houses, and boarding homes accepting not more than six (6) paying guests at any one time.
- 4) Churches, schools, colleges, universities, public libraries, museums, community centers, fire stations, township halls, publicly owned parks, and publicly owned playgrounds.
- 5) Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of said dwelling, which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use except not more than one sign authorized in other articles of this Resolution.
- 6) Oil wells, gas wells, and stone quarries.
- 7) Roadside stands consisting of structures used for the display and sale of agricultural products provided that:

- a) Such stands are not in the road right-of-way.
 - b) Such stands are at least twenty (20) feet back from the traveled portion of the road.
 - c) Adequate facilities are maintained for off the road parking of customers' vehicles.
- 8) Township dump or places for disposal of sewage and garbage when operated by or for the Board of Township Trustees providing that the proposed site for the location of such shall be determined by the Board of Township Trustees after and hearing open to the public. Notice of such hearing shall be advertised in a newspaper of general circulation in the township at least thirty (30) days prior to the hearing.

The above uses shall be permitted only providing such use is not obnoxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame, or vibration or does not constitute a nuisance.

11.1 Accessory Buildings (Resolution 2012-10) Effective 8/18/12

In Residential/Agricultural Districts, accessory buildings, except as otherwise permitted in this Resolution, shall be subject to the following regulations:

- 1) Where the accessory building is attached to the main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Accessory buildings may be located in the front, side or rear yard. However, accessory buildings located in the front yard must be located a minimum of one hundred and five (105) feet from the center line of the thoroughfare, street or road.
- 3) A detached private garage or other detached accessory building must be located a minimum of twenty (20) feet from any main or primary building or any other accessory building; a minimum of five (5) feet from any side lot line; and a minimum of fifteen (15) feet from any rear lot line.
- 4) No accessory building shall be used for human habitation.
- 5) No accessory building shall be used for commercial or industrial purposes.
- 6) The maximum height of any accessory structure shall be twenty (20) feet.
- 7) The total square footage of accessory buildings on a lot shall not occupy more than five (5) percent of the total lot area.
- 8) When an accessory building is located on a corner lot, said building shall not project beyond the front yard setback line of either street.

- 9) All accessory buildings must be constructed subsequent to the construction of the main building or buildings on a zoning lot. The primary building shall be constructed with a permanent roof, windows, doors and siding, prior to the application for accessory building permit.
(Resolution 08-11) Effective 12/18/08

11.2 Minimum Size of Dwellings

Every dwelling shall have a first floor space designed and used for living quarters of not less than one thousand (1000) square feet per family unit, exclusive of basements, porches, garages, breezeways, terraces, attics, or partial stories.

11.3 RA District - Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit as detailed in this Resolution in which the Board of Zoning Appeals is empowered to make such grant and subject further to the terms and conditions herein provided.

1. Nursery Schools, Day Care Nurseries and Child Care Centers, subject to the following conditions:
 - (a) For each child cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
 - (b) Said use shall not be permitted in the interior of any residential block and shall have minimum side and rear yard of one hundred (100) feet.
2. Private parks, country clubs, institutional community centers, gun clubs and public stables and riding academies of at least ten (10) acres in size.
 - (a) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - (b) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
 - (c) All lights shall be directed away from site boundary lines.
 - (d) Fences, plantings or sufficient area shall be provided to ensure the safety and protection of persons on all adjacent land.
3. Golf courses and driving ranges, subject to the following conditions:
 - (a) All buildings and structures shall be at least thirty (30) feet from all property lines.

- (b) A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green in conjunction with the range.
- (c) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
- (d) All lights shall be directed away from site boundary lines.
- (e) Fences, plantings or sufficient area shall be provided to ensure the safety and protection of persons on all adjacent land.
- (f) One non-flashing sign, not to exceed sixty (60) square feet in area, may be provided at the major entrance.
- (g) All driving directions shall be away from any street or highway.

4. Arts, crafts, and antique centers

This use shall be defined as the use of premises for the creation of arts and crafts with the sale of such items. Such crafts include, but are not limited to weaving, embroidery, spinning, sculpture, silversmith, ceramics, and handmade craftwork. Such premises may be used for the sale of antiques.

The minimum special conditions of such a permit are given below. Other and additional special conditions may be imposed at the discretion and wishes of the Board of Zoning Appeals.

a) General Requirements

- i) Such use shall be permitted only where in the opinion of the Board of Zoning Appeals there will be no adverse effect on the surrounding properties and only where the area is particularly suited for such use.
- ii) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such use other than one sign as specified below.
- iii) The Township Zoning Inspector shall be permitted by the applicant to inspect the area covered in the permit at any time the permit is in force.
- iv) If any of the conditions in this certificate or any other applicable article of this Resolution are violated, a thirty (30) day notice to correct such violation shall be issued by the Township Zoning Inspector. If such violation is not corrected within thirty (30) days of issuance, the conditional certificate shall be revoked upon written notice by the Board of Zoning Appeals and said use shall be permanently discontinued until the violation has been corrected. To reinstitute such use application must again be made as required by this legislation.
- v) The initial inspection fee for this special use shall be twenty-five (25) dollars.

b) Other Requirements

- i) Parking
 - a) Adequate off-street parking shall be provided sufficient to accommodate anticipated number of users of and customers of the premises. Three hundred (300) square feet shall be allowed per car. A minimum parking area of fifteen hundred (1500) square feet shall be provided.
 - b) No parking space, building, accessory building, use, or accessory use other than plant material shall be located closer than fifty (50) feet from any abutting property line or road right-of-way.
 - c) Driveways and parking areas shall be maintained in a dust free condition at all times of operation. Means of ingress and egress shall have a minimum total width of twenty (20) feet.

- ii) Lighting and Outdoor Advertising
 - a) Illuminated advertising signs shall be prohibited.
 - b) No outdoor advertising of any type shall be permitted except one sign depicting the name of the establishment. Said sign shall be no larger than fifteen (15) feet in area and shall be located in accordance with existing regulations.

- iii) Other Requirements
 - a) All sanitary facilities, water supplies, and other public facilities shall meet the requirements of the State of Ohio and Erie County prior to the issuance of the permit.

- iv) Discontinuance
 - a) If this special use is voluntarily discontinued the permit terminates at the time of discontinuance.
 - b) If this special use is abandoned the permit terminates in accordance with the Ohio Revised Code governing abandonment of use.

- 5. RV trailer parks or campgrounds

RV trailer parks or campgrounds shall comply with the requirements of the Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code and subject to the following:

 - (a) Travel trailer parks must be a minimum of ten (10) acres in size.
 - (b) Sewer, water, fuel, electrical and telephone installation and connections shall be done in accordance with plans approved by

the appropriate agency or utility. Underground sewer, water and electrical connections must be supplied for each unit.

- (c) All streets and roadways shall be hard-surfaced and parking shall be prohibited on all streets and roadways. Main roadways will be a minimum of twenty-four (24) feet in width.
 - (d) Outdoor areas used for display shall be provided within a permanent, durable, dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the Erie County Engineer's Storm Water Management Rules, Regulations and Erosion Control.
 - (e) No trailer lot shall have direct access to a public thoroughfare.
 - (f) No business of any kind shall be conducted in any trailer.
 - (g) All repairs shall be conducted within a wholly enclosed building.
 - (h) Fence and/or greenbelts may be required by the Board of Zoning Appeals.
 - (i) All exterior lighting shall be sufficient to provide security and discourage vandalism in the adjacent residential districts.
 - (j) All signs shall conform to the sign regulations as stated in Article 17.
 - (k) The Township Board of Zoning Appeals shall approve the plans for any travel trailer park prior to issuance of a zoning certificate.
6. Soil, sand, clay, gravel, or similar removal operations such as quarry excavation and filling of land subject to the conditions set forth.
7. Crude Oil Storage and Transfer

This use shall be defined as the pumping or flowing through pipelines into central storage tanks of crude oil and the subsequent transfer into tank trucks for removal to oil refineries or processing plants.

The minimum special conditions of such a conditional permit are given below. Other and additional special conditions may be imposed at the discretion and wish of the Board of Zoning Appeals.

a) General Requirements

- i) Such special use permits shall be for and limited to the use of land for storage tanks, pipelines, parking areas, and supporting equipment involved in the transmission, storage, and transportation of crude oil produced in the Township or adjacent townships and for no other purposes.
- ii) Such special use is subject to all other applicable Ohio laws.
- iii) The Township Zoning Inspector shall be permitted by the applicant to inspect the area covered in the permit at any time the permit is in force.

- iv) If any of the conditions in this certificate or any other applicable article of this Resolution are violated, a thirty (30)

day notice to correct such violation shall be issued by the Township Zoning Inspector. If such violation is not corrected within thirty (30) days of issuance, the conditional certificate shall be revoked upon written notice by the Board of Zoning Appeals and said use shall be permanently discontinued until the violation has been corrected. To reinstitute such use application must again be made as required by this legislation.

v) The initial inspection fee for this use shall be fifty (50) dollars.

b) Other Requirements

i) Parking

- a) Adequate off-street parking shall be provided sufficient to accommodate the trucks, equipment, and automobiles of those operating the facilities.
- b) No parking space, building, accessory building, use, or accessory use other than plant material shall be located closer than fifty (50) feet from any abutting property line or road right-of-way.
- c) Driveways shall be maintained in a dust free condition at all times of operation. Means of ingress and egress shall have a minimum total width of twenty (20) feet.

ii) Lighting and Outdoor Advertising

- a) Lighting and outdoor advertising shall be in accordance with the district in which the special use is located.
- b) All lighting shall be shielded and directed away from adjacent residences and streets.

iii) Discontinuance

- a) If this special use is voluntarily discontinued the permit terminates at the time of discontinuance.
- b) If this special use is abandoned the permit terminates in accordance with the Ohio Revised Code governing abandonment of use.
- c) Upon voluntary or involuntary termination of this special use and permit the grantee shall within ninety (90) days to remove all tanks, equipment, and other items and shall restore the land conditions as closely approximating the original conditions as is possible. For good cause shown this period may be extended.

h) A site plan must be submitted subject to provision of Article 23.

11.4 Minimum Lot Area per Family

- 1) No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than one (1) acre of lot area unless such lot was designated on a recorded plat or separately owned at the time the resolution took effect and cannot practicably be enlarged to conform with this requirement.
- 2) No two family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than one (1) acre of lot per family unless a greater area is required for a health department permit.
- 3) No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one (1) family for each five thousand (5000) square feet of lot area.
- 4) When the lot is served by public water and sewer systems, the minimum lot frontage shall be one hundred (100) feet and the minimum lot area shall be one half (1/2) acre. Lot frontage shall be measured along the centerline of the road.

11.5 Minimum Lot Dimensions

All figures give minimum areas and dimensions. Larger and greater areas may be used if desired.

Basic Lot: Shall have a minimum area of one (1) acre. Shall front on a public highway for one hundred and fifty (150) feet measured at the center line of the highway.

11.6 Lot Width Requirements

Lot width at the building line shall be measured at the setback building line by a perpendicular to the side lot line.

No dwelling shall be erected in any district on a lot having a frontage of less than one hundred and fifty (150) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement, or unless a lesser dimension is provided for elsewhere in this resolution. No minimum lot width shall be required in a "C" or "I" district for uses other than dwellings except such as necessary to comply with the requirements for yard and lot areas or parking facilities or sanitation requirements.

11.7 Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible,

the side yard clearance on the side street should conform to the setback line for an inside lot on said road or street, but in no event shall said side yard clearance be less than twenty-five (25) feet.

