

# GROTON TOWNSHIP ZONING RESOLUTION



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Resolution #2022-47  
Adopted November 17, 2022  
Effective December 17, 2022

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**9414 Portland Rd.  
Castalia, Ohio 44824  
419-483-7840**

**Groton Township**

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Board of Trustees

Ronald A. Brown  
Renee Schoen  
Dennis Schreiner

Fiscal Officer

Nancy Funni

RESOLUTION # 2022-47

Resolution for the Board of Township Trustees Groton Township, Erie County, Ohio, to approve the 2022 Groton Township Zoning Rules and Regulations as printed and approved by the Groton Township Zoning Commission and Board of Appeals.

Mr. Schreiner introduced the following resolution and moved its adoption.

Ms. Schoen seconded the motion and the Board of Trustees voted on the above resolution.

Ron Brown      Yes       Nay \_\_\_

Renee Schoen      Yes       Nay \_\_\_

Dennis Schreiner      Yes       Nay \_\_\_

Adopted the 17<sup>th</sup> of November, 2022

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## **ARTICLE 1**

### **TITLE**

This resolution shall be known as the "Groton Township Zoning Resolution," and consists of a text and map(s). The map(s) which accompanies this Resolution and is hereby incorporated herein and which is made a part hereof, shall be referred to as the Groton Township "Zoning Plan."

## **ARTICLE 2**

### **INTENT AND PURPOSES**

The purpose of this resolution is to promote the public health, safety and morals. The Groton Township Board of Trustees may, in accordance with a comprehensive plan, regulate by resolution of 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; setback building lines; sizes of yards, courts, and other open spaces; the density of population; the uses of buildings and other structures, including tents, cabins, and trailer coaches; and the uses of land for trade, industry, residence, recreations, or other purposes in the unincorporated territory of the Township, and for such purposes may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and area as the Board determines.

All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones. This Zoning Resolution applies to all land and every structure lying within the unincorporated portions of Groton Township, Erie County, Ohio unless exempted by law.

## **ARTICLE 3**

### **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.

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by either 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.

**ARTICLE 4**

**RIGHTS AND REMEDIES ARE CUMULATIVE**

The rights and the remedies provided herein are cumulative and in addition to any other remedies provided by law.



**ARTICLE 5**

**SEVERANCE CLAUSE**

Sections of this Resolution shall deemed to be several and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Resolution as a whole or any part other than the part so declared to be unconstitutional or invalid.

## **ARTICLE 6**

### **VESTED RIGHT**

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## **ARTICLE 7**

### **CONFLICTING REGULATIONS**

Whenever any provisions of this Resolution imposes more stringent requirements, regulation, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance or Resolution, then the provisions of this Resolution shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements than are imposed or required by this Resolution, then the provisions of that Resolution shall govern.

## **ARTICLE 8**

### **CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

#### **8.1 Construction of Language**

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

1. In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

May =optional

Must=mandatory

Must not=prohibited

Shall=requirement

Should=recommended

3. 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.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. 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:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combinations.
8. Terms not herein defined shall have the meaning customarily assigned to them.

#### **8.2 Definitions**

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

##### **Accessory Use, Accessory Building or Accessory**

An Accessory Use is a use which is clearly incidental to, customarily found in connection with, subordinate to and, (except in the case of accessory off-street parking spaces or loading) located on

the same zoning lot as the principal use to which it is related, and devoted exclusively to the main use of the premises.

An Accessory building is a subordinate building or structure on the same lot, or part of the main building, occupied or devoted exclusively to an accessory use.

An Accessory Use includes, but is not limited to the following:

- a. Swimming pools
- b. Storage space
- c. Fences, walls, decks, poles, signs, sheds, garages, satellite signal receiver
- d. Off-street loading and off-street parking places

### **Adult Bookstore**

An establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes, cassettes, and compact discs which are distinguished by their emphasis on adult materials.

### **Adult Business**

An adult bookstore, adult cabaret, adult motion picture theater, adult-oriented business, and massage establishments.

### **Adult Cabaret**

A nightclub, bar, restaurant, supper club, lounge, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

### **Adult Material**

Material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

### **Adult Motion Picture Theater**

An enclosed picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material.

### **Adult-Oriented Business**

An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

### **Agriculture**

As used in sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and 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.

**Alley**

Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**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."

**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.

**Auto Service Station**

A building or buildings, structures and adjoining space used for the sale and 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 tire repairing, battery recharging, cleaning and polishing of vehicles, chassis lubrication, minor repairs and adjustments may be rendered.

**Basement**

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 a story.

**Bed and Breakfast, Homestay, Tourist Home**

A private owner-occupied residence with one to three guest rooms. The Bed/Breakfast must be subordinate to main residential use of the building. The length of stay is to be temporary.

**Block**

An area bounded by four (4) streets or a combination of streets and railroad right-of-way.

**Breezeway**

A roofed passageway connecting two (2) structures.

**Building**

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall not include such structures as billboards, fences or radio towers, or structures with interior areas not normally accessible for human use, such as tanks, smokestacks, grain elevators, coal bunders, oil cracking towers, or similar structures.

**Building- Attached**

A structure that must share a common wall or walls with the primary structure or connected by a common roofline or breezeway.

**Building Height**

The vertical distance from the grade to the highest point of the coping of a flat or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hip roof. Where the building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall, unless otherwise defined herein.

**Building Line**

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

**Child Care/Family Care Center**

Any place in which care is provided with or without compensation. Does not include siblings of the same immediate family.

**Church**

Any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious services, and related religious activities.

**Club**

An organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

**Clinic (Medical)**

Any facility providing physical or mental health service and medical or surgical care of the sick or injured, but shall not include in-patient or overnight accommodations. Medical clinic includes health center, health clinic, and doctor's office.

**Conditionally Permitted Use**

A use allowed in a zoning district that is not the principally permitted use. This use must be approved by the Zoning Board of Appeals.

**Convalescent or Nursing Home**

An establishment which specializes in providing necessary services to those unable to care for themselves.

**Custom Work Shop**

A building or part of a building where goods are produced to special order.

**Development**

The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new land use.

**District**

That portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

**Drive-In**

A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor

vehicle, or within a building or structure on the same premises and devoted to the same purposes as the drive-in service.

**Dwelling, Converted**

A dwelling altered to change the number of dwelling units.

**Dwelling, Multiple Family**

A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**Dwelling, One Family**

A building designed exclusively for and occupied exclusively by one (1) family.

**Dwelling, Two (2) Family**

A building designed exclusively for occupancy by two (2) families living independently of each other.

**Dwelling Unit**

Space within a building comprised of living, dining, sleeping room(s), storage closets and equipment for cooking, bathing and toilet facilities or a combination therein.

**Erected**

For the purpose of this Resolution shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

**Essential Services**

The erection, construction, alteration or maintenance by public utilities or County or Township departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or political units for the general health, safety, or welfare.

**Excavation**

Any breaking of ground, except common household gardening and ground care or tilling for agricultural purposes.

**Family**

A person living alone or two (2) or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a rooming house, motel/hotel or dormitory.

**Farm**

Agriculture use of land with one or more acres.

**Fence – see Section 26.5**



**Filling**

The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

**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. This would include but not be limited to firecrackers, torpedoes, skyrockets, roman candles, sparklers, or devices of like construction.

**Floodplain**

The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region during any 1% chance rain event.

**Floor Area, Gross**

The sum of the gross horizontal areas of the several floors of a building or building, measured from the exterior walls for from the centerline of walls separating two (2) buildings. In particular, floor area includes: basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, accessory buildings, attic floor space (whether or not floor has been laid) providing structural head room of seven feet six inches (7'6"). Floor area shall not include: elevator or stair bulkheads, accessory water tanks or cooling towers, uncovered steps, attic floor space less than seven feet six inches (7'6") high. Covered but unenclosed portion of porches, terraces or breezeways shall have the floor area computed at fifty (50) percent of the actual floor area. Uncovered and unenclosed porches, terraces or breezeways shall have the floor area computed at twenty-five (25) percent of the actual floor area.

**Floor Area, Residential**

For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior wall. The floor measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

**Floor Area, Useable**

For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of Usable Floor Area. Measurement of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Garage, Private**

An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Grade (Ground Level)**

The average of the finished ground level at center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

**Harmful to Juveniles or Youths**

Any material or performance if it is offensive to prevailing standards in the adult community with respect to what is suitable for juvenile, and if any of the following apply:

- a. It tends to appeal to the prurient interest of juveniles.
- b. It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity.
- c. It contains a display, description, or representation of bestiality, or bizarre violence, cruelty, or brutality.
- d. It contains a display, description, or representation of human bodily functions of elimination.
- e. It makes repeated use of foul language.
- f. It contains a display, description, or representation in lurid detail of the violent torture, dismemberment, destruction, or death of a human being.
- g. It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

**Home Occupation**

That occupation conducted in the dwelling unit by the resident with no outside employees.

**Hospital**

Any institution providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.

**Housekeeping Unit**

Refer to the definition for "Family."

**Junk**

Old scrap parts, copper, brass, rope, rags, batteries, tires, paper, rubber, junked-dismantled, neglected or unlicensed motor vehicles, wood, iron, steel, furniture, appliances and garbage.

**Junk Motor Vehicle/Collectors Vehicle**

- a. Junk motor vehicle means any motor vehicle that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right of possession of the property. Conditions to be considered:
  1. Three or more years old
  2. Extensively damaged
  3. Apparently inoperable
  4. Not licensed with current license plates
- b. Collectors vehicle means a motor vehicle or traction engine or special interest having a fair market value of \$100.00 or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or

investment, but not as the owner's principal means of transportation. A collector's vehicle without a current license must be stored in a building.

**Junk Yard**

A place, structure or lot where junk, waste, discarded, salvaged, or similar materials, such as old iron or other metal, wood, liquid waste, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding pawn shops, and establishments for the sale, purchase, or storage of used cars, salvaged machinery, used furniture, radios, stoves refrigerators, or similar household goods, and the processing used, discarded, or salvaged materials as part of manufacturing operations.

**Kennel**

A lot over one (1) acre on which five (5) or more dogs more than three (3) months of age are housed.

**Loading Space**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot**

A parcel of land occupied, or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Resolution. Every lot shall abut upon, have the required frontage and have permanent access to a public street or an approved private street.

**Lot Area**

The total horizontal area within the lot lines of the lot.

**Lot Corner, Interior and Through**

A corner lot is a lot which has at least two (2) contiguous sides abutting upon a street.

An interior lot is a lot other than a corner lot.

A through lot is an interior lot having frontage on two (2) streets which do not intersect at a point contiguous to such lot.

**Lot Coverage**

The part of percent or the lot occupied by buildings, including accessory structures.

**Lot Depth**

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot Lines**

The lines abounding a lot as defined herein:

- a. Lot Line, Front – That line separating the lot from the street or place. In the case of a corner lot or through lot, the lines separating the lot from each street.
- b. Lot Line, Rear – A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.
- c. Lot Line, Side – Any lot line not a front line or not a rear line.

**Lot of Record**

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

**Lot Width**

The distance from one (1) side lot line to the other side lot line measured parallel to the front lot line at the minimum building line.

**Lot Zoning**

A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developers as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**Main Building**

A building in which is conducted the principal use of the lot upon which it is situated.

**Main Road Frontage**

The lot width at the road right-of-way.

**Main Use**

The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**Major Thoroughfare**

An arterial street which is intended to serve as a large volume traffic way for both the immediate area and the region beyond.

**Manufactured Home**

A factory built structure that is manufactured or constructed under the authority of 42 United States Code Sec. 540 and is to be used as a place for human habitation.

**Massage**

Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

**Massage Establishment**

Any fixed place of business where a person offers massages, either in exchange for something of value, or in connection with providing another legitimate service. For the purposes of this Zoning

Resolution, "massage establishment" does not include those businesses practicing any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code sections 4731.15 and 4731.16, or providing therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse, or other health professional licensed, certified or registered in Ohio.

**Massage/Medical Establishment**

State certified, licensed medical person providing personal type massage.

**Massage/Spa Establishment**

Any fixed place of business where a person offers massages either in exchange for anything of value or in connection with the provision of another legitimate service.

**Material, Adult**

Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other thing capable of arousing interest through sight, sound or touch.

**Medical Waste**

Any waste created by a medical service.

**Mezzanine**

An intermediate floor in any story occupying not to exceed two (2)-thirds (2/3) of the floor area of such story.

**Mini Warehouse**

A structure containing separate storage spaces each with direct access to driveways and leased or rented on an individual basis.

**Mobile Home**

Any self-propelled or non self-propelled vehicle so designed, constructed, reconstructed or added to in such a manner as will permit the use thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.

**Motel**

A building or group of buildings on a lot, consisting of individual sleeping quarters, detached or connected, not more than fifty (50) percent of which have kitchen facilities, for rental to transients. It may include all facilities specified under the definition of Hotel.

**Nonconforming Building**

A building or portion thereof lawfully existing at the effective date of this Resolution, or amendments thereto, but which does not conform to the provisions of the Resolution in the district in which it is located.

**Nonconforming Use**

A use which lawfully occupied a building or land at the effective date of this Resolution, or amendments thereto, but which does not conform to the use regulations of the district in which it is located.

**Nudity**

The showing, representation, or depiction of any of the following:

- a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
- b. The female breast with less than a fully opaque covering on any part of the areola and nipple; or
- c. The covered male genitals in a discernibly turgid state.

**Nuisance Factor**

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passing traffic, invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities, storage of anything that may affect the public health, safety, and welfare of the township or its residents (junk, cars, appliances, etc.).

**Nursery, Plant Material**

A space, building or structure, or combination thereof, for the storage, cultivating or transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Obscene**

Any material or performance, when considered as a whole, and judged with reference or ordinary adults or, if it is designated for sexual deviates or other especially susceptible group judge with reference to that group or, if any of the following apply:

- a. It tends to appeal to the prurient interest;
- b. Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- c. Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- d. Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving a genuine scientific, educational, sociological, moral, or artistic purpose;
- e. It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.

**Off-Street Parking Lot**

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles, except in the single-family residential district.

**Open Space**

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

**Park**

A nonprofit facility that is used by residents for recreation.

**Parking Space**

Is hereby determined to be a minimum area of one hundred eighty (180) square feet with minimum dimensions of nine (9) feet by twenty (20) feet, except as provided in Article 25. Said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**Permitted Use**

Are those uses allowed without conditions by the Zoning Resolutions and Map.

**Planned Unit Development**

Is any development of a tract of land for a complex of buildings which are planned as an entity. This term is commonly applied to residential developments such as condominiums, townhouses and cluster developments, but it may also be applied to commercial and industrial developments or to any developments which combine residential, commercial and industrial land uses.

**Public Park**

Public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, Reservoir, athletic field, basketball or tennis court, pedestrian or bicycle paths, baseball diamond, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, County, or State.

**Public Utility**

A person, firm, corporation, municipal department, board of commission duly authorized to furnish under Federal, State or Municipal regulations to the public: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication and transportation.

**Recreational Facilities**

Facilities for the amusement, diversion, enjoyment, fun, hobby, relaxation including active and passive activities.

**Room**

For the purpose of determining lot area, requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, all of which are at least eighty (80) square feet each in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways

and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room, shall count such extra room as a bedroom for the purpose of computing density.

### **School**

Any public or private educational facility including, but not limited to, child daycare facility, nursery school, preschool, kindergarten, elementary school, primary school, intermediate school, junior high school, middle school, high school, vocational school, secondary school, special educational school, junior college, college and university. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

### **Screening/Buffering**

To screen and protect neighboring properties and passing motorists from the view of facilities, buildings and parking areas of the site. A physical, acoustic, visual barrier or screen maintained in good condition.

### **Seasonal Residence**

A dwelling unit which is not normally the permanent residence of the occupant(s) and which is not used as dwelling quarters for more than six (6) months out of any calendar year.

### **Setback Line**

A line established on a lot at a specified distance from and parallel to a side or rear lot line, or in the case of the front yard, parallel to the road right-of-way, to restrict the encroachment of building on the line, except as otherwise provided herein.

### **Sexual Activity**

Sexual conduct or sexual contact or both.

### **Sexual Conduct**

Vaginal intercourse between a male and female and intercourse, fellatio and cunnilingus between persons regardless of gender, and the insertion, however slight, of any part of the body or any instrument apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

### **Sexual Contact**

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

### **Sexual Excitement**

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

### **Shopping Center**

Two (2) or more retail stores providing goods or services.