11.8 Front Yard Setback Requirements

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences, underground tanks and gasoline pumps, shall be erected within one hundred and five (105) feet of the center line of any road or street.

11.9 Side Yard Setback Requirements

For every building except accessory buildings, erected in an “R” district and for any dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section.

Provided, however, that an accessory building located twenty (20) or more feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots provided it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

No side yard clearance shall be required for commercial or industrial buildings in “C” or “I” districts.

11.10 Rear Yard Setback Requirements

For every building erected in an “R” district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

11.11 Maximum Height of Residential Structures

No residential structure shall exceed forty-five (45) feet in height including chimneys, antennas or aerials.

11.12 Accessory buildings prior to construction of the main building.

- a) For those accessory buildings which are authorized to be built prior to the construction of the main building, the foundation of the main

building, which consists of the whole masonry substructure, must be completed.

- b) All provisions of accessory buildings in Article 11.1 Accessory Buildings Sections 1 through 8 shall remain applicable.
(Resolution 25-2013) Effective 11/1/13

ARTICLE 12-LOCAL SHOPPING DISTRICT (C-1)

12.0 Statement of Purpose

The C-1 District is intended for retail business and service uses which are needed to serve the nearby residential area. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the encouraging of marginal strip business development along major thoroughfares.

12.1 Principal Permitted Uses

- 1) Shops for the sale of baked goods, beverages, including liquor outlets, books, confections, drugs, flowers, foodstuffs, including meats, gifts, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry small household articles and tobacco.
- 2) Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
- 3) Laundry or dry cleaning customer outlets, coin-operated laundromat and self-serve dry cleaning center.
- 4) Professional offices of doctors, lawyers, dentists, chiropractors and similar professions.
- 5) Multi-family dwellings. Not more than three (3) family units.
- 6) Apartment house, rooming house, hotel, living quarters over business establishments, bank, office or office building, studio establishments, restaurant, lunch room, garage.
- 7) Retail store or shop, repair shop, beauty parlor, funeral home, mercantile establishment, bank, office or office building, studio.
- 8) Lodge Hall.
- 9) Coal yard, builder's supply, ice storage and sales, plumbing and heating supply.
- 10) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.

12.2 Required Conditions

- 1) All business establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- 2) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, except that seasonal or temporary sales may be made outside the building.

12.3 C-1 Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit as detailed in this Resolution in which the Board of Zoning Appeals is

empowered to make such grant and subject further to the terms and conditions herein provided.

- 1) Planned Shopping Center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria; a site of three (3) to five (5) acres; six (6) to fifteen (15) stores; with a floor area of ten thousand (10,000) to fifty thousand (50,000) square feet; and which further satisfies the following development standards.
 - a) A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - b) No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - c) A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - d) All signs shall be affixed to the face of the building and shall be of a uniform design throughout except for one (1) ground pole sign advertising the name of the shopping center.
 - e) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - f) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
 - g) The maximum grade of off-street parking shall be three (3) percent.
 - h) A site plan must be submitted subject to provision of Article 23.

12.4 Minimum Lot Area

- 1) No two family or multiple dwelling shall be erected or building altered for dwelling purposes on less than one (1) acre of lot per family.
- 2) No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one (1) family for each five thousand (5000) square feet of lot area.
- 3) When the lot is served by public water and sewer systems, the minimum lot frontage shall be one hundred (100) feet and the minimum lot area shall be one half (1/2) acre. Lot frontage shall be measured along the center line of the road.

12.5 Minimum Lot Dimensions

All figures give minimum areas and dimensions. Larger and greater areas may be used if desired.

Basic Lot: Shall have a minimum lot area of one (1) acre. Shall front on a public highway with minimum lot width of one hundred and fifty (150) feet measured at the center line of the highway.

12.6 Lot Width Requirements

Lot width at the building line shall be measured at the setback building line by a perpendicular to the side lot line.

No dwelling shall be erected in any district on a lot having a frontage of less than one hundred and fifty (150) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement, or unless a lesser dimension is provided for elsewhere in this resolution.

12.7 Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the setback line for an inside lot on said road or street, but in no event shall said side yard clearance be less than twenty-five (25) feet.

12.8 Front Yard Setback Requirements

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences, underground tanks and gasoline pumps, shall be erected within one hundred and five (105) feet of the center line of any road or street.

12.9 Side Yard Setback Requirements

For every building erected, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section.

12.10 Rear Yard Setback Requirements

For every building erected, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet from the rear lot line, which space shall remain open and unoccupied by any building or structure.

12.11 Parking Requirements

See Article 21, Off-Street Parking and Loading Facilities.

12.12 Signs

See Article 17, Signs

12.13 Site Plan Review

For all uses permitted in the C-1 district, a site plan shall be submitted to the Township Board of Zoning Appeals for its review and recommendations. The Zoning Appeals Board, in its review of the site plan, shall have regard to the provisions of this resolution. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening landscaping techniques to alleviate potential nuisance problems with adjoining districts of uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 23.

12.14 Accessory buildings prior to construction of the main building.

- a) For those accessory buildings which are authorized to be built prior to the construction of the main building, the foundation of the main building, which consists of the whole masonry substructure, must be completed.
- b) All provisions of accessory buildings in Article 11.1 Accessory Buildings Sections 1 through 8 shall remain applicable.
(Resolution 25-2013) Effective 11/1/13

ARTICLE 13-GENERAL BUSINESS DISTRICT (C-2)

13.0 Statement of Purpose

The C-2 District is designed to accommodate all types of businesses, including but not limited to, those uses intended to serve passing motorists, those uses requiring large sites and shopping centers. The C-2 District uses are typified by having a majority of the following characteristics:

- 1) They are large-space users.
- 2) Their customers do not make frequent purchases.
- 3) They combine retail, wholesale, service and repair in various ways.
- 4) Their market is regional as contrasted to local.
- 5) Their market area is partially dependent upon extending services to other business uses, and not necessarily household oriented.

13.1 Principal Permitted Uses

In a C-2 District, no person shall hereafter use any building, structure, or land, and no person shall erect any building or structure except in accordance with the following provisions:

- 1) Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, laundry and dry cleaning, and similar service establishments that require a retail adjunct.
- 2) All retail business establishments conducted within a completely enclosed building except those listed separately as conditional uses in this District.
- 3) Wholesale business establishments conducted within a completely enclosed building.
- 4) Dormitories, fraternities, clubs, lodges, social or recreational buildings.
- 5) Sales establishments, such as for real estate and insurance, conducted within a completely enclosed building, except those listed separately as conditional uses in this District.
- 6) Business schools and colleges or private trade schools operated for profit.
- 7) Offices.
- 8) Restaurants, or other places serving food or beverages.
- 9) Apartment house, rooming house, hotel, living quarters over business establishments, bank, office or office building, studio establishments, restaurant, lunch room, garage.
- 10) Job printing, newspaper printing plant.
- 11) Coal yard, builder's supply, plumbing and heating supply.
- 12) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.

13.2 C-2 Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit as detailed in this Resolution in which the Board of Zoning Appeals is empowered to make such grant and subject further to the terms and conditions herein provided.

1. Automobile Service and Fuel Stations
 - a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be twenty thousand (20,000) square feet, with minimum lot sides of one hundred fifty (150) feet each, and so arranged that ample space is available for motor vehicles which are required to wait for service.
 - c. Automobile service stations shall not be located within five hundred (500) feet of any school.
 - d. All lighting shall be shielded from adjacent residential districts.
2. Automotive dealership, automobile sales or rental of new automobiles or trailers, used automobiles permitted only as part of a new automobile dealership.
 - a. All repairs shall be conducted within a wholly enclosed building.
 - b. Outdoor areas used for display shall be provided with a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - c. Point of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - d. All lighting shall be shielded from adjacent residential districts.
3. Car Washes. Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit. Standards that apply to car washes are as follows:
 - a. Municipal water facilities shall be utilized.
 - b. For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
 - c. All structures housing washing apparatuses shall be setback fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements

on the one street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.

4. Recreation vehicles sales and service, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment peculiar to the above; motor vehicles sales and service; and farm implement sales and service, subject to the following conditions:
 - a. All repairs shall be conducted within a wholly enclosed building.
 - b. Outdoor areas used for display shall be provided with a permanent, durable and dust-less surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - c. Point of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - d. All lighting shall be shielded from adjacent residential districts.
5. Any business of a drive-in nature or so called open front store or open air business, subject to the following conditions:
 - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Ingress and egress points shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A completely opaque wall at least six (6) feet high shall be provided when a butting or adjacent to any residential district.
6. Open air commercial amusements, including but not limited to miniature golf courses, batting cages, and mini race car or go-cart tracts, subject to the following conditions:
 - a. Such uses shall not have an adverse impact on surrounding properties.
 - b. Such uses shall be appropriately screened from adjacent properties with landscaping, a wall or wood privacy fencing so as to reduce potential noise, glare and vehicular and pedestrian traffic congestion.
7. Veterinary hospitals or clinics, subject to the following conditions:
 - a. All activities must be conducted within a totally enclosed building.
 - b. No outdoor kenneling of any animal is permitted.
 - c. Sanitation practices shall be adequate to ensure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

- d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
 - e. Veterinary hospitals or clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels. Building plans submitted for building permit application for veterinary hospitals or clinics shall include a certificate by a registered architect or acoustical engineer that the building will meet these requirements. Existing buildings that are to be used as veterinary hospitals or clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements.
8. Indoor recreational uses such as bowling alleys, billiard halls, indoor archery ranges, or indoor skating rinks, arcades, haunted houses, haunted house theaters, indoor go cart tracks or similar forms of indoor recreations shall be located one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district, subject to the following conditions:
- a. All activities shall be conducted within a wholly enclosed building.
 - b. Point of ingress and egress to the lot shall be located at least fifty (50) feet from right-of-way of the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. Screenings and plantings to buffer any adjacent residential areas are required.
 - e. Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor, dust odors, glare, storm water runoff, hazardous materials, etc.
9. Mini-storage buildings, subject to the following conditions:
- a. No lot shall be less than two (2) acres in size.
 - b. The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
 - c. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
 - d. All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.
 - e. Building setbacks shall be as follows:

Front Yard Setback: Not less than 25 feet on which parking and internal drives are prohibited.

Side Yard Setback: Not less than 12.5 feet on which all parking and internal drives are prohibited.

Rear Yard Setback: Not less than 12.5 feet on which all parking and internal drives are prohibited.

- f. The storage facility shall be enclosed by a six (6) foot high fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris and light and wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be setback six (6) feet from the side property lines and rear property line. When a rear yard setback is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.
- g. Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low-medium-and high-profile shrubs, together with suitable groundcover such as native grasses, bark ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plan growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.
- h. Parking shall be provided at a ratio of one space for each two thousand (2,000) square feet of gross building area, plus two (2) spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the township.
- i. Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves).
- j. Signs shall be limited to one ground sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulations of Article 17.
- k. No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.

- i. The sale of any item from or at a mini-storage building is specifically prohibited. It shall be unlawful for any lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
 - m. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components if prohibited within any structure on a tract of land designated as a residential storage warehouse.
 - n. Any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.
 - o. Human habitation of mini-storage units is prohibited.
- 10. Fireworks – Any business handling fireworks must meet the following provisions:
 - a. Any use permitted herein shall be developed only on sites of at least ten (10) acres in area.
 - b. No building or other use of land, except landscaped passive areas shall be situated within two hundred (200) feet off any property line.
 - c. A permit has been obtained from the appropriate Florence Township Fire Department Official.
- 11. Planned shopping centers, subject to the following conditions:
 - a. A planned shopping center when used in this context is a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria; a site exceeding ten (10) acres; at least twenty (20) stores and a floor area of at least fifty thousand (50,000) square feet.
 - b. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - c. No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary except that such buildings may be situated within twenty (20) feet of a non-residential district boundary.