### **Sign**

A name, identification, description, display or illustration which is affixed to, painted, or represented, directly or indirectly, upon a building, structure, parcel or lot, and which direct attention to an object,



product, place, activity, person, institution, organization, or business on that property. A sign shall include the following types, but limited to:

- a. Ground Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not part of a building, and the bottom edge of the sign face of which is less than eight and one-half (8-1/2) feet above the grade.
- b. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including a marquee.
- c. Roof Sign: A sign which is erected, constructed and maintained above the roof of a building.
- d. Wall Sign: A sign which is attached directly to the wall of a building and which extends not more than twelve (12) inches from the wall, including window signs.
- e. Pole Sign: A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is eight and one-half (8-1/2) feet or more above grade.
- f. Portable Sign: Any sign not permanently affixed to the ground or to a building, including a sign that is attached or displayed on a vehicle or truck/van.

### **Site Plan**

The site plan regulates the development of structures and sites in a manner which considers the modification of development proposals to eliminate or minimize potential problems and nuisances.

### **Stable, Private**

A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses of others, or for commercial boarding.

### **Stable, Public**

A stable other than a private stable, with a capacity for more than two (2) horses.

### **Story**

The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

### **Story, Half**

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purpose of this Resolution, the usable floor area is only that area having at least seven feet six inches (7'6") clear height between floor and ceiling.

### **Street**

A thoroughfare which affords the principal means of access to abutting property(ies).

### **Structure**

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner.

**Swimming Pool – Non-Portable**

Means any artificial body of water whether in ground or above ground which is designed for swimming or wading, that is supplied with water from a controlled source.

**Swimming Pool – Portable**

Means any vessel or container which is designed for or used for holding water for wading or swimming purposes and which may be dismantled and moved from one spot to another with the use of basic hand tools.

**Temporary Building**

Any building not designed to be permanently located, placed, or affixed to the place where it is located.

**Temporary Use of Building**

A conditional use of a building permitted by the Board of Appeals to exist during periods of construction of the main building or use for special events.

**Tent**

Any structure used for living or sleeping purposes, or for sheltering a public gathering; constructed wholly or in part from canvas, plastic material, tarpaulin, cotton, nylon or polyester or other similar materials and shall include shelter provided for graduation, weddings, circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

**Use**

The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**Yard**

The open space on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein:

- a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the building line. There shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than twenty-five (25) feet. No accessory building shall project beyond the front yard line on either street.
- b. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- c. Side Yard: An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Zoning Inspector**

The administrative official responsible for the administration and enforcement of this Resolution.

### **Zoning Variances and Conditional Uses**

**Variance:** A modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

**Conditional Use Permit:** A use permitted only after review of an application by the Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions or precedent are not precise enough for all applications without interpretation and such review is required by the Resolution.

## **ARTICLE 9**

### **ENFORCEMENT AND ADMINISTRATION**

#### **9.1 Enforcement (O.R.C. 519.16)**

Except where herein otherwise stated, the Zoning Inspector shall enforce the provisions of this Resolution.

#### **9.2 Duties of Zoning Inspector**

The Zoning Inspector shall have the power to grant zoning permits, to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this Resolution. The Zoning Inspector may issue zoning permits if the proposed construction or alterations conform with the provisions of this Resolution. The Township Zoning Inspector may for the purpose on investigating an alleged zoning violation enter the site in question, despite objection by the owner or occupant, provided he does so at a reasonable hour, presents proper identification, and conducts his inspection in a reasonable manner (OAG 73-116).

The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Resolution for the purpose of carrying out the provisions of Article 21.

Under no circumstances is the Zoning Inspector permitted to make changes to this Resolution nor to vary the terms of this Resolution in carrying out his duties as Zoning Inspector.

The Zoning Inspector shall not refuse to issue a permit when conditions imposed by this Resolution are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

A site plan and all permits will be submitted to the Zoning Inspector for his review and recommendations. The Zoning Inspector in his review of the site plan shall have regard to the provisions of this Resolution and the recommendations of the appropriate officers. The Inspector may require modification to ameliorate potential problems with traffic, parking, pollution, sewage, nuisances, screening, buffering, lighting, signage, and locations.

#### **9.3 Township Zoning Commission**

The Township Zoning Commission shall meet at least quarterly during the year and may amend or supplement this Resolution. The commission shall recommend to the Township Trustees amendments or supplements to this Resolution. The five (5) members of this board shall be residents of the area covered by this Resolution. The terms of all members shall be on such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Township Zoning Commission shall be removable according to O.R.C. 519.04. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

A. Standards for Recommendations by Zoning Commission

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

1. Is there vacant land in the area already zoned to accommodate this use? If there is considerable land zoned for the requested use, the need to rezone should be carefully analyzed. The fact that zoned land may be more expensive does not mean the Township should rezone more land.
2. What will be the long term effect of the proposed change? What effect would the rezoning have on future land use?
3. How does the proposed change effect services?
4. What is the present character of the existing land use and physical features?
5. What factors make the location well suited for the proposed uses?
6. Would the uses in the proposed district be compatible with the existing and potential development in the area?
7. What effect would the rezoning have on property values?
8. Would the rezoning cause a considerable change in traffic or roads?
9. Is there physical boundaries to separate the new district?

**9.4 Board of Zoning Appeals**

A. Duties

The Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated area covered by this Resolution.

B. Membership and Replacement

The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Township Zoning Board shall be removable according to O.R.C. 519.04. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

C. Meetings O.R.C. 519.15

The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other time as the Board may determine. The chairman, or in his absence, the acting Chairman, may administer oaths and the Township Board of Zoning appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be public record. Records of meeting shall be kept in both written and audio.

#### D. Appeals O.R.C. 519.15

Appeals to the board of Zoning Appeals may be taken by any person aggrieved or by any office of the Township affected by any decision of the Zoning Inspector. An appeal shall be filed with the Zoning Inspector within twenty (20) days after the decision. The Zoning Inspector shall forthwith transmit to the Township Board of Zoning Appeals the appeal and all the papers constituting the record upon which the action appealed from was taken.

The Township Board of Zoning Appeals shall fix a reasonable time for the 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 or more at least ten (10) days before the date of such hearing and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by an attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of Erie County (O.R.C. 2506).

#### E. Authority

The Board of Zoning Appeals shall have the following powers: O.R.C. 519.14

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector.
2. To authorize, upon appeal, in specific cases, 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 provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant conditional zoning permits for the use of land, buildings, or other structures, if such permits for specific uses are provided for in the Zoning Resolution.
4. Revoke an authorized variance or conditional zoning permit granted if any condition of the variance or permit is violated.
5. In exercising the above mentioned powers, such Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

#### F. Standards

In consideration of all appeals for variances, and 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 variance or conditional 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 it is to be located.

2. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, 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 contacts 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 emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. Will be such that the proposed location and height of buildings or structures and location, 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 unreasonable affect their value.
5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
7. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

G. Variance Procedure

1. Variances

- A. A variance allows a landowner to use existing property in a manner not permitted by the Resolution. The Board of Appeal must find that an “unnecessary hardship exists” or “practical difficulties” exist. A variance must be in harmony with the zoning ordinances affecting the property.

Area Variance: Authorizes deviations from restrictions upon the construction and placement of buildings and other structures. To properly issue an area variance the Zoning Board of Appeals must find the Resolution offer “practical difficulties” or “unnecessary hardship.”

Unnecessary Hardship “Test” Use Variance

1. Hardship exists when the only uses permitted by the zoning are not economically feasible.
2. Hardship is unique to this property and not shared by other properties similarly situated.
3. Whether applicant has created his own hardship.
4. Will the variance be in keeping with the public interest and the spirit of the general zoning plan.

## Practical Difficulties "Test" Area Variances

- A. Will the property yield reasonable return or whether there can be beneficial use of the property without the variance.
- B. Whether the essential character of the neighborhood would be altered or whether adjoining properties would suffer detriment as a result of the variance.
- C. Whether the variance would adversely affect governmental services.
- D. Whether the property owner purchased the property with knowledge of zoning restrictions.
- E. Whether the property owner predicament could be obviated through some other method.
- F. Whether the spirit and intent behind the zoning requirement would be observed and justice done by granting the variance.

## 2. Procedure for Approval

### a. Items for Approval

1. Submit a plan of the development to the Township.
2. Name and address of the owner of record.
3. Names and address of all owners of record abutting parcels and those within three hundred (300) feet of the property line.
4. All existing lot lines, easements and right-of-ways and use of structures within three hundred (300) feet of the site.
5. The location and use of all existing and proposed structures in the development.
6. The reason for the variance with an explanation why it should be granted.
7. Variance appeal form.

### b. 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 variance application.

### c. Board of Decision:

The Board of Zoning Appeals shall be governed by the powers, rules and standards. In addition thereto, the minimum standards relative to each conditional use provided in the various articles of this Resolution shall not be modified by the Board.

### d. The Board may Review and Amend:

1. legal provisions
2. traffic-patterns/access
3. parking-facilities/patterns/access
4. pollution-sewage/drainage/noise
5. nuisances-sight/noise
6. screening/buffering/landscaping
7. setbacks
8. services-utilities
9. recommendations of county professionals
10. lot size, building size and locations



11. light
12. signage

## H. CONDITIONAL ZONING PERMIT PROCEDURES

### 1. Statement of Purpose

Certain uses hereinbefore defined in the Resolution are conditionally permitted. Prior to the use of any land, building or 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, and therefore, it is important that individual site consideration be given these proposed uses. The purpose of this subsection is to establish reasonable procedures to insure the proper disposition of conditional zoning permit applications.

### 2. Procedures for Approval

Items Required for Submission:

1. Submit a plan of the development to the Township.
2. Name of project, boundaries, and location map showing location.
3. Name and address of the owner of record.
4. Names and address of all owners of record abutting parcels and those within three hundred (300) feet of the property line.
5. All existing lot lines, easements and right-of-ways and use of structures within three hundred (300) feet of the site.
6. The location and use of all existing and proposed structures in the development.
7. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location and type of screening for all waste.
8. The location, height and, intensity of all external lighting fixtures.
9. The location, size, height, and materials of all signage.
10. The location of all present and proposed utilities: sewage, septic, water, telephone, cable, electrical, storm drainage system.
11. Plans to prevent the pollution of surface or groundwater, erosion of soil, run-off, flooding of other properties.
12. A landscape plan showing all existing natural features, and all proposed changes.
13. Zoning district boundaries of adjacent properties.
14. Traffic flow patterns on site and within three hundred (300) feet
  - a. Projected number of vehicles to enter and leave – daily/peak.
  - b. Traffic flow at major intersections likely to be affected.
  - c. Impact of traffic upon existing public and private ways – daily/peak.
15. Maximum number of parking spaces, employees, seating capacity.

### 3. Standards for Approval

The Zoning Inspector shall in turn convey the application and plans to the Board of Zoning Appeals. The Zoning Board of Appeals shall review the site plan and detailed design and performance standard shall be adopted by the Board for the application before it. Every review will seek consistency and fairness reviewing and amending the application. The Board will review the application and adopt any changes necessary to preserve the spirit of the Zoning Resolutions of Groton Township.

The Board may review and amend:

1. Legal provisions
2. Traffic-patterns/access
3. Parking-facilities/patterns/access
4. Pollution-sewage/drainage/noise
5. Nuisances-sight/noise
6. Screening/buffering/landscaping
7. Setbacks
8. Services-utilities
9. Recommendations of county professionals
10. Lot size, building size and locations
11. Lighting
12. Signage

### 4. 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.

### 5. Board of Decision

The Board of Zoning Appeals shall be governed by the rules and standards. In addition thereto, the minimum standards relative to each conditional use provided in the various articles of this Resolution shall not be modified by the Board.

#### I. Conditional Permit Time Limits

All conditional permits shall expire if not used within one (1) year or an extension granted.

#### J. Temporary Conditional Uses

Temporary conditional use permits may be granted by the Board of appeals for outside fairs, outdoor concerts and like events for a limited amount of time.

## 9.5 Plot Plan

The Zoning Inspector shall require that all applications for zoning permits shall be accompanied by plans and specifications including three (3) copies of a plot plan, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.
5. Right-of-ways and easements are not included in lot size requirements.

## **9.6 Zoning Permits**

The following shall apply in the issuance of any permits:

1. Before constructing, locating, changing the use of, or altering the exterior foundation dimensions 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 permit. 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.

Where a permit is required for any dwelling that involves the disposal of sanitary wastes, a permit for such disposal from the Erie County Health Department shall be required before the issuing of a building permit.

All applicable permits shall be submitted with the permit.

All commercial and industrial permits require a site plan be submitted with the permit. The site plan shall be submitted to appropriate departments for their review and recommendations. The site plan shall be reviewed by the Zoning Inspector and changes may be made based on recommendations and the Zoning Resolutions.

Within a reasonable time after receipt of the application the Zoning Inspector shall issue a zoning permit if the proposed construction, alteration or change of use by 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 permit shall expire and be null and void if not used within one (1) year of issue.

### **2. Permit not to be Issued**

No zoning permit shall be issued for the erection, alteration or use of any building or structure of part thereof, or for the use of any land, which is not in accordance with all provisions of this Resolution.

### **3. Permit for New Use of Land or Buildings**

No new use of land or buildings shall be permitted without a permit for the new or different use.

#### 4. Permit Required

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a zoning permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any change in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affecting or regulated by the Ohio Building Code or this Resolution, except for minor repairs or changes not involving any of the aforesaid features.

5. Permits not required for flag poles, backboards, mailboxes, light poles, clothes poles, decorative structures (not to exceed twenty (20) square feet and located within side and rear yard setbacks).
6. All applications must be signed by the property owners.
7. An increased fee of double the original fee will be assessed for failure to have permits before starting work/project.
8. All requests for temporary buildings are conditional permits and shall be referred to the Board of Zoning Appeals.

#### 9.7 Final Inspection

The holder of every zoning certificate for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the Zoning Inspector immediately upon the completion of the work authorized by such certificate.

#### 9.8 Fees

Fees for the issuance of zoning permits required or issued under the provisions of this Resolution shall be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Trustees upon recommendation of the Zoning Commission and shall cover the cost of inspection and supervision resulting from enforcement of this Resolution. Zoning fees may be waived by resolution of the Township Trustees on a case by case basis.

## **ARTICLE 10**

### **PENALTIES AND OTHER REMEDIES**

#### **10.1 Violations**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or structure, or use any land in violation of any provision of this Resolution, or any amendments and supplements thereto. Any person or entity who violates this Resolution or fails to comply with any of its requirements shall, upon conviction, be fined no more than one hundred (\$100) per violation plus costs.

Any person, firm, corporation starting construction without the necessary permits will be subject to a penalty of double the original cost.

Any zoning permit may be revoked for committing fraud on the application.

#### **10.2 Public Nuisance Per Se**

Any building or structure which is erected, altered or converted or any use of premises or land which is begun or changed subsequent to the time of passage of this Resolution and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

#### **10.3 Fines, Imprisonment**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person or entity who commits, participates in, assists in or maintains a violation may each be found guilty of one or more violations and suffer the penalties provided herein.

#### **10.4 Each Day a Separate Offense**

Each day's continuation of a violation may be deemed a separate offense.

#### **10.5 Additional Remedies**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

In the event of a violation of any provision or requirement of the Resolution, or in the case of an imminent threat of violation, the Zoning Inspector, Board of Trustees, County Prosecuting Attorney, or any neighboring property owner who may be especially damaged may, in addition to other recourse provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove an unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

## **10.6 Stop Work Order**

Subsequent to this determination that work is being done contrary to this Resolution, the Zoning Inspector may issue a stop work order and post it on the premises involved. A copy will be provided to the person(s) committing the violation. A verbal order may be given followed by a written notice to stop work. Removal of a stop work notice or continuation of work will constitute a violation of this Resolution.

# **ARTICLE 11**

## **ZONING DISTRICTS AND BOUNDARIES INTERPRETATION**

### **11.1 Districts**

The unincorporated portions of Groton Township are hereby divided into districts or zones as shown on the Zoning Map, which accompanies this Resolution and is hereby declared to be a part hereof, and they shall hereafter be known as follows:

Ag/Res	Agricultural/Residential District
R-1	Residential District
R-2	Multi-Family Residential District
C-1	Light Commercial District
C-2	Commercial District
I-1	Industrial District
P.B.O.	Professional and Business District
M.A.	Mineral Aggregate Quarry
PUD	Planned Unit Development

### **11.2 Zoning Map**

The boundaries of the zoning districts provided for in this Zoning Resolution are shown on the Map attached hereto, which Map is considered an integral part of the Resolution and is designated as the Official Map for Groton Township. The Zoning Map shall be maintained and kept on file with the Township, and all notations, references and other information shown thereon are a part of this Resolution and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk and shall show thereon the date of its enactment. If, in accordance with the provisions of this Resolution, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within twenty (20) days of the enactment of such modifications, together with an entry on the Official Zoning Map in an amendment schedule adequately keyed to the Map.