- d. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
- e. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
- f. Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
- g. The maximum grade of off-street parking shall be three percent (3%).
- h. A site plan must be submitted subject to Article 23.

12. Outside display and storage of goods and merchandise.

- a. Outside displays of goods and merchandise shall not be located closer than ½ of the front yard setback to any street right-of-way line and fifty (50) feet from any residential property. It shall not employ any residential property. It shall not employ any elements that use motion to attract attention. All outside storage areas must be screened and buffered from any residential area. All outside storage areas must be secured by a fence or wall.

13.3 Minimum Lot Dimensions

All figures give minimum areas and dimensions. Larger and greater areas may be used if desired.

Basic Lot: Shall have a minimum lot area of one (1) acre. Shall front on a public highway with minimum lot width of one hundred and fifty (150) feet measured at the center line of the highway.

13.4 Lot Width Requirements

Lot width at the building line shall be measured at the setback building line by a perpendicular to the side lot line.

No dwelling shall be erected in any district on a lot having a frontage of less than one hundred and fifty (150) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement, or unless a lesser dimension is provided for elsewhere in this resolution.

13.5 Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the setback line for an inside lot on said road or street, but in no event shall said side yard clearance be less than twenty-five (25) feet.

13.6 Front Yard Setback Requirements

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences, underground tanks and gasoline pumps, shall be erected within one hundred and five (105) feet of the center line of any road or street.

13.7 Side Yard Setback Requirements

For every building erected, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section.

13.8 Rear Yard Setback Requirements

For every building erected there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet from the rear lot line, which space shall remain open and unoccupied by any building or structure.

13.9 Parking Requirements

See Article 21, Off-Street Parking and Loading Facilities.

13.10 Signs

See Article 17, Signs

13.11 Site Plan Review

For all uses permitted in the C-2 district, a site plan shall be submitted to the Township Board of Zoning Appeals for its review and recommendations. The Zoning Appeals Board, in its review of the site plan, shall have regard to the provisions of this resolution. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening landscaping techniques to alleviate potential nuisance problems with adjoining districts of uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 23.

13.12 Accessory Buildings Prior to Construction of the Main Building.

- a) For those accessory buildings which are authorized to be built prior to the construction of the main building, the foundation of the main building, which consists of the whole masonry substructure, must be completed.

- b) All provisions of accessory buildings in Article 11.1 Accessory Buildings Sections 1 through 8 shall remain applicable.
(Resolution 25-2013) Effective 11/1/13

ARTICLE 14-INDUSTRIAL AND MANUFACTURING DISTRICT (I)

14.0 Principal Permitted Uses

The following uses and no other shall be deemed Class "I" uses and permitted in all "I" Districts:

- 1) Any industrial or manufacturing use providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration or does not constitute a nuisance except uses specifically prohibited in this resolution.

14.1 Minimum Lot Dimensions

All figures give minimum areas and dimensions. Larger and greater areas may be used if desired.

Basic Lot: Shall have a minimum lot area of one (1) acre. Shall front on a public highway with minimum lot width of one hundred and fifty (150) feet measured at the center line of the highway.

14.2 Lot Width Requirements

Lot width at the building line shall be measured at the setback building line by a perpendicular to the side lot line.

14.3 I Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit as detailed in this Resolution in which the Board of Zoning Appeals is empowered to make such grant and subject further to the terms and conditions herein provided.

- 1) Asphalt plants, ready-mix concrete plants, and similar related uses subject to the following:
 - a) Such aggregate uses shall be adequately buffered to protect adjacent land uses and shall meet the industrial pollution control standards and any other standards of the authorities having jurisdiction.
 - b) Production of the principal product or operation of accessory plants shall not be permitted less than three hundred (300) feet from a residential district.
- 2) Billboards, one billboard per lot shall be permitted subject to the following criteria:

- a) No billboard shall be within three hundred (300) feet of another billboard.
 - b) All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
 - c) All billboards shall be set back at least fifty (50) feet from any road right-of-way.
 - d) All billboards shall be set back at least one hundred (100) feet from any land within a residential district.
 - e) No billboard shall obstruct the view of motorists on adjoining roads or in view of adjoining commercial or industrial uses which depend upon visibility for identification.
 - f) No billboard shall exceed an overall size of three hundred (300) square feet no exceed twenty-five (25) feet in height.
- 3) Sexually oriented businesses are permitted by conditional use permit in the Industrial and Manufacturing (I) district only and must meet the following conditions:
- a) That the parcel of land upon which the sexually oriented business is located a minimum of one thousand (1,000) feet measured in a straight line from the nearest edge of the property to the nearest edge of a parcel of land containing a school, church, cemetery, library, funeral home, residence, public park, tavern, bar or residence.
 - b) That the parcel of land upon which the sexually oriented business is located a minimum of one thousand (1,000) feet measured in a straight line from the nearest edge of the property to the nearest edge of any other parcel of land containing a sexually oriented business.
 - c) Nothing in this section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.
 - d) All points of ingress and egress shall be located no closer than two hundred (200) feet from an intersection measured from the street right-of-way lines.
 - e) No employee of an adult business in the performance of an employee's duties shall appear on the premises in a state of nudity, except where the employee is appearing on a stage that is at least twenty-four (24) inches above the main floor level of the adult business and the employee is at least six (6) feet from the nearest other employee or customer.
 - f) These regulations shall be in addition to the Township's regulations of adult cabarets, adult oriented businesses, massage establishments, and employees adopted pursuant to the authority of O.R.C. Section 503.40 et. seq.

14.4 Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the setback line for

an inside lot on said road or street, but in no event shall said side yard clearance be less than twenty-five (25) feet.

14.5 Front Yard Setback Requirements

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences, underground tanks and gasoline pumps, shall be erected within one hundred and five (105) feet of the center line of any road or street.

14.6 Side Yard Setback Requirements

For every building there shall be a minimum side lot clearance on each side of said building of not less than twenty (20) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section.

An accessory building is a subordinate building customarily incidental to and located on the same lot with the main building.

14.7 Rear Yard Setback Requirements

For every building erected in an "I" district there shall be a minimum rear lot clearance from the rear of said building of at least twenty (20) feet from the rear lot line, which space shall remain open and unoccupied by any building or structure.

14.8 Parking Requirements

See Article 21, Off-Street Parking and Loading Facilities

- 1) All "I" uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said uses, goods, materials, supplies or waste in connection with said business or use.
- 2) The Township Zoning Board of Appeals shall review all requests for business or industrial certificates and shall have authority to authorize a decrease or to require an increase in the required parking areas.

14.9 Signs

See Article 17, Signs.

14.10 Site Plan Review

For all uses permitted in the I district, a site plan shall be submitted to the Township Board of Zoning Appeals for its review and recommendations. The Zoning Appeals Board, in its review of the site plan, shall have regard to the provisions of this resolution. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening landscaping techniques to alleviate potential nuisance problems with adjoining districts of uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 23.

14.11 Accessory buildings prior to construction of the main building.

- a) For those accessory buildings which are authorized to be built prior to the construction of the main building, the foundation of the main building, which consists of the whole masonry substructure, must be completed.
- b) All provisions of accessory buildings in Article 11.1 Accessory Buildings Sections 1 through 8 shall remain applicable.
(Resolution 25-2013) Effective 11/1/13

ARTICLE 15-AIRPORT DISTRICT (A)

15.0 Permitted Uses

This use shall be defined as airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township, and subject to applicable State and County laws as may be adopted. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Board of Zoning Appeals after consultation with the appropriate aeronautical agencies.

Other uses permitted are such commercial operations as are customarily operated in conjunction with airports. Such uses include restaurants, souvenir shops, and similar establishments and accessory building and uses thereto.

Such commercial uses shall require a zoning permit and be subject to placement requirements specified elsewhere in this resolution.

15.1 Boundaries of "A" Zoning District

Southeast Part of Florence Township
Erie County, Ohio
Fall 1974

Supersedes previous zoning maps. This map is a part of the Zoning Resolution.

Shaded area is "A" Airport Zone. The area is owned as and operated as an airport.

Remainder of area shown on map is "RA" Residential/Agricultural Zone.

15.2 Parking Requirements

- 1) All Class "C" uses shall provide parking space off the road or street, outside of public right-of-way and not more than three hundred (300) feet distance from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
- 2) Every theater, auditorium, stadium, area, building or grounds used for the assembling of persons to attend theatrical performances, shows, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space suitable for parking automobiles and other vehicles for every

four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.

- 3) All Class “C” and “I” and “A” uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said uses, goods, materials, supplies or waste in connection with said business or use.
- 4) The Township Trustees shall review all requests for business or industrial certificates and shall have the authority to authorize a decrease or to require an increase in the required parking areas.

15.3 Minimum Lot Dimensions

All figures give minimum areas and dimensions. Larger and greater areas may be used if desired.

Basic Lot: Shall have a minimum area of one (1) acre and shall front on a public highway for one hundred fifty (150) feet measured at the centerline of the highway.

15.4 Front Yard Setback Requirements

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences, underground tanks and gasoline pumps, shall be erected within one hundred five (105) feet of the centerline of any road or street.

15.5 Accessory buildings prior to construction of the main building.

- a) For those accessory buildings which are authorized to be built prior to the construction of the main building, the foundation of the main building, which consists of the whole masonry substructure, must be completed.
- b) All provisions of accessory buildings in Article 11.1 Accessory Buildings Sections 1 through 8 shall remain applicable.
(Resolution 25-2013) Effective 11/1/13

ARTICLE 16 – PROHIBITED USES

16.0 Prohibited Uses

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any “R” or “C” or “I” district.

- 1) Fertilizer factory.
- 2) Metallic powder works.
- 3) Chemical plant except a plant approved by the Board of Zoning Appeals.
- 4) Crematory or promotional cemetery.
- 5) Distilling of bones, fat or glue, glue or gelatin manufacturing.
- 6) Manufacturing or storage of explosives, gunpowder or fireworks except the storage of explosives for uses permitted under this resolution if stored in conformity with state law.
- 7) Junk yards, automobile grave yards, or places for the collection of scrap metal, paper, rags, glass, wood or other material or junk or scrap for salvage or storage purposes, or for dismantling used vehicles.

The following use shall be defined as a junk yard:

The use of more than one hundred (100) square feet of the area of any lot, outside a building for the abandonment of automobiles or other vehicles or machinery or parts thereof or the storage of more than one (1) vehicle in non-operating condition.

- 8) Cabins for transient use shall be permitted only when occupancy is limited to not more than thirty (30) days in any calendar year by the same person, except that cabins and other structures located in agricultural areas may be inhabited by transient agricultural workers during such periods as they shall be engaged in agricultural work, in which period shall not exceed nine (9) months in any one calendar year.
- 9) The dumping, storing, burying, reducing, disposing of or burning of solid wastes, hazardous wastes, infectious wastes, garbage, refuse, scrap metal, rubbish, tires, offal, dead animals, demolition materials or other waste materials.

ARTICLE 17 - SIGNS

17.0 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, provided more open space, curb the deterioration of the natural environment and enhance community development by permitting signs which are compatible with their surroundings.