### **11.3 District Boundaries Interpreted**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections one through five above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the Map.
7. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections one through six above, the Board of Zoning Appeals shall interpret the district boundaries.



## **ARTICLE 12**

### **AGRICULTURAL/RESIDENTIAL (AG/RES)**

#### **12.1 Statement of Purpose**

The following reasons are given in evidence to support the purposes for which this zoning district is intended to accomplish:

1. Land containing agricultural value should be preserved because it is a vital resource.
2. Land with agricultural value justifies design requirements which attempt to support a town-country spatial relationship.
3. Indiscriminate urbanizing of agricultural lands adversely affects the remaining owners of land pursuing agricultural endeavors by creating urban land values and character.

#### **12.2 Principally Permitted Uses**

In the Ag/Residential District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure, except in accordance with the following provisions:

1. Agriculture uses.
  2. Single family dwelling, both farm and non-farm related (minimum one (1) acre lot – 44,000 sq. ft.).
  3. Accessory uses and buildings incidental to above principal uses.
1. Farm Markets
    1. Fifty percent (50%) of the revenue must come from products grown by the operator.
    2. Structure less than two hundred fifty (250) square feet.
    3. Fifty (50) feet from any side or rear property line.
    4. Setback at least forty (40) feet from street right-of-way.
    5. All signs shall be attached to the structure and shall not exceed five (5) square feet in total area.
    6. Off-street parking must be provided to all employees and customers.

#### **12.3 Conditionally Permitted Uses**

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to and subject further to the terms and conditions herein provided:

1. Churches and other facilities normally incidental, subject to the following conditions:
  - a. A church site shall contain an area of at least three (3) acres.
  - b. The site shall be so located as to have at least one (1) property line abutting a road designated as a Regional, Major or Secondary Thoroughfare. The major ingress and egress to the site shall be directly onto said thoroughfare.
  - c. Wherever the off-street parking area is adjacent to land zoned for residential purposes, a contiguous and obscuring wall not less than four feet six inches (4'6") in height shall be provided along the sides of the parking area adjacent to the residentially zoned land.

- d. Screening/Buffering Plan approved by the Appeals Board.
2. Public and private stables.
3. Cemeteries and other facilities incidental thereto, subject to the following conditions:
  - a. The principal access to the cemetery shall be from a directly adjoining Regional, Major or Secondary Thoroughfare.
  - b. The site shall contain a minimum of twenty (20) contiguous acres of land.
  - c. The perimeter of the entire site shall be fenced in a manner satisfactory to the Board of Zoning Appeals.
4. Golf courses, country clubs, gun clubs, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly to a Regional, Major or Secondary Thoroughfare.
  - b. The site plan shall be laid out to achieve a relationship between the thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
  - c. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that, where topographic conditions are such that building would be screened from view, the Board of Zoning Appeals may modify this requirement.
  - d. The minimum number of off-street parking spaces to be provided shall be one (1) space per person, plus one (1) space per employee.
  - e. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence four (4) feet in height, and entry shall be by means of a controlled gate.
  - f. Such use must comply with parking and light restrictions established by Appeals Board.
5. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools. No school permitted in this subsection shall be located nearer than one-hundred (100) feet to any adjacent zoned single-family property. Every school property shall be surrounded by a minimum five foot (5') chain link fence on property sides, on streets four feet (4').
6. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, all subject to the following conditions:
  - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
  - b. No building or other use of land, except landscaped passive areas, shall be situated within one-hundred (100) feet of any private residence not included as part of this site.
7. Home occupation shall be a permitted use if it complies with the following requirements:
  1. The external appearance of the structure shall not be altered and not more than one (1) sign no larger than two (2') square feet shall be mounted flush to the structure.

2. No internal or external alterations, construction or reconstruction of the premises to accommodate the use will be permitted.
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
4. Not more than twenty five percent (25%) of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials, or chemicals shall be used which create noise, vibration, smoke, dust, heat, glare, electrical disturbances or other nuisance.
6. No additional parking demand shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
8. Home occupations shall not be permitted in accessory buildings.

#### **12.4 Farm Dwellings Not Considered Incidental to Agriculture**

A structure used only as a dwelling and any accessory structures accessory to that dwelling are not considered incidental to an agricultural use of land. All permitted dwellings and accessory structures shall be subject to zoning permits and all other regulations of the Zoning Resolution.

#### **12.5 Agricultural Uses Prohibited/Regulated (O.R.C. 519.21)**

In all zoning districts containing any platted subdivision or in any area consisting of fifteen or more lots that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road:

1. Agricultural uses are prohibited on lots of one (1) acre or less.
2. On lots greater than one (1) acre, but not greater than five (5) acres, buildings and structures incidental to use of the land to agricultural purposes shall meet the requirements of AGR; all agricultural buildings and structures shall be located in the rear of any dwelling, shall not be located in any required side yard; and shall not be located within one-hundred (100') feet of any property line.
3. On lots of five (5) acres or less, but greater than one (1) acre, if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property tax or the tax on manufactured homes.

#### **12.6 Agricultural Uses Which Become Non-Conforming In a Platted Subdivision**

On lots of five (5) acres or less; after thirty-five percent (35%) of the lots are developed, existing dairying and animal and poultry husbandry shall be considered a non-conforming use of land and buildings and structures.

#### **12.7 Area, Height and Placement Requirements**

Area, height and placement requirements, unless otherwise specified, are as provided in the "Schedule of Regulations."

## **ARTICLE 13**

### **RESIDENTIAL (R-1)**

#### **13.1 Statement of Purpose**

The residential district is designed to provide a detached dwelling environment with supporting ancillary uses. This district is primarily intended to permit the subdivision of land for residential purposes, with lot sizes sufficiently large to assure adequate space on the lot for individual water and/or sewerage services. The District may also be utilized in areas containing water and sewer systems, to provide the amenities of the larger lot.

1. To permit a degree of urbanization of lands which are agricultural by in large.
2. Because of the above consideration, and because there is a demand for non-farm residences within a rural environment, the R-1 District provides an opportunity to satisfy one's housing preference without unduly contributing to uneconomical urban sprawl conditions.
3. The R-1 District will lessen urbanizing forces on good agricultural land and reduce the possible mixture of farm and non-farm dwellings which have several undesirable effects, including assessment practices and weed problems related to uncultivated land.

#### **13.2 Principally Permitted Uses**

In the R-1 District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure, except in accordance with the following provisions:

1. Single family dwelling (minimum lot size 37,500 sq. ft.).
2. Publicly and privately owned and operated libraries and parks.
3. Accessory uses and buildings incidental to above principal uses.

#### **13.3 Conditionally Permitted Uses**

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to and subject further to the terms and conditions herein provided:

For all conditionally permitted uses, a site plan shall be submitted to the Township board of Zoning Appeals for its review and recommendations. The Board of Zoning Appeals, in its review of the site plan, shall have regard to the provisions of Article 9.4. The Board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system.

1. Nursery schools, day nurseries and child care centers (not including dormitories), providing that for each child so cared for, there shall be provided and maintained a minimum of one-hundred and fifty (150) square feet of outdoor play area. Such play space shall have a minimum area of not less than five-thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district. Said use shall not be permitted in the interior of any residential block, and shall be located adjacent to a multiple family or business district. The following conditions:
  - a. A church site shall contain an area of at least three (3) acres.

- b. The site shall be so located as to have at least one (1) property line abutting a road designated as a Regional, Major or Secondary Thoroughfare. The major ingress and egress to the site shall be directly onto said thoroughfare.
  - c. Wherever the off-street parking area is adjacent to land zoned for residential purposes, a contiguous and obscuring wall not less than four feet six inches (4'6") in height shall be provided along the sides of the parking area adjacent to the residentially zoned land.
  - d. Screening/Buffering approval by Appeals Board.
2. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools. No school permitted in this subsection shall be located nearer than one-hundred (100) feet to any adjacent zoned single family property. Every school property shall be surrounded by a minimum of five (5) foot chain link fence on property sides on streets four (4) feet.
  3. Swimming pool clubs consisting of members residing within the immediate area of the swimming pool, or from a membership who are owners of lots within the recorded subdivision in which the pool is situated. Said subdivision may have been recorded in stages, and subdivision in this sense shall consist of the various stages of development. Said pool shall be for the exclusive use of the membership, as conditioned above, and their guests, all subject to the following conditions:
    - a. As a condition of the original granting of such a permit and the operation of such swimming pool clubs and subdivision in which said pool is to be situated, shall have been so advertised in the development promotion of the said subdivision so that all purchasers of lands in the subdivision are adequately put on notice as to the location of the pool. Prior to the granting of a conditional use permit, the Board of Zoning Appeals shall determine that the location of the pool and the organization of the swimming pool was in fact public knowledge to those owners of lands in the subdivision in question.
    - b. Front, side and rear yards shall be at least eighty feet (80') wide, except on those sides adjacent to non-residential districts, wherein it shall be ten feet (10'), and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fence uses to obscure the use from abutting residential districts.
    - c. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
    - d. When the parking plan is so laid out as to beam automobile headlights toward any residential land, a wall, at least four feet six inches (4'6") in height, shall be provided along the entire side of the parking area, and said wall shall further be subject to the requirements of Article 25, "General Provisions."
    - e. When a swimming pool is constructed under this section of the Zoning Regulation, said pool area shall be provided with a protective fence four feet (4') in height, and entry shall be provided by means of a controlled gate. A controlled access shall be provided for above ground swimming pools.

- f. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members at one time. Prior to the issuance of a conditional use permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of Article 25.
  - g. All plans for storm sewers, sanitary sewers, and other utilities shall be reviewed and approved by the County Engineer and Sanitary Engineer.
4. Community Recreation Centers subject to the following conditions:
- a. Provision for the land and/or building shall have been identified in the original platting of the land, such that all subsequent lot purchasers were duly placed on notice. Prior to the issuance of a conditional use permit, the Board of Zoning Appeals shall, within thirty (30) days, determine that such affected area residents were able to determine that such facilities were a part of the original development scheme. Evidence to this effect would include a provision in the plat.
  - b. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a Regional, Major or Secondary Thoroughfare and the site shall be so planned as to provide all ingress and egress directly onto or from said thoroughfare.
  - c. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
  - d. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members at one time. The Board of Zoning Appeals may modify the off-street parking requirements in those instances where it is specifically determined that the users will originate from the immediate adjacent areas, and will therefore be pedestrians. Prior to the issuance of a conditional use permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Board of Zoning Appeals on the basis of usage.
5. Golf courses, subject to the following conditions:
- a. The site shall be so planned as to provide all ingress and egress directly to a Regional, Major or Secondary Thoroughfare.
  - b. The site plan shall be laid out to achieve a relationship between the thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
  - c. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two (2)-

hundred feet (200') from any property line of abutting residentially zoned lands; provided that, where topographic conditions are such that building would be screened from view, the Board of Zoning Appeals may modify this requirement.

- d. The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole, plus one (1) space per employee, plus spaces as required under Article 25, "Off Street Parking," for each accessory use, such as a restaurant or a bar.
  - e. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence four feet (4') in height, and entry shall be by means of a controlled gate.
  - f. Such use must comply with Article 25 regarding parking and lighting and location of the pool and the golf course parking and building locations.
6. Home Occupation shall be a permitted use if it complies with the following requirements:
1. The external appearance of the structure shall not be altered and not more than one sign on larger than two (2) square feet shall be mounted flush to the structure.
  2. No internal or external alterations, construction or reconstruction of the premises to accommodate the use will be permitted.
  3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
  4. No equipment, process, materials, or chemicals shall be used which create noise, vibration, smoke, dust, heat, glare, electrical disturbances or other nuisance.
  5. No additional parking demand shall be created.
  6. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
  7. Home occupations shall not be conducted in an accessory building.
7. Two (2) Family Dwelling
1. Lot size must exceed sixty thousand (60,000) square feet.
  2. Off-street parking shall be provided for at least four (4) cars.
  3. No on-street parking is permitted.
  4. The conversion of existing residences is hereby permitted, provided that further encroachment into required yard areas is not necessary and provided that the following conditions are met:
    - a. Conversion is prohibited in the event a lot is less than one-hundred (100) feet in width.
    - b. Conversion is prohibited if the effect of said conversion is to increase the lot coverage to more than thirty-five percent (35%).
    - c. When converted, no dwelling unit shall contain floor area of less than six hundred (600) square feet.

### **13.4 Area, Height and Placement Requirements**

Area, height and placement requirements, unless otherwise specified, are as provided in the "Schedule of Regulations."

## **ARTICLE 14**

### **MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)**

#### **14.1 Statement of Purpose**

The R-2 District is designed to provide for a multiple housing environment with townhouses and garden apartments constituting the principal type dwelling accommodations. The District must be adequately supported with necessary public utilities.

#### **14.2 Principally Permitted Uses**

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

1. Single family dwelling (minimum lot size 44,000 sq. ft.).
2. Publicly and privately owned and operated libraries and parks.
3. Multiple family dwelling units, including apartments, townhouses and rowhouses.
4. Accessory buildings and uses customarily incidental to any of the above uses.

#### **14.3 Conditionally Permitted Use**

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to and subject further to the terms and conditions herein provided:

For all conditionally permitted uses a site plan shall be submitted to the Township Board of Zoning Appeals for its review and recommendations. The Board of Zoning Appeals, in its review of the site plan, shall have regard to the provisions of Article 9.4. The Board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system.

1. All uses conditionally permitted in R-1.
2. Senior housing, which shall not exceed a height of two and one-half (2-1/2) stories. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:
  - a. Cottage-type dwellings and/or apartment type dwelling units.
  - b. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops.
  - c. All dwellings shall consist of at least three hundred and fifty square feet (350') per unit (not including kitchen and sanitary facilities).
  - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the total site exclusive of any dedicated public right-of-way.
3. Convalescent and/or nursing home, not to exceed a height of two (2) stories, when the following conditions are met:



The site shall be developed as to create a land to building ratio on the lot or parcel, whereby for each one (1) bed in the convalescent home, there shall be provided not less than fifteen hundred square feet (1,500) of open space. The fifteen hundred square feet (1,500) of land area per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements and space required for accessory uses. No building shall be closer than forty (40) feet from any property line.

#### **14.4 Area, Height and Placement Requirements**

Area, height and placement requirements, unless otherwise specified, are as provided in the "Schedule of Regulations."

## **ARTICLE 15**

### **PROFESSIONAL, BUSINESS and OFFICE P.B.O. DISTRICT**

The P.B.O. District is designed to encourage the grouping of similarly related land uses by centralizing office activities, facilities, pedestrian movement and convenience. The clustering of office uses, as a district from retail activities is desirable. A P.B.O. District can provide a buffer between districts.

#### **15.1 Permitted Use**

The following uses shall be permitted in the P.B.O. District

Veterinary Services without outdoor facilities  
Travel Agencies  
Telephone Communication Offices  
Television and Radio Broadcasting  
Museums  
Government Offices  
Legal Services  
Health/Medical Services  
Dance Studios  
Investment Companies  
Real Estate  
Insurance Agencies  
Banks  
Cable TV Office  
Depository Institutions  
Professional Services, not otherwise classified  
Social Services  
Customary Accessory Buildings

#### **15.2 Conditional Permitted Uses**

The Board of Zoning Appeals will review all site plans. The Board may require certain modifications in terms of location of buildings, parking, driveways, landscaping, buffering, and nuisances to reduce or eliminate potential problems with adjoining districts. The following uses may be allowed provided an acceptable site plan is approved:

Drive-in Facility

Developed in association with a permitted use only. A site plan showing building layout, parking, and access must be approved. No voice amplified menu board is permitted within one hundred fifty feet (150) of a residence. A completely obscuring wall at least six feet (6) high shall be provided when abutting or adjacent to any residential district.

Funeral Service  
Barber/Beauty Shops  
Photographic Studios  
Testing Labs

Veterinary Services with outdoor runs provided runs are not within two hundred (200) feet of a residence

Eating and Drinking Places– no adult businesses

### **15.3 Development Conditions**

1. A site plan and all required permits (Ohio, Erie County, Federal, and Groton Township) shall be submitted to the Zoning Inspector.
2. All lights shall be downcast and directed away from site boundary lines to avoid glare.
3. Points of ingress and egress shall be located as far as practical from the intersection of two (2) public streets but in no event closer than fifty (50) feet.
4. Vehicular approaches shall be designed as not to interfere with surrounding public roads. The development of shared access points, parking areas, and the development of service roads with those of existing or planned uses will be encouraged. A goal is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. Each lot is permitted to have one single, two (2)-way driveway unless a second driveway is more desirable for traffic movement as determined by the Engineer. New driveways shall be aligned with existing driveways across the street unless such alignment is shown to be undesirable. The centerline of opposing driveways shall be offset by at least one hundred feet (100').
5. Parking spaces shall be provided as required.
6. All operations shall be conducted within a completely enclosed building.
7. No outdoor storage shall be permitted. Semi-trailers, pods, or vans, with or without wheels shall be considered outdoor storage.
8. The existing or intended character of the general vicinity shall not change.
9. Accessory building shall meet the two percent (2%) limitation and shall not be used to conduct business.