17.1 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.

17.2 General Requirements for All Signs and Districts

The regulations contained in this Section shall apply to all signs and all use districts.

- 1) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to use glare or reflection that may constitute a traffic hazard or nuisance;
- 2) No sign shall employ any parts or elements which revolve, rotate, wheel, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this Section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
- 3) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code in effect;
- 4) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee;

- 5) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
- 6) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Article 18 herein;
- 7) No banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices shall be used for the purpose of advertising or attracting attention;
- 8) No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape;
- 9) 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;
- 10) Should any sign be or become unsafe or be in danger of falling or unsightly, the owner thereof or the person maintaining the same shall, upon receipt or written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
- 11) 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;
- 12) 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;
- 13) All signs shall be secured in such a manner as to prevent significant movement due to wind;
- 14) No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter;
- 15) No sign shall contain words, images or graphic illustration of an obscene or indecent nature;
- 16) No sign shall be attached in such manner that it may interfere with any required ventilation operation;
- 17) No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of trespassing;
- 18) 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;

17.3 Permit Required

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

17.4 Signs Permitted in All Districts Not Requiring a Permit

- 1) Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twenty (20) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
- 2) Professional name plates not to exceed four (4) square feet in area;
- 3) Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

17.5 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit

The regulations set forth in this Section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

- 1) In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one square foot of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise.

17.6 Temporary Signs

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

Temporary signs shall only be for a period not to exceed thirty (30) days and only two (2) temporary signs per year and must not run consecutively.

17.7 Free-Standing Signs

Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than one-half ($\frac{1}{2}$) of the front yard setback to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building. Pole signs shall have a clear distance of eight and one-half ($8\frac{1}{2}$) feet from the ground to bottom of sign and monument signs not closer than one-half ($\frac{1}{2}$) the front yard setback.

Signs indicating principally or conditionally permitted uses of a piece of property may be permitted on the property, providing the side yard setback is consistent with the zoning district in which the sign is located and the front yard setback of the sign is not less than one-half ($\frac{1}{2}$) the required front yard setback of the zoning district in which the sign shall be a maximum height of not greater than two and one-half ($2\frac{1}{2}$) feet and shall be permanently maintained. Signs not greater than nine (9) square feet in area, erected under this Section do not require a zoning permit.

17.8 Wall Signs Pertaining to Non-Conforming Uses

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

17.9 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. Political signs not exceeding sixteen (16) square feet shall be permitted. Political signs and portable signs larger than sixteen (16) square feet shall require a zoning permit before placement.

Political signs, in accordance with Section 18.9, shall be permitted on each piece of property and do not require a zoning permit. Permission from property owner is required. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall be responsible for removal of such material, in accordance with this Section. Any signs posted in violation of the Florence Township Zoning Resolution shall be removed.

17.10 Portable Signs

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 pedestrian traffic.

17.11 Portable Sign Requirements and Guidelines

Portable signs must conform to the following requirements and guidelines:

- 1) A portable sign shall not be located or parked within fifteen (15) feet of any street, alley or other public right-of-way line. Nor shall any portable sign be located or parked within the designated sight triangle for any street or driveway intersection.
- 2) Electrical plugs, extension cords and other supplementary electrical illumination materials shall be weather-proofed, securely attached and conspicuously located and adequately guarded in order to not be susceptible to possible health endangering incidents. Inspection and approval by a qualified electrician is mandated.
- 3) Appearance of portable signs shall conform with all other regulations set forth herein.
- 4) The maximum allowable size of a portable sign shall be thirty-two (32) square feet.

17.12 Sign Setback Requirements

Except as modified in Sections 18.13 to 18.14, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least one-half ($\frac{1}{2}$) of the front yard setback.

17.13 Setbacks for Public and Quasi-Public Signs

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

Signs advertising real estate for sale, rent, or lease are permitted in all zoning districts when located on the building or land intended to be sold, rented or leased providing they are used only during construction or offering for sale, rent or lease of the building or property. No building permit shall be required for any sign described above, provided said sign is not larger than sixteen (16) square feet in area.

17.14 Sight Triangle

At the intersection of any two (2) streets or the intersection of any private driveway and street shall be an optical triangle with respective dimensions where

within no sign shall be located or parked. The dimensions of such sight triangle are as follows:

1) Street to Street Intersection

Not to be located within a triangle formed by lines drawn between points on said front line and side lot lines of a lot twenty-five (25) feet from their intersection, providing the normal site within a vertical height band of two and one-half (2 ½) to eight and one-half (8 ½) feet above curb level is not obstructed except for poles, posts or tree trunks.

2) Driveway-to-Street Intersection:

All signs shall not be located within a triangle formed by lines drawn between points on said front lot line and driveway edges of a lot fifteen (15) feet from their intersection, providing the normal within a vertical band of two and one-half (2 ½) to six (6) feet above curb level is not obstructed except for poles, post or tree trunks.

17.15 Limitation

For the purposes of this Article, outdoor advertising off-premises (billboard) signs shall be classified as a conditionally permitted use in districts zoned "I". In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

Outdoor advertising off-premises signs must conform to the guidelines in addition to those conditions listed in Section 14.10 of this Resolution:

- 1) Advertising signs within six hundred (600) feet of any interstate or federal aid highway are subject to the restrictions set forth in the Ohio Revised Code and require a permit from the State of Ohio.
- 2) No sign or billboard shall be erected or constructed within one hundred (100) feet of any road or highway intersection or railroad grade crossing, with the exception of those signs incidental and necessary to the legal process.
- 3) No sign except those placed and maintained by the Township, County, State or Federal governments shall be located in, overhang or encroach upon any public right-of-way.
- 4) Setback shall be fifty (50) feet from the road right-of-way.

17.16 Non-Conforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Resolution, which violate or are otherwise not in conformance with the provisions

of this Article shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

17.17 Loss of Legal Non-Conforming Status

A legal non-conforming sign shall immediately lose its legal non-conforming status and therefore must be brought into conformance with this Article or be removed if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

17.18 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessees 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 Section 5.1 of this Resolution. Political signs posted in violation of Section 18.9 of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 18.9 has been given.

17.19 Aesthetic Criteria

In all districts, design and representation shall be inclined to unite the foreboding characteristics of the District. Aesthetic criteria shall be as follows:

- 1) Color:
 - a) Colors used shall match the background or trim color of the principal building.
 - b) If more than one sign is permitted, colors on the signs shall be coordinated with each other to present a unified image.
- 2) Materials:
 - a) Materials used shall be designed so as to be compatible with the architecture of the building and character of the District.
- 3) Information:
 - a) Information provided on the sign shall clearly indicate the name of the business and a simple product idea.

- 4) Landscaping:
 - a) Light sources shall be concealed from view by the incorporation of shrubs or other type of sightful ground cover.
 - b) A sightful land cover shall girdle the diameter of a freestanding post.

17.20 Maintenance

Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials. The Zoning Inspector shall require compliance with all standards of this article. If the sign is not made to comply with adequate safety standards, the Zoning Inspector shall require its removal in accordance with this section.

17.21 Abandoned Signs

Except as otherwise provided in this article, any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

17.22 Dangerous or Defective Signs

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign, which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

17.23 Removal of Signs by the Zoning Inspector

The Zoning Inspector shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the

violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.

ARTICLE 18-INFORMATIONAL USE (*RESOLUTION 08-13*)

18.0 Driveway Construction and Design Regulations

1) Culverts:

Twelve (12) inch minimum inside diameter and thirty (30) foot minimum length (a larger or longer culvert may be needed depending on site conditions).

Reinforced concrete pipe (RCP) or dual wall plastic driveway tile, twelve inch heavy duty, MTS ASSHTO-M-294 specified by township representative as needed, is required for all uses. (*Resolution 10-10 Effective 7/2/10*)

2) Apron Surfaces:

Stone is acceptable provided the maximum stone size of the top four (4) inches within six (6) foot of the road pavement is one and one-half (1½) inches or smaller.

Asphalt is acceptable. Concrete is allowed only on curbed roads.

Driveways may drain onto the road only if the road is curbed. Drives shall be graded to avoid drainage, snowplowing, or maintenance problems (slope 1"/foot from the road).

3) Construction:

Number 304 aggregate base is the recommended backfill for all uses.

Place the groove (bell) end of culvert upstream.

Set invert with sufficient grade to the next culvert of any planned improvements upstream (the grade shall be set by the Florence Township Representative).

Manholes and catch basins shall be set one quarter of an inch (¼) below the apron surface pavement.

The road shall be kept clear of debris during construction.

4) Safety:

Driveway locations with oncoming traffic sight distances of less than five hundred (500) feet are not recommended and may need special treatment, such as a turnaround.

Traffic will be protected according to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways. This includes advance warning signs, cones, barricades, and flagmen when needed.

Massive decorative driveway markers are not recommended. If used, they must be beyond the road right-of-way.

5) Mailboxes:

All supports for mailboxes shall be of a “breakaway” design similar to the following characteristics:

A four (4) inch by four (4) inch wood post; or no more than a two and one-half (2½) inch diameter steel pipe.

The post and box shall be placed so that the front face of the box is a minimum of four (4) feet from the edge of the road pavement.

All mailbox installations must meet the requirement of the U.S. Postal Service.

6) When is a Permit is Needed:

No permit is needed for regrading a stone drive or resealing a blacktop drive, but safety requirements must be followed.

A permit is required for any excavation or structure placed in the road right-of-way, including any rebuilding.

The initial application and permit fee is free of charge.

7) General:

Driveway and drainage maintenance is the landowner’s responsibility. If a drainage or road maintenance problem is created by the driveway, the Florence Township Trustees may declare it an obstruction and order its removal. The cost of such removal shall be borne by the landowner.

The Florence Township Representative shall be notified at least three (3) working days prior to installation. He will determine whether his presence is needed at installation.

No project shall be commenced without a permit. If a project is so commenced, the Township Representative or the Erie County Sheriff’s Department shall immediately issue a stop order (the cost of a permit will be \$20.00).

If the Township Representative’s orders are not followed, he may immediately revoke a permit and stop the project (a new permit plus a

\$20.00 fee will be required to resume work in accordance with the Township Representative's requirements).

Two (2) or more stakes shall be set to show the location of the proposed driveway.

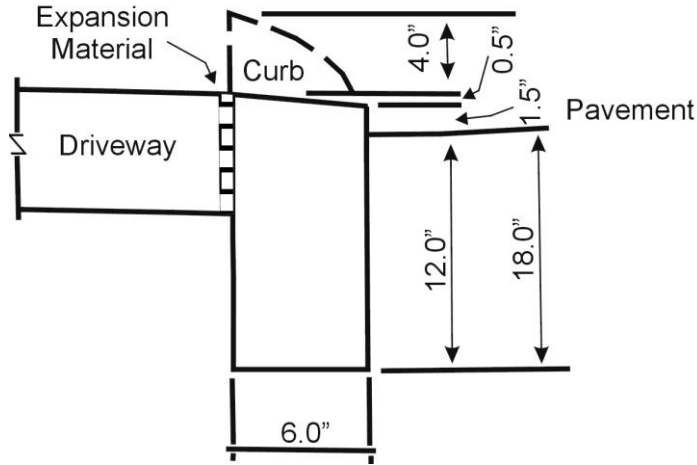
The Florence Township Board of Trustees may, by resolution, set or amend permit and inspection fees and designate the Township Representative.

The Florence Township Representative may draft forms and create procedures for implementation and swift processing of applications and permits.

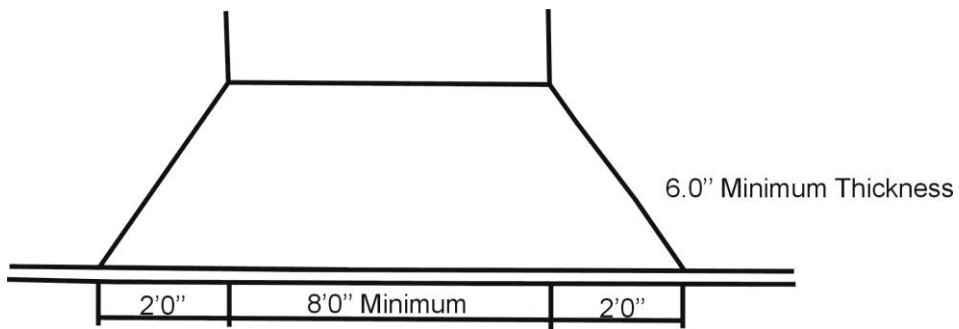
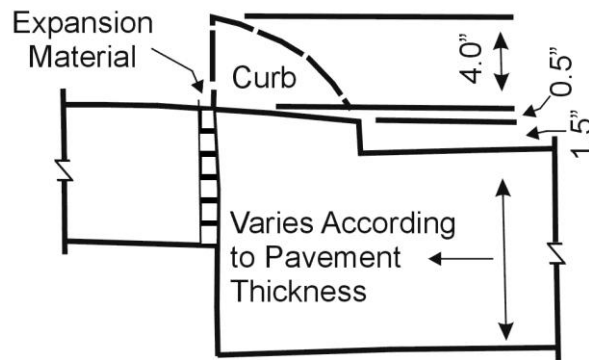
Applications are available at the Florence Township Zoning Office and the Florence Township Zoning Inspector.

Adopted August 18, 1993; Effective September 18, 1993.

Straight Curb



Curb and Gutter



Driveway Approach

**FLORENCE TOWNSHIP
APPLICATION FOR DRIVEWAY CONSTRUCTION PERMIT**

APPLICATION NUMBER: _____

APPLICANT

NAME: _____
ADDRESS: _____
TELEPHONE: _____

LOCATION OF PLANNED DRIVEWAY:

STREET OR ROAD: _____
WHICH SIDE OF STREET OR ROAD: _____
DISTANCE TO NEAREST INTERSECTION: _____
HOUSE NUMBER EACH SIDE OF LOCATION: _____
HOUSE NUMBER (IF KNOWN): _____

CONTRACTOR

NAME: _____
ADDRESS: _____
TELEPHONE: _____

PLANNED CONSTRUCTION DATE:

START: _____ COMPLETE: _____
(Thirty (30) days is the normal limit; notify the inspector three (3) working days prior to installation of pipe).

TYPE OF DRIVEWAY:

New Existing
Residential Commercial Field
Material for Driveway Surface: Stone Asphalt Concrete
(*Note: Concrete apron is only allowed on curbed streets or roads).

INDEMNIFICATION:

If this permit is granted, I/we agree to comply with all the conditions, restrictions, and regulations of the Florence Township amendments or supplements to the driveway regulations. Except for negligent acts of the County/Township, the applicant also agrees to assume all liability for and save the County/Township harmless from any and all claims for damage arising out of the work to be done herein and the continuing use by the applicant.

SIGNED: _____ DATE: _____

APPROVAL:

SIGNED: _____ DATE: _____
Township Superintendent or Representative

ARTICLE 19 – TELECOMMUNICATION TOWERS

19.0 Purpose

This Article regulates telecommunication towers in an area zoned for residential use, which have become subject to this resolution through the procedure provided in ORC Section 519.211(B)(2) to (B)(4).

19.1 Telecommunication Tower Approval Procedure

The telecommunications tower shall be considered a conditionally permitted use in residential zones and shall be permitted only if the Board of Zoning Appeals finds upon application and hearing that in addition to any other conditions which are applied generally to conditionally permitted uses by this Resolution that all of the following provisions have been met:

- a) The base of such tower shall be surrounded by a fence eight (8) feet in height with a locked gate, and located as close as is practical to the tower.
- b) The base of such tower and any accessory buildings shall be inside of the fence and shielded by a greenbelt of living plant material well-maintained and replanted as necessary in order to provide year-round obstruction from public view.
- c) No lights shall be permitted on the tower except those specifically required by state or federal law or regulations.
- d) The site shall be a minimum of the height of the tower from the nearest parcel of land used for residential purposes.
- e) The minimum setback line between the base of the tower and all adjacent properties shall be the height of the tower.
- f) Underground wiring shall be required.
- g) No employees shall be permitted at the tower site on a regular basis.
- h) If the tower is abandoned, it shall be removed within ninety (90) days of its last day of operation.
- i) Appropriate building and electrical permits will be obtained and all construction shall be in accordance with the appropriate building and electrical codes.
- j) The applicant shall demonstrate that all intrusive alternatives and locations, including leasing space, on the existing towers are not feasible for its operation.
- k) No building or structure other than the aforesaid accessory buildings shall be located or proposed to be located within a circle having the transmitter tower as its center and a radius equal to 20% of the height of the tower or one hundred (100) feet, whichever is the greater.
- l) No building or structure other than the aforesaid accessory buildings shall be located in an area twenty (20) feet each side of the radial line between the center of the transmitter tower and each guy anchorage.

- m) No tower guy anchor and approved enclosure for the same shall be located closer than thirty (30) feet to any lot line, street line, or street line extended if the adjacent lot or parcel is used or zoned to be used for residential purposes.
- n) The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. No advertising shall be permitted on the tower.

ARTICLE 20 – PLANNED UNIT DEVELOPMENT REGULATIONS (PUD)

20.1 Planned Unit Development Regulations

Article 21 of this Resolution shall apply to the location and maintenance of Planned Unit Development as herein defined.

20.2 Statement of Purpose

It is the responsibility of these Sections to promote the public health, safety and welfare by providing for the regulation of planned unit development. It is the intent of these regulations to provide maximum opportunity for orderly development which will benefit the community as a whole by offering a greater choice of living environments, complementary blending of land 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.

20.3 Definition

“Planned Unit Development” or PUD shall mean a development which may integrate residential, commercial and industrial facilities 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 additional requirements such as building design principles and landscaping plans.

20.4 Interpretation

Whenever the requirements of Article 21 appear to be in conflict with other Sections of this Resolution or with those of other existing resolutions, the provisions of this section shall prevail.

20.5 PUD District Designation

At the election of the property owner, any land in this township may become subject to the Planned Unit Development procedure of this resolution by the rezone of that land to Planned Unit Development District (PUD) in accordance with the provisions of ORC 519.12. Pursuant to ORC 519.021(C), the rezone to PUD District shall not repeal the existing zoning district regulations of the subject property unless the Board of Trustees approves an application of an owner of property zoned PUD District to subject the property to PUD District regulations.

20.6 Uses Permitted in a PUD District

Residential, commercial, manufacturing, public and quasi-public uses may be separate or combined in PUD Districts, provided that the proposed uses will not adversely impact upon adjacent property or the public health, safety and general welfare and that the location of uses in the PUD are specified in the final

development plan. The Planned Unit Development may be comprised of one use or a combination of uses, as indicated above. There is no minimum area required for a Planned Unit Development. The amount of land devoted to commercial and/or manufacturing use in a residential-commercial-manufacturing or residential-commercial development shall be determined by the Township Trustees as part of the approval of the application.

20.7 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 property owners 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 property owners association is subject to review and approval as part of the application approval process and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and rights-of-way 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 as part of the application approval process. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development.

The Township Trustees may require land to the amount of three percent (3%) of the land included in the planned unit development be conveyed to the Township for park purposes. In lieu of the conveyance for park purposes, the Township Trustees may require the applicant to pay cash to the Township to be used for improvements to a park in the immediate area. The terms and amount of payment shall be determined in negotiation between the subdivider and the Township Trustees.

20.8 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 exempt from this requirement if the Trustees find that such exemption will not violate the intent or character of the proposed planned unit development.

20.9 Special PUD Lot Requirements

The lot requirements for planned unit developments approved by the Trustees may vary from requirements of the districts included in this Zoning Resolution.

20.10 Arrangement of Commercial/Manufacturing Uses

When planned unit development districts include commercial and/or industrial uses, buildings and establishment 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 and/or manufacturing 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 areas.

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

20.11 Procedures for Approval of Planned Unit Development Applications

Planned Unit Development applications shall be approved in accordance with the procedures in Section 21.11 to 21.24. The designation of a PUD will be considered a change of zoning and must meet all the applicable provisions of the Zoning Resolution.

20.12 Pre-Application Meeting

Prior to beginning the process to rezone property to PUD District, the developer shall meet with the Township Zoning Inspector and/or Township Engineer to discuss a preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes and procedure of the Resolution and to familiarize the developer with the criteria and standards contained therein and to provide information that may be useful in completing the rezone to PUD District.

20.13 Preliminary Development Plan Application Requirements

After the pre-application meeting, the applicant shall proceed to apply for a rezone of the property to Planned Unit Development District in accordance with the procedure contained in ORC 519.12. At a minimum, the rezone application shall contain the following information filed in triplicate:

1. Name, address and phone number of applicant and property owner;
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 the property;
4. Present use(s);
5. Present zoning district;
6. Identification of any area within a floodplain;
7. A vicinity map at a scale approved by the Township Engineer or Zoning Inspector showing the property lines, streets, existing easements, and existing buildings, existing and the proposed zoning and other items such as the Township Engineer or Zoning Inspector may require;

8. A preliminary development plan at a scale of 1" = 200' showing topography at a minimum of ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, 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 Florence Township Zoning Commission may deem necessary; general location of buildings;
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. Fees as established by Resolution passed by the Township Trustees.
12. A list containing the names and mailing addresses of all owners of property within five hundred (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/her knowledge.
14. A conceptual drainage plan must also be submitted with the application.

The application for rezone to Planned Unit Development District shall also include 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 intent of these Planned Unit Development Regulations.

20.14 Criteria for Zoning Commission Recommendation

Before making its recommendation on the rezone application, the Florence Township Zoning Commission shall find that the facts submitted with the applications 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 planned unit development.
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. Proposed design shall consider the removal of minimal natural coverage and in all cases reflect conservatory measures relating to open space.

7. The PUD will not be hazardous or disturbing to existing or future neighboring uses.
8. The PUD will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
9. The PUD will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
10. The PUD will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The Florence Township Zoning Commission may require studies such as a traffic study to be provided to ensure the concerns noted above can be addressed.
11. The PUD will encourage development as close as possible to existing settlements to keep the cost of providing service down.
12. The PUD will provide adequate access for emergency vehicles and for those persons providing emergency services.
13. The PUD will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.
14. The design of the PUD will encourage the use of the existing road system presently maintained by the authority having jurisdiction to minimize the additional maintenance expense of new development and to ensure that new development is adequately served by the transportation network.
15. The PUD will be consistent with the intent and purposes of this Resolution and the Erie County Comprehensive Plan.

20.15 Submission of Final Development Plan

Not less than thirty (30) nor more than ninety (90) days after the approval by the Board of Trustees of the rezone of the property to PUD District or in the event of the filing of a referendum against the rezone, not later than sixty (60) days after the certification by the Board of Elections that the amendment has been approved, the applicant shall file the final development plan.