### **15.4 Development Standards**

1. Minimum Lot Size
  - a. One or more buildings or permitted uses may be placed on a lot, however the structure shall not occupy more than fifty percent (50%) of a lot, nor in total gross floor area exceed eighty percent (80%) of the lot area.
  - b. At least twenty percent (20%) of the lot must be landscaped open space.

#### **2. Minimum Setbacks of Buildings**

- a. One hundred feet (100') from the road right-of-way on state and county roads.
- b. Fifty feet (50') from township roads.

#### **3. Minimum Lot Width**

Minimum lot width is required three hundred feet (300') on state and county highways and two hundred feet (200') on township roads. All lots shall abut a public street and have adequate width to provide the yard space required. v

#### 4. Minimum Side Yard

- a. When adjacent to a residential district the side yard shall be at least one-quarter ( $\frac{1}{4}$ ) the sum of the height of the structure and the length of the wall most nearly parallel to the rear lot line, but in no case shall it be less than fifteen (15) feet.
- b. When adjacent to a commercial district the side yard shall be at least ten (10) feet.

#### 5. Minimum Rear Yard

When adjacent to a residential district the rear yard shall be at least one-quarter ( $\frac{1}{4}$ ) the sum of the height of the structure and length of the wall most nearly parallel to the rear lot line, but in no case shall it be less than fifteen feet (15').

#### 6. Front Green Belt

- a. A landscaped area of at least fifteen feet (15') in width shall be provided between the existing street right-of-way line and any paved area.
- b. All buildings shall be setback a distance of at least fifty feet (50') from the road right-of-way and one hundred feet (100') from a state route.

#### 7. Maximum Height

Thirty-five feet (35').

## **ARTICLE 16**

### **COMMERCIAL NEIGHBORHOOD (C-1)**

The Commercial Neighborhood District is intended to encourage small retail establishments to promote convenient shopping to residential neighborhoods. All goods produced on the premises shall be sold at retail on the premises where produced.

#### **16.1 Permitted Uses**

The following uses shall be permitted in the C-1 District:

Uses permitted in the P.B.O. District shall be permitted in the C-1

- Food Stores
- Clothing Stores
- General Merchandise
- Paint, Light Stores
- Tax Return Preparation
- Funeral Parlors
- Beauty Shops
- Florists
- Gift Shops
- Camera Shops
- Hobby Shops
- Jewelry Stores
- Sporting Goods
- Liquor Stores
- Drug Stores
- Video Rental
- Clothing Repair
- Barber Shops
- Photography Studios
- Self Service Laundries
- Optical Shops
- News Stands
- Leather Goods
- Card Stores
- Book Stores (not adult)
- Furniture Stores
- Landscape Services
- Eating and Drinking Places (except those establishments providing adult entertainment)
- Hardware Stores
- Accessory Structures incidental to the above permitted uses

#### **16.2 Conditional Permitted Uses**

The township Board of Zoning Appeals pursuant to and subject further to the terms and conditions herein provided may permit the following uses:

For all conditionally permitted uses, an application and site plan shall be submitted to the Board of Zoning Appeals for its review and recommendations. The Board may require certain modifications in terms of location of buildings, parking, driveways, landscaping, buffering, and nuisances to reduce or eliminate potential problems with adjoining districts.

Automotive Services as follows:

Gasoline Service Stations

General Auto Repair Shops

Car Washes

Provided the following conditions are met:

- a. No exterior storage of damaged autos.
- b. Fifteen (15) foot perimeter landscaped green must be maintained around the perimeter of the lot.
- c. All pole lighting must be downward cast to avoid glare.
- d. Solid fence or dense evergreens at least five (5) feet high at planting shall be used to screen any permitted uses or adjacent to a residential use.
- e. The curb cuts for ingress and egress shall be no less than fifty (50) feet from a street intersection or adjacent residential districts.
- f. The minimum lot area shall be ten thousand (10,000) square feet with minimum lot sides of one hundred (100) feet each.

Planned Shopping Center

1. Developed as a unit.
2. Three (3) or more acres.
3. Two (2) or more stores.
4. Floor area less than ten thousand (10,000) square feet.
5. A planting strip of fifteen (15) feet around the perimeter
6. Solid fence or dense evergreens along residential property lines five (5) feet.
7. No main/accessory building less than one hundred (100) feet from property line.
8. A landscape plan to be submitted for screening/buffering.
9. All signs affixed to the building with a uniform design except for one (1) ground sign advertising the name of the center.

Drive-in Facility

Developed in association with a permitted use only. A site plan showing building layout, parking, and access must be approved. No voice amplified menu board is permitted within one hundred fifty (150) feet of a residence and a completely obscuring wall at least six (6) feet high shall be provided when abutting or adjacent to any residential district.

### 16.3 Development Conditions

1. A site plan and all required permits (Ohio, Erie County, Federal, and Groton Township) shall be submitted to the Zoning Inspector.
2. No commercial development exceeding ten thousand (10,000) square feet floor area.
3. All lights shall be downcast and directed away from site boundary lines to avoid glare.
4. Points of ingress and egress shall be located as far as practical from the intersection of two (2) public streets but in no event closer than fifty (50) feet.
5. Vehicular approaches shall be designed as not to interfere with surrounding public roads. The development of shared access points, parking areas, and the development of service roads with those of existing or planned uses will be encouraged. A goal is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. Each lot is permitted to have one (1) single, two (2)-way driveway unless a second driveway is more desirable for traffic movement as determined by the engineer. New driveways shall be aligned with existing driveways across the street unless such alignment is shown to be undesirable. The centerline of opposing driveways shall be offset by at least one hundred (100) feet.
6. Parking spaces shall be provided as required.
7. All operations shall be conducted within a completely enclosed building.
8. No outdoor storage shall be permitted. Semi-trailers, pods or vans, with or without wheels shall be considered outdoor storage.
9. The existing or intended character of the general vicinity shall not change.
10. Accessory buildings within the two (2) percent limitation but not to be used to carry on business.

### 16.4 Development Standards

The following standards for arrangement and development of lands shall be required in the C-1 District.

#### 1. Minimum Lot Setbacks for Buildings

- a. One hundred (100) feet from the road right-of-way on state and county roads.
- b. Fifty (50) feet from the road right-of-way on township roads.

#### 2. Lot Width

There shall be a lot width of not less than three hundred (300) feet abutting on and having access to a public street. It may be reduced to two (2) hundred fifty (250) feet for a corner lot abutting two (2) (2) intersecting streets.

#### 3. Minimum Side Yard (No less than fifteen (15) feet)

When adjacent to residential district the side yard shall be one quarter ( $\frac{1}{4}$ ) the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line.

#### 4. Minimum Rear Yard (No less than twenty (20) feet)

One quarter ( $\frac{1}{4}$ ) rule applies to residential district. A use to be serviced from the rear shall have a service court or alleyway thereof not less than forty (40) feet wide.

5. Front Green Belt

A landscaped area at least fifteen (15) feet in width shall be provided between the existing right-of-way lines.

6. Maximum Height (Thirty-eight (38) feet)

7. Minimum Landscaped Open Space Twenty (20) percent of the lot area



**ARTICLE 17**

**COMMERCIAL SERVICE (C-2)**

The C-2 District is designed to accommodate all types of business requiring larger sites, to serve passing motorists, regional as contrasted to local, and combinations of retail, wholesale, and repair.

**17.1 Permitted Uses**

The following uses shall be permitted in a C-2 District:

- Retail sales of automobiles, boats, motorcycles, travel trailers
- Warehousing
- Lumber
- Machinery
- Hardware and plumbing
- Trucking
- Storage
- Landscape services
- Air/courier services
- Building/garden supplies
- Furniture/home furnishing
- Amusement/recreation services
- Merchandise stores/clubs
- Publishing/printing
- Gasoline service stations
- Repair shops
- Motion picture theatres (adult theaters prohibited)

**17.2 Conditional Permitted Uses**

The Township Board of Zoning Appeals pursuant to and subject further to the terms and conditions herein provided may permit the following uses:

For all conditionally permitted uses, an application and site plan shall be submitted to the Board of Zoning Appeals for its review and recommendations. The board may require certain modifications in terms of location of buildings, parking, driveways, landscaping, buffering, and nuisances to reduce or eliminate potential problems with adjoining districts.

**17.3 Conditional Uses**

The following uses may be allowed in the C-2 District subject to approval by the Board of Zoning Appeals provided they can meet the following conditions:

1. A thirty (30) foot greenbelt and opaque perimeter evergreen screening six (6) foot high is provided adjacent to residential uses.
2. A thirty (30) foot wide greenbelt between the existing street right-of-way and any structure or paved area.

3. All lighting shall be directed downward. No lighting shall be directed outward from the buildings toward surrounding properties.
4. A landscape plan prepared by a registered landscaped architect and a building elevation are approved by the Board of Zoning Appeals.
5. When abutting residential zones there shall be no exterior storage.

#### Trade Services

##### Residential contractors

General building

Highway

Carpenter

Concrete

Roofing

Masonry

Electrical

Painting

Plumbing

Local Processing

Meats

Dairy

Bread

Candy

Soft drinks

Ice

##### Mini-Warehousing

1. No less than two (2) (2) acres.
2. The lot will abut and gain access to a public road.
3. No other business activity and no outside storage.
4. Enclosed by a six (6) foot high sight proof fence.
5. Screening/buffering between property lines and fence.
6. Signs are limited to one (1) ground sign at entrance thirty-two (2) (32) square feet.
7. Dustless internal drives.
8. All lighting and glare will be focused down and away from adjoining property.
9. Stormwater management will be provided.
10. No sales from any unit
11. Units will not be utilized for human habitation

##### Hotels and Motels

1. Site plan review.
2. Any lot used for motel/hotel shall not be less than one (1) acre in area and shall not contain less than two (2) thousand (2,000) square feet per sleeping unit.
3. No outside storage or display.
4. The buildings and structures shall not occupy more than twenty-five (25) percent of the area of the lot.
5. Permitted uses in hotel/motel limited to services to guests.

6. Restaurants serving the general public are permitted.

#### Drive-in Facility

Developed in association with a permitted use only. A site plan showing building layout, parking, and access must be approved. No voice amplified menu board is permitted within one hundred fifty (150) feet of a residence and a completely obscuring wall at least six (6) feet high shall be provided when abutting or adjacent to any residential district.

#### Hospitals

1. Sites consisting of at least ten (10) acres.
2. The site will have at least one (1) property line abutting a public thoroughfare. All ingress and egress shall be directly from a said thoroughfare.
3. In the event one (1) or more boundaries are opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential boundary shall be at least one hundred (100) feet from a building containing two (2) (2) stories or less. For buildings above two (2) (2) stories the building setback from the initial one hundred (100) foot setback will be one (1) foot for each foot of additional height above two (2) (2) stories.
4. Minimum distance from any street line shall not be less than forty (40) feet.
5. Ambulances and delivery areas shall be obscured from all residential districts by a wall at least six (6) feet in height and sound reducing.

#### Open Air Commercial Amusements

Open air commercial amusements, including but not limited to miniature golf courses, batting cages, and mini race car or go-cart tracks, 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.

#### Planned Shopping Centers – Commercial Establishments

1. Three (3) or more acres.
  2. Ten thousand (10,000) or more square feet.
- a. Procedure for Shopping Centers

#### Submission of Application

## Development Plan

Ten (10) copies of the development plan prepared by a licensed architect in Ohio. The plan shall include:

1. The proposed location and size of industrial areas and non-industrial uses within the site.
2. The proposed uses, processes, operations, and tenant types and any restrictions placed on uses.
3. Water, sanitary sewer, industrial waste disposal, drainage facilities including engineering studies.
4. Traffic patterns, access drives, parking and pedestrian walks.
5. Any potential traffic impacts and improvements necessary.
6. Landscaping, lighting, and signage including location, appearance and size.
7. Site topography including watercourses, surface water bodies, vegetation, wetlands and other natural features.
8. Depiction of all existing utility easements, drainage improvements and wastewater facilities.
9. Schedule of site development.
10. Relationship of proposed development to existing and future land use.
11. Evidence of control over property rights and engineering to prepare required improvements.

## Shopping Center Development Standards

### a. Minimum Lot Size: 3 acres

Lot width:

There shall be a lot width of not less than three hundred (300) feet abutting on and having access to a public street. It may be reduced to two (2) hundred fifty (250) feet for a corner lot abutting two (2) intersecting streets.

### b. Minimum side yard (no less than fifteen (15) feet)

When adjacent to residential district, the side yard shall be one quarter ( $\frac{1}{4}$ ) the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line.

### c. Minimum rear yard (no less than twenty (20) feet)

One quarter ( $\frac{1}{4}$ ) rule applies to residential district. A use to be serviced from the rear shall have a service court or alleyway thereof not less than forty (40) feet wide.

### d. Front green belt

A landscaped area at least fifteen (15) feet in width shall be provided between the existing right-of-way lines.

### e. Maximum height (thirty-eight (38) feet).

### f. Minimum landscaped open space

Twenty (20) percent of the lot area shall be landscaped open space.

### g. The location and arrangement of structures, parking, access roads, outdoor lighting, signs, and other uses shall be established to assure compatibility with all land use and development in the vicinity. The development plan should include walks, fences, landscaping and other devices.

### h. All areas designated for future expansion shall be specified as Reserve Areas. Reserve Areas shall be landscaped or otherwise maintained in a neat and orderly manner.

### i. All off-street parking, loading, and service area shall be provided according to this Resolution.

## 17.4 Development Conditions

1. A site plan and all required permits (Ohio, Erie County, Federal and Groton Township) shall be submitted to the Zoning Inspector.
2. All lights shall be downcast and directed away from site boundary lines to avoid glare.
3. Points of ingress and egress shall be located as far as practical from the intersection of two (2) public streets but in no event closer than fifty (50) feet.
4. Vehicular approaches shall be designed as not to interfere with surrounding public roads. The development of shared access points, parking areas, and the development of service roads with those of existing or planned uses will be encouraged. A goal is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. Each lot is permitted to have one single, two (2)-way driveway unless a second driveway is more desirable for traffic movement as determined by the engineer. New driveways shall be aligned with existing driveways across the street unless such alignment is shown to be undesirable. The centerline of opposing driveways shall be offset by at least one hundred (100) feet.
5. Parking spaces shall be provided as required in Article 21.
6. All operations shall be conducted within a completely enclosed building.
7. No outdoor storage shall be permitted. Semi-trailers, pods or vans, with or without wheels shall be considered outdoor storage.
8. The existing or intended character of the general vicinity shall not change.
9. Accessory buildings limited by two (2) percent and no business to be carried out.

## 17.5 Development Standards C-2

The following standards for arrangement and development of lands shall be required in the C-2 District.

1. Minimum Setbacks for Buildings
  - a. One hundred (100) feet from the road right-of-way on state and county roads.
  - b. Fifty (50) feet from the road right-of-way on township roads.
2. Lot Width

There shall be a lot width of not less than three hundred (300) feet abutting on and having access to a public street. It may be reduced to two (2) hundred and fifty (250) feet for a corner lot abutting two (2) (2) intersecting streets.
3. Minimum Side Yard (no less than fifteen (15) feet)

When adjacent to residential district the side yard shall be one quarter ( $\frac{1}{4}$ ) the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line.
4. Minimum Rear Yard (no less than twenty (20) feet)

One quarter ( $\frac{1}{4}$ ) rule applies to residential district. A use to be serviced from the rear shall have a service court or alleyway thereof not less than forty (40) feet wide.
5. Front Greenbelt

A landscaped area at least fifteen (15) feet in width shall be provided between the existing right-of-way lines.

6. Maximum Height (thirty-eight (38) feet)

7. Minimum Landscaped Open Space

Twenty (20) percent of the lot area shall be landscaped open space.