The final development plan shall be in general conformance with the preliminary development plan. Eight (8) copies of the final development plan shall be submitted to the Township Engineer. Seven (7) copies shall be forwarded to the Erie Regional Planning Commission for their review and comments. Copies will be forwarded from the Director of Regional Planning to the applicable agencies for comments. A report shall be prepared and forwarded to the Township Engineer.

20.16 Final Development Plan Application Contents

An application for approval of the final development plan shall be filed with the zoning inspector 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 bearing 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 use.
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 building 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 non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvement, whenever the applicant proposed any exception from standard zoning district 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 improvement; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to the county standards and approved by the County Engineer and the County Sanitary Engineer.
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 this Resolution.

20.17 Action by Township Trustees

The Florence Township Trustees shall either approve, approve the supplementary conditions, or disapprove the final plan as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Township Engineer 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 planned unit development shall be permitted without repetition of the procedures in these Sections. Once

the final plans have been approved by the Township Trustees, the application to rezone the property has been approved and the zoning map shall be amended to reflect this approval.

20.18 Development Policies

1. Density

- a. The maximum density for a proposed residential development shall be based on site specific review, but shall be based on the compatibility with adjacent uses;
- b. Where increased densities are located adjacent to existing buildings, the building setback should be increased to minimize any adverse impact of the proposed development.

2. Height Criteria

- a. Architectural compatibility: The heights of all buildings are encouraged to be compatible with their vicinity.
- b. General character: The heights of the buildings should be in general compliance with district regulations for a similar type of land use.
- c. Scenic values: Buildings should be of such heights so as not to destroy or degrade the scenic values of surrounding area.
- d. Views: Buildings shall not be of such height so as to block, destroy or degrade the scenic values of surrounding areas.
- e. Light and air: Buildings shall not be of such heights so as to deny light and air to surrounding properties.

20.19 Site Design

Statement of Policy

The township hereby finds that it is in the public interest for all sites within the community to be designed, arranged and developed in safe, efficient functions, uses and improvements should reflect the natural capabilities and limitations of the adjacent property.

The various structures, use areas, functions and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular interrelationship. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both within and without.

1. Integration and separation: It is encouraged that those elements and functions of the site that are basically compatible with one another be integrated by design to the degree of their compatibility and separated to the degree of their compatibility.

2. Privacy: It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.
3. Aesthetics: It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally. The degree of existing character of the site and the basic nature of the proposed uses.
4. Vistas: It is encouraged that the site be developed in such a way as to preserve or enhance vistas, particularly those seen from public places.

20.20 Placement of Structures

1. Clear Vision Area: No structure or foliage shall extend into a clear vision area between the height of three feet and seven feet measured from the top of the curb, or where no curb exists, from the established street centerline grade. The clear vision areas shall be as follows:
 - a. Intersection of driveways and public right-of-way: A triangle having two sides ten (10) feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
 - b. Intersection of two public right-of-ways: A triangle having two sides thirty (30) feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two sides.
2. Placement of Structures
 - a. Adverse effects: No structure shall be placed in such a way so as to adversely affect adjacent ownership.
 - b. Snow storage areas: Building shall be placed in such a manner as to allow for snow storage easements adjacent to public right-of-way. Snow storage easements shall be dedicated where appropriate.

20.21 Supplementary Conditions and Safeguards

In approving any planned unit development application, 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.

20.22 Expiration and Extension of Approval Period

The approval of a final development plan for a planned unit development 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. An extension of the time limit or modification of the approved final development plan may be approved if the Trustees find 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 planned unit development was granted.

20.23 Changes in the Planned Unit Development

A Planned Unit Development shall be developed only according to the approved and recorded final plan and all support data. The recorded final plan and supporting data, together with all recorded amendment shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the uses of premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development, as set forth therein.

1. Major Changes: Changes which alter the concept or intent of the Planned Unit Development including increases in the density, changes in location and types of nonresidential land use, increases in the height of buildings, reductions of proposed open space, more than fifteen percent (15%) modification in proportion of housing types, changes in road standards or alignment, utilities, water, electricity and drainage, or changes in the final governing agreements, provisions or covenants, may be approved only by the Township Trustees.
2. Minor Changes: The Township Engineer may approve changed in the Planned Unit Development which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor changes are defined as any changes not defined as a major change.

20.24 Approval of Final Plan

If the Trustees determine that the final plan complies with the Planned Unit Development regulations, or if the Trustees make the final determination of noncompliance and if thereafter the Court of Common Pleas make a final non-appealable order of compliance, the Trustees shall approve the final plan and shall cause the Zoning Map to be changed so that any other zoning district, which applied to the applicant’s property, no longer applies.

ARTICLE 21-OFF-STREET PARKING AND LOADING FACILITIES

21.0 Applicability

All uses, except single family and two family dwellings on individual lots, shall be required to provide off-street parking facilities in compliance with this Article.

21.1 Purpose

It is the express purpose of this Article to implement the following objectives:

1. To minimize the impact of vehicular traffic, entering or existing any parking lot, upon the public streets by controlling the number and location of access driveways.
2. To facilitate and encourage safe and convenient pedestrian movement in appropriate areas of a parking lot and elsewhere.
3. To enhance the amenity, safety and appearance of uses, via landscaping, screening, sidewalks and other similar requirements.
4. To maximize the safety and convenience of vehicular circulation, both within the subject property and on the township road network.
5. To enhance compatibility between land uses.

21.2 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

Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be useable shape and condition. See Appendix C for a schedule of parking space dimensional requirements.

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 single, two or three family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.

- b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
- c. All parking spaces, except those required for single, two or three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

3. Setbacks

The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the official and supplementary schedules of District Regulations and Dimensional Requirements. Parking lots shall be located ten (10) feet from any road right-of-way, ten (10) feet from residential side yards and rear yards and maintained as a green area.

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.

5. Paving

Areas shall be hard-surfaced with hard asphalt or concrete binder.

6. Drainage

All parking spaces, together with driveways aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm drainage system. All drainage plans shall be approved by the County Engineer in conformity with the Erie County Stormwater Regulations.

7. Barriers

Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

8. Visibility

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible

for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.

9. Marking

All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition.

10. Maintenance

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash or other debris.

11. Signs

Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.

12. Lighting

Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.

13. Speed Bumps

- a. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
- b. The speed bumps shall be in the form of mounds as depressions in the pavement and shall be designed to restrain motor vehicle speed.
- c. There shall be a warning sign posted at each entrance to parking areas having speed bumps.

14. Separation From Streets and Sidewalks

Parking space shall be guarded by curbs or other protective devices which are arranged so that cars cannot project into streets, sidewalks or walkways. A curb cut shall be provided for wheelchair access.

21.3 Handicapped Parking

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

TOTAL SPACES IN LOT/STRUCTURE	NUMBER OF DESIGNATED ACCESSIBLE SPACES
up to 100	one space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one space per 75 spaces over 200
over 500	10 spaces, plus one per 100 spaces over 500

21.4 Joint Parking Lots

The joint or collective provision of required off-street parking areas shall comply with the following standards:

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 further than five hundred (500) feet from the building served.
2. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses and up to one hundred (100) percent of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used or operated during the same hours as the uses with which such spaces are jointly or collectively used.
3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel and filed with the application for a zoning permit.

21.5 Modification of Requirements

The provision of this Article may be subject to modifications by the Board of Appeals after considering the following criteria:

1. The location and nature of the proposed use or expansion or an existing use.
2. The projected generation of trips to and from the use and the average length of the per unit.
3. The impact of potential parking congestion to surrounding uses.
4. The number of people expected to be employed in the operation or added to the operation.

5. The area which is accessible to the public compared to the area used for warehousing or storage.
6. The area available for parking expansion.
7. The purpose listed in this Article.

21.6 Prohibited Uses: Temporary Uses

Automobile parking lots are for the sole purpose of accommodating the passenger vehicles of person associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display or storage of automobiles or other merchandise, except those activities typical to an automobile filling station.
2. Parking vehicles accessory to the use.
3. Performing services, including service to vehicles.
4. Any other purposes except permitted as follows:
 - a. Carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days.
 - b. Sales and display of seasonal decorations (Christmas, etc.) so long as the use would be permitted by right within the underlying district, the use will not continue longer than forty-five (45) days, adequate measures have been taken to address the purposes of this Article and a temporary use permit has been obtained.
 - c. The placement of donation or recycling collection facilities, provided that such collection facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals and the total size of the facility is less than two hundred (200) square feet.
 - d. At no time shall temporary uses consume more than ten (10) percent of the total parking lot area.

21.7 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, 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.

21.8 Schedule of Required Parking Spaces

For the purposes of this Resolution the parking space requirements listed in Appendix B of this Resolution shall apply and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals.

21.9 Off-Street Storage Areas for Drive-In Services

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

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

21.10 Off-Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space and one additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

21.11 Off-Street Loading Design Standards

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

1. Loading Space Dimensions:

Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length and a vertical clearance of not less than fourteen (14) feet.

2. Setbacks:

Notwithstanding other provisions of this regulation and the official and supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any district provided that not more than ninety (90) percent of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (5) feet from any street or alley.

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.

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 surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface.

6. Drainage

All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate stormwater drainage system, as approved by the Erie County Engineer and is in conformity with the Erie County Stormwater Regulations.

7. Lighting

Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

APPENDIX B

SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

TYPE OF USE RESIDENTIAL	PARKING SPACES REQUIRED
Single family or two family dwelling	Two (2) spaces per dwelling unit
Apartments, townhouses or multi-family dwellings	Two (2) spaces per dwelling unit
Manufactured homes	Two (2) spaces per dwelling unit
Elderly housing	Three (3) spaces per every four (4) dwelling units and one per regular shift employee

TYPE OF USE COMMERCIAL	PARKING SPACES REQUIRED
Animal hospitals and kennels	One (1) space per 400 square feet of floor area and one (1) space for each two (2) employees
Motor vehicle repair station	One (1) space per 400 square feet of floor area and one (1) for each employee
Motor vehicle salesroom	One (1) space per 400 square feet of floor area and one (1) for each employee
Car washing facilities	One (1) space for each employee
Banks, financial institutions, post offices and similar uses	One (1) space per 250 square feet of floor area and one (1) for each employee
Barber and beauty shops	Three (3) for each barber or beauty operator

**TYPE OF USE
COMMERCIAL**

PARKING SPACES REQUIRED

Carryout restaurants

One (1) space per 200 square feet of floor area and one (1) for each two (2) employees

Drive-in restaurants

One (1) space per 125 square feet of floor area and one (1) for each employee

Hotels and motels

One (1) space per sleeping room and one (1) space for each two (2) employees

Boarding, rooming, tourist homes, bed and breakfasts

One (1) space per sleeping room

Furniture, appliance, hardware, machinery or equipment sales and service and wholesale establishments

Two (2) spaces and one (1) space per each 200 square feet of floor area over 1,000 square feet

Consumer and trade service uses not otherwise specified

One (1) space for each employee

Funeral homes, mortuaries and similar type uses

One (1) space per 50 square feet of floor area in slumber rooms, parlors, or service rooms

Laundromats

One (1) space per every two (2) washing machines

Administrative, business and professional office uses

One (1) space per every 200 square feet of floor area

Sit down restaurants, taverns, night clubs and similar uses

One (1) space per every three (3) persons of seating capacity

Retail stores

One (1) space per every 150 square feet of floor area

Shopping centers

One (1) space per 200 square feet of gross floor area

**TYPE OF USE
COMMERCIAL**

All other types of business or commercial use permitted in any commercial district

PARKING SPACES REQUIRED

One (1) space per every 150 square feet of floor area

**TYPE OF USE
MANUFACTURING USES**

All types of manufacturing, storage and wholesale uses permitted in any manufacturing district

PARKING SPACES REQUIRED

One (1) space for every employee (on the largest shift for which the building is designed) and one (1) space per each motor vehicle used in the business

Cartage, express, parcel delivery and freight terminals

One and one-half (1½) spaces per each employee (on the largest shift for which the building is designed)

**TYPE OF USE
RECREATION AND
ENTERTAINMENT USES**

Bowling alleys

PARKING SPACES REQUIRED

Four (4) spaces for each alley or lane; one (1) per each three (3) persons of seating capacity of the area used for restaurant, cocktail lounge or similar use and one (1) space per each three (3) employees

Dance halls, skating rinks

One (1) space per each 100 square feet of floor area used for the activity and one (1) space per each three (3) persons of seating capacity in a restaurant, snack bar or cocktail lounge and one (1) space per each three (3) employees

**TYPE OF USE
RECREATION AND
ENTERTAINMENT USES**

PARKING SPACES REQUIRED

Outdoor swimming pools; public community or club

One (1) space per each ten (10) persons of capacity and one (1) space per each three (3) persons of capacity for a restaurant

Auditoriums, sports arenas, theaters and similar uses

One (1) for each four (4) seats of seating capacity

Miniature golf courses

One (1) space per each hole and one (1) space per each employee

Private clubs and lodges

Two (2) spaces for each playing area and one (1) space per each employee and one (1) space per each 100 square feet of other activity area

Marina

Two (2) spaces for every three (3) dock slips

**TYPE OF USE
INSTITUTIONAL**

PARKING SPACES REQUIRED

Churches and other places of religious assembly

One (1) space for each eight (8) seats in the main assembly room or one (1) per each classroom, whichever is greater

Hospitals

One (1) space per each three (3) beds

Sanitariums, homes for the aged, nursing homes, rest homes and similar uses

One (1) space per each three (3) beds

Medical and dental clinics

One (1) space per each 100 square feet of floor area

**TYPE OF USE
INSTITUTIONAL**

PARKING SPACES REQUIRED

Libraries, museums and art galleries

Ten (10) spaces and one (1) space per each 300 square feet of floor area in excess of 2,000 square feet

**TYPE OF USE
EDUCATIONAL**

PARKING SPACES REQUIRED

Elementary schools and kindergartens

Four (4) spaces per each classroom and one (1) space per every four (4) seats in auditoriums or assembly halls and one (1) space per each additional non-teaching employee

High schools and middle schools

One (1) space per every ten (10) students or one space per each teacher and employee or one (1) space for every four (4) seats in auditoriums, assembly areas or sports fields, whichever is greater

Business, technical and trade schools

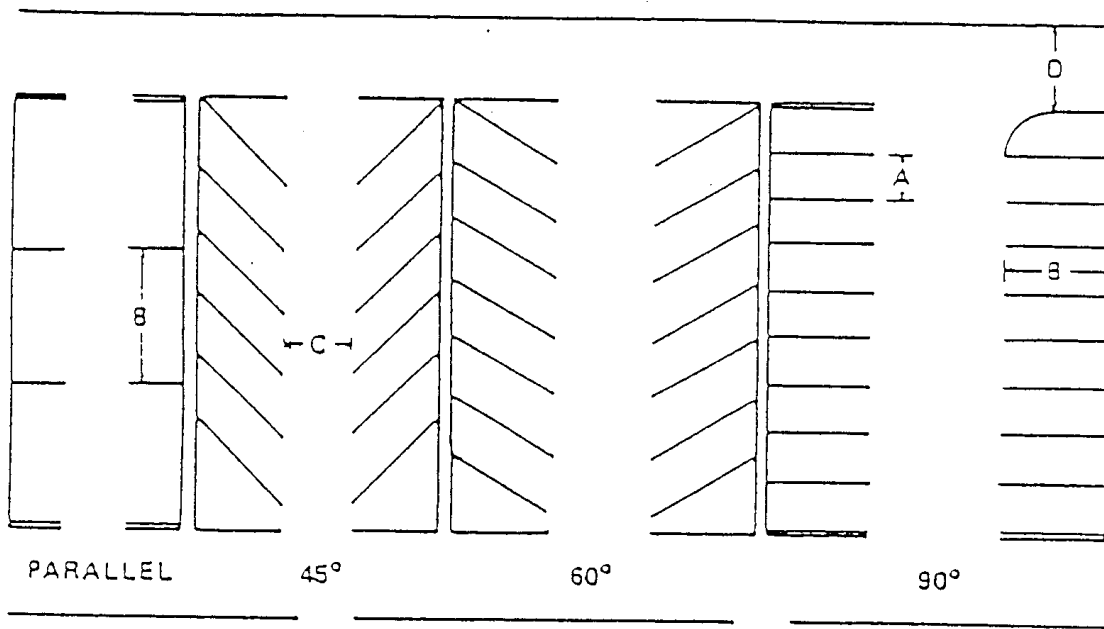
One (1) space per each two (2) students

Child care centers, nursery schools and similar uses

Four (4) spaces per each classroom

Note: A minimum of one (1) parking space is required for each use.

APPENDIX C – REQUIRED OFF-STREET PARKING SPACE DIMENSIONS



OFFSTREET PARKING.

OFF-STREET PARKING DIMENSIONAL TABLE		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	20'	23'
C	Width of Driveway Aisle	13'	17.5"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

(Resolution 08-12) Effective 12/18/08

ARTICLE 22-WIND TURBINE (Resolution 2009-30)

Section Purpose

The purpose of this amendment is to establish standards for the location and installation of wind turbine generators in Florence Township, Erie County, Ohio. This amendment is consistent with the stated primary purpose of the Florence Township Resolution – “Protecting the health, safety, comfort and general welfare” of Florence Township residents. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation and that wind turbine generators may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this amendment seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;
2. Permit wind turbine generators in selected areas by on-site residential, commercial or industrial users subject to the terms, conditions and provisions hereof;
3. Ensure the public health, welfare and safety of the Township’s residents in connection with wind turbine generators; and
4. Avoid potential damage to real and personal property from the wind turbine generators or the failure of such structures and related operations.

ARTICLE 22-WIND TURBINES

Florence Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Florence Township permits the installation and use of residential wind turbines under the following regulations to ensure that the safety and welfare of all township residents is met.

Wind Turbine Generator (Windmill) – Low Impact Wind Powered Electric Generator

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kw and which is intended to primarily reduce on-site consumption of utility power.

Windmill, low impact wind powered electric generator is subject to the following requirements:

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building and public or private road right-of-way.
- b. The maximum height of any turbine shall be one hundred (100) feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower and the maximum

vertical height of the turbine blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

- c. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- d. The wind powered electric generator/windmill shall have a rated capacity of not more than one hundred kw.
- e. The wind powered electric generator/windmill shall service only the site on which it is built.
- f. All necessary township and county permits shall be obtained.

Wind Turbine Generator (Windmill) – High Impact Wind Powered Electric Generator

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity greater than 100 kw but less than 50 mw.

Windmill, high impact wind powered electric generator subject to the following requirements:

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total surface to any property line, off-site residence or building, and public or private road right-of-way.
- b. The maximum lighting used for or on the structure shall be the minimum as defined by the Federal Aviation Administration.
- c. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kw.
- d. All necessary township and county permits shall be obtained.

22.1 High and Low Impact Permitted Use

High and low impact wind turbines shall be a *permitted use* in all districts under the following requirements:

- A. **Height:** The maximum height of any turbine shall be one hundred (100) feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower and the maximum vertical height of the turbine blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- B. **Setbacks:** The following shall apply in regard to setbacks:

Any turbine erected on a parcel of land shall establish a “clear fall zone” from all neighboring property lines and structures. The “clear fall zone” shall not be less than 150% of the maximum turbine height as measured on a radius from the base of the turbine tower. A turbine shall be erected and placed in such a

manner that, if it were to fall, whatever direction the fall occurs, would be contained solely on the property where the turbine is located.

(Resolution 2009-11) Effective 7/17/09

- C. **Aesthetics:** The following provisions shall be applied to the aesthetics issue of wind turbines:

The turbine including prop blades, turbine cowling and tower shall be painted or coated white, gray or sky blue. Logos or other identification markers, other than those of the manufacturer shall not be permitted anywhere on the turbine.

- D. **Maintenance:** Wind turbines must be maintained in good working order. Manufacturer's records for preventative maintenance shall apply. Turbines that become inoperable for more than nine (9) months must be removed by the owner within sixty (60) days of issuance of the zoning violation. Removal includes removal of all apparatus, supports and/or other hardware associated with the existing turbine.

- E. **Noise Level:** The noise level of the turbine shall not exceed sixty (60) decibels (i.e. a person talking in a normal tone of voice) at the nearest neighboring property line. This information shall be included in the required engineering report and shall be obtained from the manufacturer of the wind turbine. If there is a complaint about noise, the wind turbine owner is required to submit within 30 days a current decibel reading report signed by an authorized source. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

- F. **Capacity:** The capacity shall be determined by the manufacturer's rating.

- 22.2 Definitions:** For purposes of regulation of residential, commercial and individual use of wind turbine generators.

Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: Means an area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located; the purpose being that if the turbine should fall or otherwise become damaged, the failing structure will be confined to the primary parcel.

(Resolution 2009-11) Effective 7/17/09

Cowling: A streamlined removable metal that covers the turbine's nacelles.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures such as residences, commercial buildings, hospitals and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Wind Turbine Generator (Windmill): A machine which runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

Wind Turbine Owner: The person or a person who owns the Wind Turbine structure.

Wind Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

22.3 Permits

- A. A zoning permit shall be required before construction can commence on an individual wind turbine system.
- B. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for the permit:
 1. Location of all public and private airports in relation to the location of the turbine, as well as any FAA restrictions that may be applicable to the turbine installation.
 2. An engineering report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth of the unit's concrete mounting pad.
 - c. An average decibel rating for the proposed turbine unit.
 - d. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices.
 - e. Data specifying the kilowatt size and generating capacity of the proposed unit.

- f. Applicant shall provide the zoning inspector with a stamped inspection form that certifies that the tower will be installed according to sound engineering practices.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways and neighboring properties.
4. Evidence of a “clear fall zone” with manufacturer’s recommendation must be attached to the required engineering report.
5. Color of the unit, as well as the location and size of the manufacturer’s identifying logs shall be included in the plan.
6. A dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit application. Installation, maintenance and dismantling shall be as per manufacturer’s instruction.

ARTICLE 23-SITE PLAN REVIEW

A. Purpose

It is the intent of this section to protect the health, safety, convenience and general welfare of the inhabitants of the township. The site plan review regulates the development of structures and sites in a manner which considers the following concerns and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a) The balancing of landowners' rights to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- b) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
- c) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- d) The protection of historic and natural environmental features on the site under review and in adjacent areas.

B. Projects Requiring Site Plan Review

No permit for the construction, exterior alteration, occupancy or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Zoning Commission. Site plan review shall also be required for the resumption of any use discontinued for more than two (2) years or for the expansion of any existing use. Required approval includes, proposals for commercial, industrial, office, multiple dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes.

C. Exemptions From Site Plan Review

Site plan review shall not be required for:

- a) The construction or enlargement of any single family or two-family dwelling;
- b) The construction or alteration of any building used exclusively for agriculture, horticulture or floriculture;
- c) Construction or alteration providing for not more than two hundred (200) square feet total floor area after construction;
- d) Customary home occupations as defined by the zoning by-laws.