### **Supplementary Development Standards**

#### All Motorized Dealers

1. All areas shall be maintained with grass or natural vegetation.
2. Repair and service shall be conducted within an enclosed structure permanently located.
3. All lighting downcast with no direct glare on adjoining residential property. All lighting is submitted to the Board of Zoning Appeals. No string lights shall be permitted.
4. Attention getting devices such as banners, posters, pennants, ribbons, streamers or other similar moving devices shall be prohibited.
5. Noise attention getting devices or music shall be controlled and shall not have a decibel level of seventy (70) as measured at the property line.
6. Access will be limited to entrance/exit only.
7. The required parking setback shall be established by the placement of bumper guards designed to prohibit direct access from the display area onto the public right-of-way. Bumper guards shall be permanently attached to the ground and be designed for this purpose.

## **ARTICLE 18**

### **INDUSTRIAL DISTRICT (I-1)**

The Industrial Zoning Districts are intended to define and protect areas suitable for development of a variety of activities and set forth development standards for the mutual protection of industrial development and areas of other land use in the vicinity. Industry should be protected from intrusion of other land uses, which neither perform a function appropriate to an industrial environment nor provide an essential service to the establishments or the employees of the industrial area.

The Industrial Districts are intended to encourage the development and maintenance of industrial areas providing a location for industries. Important in determining the location and size of these industrial areas is accessibility of the location to regional transportation, especially highways, the availability of utilities and the adequacy of fire and police protection. The topography of the area should be relatively level with no flood hazard. These industrial areas may be in close proximity to other land uses, but whenever possible appropriate physical features should be maintained as boundaries.

The I District is to permit certain industrial uses to locate in desirable areas of the Township, which uses are primarily of a manufacturing, assembling, and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad and needing special sites or public utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries, which will not cause adverse effects on residential and commercial areas in the Township. Uses, which are incompatible with the permitted industrial uses are prohibited.

#### **18.1 Principally Permitted Uses**

Manufacturing:

- Chocolate products
- Chewing gum
- Tobacco Products
- Sawmills and planing mills
- Wood products
- Wooden containers
- Stone, clay, glass products
- Iron and steel mills
- Metal cans
- General hardware
- Heating and plumbing fixtures
- Structural metal products
- Screw machine products
- Metal stampings
- Fabricated wire and metal products
- Service industry machines
- Office equipment
- Industrial machinery and equipment
- Metalworking machinery

Construction machinery  
Farm machinery and equipment  
Engines and turbines  
Heavy construction contractors  
Prepared meats  
Dairy products  
Grain mills  
Beverage industry  
Textile products  
Lumber and wood products  
Furniture and fixtures  
Paperboard container  
Paper products  
Leather goods  
Sheet metal work  
Machine shops  
Household appliances  
Lighting  
Audio and video equipment  
Transportation equipment  
Musical instruments  
Toys, amusements, sporting goods  
Office supplies  
Jewelry  
Novelties

Wholesaling:

Furniture  
Dry goods and apparel  
Groceries  
Electrical goods  
Hardware, plumbing and heating  
Machinery equipment

Commercial Establishments:

Eating and drinking places  
Banks  
Credit institutions  
Savings and loan  
Drugs  
Wholesale trade  
Package delivery



## 18.2 Conditional Permitted Uses

Laboratories – provided the following conditions are met:

1. No radioactive or hazardous waste is generated or stored.
2. No electronic, electric or magnetic interference is generated which exceeds property lines.

Adult Businesses

1. No adult businesses shall be operated on a parcel of real estate within one thousand (1,000) feet from the boundaries of another parcel of real estate having situated on it a school, church, cemetery, library, park, tavern, bar, residence, or another adult business. For the purposes of this section, distances shall be measured in a straight line from property line to property using the closest property line.
2. All adult businesses shall comply with all applicable regulations of the Board of Trustees and the Zoning Resolution of Groton Township.

## 18.3 Required Conditions

1. A site plan and all required permits (Ohio, Erie County, Federal and Groton Township) shall be submitted to the Zoning Inspector.
2. All lights shall be downcast and directed away from site boundary lines to avoid glare.
3. Points of ingress and egress shall be located as far as practical from the intersection of two (2) public streets but in no event closer than fifty (50) feet.
4. Vehicular approaches shall be designed as not to interfere with surrounding public roads. The development of shared access points, parking areas, and the development of service roads with those of existing or planned uses will be encouraged. A goal is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. Each lot is permitted to have one single, two (2)-way driveway unless a second driveway is more desirable for traffic movement as determined by the Engineer. New driveways shall be aligned with existing driveways across the street unless such alignment is shown to be undesirable. The centerline of opposing driveways shall be offset by at least one hundred (100) feet.
5. Parking spaces shall be provided as required in Article 21.
6. All operations shall be conducted within a completely enclosed building.
7. No outdoor storage shall be permitted. Semi-trailers, pods or vans, with or without wheels shall be considered outdoor storage.
8. The existing or intended character of the general vicinity shall not change.

## 18.4 Development Standards

1. Minimum Lot Size
  - a. Minimum lot frontage           400 feet  
Minimum lot size                2 acres
  - b. Lot size must be adequate to meet standards and the following provisions:
  - c. Minimum setbacks for buildings on state and county routes shall be one hundred (100) feet from the road right-of-way and fifty feet (50) from the road right-of-way on township roads.

2. Intensity of Use

A primary use shall be entirely enclosed within a structure. Open storage and walls or fences shall screen service areas at least six (6) feet, but not more than twelve (12) feet in height. They shall effectively conceal production, storage, service and loading from adjoining streets and districts.

3. Minimum Side Yards

The required side yards shall be equal to one third the sum of the height and length of the wall most parallel to the interior lot line or fifteen (15) feet, whichever is greater. Where fireproof buildings abut, no side yard is required. When abutting a residential district the side yard requirement is a minimum of fifty (50) feet or the greater of the above sum.

4. Rear Yards – same as side yard requirements.

5. Maximum Height – seventy five (75) feet.

6. Front Green Belt – A landscaped area of at least twenty (20) feet in width shall be provided between the existing street right-of-way line and any structure or paved areas.

7. Minimum Landscaped Area – At least fifteen (15) percent of the lot area must be landscaped open space for lots of five (5) acres or less. Lots greater than five (5) acres may be reduced to seven (7) percent, but all standards must be met.

## **ARTICLE 19**

### **INDUSTRIAL PARK DISTRICT I-2**

The Industrial Zoning Districts are intended to define and protect areas suitable for development of a variety of activities and set forth Development Standards for the mutual protection of industrial development and areas for other land use in the vicinity. Industry should be protected from intrusion of other land uses, which neither perform a function appropriate to an industrial environment nor provide an essential service to the establishments or the employees of the industrial area. The Industrial Districts are intended to encourage the development and maintenance of industrial areas providing a location for industries. Important in determining the location and size of these industrial areas is accessibility of the location to regional transportation, especially highways, the availability of utilities, and the adequacy of fire and police protection. The topography of the area should be relatively level with no flood hazard. These industrial areas may be in close proximity to other land uses, but whenever possible appropriate physical features should be maintained as boundaries.

#### **19.1 Permitted Uses**

Manufacturing, processing, warehousing and industrial service.  
Commercial establishments associated with industrial establishments.

#### **19.2 Procedure**

Submission of Application:

The owner or owners of a tract of land twenty-five (25) acres or more in area may request that the zoning district may be changed to I-2.

Development Plan:

Ten (10) copies of the development plan prepared by a licensed architect in Ohio. The plan shall include:

1. The proposed location and size of industrial areas and non-industrial uses within the site.
2. The proposed uses, processes, operations, and tenant types and any restrictions placed on uses.
3. Water, sanitary sewer, industrial waste disposal, drainage facilities including engineering studies.
4. Traffic patterns, access drives, parking and pedestrian walks.
5. Any potential traffic impacts and improvements necessary.
6. Landscaping, lighting, and signage including location, appearance and size.
7. Site topography including watercourses, surface water bodies, vegetation, wetlands and other natural features.
8. Depiction of all existing utility easements, drainage improvements and wastewater facilities.
9. Schedule of site development.
10. Relationship of proposed development to existing and future land use.
11. Evidence of control over property rights and engineering to prepare required improvements.

## Basis for Approval

The proposed development respects the purpose, intent, and application of the Zoning Resolution. The benefits of the improved design shall advance the welfare of the township. No use may be established or changed and no structure may be constructed or altered until the plan has been approved. The zoning permit shall be in accordance with the approved Development Plan and shall show or include:

1. Public and private streets and block layout, building setbacks, water, sewer, fire hydrants and other public utility installations, sanitary sewage and waste facilities, easements, rights-of-ways, pavement and walks and all non-industrial use.
2. All site preparation for public improvements such as streets and utilities.
3. Deed restrictions, covenants, easements used to control the use of land and improvements.

### 19.3 Development Conditions

1. A site plan and all required permits (Ohio, Erie County, Federal and Groton Township) shall be submitted to the Zoning Inspector.
2. All lights shall be downcast and directed away from site boundary lines to avoid glare.
3. Points of ingress and egress shall be located as far as practical from the intersection of two (2) public streets but in no event closer than fifty (50) feet.
4. Vehicular approaches shall be designed as not to interfere with surrounding public roads. The development of shared access points, parking areas, and the development of service roads with those of existing or planned uses will be encouraged. A goal is to limit and reduce the number of driveways in favor of combined driveways and the construction of service roads to handle access to multiple parcels. Each lot is permitted to have one single, two (2)-way driveway unless a second driveway is more desirable for traffic movement as determined by the Engineer. New driveways shall be aligned with existing driveways across the street unless such alignment is shown to be undesirable. The centerline of opposing driveways shall be offset by at least one hundred (100) feet.
5. Parking spaces shall be provided as required in Article 21.
6. All operations shall be conducted within a completely enclosed building.
7. No outdoor storage shall be permitted. Semi-trailers, pods or vans, with or without wheels shall be considered outdoor storage.
8. The existing or intended character of the general vicinity shall not change.

### 19.4 Development Standards

1. Intensity of Use
  - a. A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet high. These walls or fences shall have an opaqueness of ninety (90) percent or more, so as to effectively conceal production, storage, service and loading operations from adjoining streets and other districts.
  - b. Permitted uses may be developed in accordance with the Development Standards for an I-1 District.

## 2. Lot Width

All lots must have three hundred (300) feet of road frontage on state and county roads or fifty (50) feet on an approved private industrial street. All lots shall abut a public street or otherwise provide access to such public street by means of a roadway easement. All lots shall have adequate lot width to meet yard space required by these standards.

## 3. Minimum Building Setbacks

- a. One hundred (100) feet from the road right-of-way on county and state roads.
- b. Fifty (50) feet on township roads.

## 4. Minimum Lot Depth

- a. Four (4) hundred (400) feet on state and county roads.

## 5. Minimum Side Yards

For main and accessory structures, including open storage, service and loading area, the required side yards shall be equal to one-third the sum of the height and length of the all most parallel to the interior lot line or fifteen (15) feet, whichever is greater. When abutting a residential district, the side yard requirement is a minimum of fifty (50) feet or the greater of the above sum.

## 6. Rear Yards – same as side yard requirements.

## 7. Maximum Height – seventy-five (75) feet.

## 8. Improvements Required

1. Street improvements within or adjacent to the tract according to Erie County Regulations.
2. Water and sewer facility improvements in accordance with the requirements of Erie County.
3. An easement twenty-five (25) feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscaped plan. Such plan will include plantings, which will achieve a height of ten (10) feet or more, and an opaqueness of at least seventy-five (75) percent within five (5) years of growth. This easement when adjacent to a street right-of-way eighty (80) feet or more in width, or other industrial district may be reduced to fifteen (15) feet, fifty (50) percent opaqueness and two (2) (2) feet in height. The landscape plan shall be submitted with the site plan and shall be approved.

## **ARTICLE 20**

### **MINERAL AGGREGATE**

#### **20.1 Statement of Purpose**

It is the intent of this District to ensure the orderly extraction of mineral aggregate resources while minimizing the negative environmental, social, and aesthetic impacts of mineral extraction. The purpose is to protect residential areas, to regulate the noise, vibration, dust, explosions, and protect the health and safety of the surrounding neighborhoods.

#### **20.2 Principally Permitted Uses**

1. Mineral aggregates extraction: top soil, subsoil, sand, gravel, shale, limestone, dolostone, sandstone, and other minerals suitable for construction, industrial, and manufacturing uses.
2. Uses accessory to mineral aggregate extraction such as crushing, screening, washing and stockpiling of minerals.
3. Asphalt plants, ready mix concrete plants, transfer stations:
  - a. Such uses will be buffered to protect adjacent land uses and shall meet all State of Ohio requirements.
  - b. Accessory plants shall not be permitted less than five hundred (500) feet from a residential district.

#### **20.3 Performance Standards**

Uses must be in conformance with O.R.C. 1514.02 and 1514.01A.

#### **20.4 Area, Height and Placement Requirements**

Area, height and placement requirements, unless otherwise specified, are as provided in the "Schedule of Regulations."

## **ARTICLE 21**

### **OFF-STREET PARKING AND LOADING REQUIREMENTS**

#### **21.1 Parking Requirements**

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Resolution, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Resolution.

1. **Area for Parking Space:** For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that egress from an alley or street may also be deemed a parking space.
2. **Fractional Requirements:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including, one-half (1/2) shall be disregarded, and fractions over one-half (1/2) require one (1) parking space.
3. **Location of Parking Space for One (1) and Two (2) Family Dwellings:** The off-street parking facilities required for one and two (2) family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron and/or garage.
4. **Location of Parking Space for Other Land Uses:** The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
5. **Seating Capacity of Seats:** As used in this Article for parking requirements, seats shall mean that each twenty-four (4) (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Zoning Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
6. **Similar Uses and Requirements:** In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
7. **Protective Screening:** Whenever off-street parking facilities abut a residential district, an appropriate screening of not less than five (5) feet in height and not more than six (6) feet in height shall be provided.

8. Existing Off-Street Parking at Effective Date of Resolution: Off-street parking existing at the effective date of this Resolution which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Resolution.
9. Collective Provisions: Nothing in this Article shall be construed to prevent collective provisions of off-street parking facilities for two (2) (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.
10. General Use Conditions: Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (4) (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to intend to provide the storage or parking on such open land of wrecked or junked cars, or for creating junk yard or a nuisance in such area.
11. Restriction on Parking on Private Property: It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this Article shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
12. Joint Use: Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of public assembly, stores, office buildings and industrial establishments lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.
13. All dwellings shall provide parking space off the road or street and outside of-way with means of ingress and egress thereto. Two (2) motor vehicle parking spots per dwelling unit or apartment will be provided.
14. Handicapped Parking: Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have minimum designated spaces provided in accordance with current American with Disabilities Act requirements.

## **21.2 Table of Off-Street Parking Requirements**

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Article.



<b><u>USE</u></b>	<b><u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u></b>
-------------------	--

1. **RESIDENTIAL**

- |   |  |
|---|--|
| a. Residential                          | Two (2) (2) for each dwelling and two (2) family unit.   |
| b. Residential,<br>Multiple Family Unit | Two (2) (2) for each dwelling unit.  |
| c. Senior Housing                       | One (1) for each two (2) (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) (2) spaces per unit shall be provided. |

2. **INSTITUTIONAL**

- |   |  |
|---|--|
| a. Churches or Temples  | One (1) for each six (6) seats or ten (10) linear feet of pews in the main unit of worship.  |
| b. Hospitals  | One (1) for each one (1) bed.  |
| c. Senior Housing<br>and Convalescent<br>Homes  | One (1) for each two (2) (2) beds.   |
| d. Elementary and<br>Junior High Schools  | One (1) for each teacher and administrator, in addition to the requirements of the auditorium.   |
| e. Senior High Schools  | One (1) for each teacher and administrator, and one (1) for every ten (10) students, in addition to the requirements of the auditorium.                |
| f. Private Clubs or<br>Lodge  | One (1) for every three (3) members allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. |
| g. Private Golf Clubs<br>Swimming Pool Clubs<br>Tennis Clubs or<br>Other Similar Uses   | One (1) for every two (2) (2) member families or individuals.  |
| h. Golf Course Open to<br>the General Public,<br>Except Miniature or<br>"Par-3" Courses | Six (6) for every one (1) golf hole and one (1) for each one (1) employee.   |
| i. Stadium, Sports Arena<br>or Similar Place of<br>Outdoor Activity                     | One (1) for every three (3) seats or six (6) feet of benches.  |

- j. Theaters and Auditoriums                      One (1) for every four (4) (4) seats plus one (1) for every two (2) (2) employees.