D. Procedure

- 1) An applicant for site plan review under this section shall be filed with the Zoning Board of Appeals ten (10) days prior to a scheduled meeting and ten (10) copies each of the site plan documents. A copy of the site plan shall be submitted to the clerk to be kept on file.
- 2) The Zoning Board of Appeals shall deliver its decision in writing to the Zoning Inspector within thirty (30) days after determining that the application is complete, to allow the issuance of a zoning permit.
 - a) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this resolution;
 - b) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this resolution; or
 - c) Approval of the site plans subject to any conditions, modifications and restrictions as required by the board which will ensure that the project meet the standards for review.

E. Submission Requirements

The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan with notations explaining the reasons for any omissions.

The Zoning Commission may, based on the size and complexity of the development, require site plans prepared by a registered professional engineer, architect or landscape architect at a scale of one (1) inch equals twenty (20) feet on standard 24" x 36" sheets, with continuation on 8½" x 11" sheets as necessary for written information.

Items required for submission include:

- 1) Survey plan of the development area.
- 2) Name of the project, boundaries and location map showing site's location, north arrow and scale of the plan.
- 3) Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.
- 4) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
- 5) All existing lot lines, easements and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within three hundred (300) feet of the site.

- 6) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area.
- 7) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location type and screening details for all waste disposal containers shall also be shown.
- 8) The location, height, intensity and bulk type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- 9) The location, height, size, materials and design of all proposed signage.
- 10) The location of all present and proposed utility systems including:
 - Sewage or septic system;
 - Water supply system;
 - Telephone, cable and electrical systems; and
 - Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
- 11) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- 12) A landscape plan showing all existing natural land features, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- 13) Zoning district boundaries of adjacent properties shall be drawn and identified on the plan.
- 14) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Zoning Board of Appeals may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
- 15) For new construction or alterations to any existing building, a table containing the following information must be included:
- a) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - b) Maximum number of employees;
 - c) Maximum seating capacity, where applicable; and
 - d) Number of parking spaces existing and required for the intended use.

F. Standards for Review

The Zoning Board of Appeals shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Zoning Commission to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.

1) Legal

Conformance with the provisions of the regulations of the township and all applicable rules and regulations of state and federal agencies.

2) Traffic

Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

3) Parking

Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting and internal traffic control.

4. Pollution Control

Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.

5. Nuisances

Protection of abutting properties and township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor, dust, odors, glare, stormwater runoff, hazardous materials, etc.

6. Existing Vegetation

Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7. Amenities

The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings and the retention of open space and agricultural land.

Ingress/Egress

The agritourism operator shall provide ingress and egress via access points on a public road as approved by the Township Zoning Inspector, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the fire department. Point of ingress and egress to the agritourism activity shall be located at least one-hundred (100) feet from the right-of-way of the intersection of any two (2) streets.

Liability Sign Requirements

All agritourism providers shall post and maintain signs that contain the following warning notice:

WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.

The warning notice must use a white background with black lettering that is at least one inch in height. The signs must be placed in a clearly visible location at or near each entrance to the agritourism location or at the site of each agritourism activity.

Off-Street Parking

Off-street parking is required for every agritourism provider and activity. While every field available for said parking has its own physical challenges Florence Township suggest one acre per 80-100 cars, as shown below.

Many fields used for parking are not flat, not perfectly square and do not accommodate lined parking spaces. Accounting for these and other imperfections in farm fields that are often used for customer parking, many on-farm marketers often estimate that they can park between 80 and 100 automobiles per acre. See Figure 3 for a diagram.

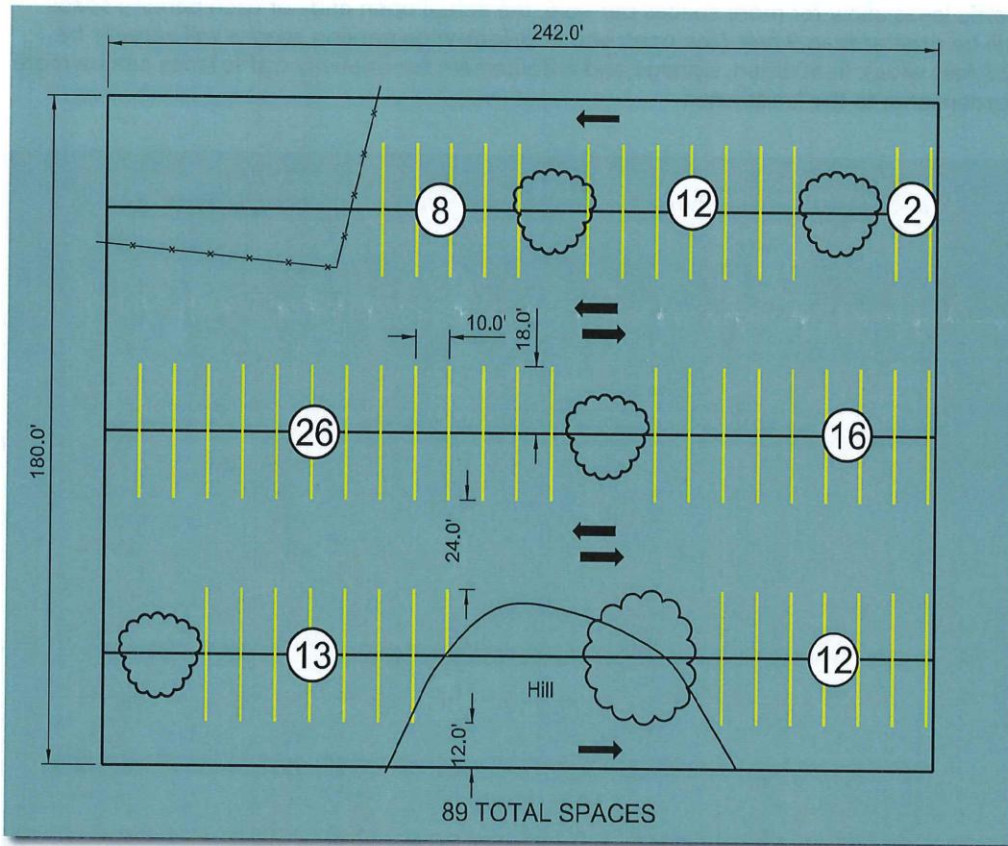


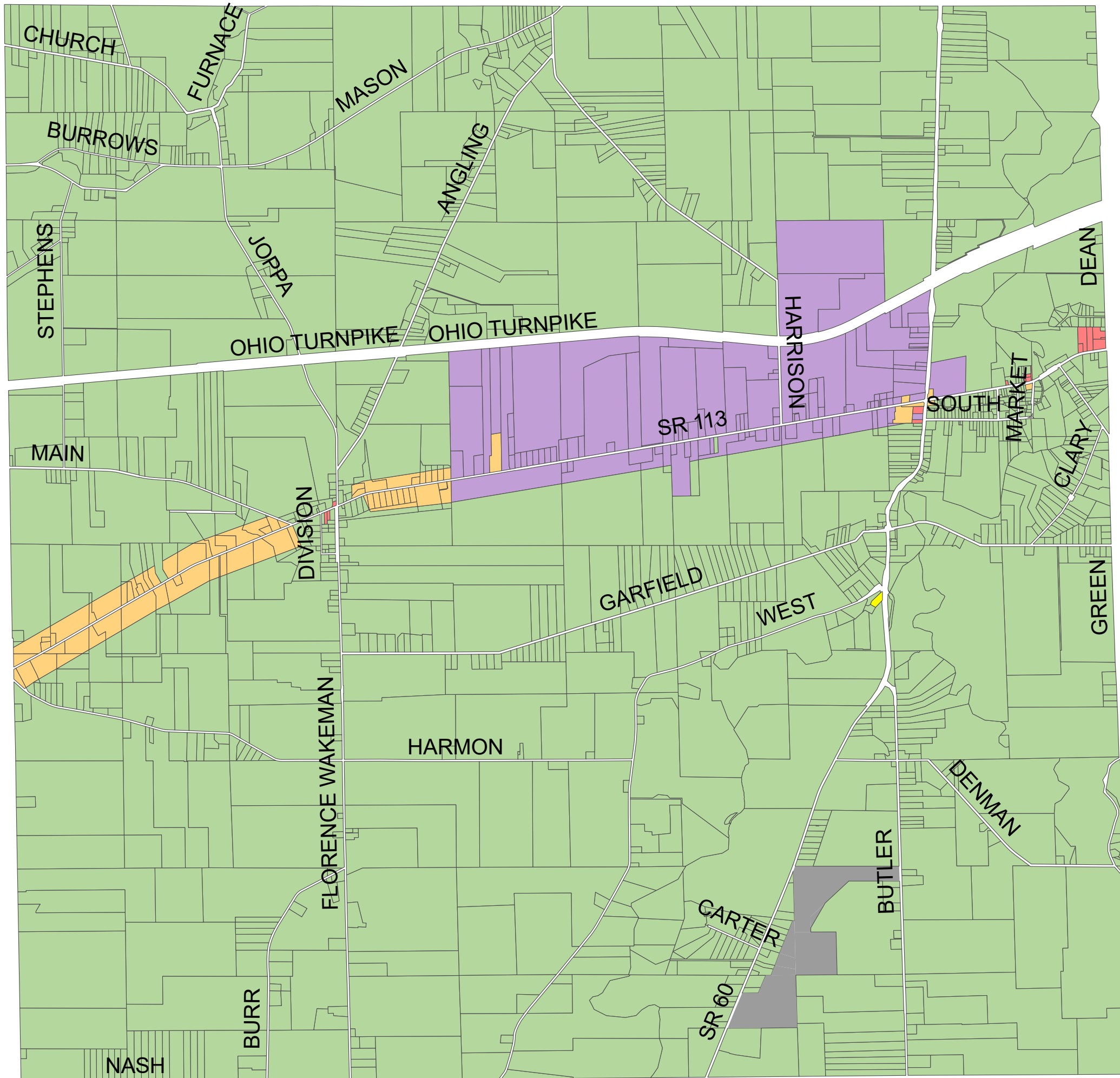
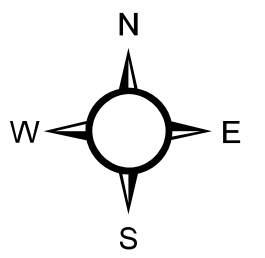
Figure 3. Example design for 89 parking spaces per acre with 10' by 18' spaces showing various farm-field obstacles.

On-Street Parking Prohibited

Due to the potential for accident or injury and to protect the health, safety, and welfare of the public all on-street parking is strictly prohibited related to agritourism. This prohibition applies to any motorized or non-motorized, operable or inoperable vehicles, including but not limited to, trucks, tractor/trailer, passenger vehicle, SUV, boat, recreational vehicle or motorcycle on all Florence Township roads, shoulders, berms and rights-of-ways.

Florence Township Zoning Map

Erie County, Ohio



Legend

- RA Residential/Agricultural
- MH Mobile Home Park
- I Industrial and Manufacturing
- C-1 Local Shopping
- C-2 General Business
- A Airport

This map prepared by the Erie County Department of Regional Planning.
 This map is to be used for illustrative purposes only. Refer to original documents
 for accuracy. Erie County, Ohio assumes no responsibility
 or liability for errors or omissions contained herein.
 Sources: Erie County Auditor; Compiled; August 2017
 Revised: Resolution 28-2018, November 22, 2018