3. BUSINESS AND COMMERCIAL

- a. Planned Commercial or Shopping Center                      One (1) for every sixty-six (66) square feet of useable floor area.
- b. Auto Wash                                      One (1) for every employee. In addition, adequate waiting space for automobiles shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
- c. Beauty Parlor or Barber Shop                      Three (3) spaces for every beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
- d. Bowling Alleys                                Five (5) for every lane.
- e. Dance Halls, Pool or Billiard Parlors, Roller Skating Rinks, Exhibition Halls and Assembly Halls without Fixed Seats                      One (1) for every three (3) persons allowed within the capacity limit of the establishment.
- f. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments                      One (1) for every sixty (60) feet of usable floor space
- g. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses                      One (1) for every eight hundred (800) square feet of useable floor area (for the floor area used in processing, one (1) additional space shall be provided for each two (2) (2) persons employed herein.
- h. Automobile Service Stations                      Two (2) (2) for every lubrication stall, rack or pit, and one (1) for every gasoline pump.
- i. Laundromats and Coin Operated Dry Cleaners                      One (1) for every two (2) (2) washing machines.
- j. Miniature or "Par-3" Golf Courses                      Three (3) for each hole, plus one (1) for every employee.

- k. Mortuary Establishments                      One (1) for each fifty (50) feet of useable floor space.
- l. Motel, Hotel or Other Commercial Lodging Establishments                      One (1) for every occupancy unit, plus one (1) for every employee, plus extra spaces for dining rooms, ballrooms or meeting rooms.
- m. Motor Vehicle Sales and Service Establishments                      One (1) for each two (2) hundred (200) square feet of useable sales room, and one (1) for each one auto service stall in the service room.
- n. Retail Stores, Except as Otherwise Specified Herein                      One (1) per one hundred fifty (150) square feet of useable floor space.

**4. OFFICES**

- a. Banks    One (1) per hundred fifty (150) square feet of useable floor space.
- b. Business Offices or Professional Offices Except as Indicated in the Following Item (c)                      One (1) per three hundred (300) square feet of useable floor space.
- c. Professional Offices of Doctors, Dentists, or Similar Professions                      One (1) per one hundred (100) square feet of useable floor area in waiting rooms, and one (1) per examining room, dental chair or similar use area.

**5. INDUSTRIAL**

- a. Industrial or Research Establishments                      Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift.
- b. Wholesale Establishments                      Five (5) plus one (1) for every employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of useable floor space, whichever is greater.

### 21.3 Off-Street Parking Space Layout, Standards, Construction and Maintenance

Wherever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Zoning Inspector in such form as may be determined by the Zoning Inspector and shall be accompanied with two (2) (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Article will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two (2) Tiers of Spaces Plus Maneuvering Lane
0 (Parallel Parking)	12 feet	8 feet	23 feet	20 feet	28 feet
45	15 feet	9 feet	20 feet	38 feet	53 feet
90	25 feet	9 feet	20 feet	45 feet	65 feet

### 21.4 Off-Street Loading Requirements

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, good display, department store, wholesale, market, hotel, hospital, convalescent home, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area (10) feet by fifty (50) feet, with (14) foot height clearance, and shall be provided according to the following schedule:

GROSS FLOOR AREA IN SQUARE FEET	LOADING AND UNLOADING SPACES REQUIRED IN TERMS OF SQUARE FEET OR GROSS FLOOR AREA
0 - 2,000	None
2,000- 20,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand (20,000) square feet
100,000 - 500,000	Five (5) spaces plus one (1) space for each forty thousand (40,000) square feet in excess of one hundred thousand (100,000) square feet.
Over 500,000	Fifteen (15) spaces plus one (1) space for each eighty thousand (80,000) square feet in excess of five hundred thousand (500,000) square feet.

Any variance from the above schedule, owing to particular characteristics of the use, would require Board of Zoning Appeals approval.

**21.5 Off-Street Parking Construction and Operations**

1. The construction of any parking lot shall be in accordance with the requirements and provisions of this Resolution and such construction shall be completed and approved by the Zoning Inspector before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted to the Zoning Inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by persons or persons competent in such work.
2. All such parking lots shall be hard surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property, except through public drain.
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
4. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area.
5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

## **ARTICLE 22**

### **NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE**

#### **22.1 Scope**

Within the districts established by this Resolution, there exist uses of land and/or buildings which were lawful prior to adoption of this Resolution, but which would not be permitted by the regulations imposed by this Resolution. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. The rights of a non-conforming user are limited and the clear intent and purpose is to eliminate non-conforming uses as rapidly as possible.

Non-conforming uses are declared by this Resolution to be incompatible with permitted uses in the Districts involved. Expansion, extension or enlargement of a non-conforming use of a structure and land in combination shall be permitted within the parameters as set forth within this section of the Zoning Resolution.

#### **22.2 Non-Conforming Structures**

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Board of Zoning Appeals.
2. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. A non-conforming structure may be enlarged, extended or altered by appeal to the Township Board of Appeals.

The following parameters will be used in granting an increase in non-conformity:

- a. Any enlargement, extension or alterations will be made to the rear of the building if at all possible.
  - b. If it is not possible, the side yard may be utilized.
  - c. In no event may the enlargement, extension or alteration reduce front setback of the structure to less than that which is required for the district in which the property is located.
4. Time Limit: If any such non-conforming structure use is ceased for a period of more than two (2) years in any three year period, such use shall conform to the regulations specified by this Resolution for the district in which such use is located.

5. **Damage:** If a non-conforming structure has sustained damage in excess of fifty (50) percent of its replacement value, it shall be rebuilt in compliance with the present zoning regulations.

### **22.3 Non-Conforming Uses of Land**

Where at the time of passage of this Resolution lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, the use may be continued so long as it remains otherwise lawful provided:

1. A non-conforming use may be enlarged, extended or altered by appeal to the Township Board of Appeals.

The following parameters will be used in granting an increase in non-conformity:

- a. Any enlargement, extension or alterations will be made to the rear of the building if at all possible.
  - b. If it is not possible, the side yard may be utilized.
  - c. In no event may the enlargement, extension or alteration reduce front setback of the structure to less than that which is required for the district in which the property is located.
2. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of a lot than was occupied at the effective date of adoption or amendment of this Resolution.
  3. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel, other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
  4. If any such non-conforming use of land ceases for any reason for a period of more than two (2) (2) years in any three (3) year period, such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
  5. A non-conforming use may not extend to land not so used at the time of the enactment of the restrictive resolution.
  6. The owner of the property devoted to a non-conforming use, may not expand it to adjoining lots owned by him, particularly where the adjoining lots are acquired by him after the enactment of the restrictive resolution.

### **22.4 Non-Conforming Lots of Record**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Resolution, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution.

## **22.5 Non-Conforming Signs**

Non-conforming advertising signs must be removed if they sustain damage in excess of fifty (50) percent of respective replacement value.



## **ARTICLE 23**

### **PLANNED UNIT DEVELOPMENT**

#### **23.1 Definition**

Planned Unit Development means a development which is planned to integrate residential, commercial, industrial, or any other use.

#### **23.2 Purpose**

The regulations shall further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public services and utilities, and encouraging innovation in the planning and building of all types of building. Within a P.U.D. the zoning regulations need not be uniform, but may vary to accommodate unified development. Whenever there is a conflict of difference between the provisions of this article and those of other articles of this Resolution, the provisions of these articles shall prevail for P.U.D.'s.

#### **23.3 Uses Permitted**

Only those uses permitted or conditionally permitted in each district may be proposed for development. The compatibility of districts shall not adversely affect adjacent property, and/or public health, safety, or general welfare.

#### **23.4 Minimum Area**

Residential	20 acres
Commercial	10 acres
Industrial	30 acres
Residential/Commercial	30 acres
Commercial/Industrial	40 acres
Residential/ Commercial/ Industrial	40 acres

#### **23.5 Common Open Space**

A minimum of twenty (20) percent of the land developed in and P.U.D. shall be reserved for common open space and recreational features for the residents and users of the area being developed. The responsibility of maintenance of all open spaces is the responsibility of the developer.

#### **23.6 Minimum Lot Sizes**

- a. Lot area may not be reduced more than sixty (60) percent of required size. A diversity of lot sizes is encouraged.
- b. Every property developed should be designed to abut upon common open space or similar areas. In areas where townhouses are, there shall be no more than eight (8) units in a group.

### **23.7 Arrangement of Commercial Use**

- a. Commercial development shall be planned as groups with common parking areas and common ingress and egress points. Planting screens or fences shall be provided for abutting areas occupied or likely to be occupied by residences.
- b. The plan of the project shall provide for integrated and harmonious design of buildings with adjoining and surrounding existing or potential developments.

### **23.8 Industrial Uses**

- a. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping as buffers to screen lighting, parking areas, loading areas, an/or outdoor storage. Thoroughfares will be kept at a minimum to reduce traffic.
- b. Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential area or residential P.U.D. All intervening spaces between shall be landscaped with trees and plantings and be properly maintained.

### **23.9 Requirements**

No Planned Unit Development shall be approved unless the plan for that development satisfies the standards of approval established under this section. These standards will be used by the Township Trustees to approve or disapprove the Plan.

1. Authorization: Subject to the foregoing statement of intent, the Township Trustees, may grant a special exception for a Planned Unit Development, but only after notice and public hearing, as prescribed by law.
2. Processing Requirements for a Planned Unit Development: A proposal for a Planned Unit Development shall be processed as follows:
  - a. The owner or owners of any tract of land comprising an area of not less than twenty (20) acres shall submit an application in five (5) copies for a Planned Unit Development to the Township Trustees, accompanied by the following information, maps and plans:
    1. A legal description of the property under consideration.
    2. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structure and other improvements within two (2) hundred (200) feet thereof.
    3. A fully dimensioned map of the land showing topographic information at a contour-interval of two (2) (2) feet or less.
    4. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, parks, schools, school sites and other significant features of the community where appropriate.
    5. A general development plan with at least the following details shown to scale and dimension:

- The location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between building and between buildings and lot lines, setback lines and approximate location of entrances and loading points.
  - The location and design of all lots to be subdivided and the approximate dimensions of all lot lines.
  - All streets, driveways, service aisles and parking areas, including general layout and design of parking lot spaces.
  - All pedestrian walks, malls and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by an acceptable property owners' association.
  - The location and height of all fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained, together with a brief narrative description of the landscaping concept.
  - Architectural sketches, at an appropriate scale, showing building heights, elevations and other features of the development.
  - Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
  - A general grading plan of the proposed development with a brief narrative description.
  - Proposed private deed restrictions and articles of incorporation and by-laws of any proposed property owners' association to be imposed upon the property after it is developed and/or subdivided, to insure that the planned character and use of the project will be preserved and protected.
6. Other information as may be reasonably required by the Township Trustees to base an opinion of the proposed P.U.D.
- b. After a study of the application for a planned project, the Township Trustees shall make a determination based upon the following standards:
1. The proposed use or uses shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated, and shall not be detrimental to the orderly development of adjacent zoning districts. Proposed commercial uses must be justified by a market analysis.
  2. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood, nor conflict with the normal traffic of the neighborhood. In applying this standard, the Township Trustees shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to freeways and main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the Township Trustees shall determine that noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation or other external effects, from any source whatsoever which is connected with the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.

3. The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings, nor impair the value thereof.
4. Maximum dwelling units per acre within any Planned Unit Development in each Zoning District:

Zone	D/U Per Acre
Ag.	2
R-1	6 ½
R-2	9
R-3	13
C-1	14
I-1	14

- c. The Township Trustees may require such changes or modifications in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the finding by the Township Trustees that all of the standards as herein specified have been met, it may approve the project and the requested modifications to the provisions of this Ordinance.

In addition, if approval is granted by the Township Trustees, the following conditions shall apply.

1. In those instances in which platting is required by law, the owner or owners shall thereafter submit a final plat for the Planned Unit Development for approval in compliance with appropriate state law, and with all ordinances and regulations pertaining to the procedures and requirements for by the Township Trustees.
  2. Such plats shall be in strict conformity with the approved special exception, the conditions attached thereto, the development plan submitted with the special exception, and the provisions of this ordinance.
  3. Appropriate private deed restrictions, together with any applicable articles of incorporation and by-laws shall be submitted to the Township Trustees in recordable form sufficient to assure the use and development of the planned project in accordance with the special exception, the development plan and the provisions of this ordinance.
  4. The development shall be incorporated into such deed restrictions and recorded with the county recorder, and all building shall thereafter be in accordance with the development plan and the setback lines shown thereon.
- d. The applicant for a special exception to authorize a Planned Unit Development may apply to the Township Trustees for a modification of the nature and extent of public improvements required to be installed in new subdivisions. The Township Trustees may, in its discretion, relieve the applicant from installing public improvements as would otherwise be required to the extent that it determines such improvements to be unnecessary within the planned project. In the event of such a determination, the

Township Trustees shall incorporate the same in its resolution granting the special exception for the planned project.

- e. Any application for a Planned Unit Development shall be accompanied by a fee as may be determined by the Township Trustees. Such fee may be utilized by the Township Trustees to obtain the services of one or more expert consultants qualified to advise as to whether the proposed Planned Unit Development will conform to the applicable Township ordinances, policies and standards, and for investigation and report of any objectionable elements that the Township Zoning Board may wish to be advised on. Such consultants should report to the Township Trustees as promptly as possible. After the Planned Unit Development application has been approved or disapproved by the Township Trustees, the balance of the fee which is left shall be returned to the applicant.
- f. Special exception for a Planned Unit Development may be revoked in any case when the construction of said development is not in conformance with the approved plans, in which case the Township Trustees shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Trustees. After conclusion of such review, the Township Trustees may revoke its approval of the Planned Unit Development if the Trustees feel that a violation, in fact, exists and has not be remedied prior to such hearing.
- g. Notwithstanding anything heretofore, this section concerning Planned Unit Development shall not impose any restriction upon any property owner in using his property under any other provision of the zoning ordinance, including the provisions of the zoning classification upon the property in question. In short, this section relates only to property owners who desire to apply for a special exception to use their property in a flexible, overall design.

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 non-residential 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 submission of a new preliminary plan and supporting data and following the "preliminary approval" steps and subsequent amendment of the final Planned Unit Development Plan.

Minor Changes. The Township Zoning Inspector may approve changes 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.

## **ARTICLE 24**

### **AMENDMENTS, SUPPLEMENTS, PROCEDURE, REFERENDUM**

#### **24.1 Amendments or Supplements to Zoning Resolution, Procedure, Referendum O.R.C. 519.11, 519.12, 519.122**

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees or by the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement 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 (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

The procedural to be followed is O.R.C. 519.12 B-C-D-E-F-G- or current O.R.C.

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 Erie Regional Planning Commission.

The Erie Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement 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 or supplement.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, 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 recommendations of the Erie 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 or supplement, 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 (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

O.R.C. 519.12 F-G or current O.R.C.

Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning commission or adopt some modification thereof.

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

No amendment or supplement for which 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.

## **24.2 Ratification of Amendments to Township Zoning Plan**

All amendments or supplements to a Township zoning plan adopted by the board of Township Trustees prior to the effective date of this Resolution, except those amendments or supplements which a court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an 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.

## **ARTICLE 25**

### **SIGN REGULATIONS**

#### **25.1 Signs**

##### **1. Purpose**

The purpose of this section is to promote and protect the public, health, welfare and safety by regulating existing and proposed outdoor advertising, 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 the 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 right-of-way, provide more open space, curb deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

##### **2. General Sign Regulations**

- a. Any illuminated sign or lighting device shall employ only light emitting a constant intensity, and no sign shall be moving lights or light. No sign may be placed or directed upon a public roadway or adjacent premises to cause glare or reflection that may cause a hazard or a nuisance.
- b. No sign shall employ any parts or elements which revolve, rotate, or make use of motion except signs performing a public service such as time/temperature.
- c. All signs will be designed and supported to carry the weight of the sign.
- d. No sign will be on the roof of any building.
- e. No window sign shall occupy more than forty (40) percent of the window surface.
- f. No projecting sign, attached parallel to the building, shall be erected more than eighteen (18) inches from the front or face of the building.
- g. No sign or part thereof shall consist of banners, posters, pennants, ribbons or streamers, spinners, and inflatable figures or balloons.
- h. No sign shall contain material legally obscene in accordance with the prevailing community standards.
- i. No portable or temporary signs may be placed on a building.
- j. All signs will be maintained in a safe and structural condition at all times and shall be presentable. The Zoning Inspector shall cause to be removed any sign or structure deemed to be unsafe within ten (10) days on notification.



- k. No vehicle or trailer may be parked on a business premise or lot or any lot for the purpose of advertising a business, a product, a service, an event, object, location, organization or the like.
- l. No sign shall be placed in any public right-of-way except by the government.
- m. To as great a degree as possible, the sign shall be designed and located so as to be complimentary and consistent with the architectural design of the overall building and area.
- n. Directive signs shall not exceed six (6) square feet in area and be no higher than four (4) (4) feet in height and no closer than ten (10) feet to the road right-of-way.
- o. A logo flag may be flown in conjunction with the U.S. flag.
- p. Portable signs, including but not limited to trailer signs or rollaway signs, "A –frame" signs and air activated attractions shall not be permitted in any district.
- q. The maximum size for a free standing sign within the first thirty-five (35) foot setback from the road right-of-way shall be three hundred (300) square feet.

### 3. Alterations to Signs

The repainting, changing of parts, and preventive maintained shall not be deemed alterations requiring a new permit.

A sign initially approved for which a permit has been issued shall not be modified, altered, or replaced if any such design element constitutes a basis of approval of such signs unless a new permit is obtained.

### 4. Measurement Standards

Sign face area, sign heights and sign location shall be measured by the following standards.

#### 5. Sign Face Area

Wall or ground mounted panel signs which have information on a flat surface shall be measured to include entire enclosed area. In case of a double-sided ground sign, the allowable space will apply to each face.

Non-panel signs shall be measured to include the area of the smallest rectangle completely enclosing the letters or characters of the sign.

Three dimensional signs or any signs with three (3) or more sides shall be measured to include all surface area that forms a part of the message conveyed by the sign.

Canopy signs shall be measured as a panel sign.

## 6. Sign Height

The height of signs supported from the ground shall be measured from the base of the sign at its point of attachment to the ground to its topmost element. The sign shall be measured from the grade of the general area.

## 7. Sign Location

Distances shall be measured from the lot lines or street right-of-way to the closest point of the sign. Signs shall be setback from the established right-of-way of any thoroughfare at least ten (10) feet except for real estate development signs which are a setback of twenty-five (25) feet.

Interstate highway signs are subject to height requirements of billboards.

For every square foot a sign exceeds fifty (50) square feet, the setback shall increase by one-half ( $\frac{1}{2}$ ) foot but need not exceed one hundred (100) feet.

Signs where permitted, shall be erected or placed in conformity with side and rear yard requirements.

## 8. Signs – No Permit Required

- a. All government signs excluded.
- b. One (1) sign, not to exceed one (1) square foot in area indicating name/address of the occupant.
- c. Traffic control signs on private property which contain no commercial message.
- d. Any sign located inside of a building which is not legible from the outside.
- e. One (1) non-illuminated real estate sign not exceeding six (6) square feet in area and a maximum of five (5) feet high in residential areas pertaining only to the sale, lease or rental of the particular building or premises where displayed (non-residential areas shall not exceed twelve (12) square feet). Such sign will be removed within ten (10) days of the sale, rental, lease or withdrawal.
- f. Garage sale signs are limited to a total of four (4) (4) signs and each sign will not exceed four (4) (4) square feet and shall be limited to display one day before the sale and removal at the end of the sale.
- g. Agricultural product signs advertising the sale of products produced on the premises not to exceed twenty (20) square feet unlighted. Any agriculture sign will be separated by at least two (2) hundred (200) feet from another. All signs shall be removed upon cessation of the sale.
- h. No trespassing/hunting signs not to exceed two (2) (2) square feet, not closer than six (6) feet from the road right-of-way, nor closer than two (2) hundred fifty (250) from any similar sign.

- i. Political campaign signs advertising candidates or issues shall be permitted and shall be removed within a reasonable time. The area of a sign shall not exceed sixteen (16) square feet. No sign shall be posted in the public right-of-way nor shall be posted on a utility pole. Any sign larger than sixteen (16) square feet shall require a permit.
- j. Special event signs advertising community or school events up to a total of six (6) advertising a single event. Signs shall not be in excess of sixteen (16) square feet in area.

#### 9. Sign Permit Required

To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions are met.

#### 10. Residential District Signs Permit Needed

Church, school, community center or other public or semi-public building having the purpose of displaying the name or activities provided therein, having an area not exceeding twenty (20) square feet, maximum five (5) feet high, direct or indirect lighting, wall or ground sign. One (1) per location.

Subdivision identification signs whose sole purpose is to identify the name of the completed subdivision or multi-family development, not to exceed six (6) square feet and a maximum of five (5) feet high. One (1) per each point of ingress to the project.

Real estate development signs whose purpose is to advertise for a specific period of time, the development of the property it is located on. The permit length shall be six (6) months renewable. It must be removed within fifteen (15) days of action. The sign shall not exceed forty (40) square feet in area nor shall be located closer than twenty five (25) feet from any street right-of-way.

#### 11. Commercial and Industrial Signs Permit Needed

Church, school, community center or other public or semi-public building having the purpose of displaying the name or activities provided therein, having an area not exceeding twenty (20) square feet, maximum five (5) feet high, direct or indirect lighting, wall or ground sign. One (1) per location.

#### Standard Business Professional Signage

The signage shall consist of not more than two (2) exterior signs erected for the purpose of advertising the business or service conducted on the premises. Not more than one (1) ground sign or one (1) wall sign is allowed, but one of each is allowed.

- a. A wall or building face sign may be affixed flat against the wall or can project not more than eighteen (18) inches.
- b. A flat sign affixed flat to the face wall may not cover more than ten (10) percent of the building or face wall of the building to which the sign is affixed and shall not exceed fifty (50) square feet.

- c. A projecting sign shall not exceed ninety (90) percent of the width of the building being identified. A minimum of ten (10) percent of the building width is to remain open with at least five (5) percent on each end. The bottom shall be at least ten (10) feet above the finished grade of the building and not over four (4) (4) feet in height. Maximum size of the sign is fifty (50) square feet.
- d. A canopy sign shall be considered the same as a projecting sign.
- e. A ground sign may be erected in the front yard parcel upon which the building stands, stating the business or professional name only, not to exceed twenty-five (25) square feet per side, maximum height of five (5) feet and shall be an integral part of the front yard landscaping.
- f. Gasoline/service stations may add a sign no larger than six (6) square feet and five (5) feet high for the purpose of advertising price. The sign is subject to all setback and yard requirements and when placed on top of a ground sign the maximum height will be seven (7) feet. In addition, automobile service stations may have for pricing and service information one (1) double faced sign on an island. Such sign will be permanently attached and shall be no greater than twenty four (4) (24) inches by thirty six (36) inches.
- g. Business center signage intended for buildings built as a unit or a building containing more than one (1) business unit, shall consist of a maximum total sign area affixed on the building equal to one (1) square foot for each lineal of building frontage.

## 12. Signs in Shopping Centers

- a. Minimum road frontage of one thousand (1,000) feet along a public street.
- b. Centers may display two (2) (2) free standing signs for each street frontage setback at least two (2) hundred fifty (250) feet the sidelines and from the public right-of-way by at least twenty five (25) feet. Each exit or entrance may have a sign identifying it not to exceed twenty (20) square feet and not more than ten (10) feet high.

## 13. Temporary Signs

Temporary sign permits, where applicable, shall be issued for a maximum period of thirty (30) days and can be renewed for thirty (30) days for one (1) year. Each permit shall be considered separate and distinct from all previous permits issued. At each renewal, a new permit may be issued upon payment of the fee.

## 14. Billboards

- a. Billboards shall be allowed in all districts zoned for industry, business, and land used for agriculture. Billboards in any other zoning district are prohibited. A billboard is an advertising structure that identifies or communicates a commercial or non-commercial message related to an activity, service, or commodities sold at allocation other than where the sign is located.
- b. Billboards shall not be permitted on any lot of one (1) acre or less. Billboards shall be permitted on any lot greater than one (1) acre but not greater than five (5) acres provided the lot is currently being utilized for agricultural purposes. Vacant or otherwise fallow land shall not necessarily constitute an agricultural purpose.

- c. Billboards shall be permitted on any lot greater than five (5) acres in size provided all requirements are met.
- d. No person shall use any billboard as an on premise sign.
- e. The maximum advertising area permitted for a single billboard shall be three hundred (300) square feet in each direction. The total combined are six hundred (600) square feet.
- f. Any billboard shall be setback a minimum of two (2) hundred (200) feet from any residential district.
- g. No billboard shall be erected closer to the road right-of-way than twenty-five (25) feet or the required building setback whichever is greater.
- h. Where a property adjoins a limited access right-of-way, a billboard shall be no closer than fifty (50) feet from the property line adjoining the limited access line.
- i. The spacing requirement shall separate each billboard by no less than five hundred (500) feet.
- j. A billboard will not exceed thirty-five (35) feet in height measured from grade.

#### 17. Enforcement

Any sign now or hereafter existing, which no longer identifies or advertises a bona fide business or service shall be removed by the owner or agent having use of the building or structure within ten (10) days of written notification of the inspector. Upon failure to comply within the notice, the inspector is hereby authorized to cause removal of such sign and the owner of the property on which the sign is located shall pay any expense.

If the Zoning Inspector shall find that any sign or advertising structure is unsafe or insecure or a menace is to be removed within ten (10) days of notice. If the violation is not addressed, the inspector may remove the violation at the expense of the owner or holder of certificate. If there is an immediate peril the violation will be removed and without notice.

#### 18. Nonconforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Resolution that violate or are otherwise not in conformance with these provisions will be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained. A legal nonconforming sign or structure shall immediately lose its nonconforming status if the sign is altered in copy or structure, enlarged, relocated or replaced. If the establishment discontinues operation for ninety (90) days, or if the structure damage is greater than one-half (½) of its estimated replacement value. Any legal nonconforming structure so damaged must be brought into compliance or removed.

## **ARTICLE 26**

### **GENERAL PROVISIONS/CONDITIONS/RESTRICTIONS**

#### **26.1 Scope**

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Resolution.

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the District in which the building is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected/exceeding by more than fifteen (15) feet the height limits of the District in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose, other than a use incidental to the main use of the building.
3. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.
4. No single family detached residential structure shall be erected upon any required rear yard of a lot or upon a lot with another dwelling.
5. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the sidewalk level, shall be established and maintained from the center of the front lot line to the front, both grades sloping to the front property line. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the County Engineer.

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off surface water to flow onto the adjacent property.

7. The construction, maintenance or existence within Groton Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Resolution, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Inspector; and provided, further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority.
8. The provisions of the Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
9. No proposed plat of a new redesigned subdivision shall hereafter be approved by the Zoning Inspector unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Resolution, and unless such a plat fully conforms with the statues of the State of Ohio and the Subdivision Control regulations of the County as may be adopted.
10. From and after the effective date of this Resolution, it shall be unlawful for any person, firm, corporation, partnership or other organization or entity to use land for filling with material of any kind without approval of the Township Trustees and subject to requirements as may be appropriate.

## **26.2 Minimum Residential Requirements (Single Family Unit)**

- a. The minimum floor area for a single-family dwelling unit shall not include area for basements, porches, attached garages or add on utility rooms. The minimum floor area for a single-family dwelling located on a lot in any zoning district shall be one thousand (1,000) square feet. The minimum width of a single-family dwelling located on a lot shall be twenty (20) feet. All residential structures must be on a foundation and have attached permanent water and sewage connections. Every one-family dwelling hereafter erected or structurally altered shall be located on a lot herein defined and in no case shall there be more than one main building, one attached or detached private garage and a customary accessory building. Accessory buildings and detached private garages shall be permitted in the rear yard only. All structures on a lot shall be parallel to the street.

## **26.3 Accessory Buildings in Residential Districts and Property Used in a Residential Manner**

In residentially zoned districts and on property used in a residential manner, accessory buildings which are clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot, except as otherwise permitted in this Resolution, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Resolution applicable to main building.
2. Accessory buildings shall not be erected in any required yard, except a rear yard. Accessory buildings, on a corner lot of record, that conflict with required yards shall be submitted to the

Board of Zoning Appeals for a variance. Their decision as to extent and location shall be compatible with the intent of this Resolution.

3. An accessory building shall not exceed twenty (20) feet in height, and not be higher than the main building and shall occupy not more than four (4) percent of the total lot provided that in no instance shall the accessory building exceed the ground floor square footage of the main building. A garage is not considered an accessory building for the three (3) limitation (as mentioned above), as long as it is the only garage.
4. No detached accessory building shall be located closer than twenty (20) feet to any main building, nor shall it be located closer than ten (10) feet to any side lot line, nor closer than ten (10) feet to any rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than ten (10) feet to such rear lot line. In no instance shall any accessory building be located within a dedicated easement right-of-way.
5. When an accessory building is located on a corner lot, said building shall not project beyond the front yard line of the required rear yards.

## **26.4 Signs**

All signs erected or constructed or altered in any zoning district shall comply with the following regulations:

### **1. Signs, General**

- a. A zoning permit shall be required for the erection, construction, or alteration of any sign in Groton Township, except as hereinafter provided. All signs shall be inspected by the Zoning Inspector to insure compliance with the Zoning Resolution.
- b. Advertising signs within three thousand (3,000) 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.
- c. 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.
- d. 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.
- e. No sign or billboard shall contain electric illumination which could be confused with any traffic control system or emergency vehicle. Specifically, no sign shall contain any flashing, intermittent or oscillating illumination, except white in color. No sign shall contain the words *Stop*, *Go*, *Slow* or other words or symbols which may resemble highway traffic or directional symbols.
- f. No sign greater than nine (9) square feet in area per side shall be erected within fifty (50) feet of the edge of any public right-of-way, except as otherwise noted in this section of the zoning resolution.



- g. Any sign greater than nine (9) square feet in area per side must maintain a clearance of at least eight and one-half (8 ½) feet from the bottom of the sign to the ground, unless the top of the sign is not more than three (3) feet above ground.
- h. 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 zoning permit shall be required for any sign described above. If the sign exceeds sixteen (16) square feet per side, it shall not be located closer than ten (10) feet from the road right-of-way.
- i. Temporary subdivision signs, not exceeding one hundred (100) square feet in area, may be permitted, subject to the approval of the Board of Zoning Appeals. Approval may be made for a period not exceeding twelve (12) months. Such approval may be renewed, providing the sign conforms to the conditions set forth by the board of Zoning Appeals to insure compliance with this Resolution and there are buildings or property for sale during the period the sign is in use.
- j. 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 (1/2) the required front yard setback of the zoning district in which the sign is located. No sign erected according to this section of the Zoning Resolution may be more than thirty two (2) (32) square feet in area per side.
- k. Political signs not exceeding sixteen (16) square feet in area per side shall be permitted. Attaching signs to utility poles is prohibited. No zoning permit is required.
- l. Inflatable signs shall be considered temporary signs and may only stand for fifteen (15) days and must be at least one (1) mile apart. A business can put up an inflatable only four (4) (4) times a year and must wait thirty (30) days before a subsequent use of one.

## 2. Maintenance

All advertising signs and structures, where permitted, shall be maintained in a useful state of presentation at all times. Any sign or structure found to be in a state of disrepair or for which no signage is provided shall be removed within thirty (30) days of notification by the Zoning Inspector unless otherwise corrected.

## 3. Additional Regulations Applicable to Residential Districts and Property Used in a Residential Manner

The following signs shall be permitted on each piece of property in a residential zoning district and property used in a residential manner and do not require a zoning permit.

- a. One sign, with an area of not more than two (2) (2) square feet per side, denoting the name(s) and address of occupants of each lot or dwelling unit.
- b. Signs permitted shall be located not less than twenty-five (25) feet from the road right-of-way and not less than ten (10) feet from the side lot line of the property, and shall not be illuminated, except by other than continuous indirect white lighting.

#### 4. Additional Regulations Applicable to Agricultural, Commercial, and Industrial Districts

The following signs shall be permitted on lots in a commercial or industrial district with a zoning permit. In the Agricultural District, temporary and portable signs are permitted as provided in sections [e] and [f] following; however, they may only advertise the business, goods sold or service rendered on the lot, unless otherwise specified.

- a. Flat or Wall signs may project above the cornice or coping of the front wall provided the sign is set back from each side wall at least equal to the dimensions that the sign projects above the top of the wall. Business signs may be painted or attached to the side walls of the building above the ground floor provided a Conditional Use Permit is granted.
- b. Projecting signs may be attached to a building or constructed as a marquee, but limited to one (1) such sign per establishment. Minimum height shall be eight and one-half (8 ½) feet and shall not protrude more than ten (10) feet into a required front yard, provided a Conditional Use Permit is granted.
- c. Roof sign may be permitted not less than six and one-half (6 ½) feet or more than twenty (20) feet above the surface of a roof, and not less than five (5) feet from a front wall of a building, provided a Conditional Use Permit is obtained.
- d. Ground signs with the lowest horizontal member less than eight and one-half (8 ½) feet shall not be located within the required setback lines.
- e. A temporary sign is any advertising display constructed of cloth or other light fabric with or without frames. Temporary signs are permitted only for a period not to exceed thirty (30) days. The size of the sign shall not exceed ten (10) feet by six (6) feet, and must be set back from the road right-of-way as required by the zoning district in which it is located. The zoning certificate for such signs shall be for a thirty (30) day period only. If the sign is desired for a longer period, a new permit must be obtained each thirty (30) days.
- f. A portable sign is any sign or poster boards of any material capable of being moved from one location to another for the purpose of being placed at a location for a temporary period, for the purpose of advertisement or announcement for business or other purpose. Only one sign is permitted for each business establishment and a permit must be obtained from the Township. The size of the sign shall not exceed ten (10) feet by six (6) feet and must be set back from the road right-of-way as required by the zoning district in which it is located. The zoning certificate for such signs shall be for a thirty (30) day period only. If the sign is desired for a longer period, a new permit must be obtained each thirty (30) days. Furthermore, the sign must conform to the following conditions to qualify for issuance of a permit:
  1. No portable sign shall flash, be animated, rotate or have the appearance of moving.
  2. All wiring that serves and is part of a portable sign should be inspected and approved by a qualified electrician.
- g. Pole signs may be placed in a required front yard when the lowest member is more than eight and one-half (8 ½) feet, but shall not be located within the required setback lines.

Maximum height of such signs shall be sixteen (16) feet if constructed of combustible material and thirty-five (35) feet if constructed of non-combustible material, and must be located at least fifty (50) feet from a residential district.

5. Area and Measurement Standards for Signs in Commercial and Industrial Districts

- a. The total area of signs shall include the visible faces of all signs located on the premises. When figuring total area, both sides of a double faced sign will be used.
- b. The frontage shall be the number of lineal feet the building or store or service unit faces the major street. Corner lots, forty (40) percent of the building depth facing another street may be added to the total area of signs permitted.
- c. The total area of all permanent signs shall not exceed the number of signs permitted per foot of frontage in the particular area by the frontage of the building, or one-half the lot frontage when no building is involved, one (1) square foot of sign per fifteen (15) feet of frontage.
- d. In addition to the preceding, one directional sign not exceeding fifteen (15) square feet in area, thirty (30) square feet if double faced, but limited to name and location of establishment in a nearby business or industrial district may be permitted.
- e. A one or two (2) sided outdoor advertising sign shall be permitted in commercial and industrial districts and on land principally for agriculture. Maximum size shall not exceed three hundred (300) square feet per side and must be set back at least twenty-five (25) feet from the edge of the right-of-way of the road. Signs shall be located not less than four (4) hundred (400) feet from a park, playground, public or semi-public building, a residence or any other billboard.

**26.5 Fences, Walls and Other Protective Barriers**

All fences of any type or description shall conform to the following regulations:

1. General

- a. A zoning permit is required for the erection, construction or alteration of any fence, wall or other type of protective barrier which shall conform to the requirements of the zoning districts wherein they are required because of land use development and to the requirements of this section.
- b. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended.
- c. No fence, wall, structure or planting shall be erected, established, or maintained on the road right-of-way. No planting shall be established or maintained within a road right-of-way that obstructs the view of a driver approaching the road from private driveway, alley, or road. Mailboxes may be placed within the road right-of-way as long as they are placed as far from the pavement as possible and as long as their supports are of a breakaway design. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height. Shade trees would be permitted where all branches are not less than eight (8) feet above the road level.

## 2. Fences in Residential Districts and Property Used in a Residential Matter

- a. Fences and walls may be permitted along the lines of a side yard up to the front lines of the house to a height of not more than six (6) feet above grade and along the lines of a rear yard to a height of not more than six (6) feet above grade, provided that any fence shall be of uniform design, painted and/or otherwise well maintained.
- b. Planting, fences and walls in front yard: No fence, wall or hedge shall rise over three (3) feet in height and 20 feet from the front property line on any required front yard, and shall be of uniform design, painted and/or otherwise well maintained. No fence, wall or hedge planting shall interfere with visibility from a driveway. The Zoning Inspector is hereby empowered to cause all such obstruction to be removed in the interest of the public safety.
- c. Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the more restrictive provision shall apply.
- d. No barbed wire, spike tips electrically charged, concrete, cinder block, brick, stone fences or concrete barriers shall be permitted in any residential district or on property used in a residential manner, except where required for public uses. A fence site plan will be submitted to the zoning inspector for review prior to construction.
- e. Fences which enclose public or institutional parks, playgrounds or public landscaped areas shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- f. In ground swimming pools shall be provided with a protective fence, five (5) feet in height, and entry shall be provided by means of a controlled gate.

## 3. Fences in Commercial Districts

- a. Fences in commercially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction, of uniform design, painted and/or otherwise well maintained.
- b. Fences in commercially zoned districts shall be set back at least twenty-five (25) feet from the road right-of-way.

## 4. Fences in Industrial Districts

- a. Fences in industrially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction, of uniform design and painted and/or otherwise well maintained.
- b. Fences in industrially zoned districts shall be set back at least twenty-five (25) feet from the road right-of-way.

## **26.6 Site Plan Review Procedures**

### 1) 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.

2) Uses Requiring Site Plan Approval

All new development land use activities within the Township shall require site plan review and approval before being undertaken, except those specifically exempted below. While not all inclusive, the following uses shall require site plan approval: multi-family residential developments, commercial establishments, professional offices, shopping centers, mini-malls, warehouses, industrial buildings and institutional buildings.

3) Exempted Uses

The following land use activities are exempted from the requirements of this regulation:

- a) Construction of one (1) or two (2) (2) family dwellings, ordinary accessory structures and related land use activities.
- b) Ordinary repair or maintenance of existing structures or uses.
- c) Agriculture land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- d) Exterior alterations or additions 1) to an existing residential structure which do not substantially change its nature or use and 2) to any commercial or industrial structure which will not increase the gross floor area of the existing structure by less than 500 square feet or less than 5% of the gross floor area.

4) Existing Uses and Structures

These regulations do not apply to uses and structures that are lawfully in existence on the date this resolution becomes effective. Additions/new construction and changes in use will meet the requirements of the site plan review, as detailed in **26.6**.

5) Procedure

- a) An applicant for Site Plan Review under this Section shall be filed with the Zoning Inspector ten (10) days prior to a scheduled meeting, three (3) copies each of the site plan documents. A copy of the site plan shall be submitted to the Secretary to be kept on file.
- b) The Zoning Inspector within thirty (30) days after determining that the application is complete, shall approve or disapprove the site plan.
  - i) 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;
  - ii) 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;
  - iii) If site plan is not approved, applicant may require review by Board of Zoning Appeals who may approve the site plan subject to any conditions, modifications and restrictions.
  - iv) Zoning permit to be issued four (4)teen (14) days after site plan approval.

6) 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 Inspector may, based on the size and complexity of the development, require site plans be prepared by a registered professional engineer, architect or landscape architect at a scale to be determined by the Inspector.

Items Required for Submission Include:

- a) Survey plan of the development area.
- b) Name of the project, boundaries and location map showing site's location, north arrow and scale of the plan.
- c) Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.
- d) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
- e) All existing lot lines, easements and rights-of-way.
- f) The location and use of all existing and proposed buildings and structures within the development.

- g) In all multi-family projects the location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences.
- h) The location, height, intensity and bulk type (e.g. fluorescent, sodium, incandescent) of all new or additional external lighting and methods to eliminate glare onto adjoining properties must also be shown.
- i) A maximum of two (2) (2) menu board signs are permitted for each drive through business. *Amended 11/10/16 Resolution #2016-194*
- j) The location of all proposed utility systems including:
  - sewage or septic system;
  - water supply systems;
 All stormwater drainage plans to be developed in accordance with Erie County Stormwater and Sediment Control Regulations.
- k) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- l) For all new construction a landscape plan must be drafted to show all proposed changes to the natural features of the site area. The plan will show 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.
- m) Zoning district boundaries of adjacent properties shall be drawn and identified on the plan.
- n) Traffic flow patterns within the proposed site, entrances and exits, loading and unloading areas, curb cuts on the proposed site and within one hundred feet of the site.

The Zoning Inspector may require a detailed traffic study for large developments for those in heavy traffic areas to include:

- i) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
  - ii) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
  - iii) 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.
- o) For new construction or alterations to any existing building, a table containing the following information must be included:

- i) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
- ii) Maximum number of employees;
- iv) Maximum seating capacity, where applicable; and
- v) Number of parking spaces existing and required for the intended use.

p) Elevation plans when required by the Zoning Board of Appeals:

7) Standards for Review

The Zoning Inspector 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 Board of Township Trustees to guide decisions with respect to these objectives and to help ensure consistency in the review of all site plan applications.

*Amended 5/12/16 Resolution #2016-076*

- a) Legal  
Conformance with the provisions of the regulations of the Township and all applicable rules and regulations of state and federal agencies.
- b) Traffic  
Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- c) 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.
- d) 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.
- e) Nuisances  
Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, dust, odors, glare, storm-water, runoff, hazardous materials, etc.
- f) 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.
- g) 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.
- h) The protection of historic and natural, environmental features on the site and adjacent areas.



## **26.7 Junk, Junk Motor Vehicles, Collectors Vehicles**

1. No person, firm, association or corporation shall cause or allow to be caused any accumulation of junk as defined herein on any premises which could become a public nuisance or public hazard in Groton Township.
2. The accumulation of junk (neglected) motor vehicles shall be prohibited within the boundaries of Groton Township. Nothing herein shall prevent the parking or storage of wrecked, dismantled or junk vehicle/vehicles or unlicensed collector's vehicle in a fully enclosed garage or similar permanent, enclosed structure, or by buildings unless said junk vehicles become a public nuisance or public hazard.
3. The following shall be prohibited within the boundaries of Groton Township:

The dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap metal, rubbish, tires or dead animals, septic tank refuse except as resultant from normal domestic use of the premises and if conducted as per the standards adopted by the Erie County Health District in accordance with the Ohio Revised Code. Due to the nature of the soils in Groton Township as documented in the Soil Survey of Erie County, there are severe limitations for landfill sites in the township.

## **26.8 Garage Sales**

Garage sales shall include yard sales, barn sales, and similar activities. These sales may be conducted by an individual or a family:

- a. One sale for a three (3) day period is permitted without a permit once in a twelve (12) month period.
- b. Sales in excess of restrictions require a permit.

## **26.9 Parking and Storage of Vehicles and Trailers**

No commercial vehicles, to include tractors, automobile, trucks, buses, house trailers, semi-trailers shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building unless to be used on the job at that location.

No automobile vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.

Coaches, trailers, motor homes, and boats stored in areas used for residential purposes, shall be stored behind or beside existing structure and storage must not violate minimum side and rear setback limits.

## **26.10 Setback Building Lines**

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width shall be erected within fifty (50) feet from any township or county right-of-way. If

there is no established right-of-way line for any road, the said right-of-way side line shall be established as thirty (30) feet from the center of the road.

Setback building requirements on state routes shall be one-hundred (100) feet from the road right-of-way.

### **26.11 Housing Setback Distances**

In a subdivision, if the average setback distance of houses within five-hundred (500) feet on the same side of the street is greater than fifty (50) feet, the house to be erected must be setback the average also.

### **26.12 Numbers for Identification of Location**

To protect the health, safety, and welfare of the people of Groton Township, all structures with identifying numbers shall have those numbers posted. To help emergency services dispatched by 911 during the day or night, these posted numbers shall be:

- a. Three (3) inch or larger in size.
- b. Visible from the street.
- c. Luminous (glow with artificial light).

### **26.13 Prohibited Uses in All Districts**

The following uses shall be prohibited in all districts subject to State of Ohio law.

1. Junk yards, or places for the collection of scrap metal, paper, rags, glass, junk, appliances, tires for storage or salvage.
2. Slaughter houses.
3. Disposal or the burning of chemical or medical waste.
4. Dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap, metal, dead animals, fill, tires, and general waste.
5. The use of buses, coaches, travel trailers, motor homes, trailers or other similar pieces of equipment, or unusual structures as temporary or permanent dwellings or accessory uses.
6. No person, firm, partnership, corporation, or other entity shall operate a massage establishment within the unincorporated territory of Groton Township. This prohibition does not apply to the practice of any limited branch of medicine or surgery in accordance with R.C. 4731.15 and 4731.16 or the practice of providing a therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse, or other health professional licensed or certified to practice in the State of Ohio.
7. Fireworks: The retail or wholesale sale and/or manufacture of fireworks of any kind shall be prohibited within the boundaries of Groton Township.

## **APPENDIX A**

### **WIND TURBINES**

#### **Intent**

The intent of wind turbine regulations is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as "WTG"), in Groton Township, Erie County, Ohio. This amendment is consistent with the stated primary purpose of Groton Township Zoning Resolution. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the township. The Trustees also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and the wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, the Article seeks to:

1. Protect residential and agricultural areas from the 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.
4. Avoid potential damage to real and personal property from the wind turbine generators or the failure of such structures and related operations.

#### **Definitions**

Definitions for the purposes of the regulation of residential, commercial, and industrial use of wind turbine generators.

##### Accessory Structure

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

##### Clear Fall Zone

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 falling structure will be confined to the primary parcel and will not fall onto dwellings or accessory buildings, or otherwise intrude onto a neighboring property.

##### Cowling

A streamlined removable metal that covers the turbine's nacelle.

##### Foundation

Anything below or equal to ground or grade level.

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 the time on that property for either business or personal reasons. Primary structures include 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 Power Turbine Owner

The person or persons who own the wind turbine structure.

Wind Power Turbine Tower

The support structure to which the turbine and rotor are attached.

Wind Power 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.

**Residential Wind Turbines**

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

1. Wind turbines shall be a permitted use in all districts under the following conditions.
  - a. The maximum height of any turbine shall be 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 calculate measuring the length of a prop at maximum vertical rotation to the base of the tower.
  - b. Setbacks – The following shall apply in regards to setbacks:
    1. Any turbine erected on a parcel of land will need to establish a “clear fall zone” from all neighboring property lines and structures as well as any structures on the parcel intended for the turbine. A turbine will need to 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.
  - c. Aesthetics – The following provisions shall be applied to the aesthetics issue of wind turbines.

1. The turbine, including the 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 and model type shall not be permitted anywhere on the turbine.
2. No illumination of turbine or tower shall be allowed unless required by the FAA.

d. Maintenance

1. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 6 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes all apparatuses, supports and or other hardware associated with the existing turbine.

e. Sound Pressure Level

1. Decibels shall not exceed 50 decibels at the nearest resident.

### Permits

- A. A permit shall be required before construction can commence on an individual wind turbine system.
- B. Applicant shall then provide the Groton Township Zoning Inspector with the following items and or information when applying for a permit.
  1. An engineering report that shows:
    - a. The total size and height of the unit.
    - b. The total size and depth of the unit's mounting pad.
    - c. An average decibel rating for the particular model.
    - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, and lightning protection.
    - e. Data specifying the kilowatt size and generating power of the particular unit.
    - f. Evidence of "clear fall zone" with manufacturer's recommendations.
    - g. Evidence of an automatic shut off in case of power outage.
  2. 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.
  3. Color of the unit as well as the location and size of the manufacturer's identifying logos shall be included in the plan.
  4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
  5. Any climbing foot pegs or rungs below 12 feet must be removed so it cannot be climbed.
  6. On a lattice structure, it must be enclosed with a 6 foot fence with a locking gate or a cover other the lattice structure up to 12 feet, suitable to prevent climbing.

No small wind energy system can be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer generator. Off grid shall be exempt from this requirement.

## **APPENDIX B**

### **SOLAR POWER STRUCTURES**

#### **DEFINITIONS**

**SOLAR ENERGY PANEL/SYSTEM:** A structure or panel containing solar cells that collects sunlight and converts it to electric current.

**SOLAR ENERGY EQUIPMENT:** Items including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy.

**SOLAR PHOTOVOLTAIC (PV):** The technology that uses a semiconductor to convert light directly into electricity.

**SOLAR THERMAL:** Systems that use solar energy to typically heat a fluid, such as water or an antifreeze solution, or heat a gas, such as air.

**ACCESSORY SOLAR ENERGY SYSTEM:** A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or related storage volume of less than or equal to two (2) hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal) and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company

**PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consists of one or more freestanding ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a rated storage volume of the system of more than two (2) hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).

## PURPOSE

### ACCESSORY SOLAR ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility supplied electricity. An accessory solar energy system shall be considered a conditionally permitted accessory use in any district provided all requirements and regulations are met. No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with Article xx, Conditional Zoning Certificates.

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system may be conditionally permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  - a. A roof/structure mounted solar energy system:
    - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five percent (5%) steeper than the roof pitch on which it is mounted
    - b. Shall not extend the perimeter (or edge of roof) of the structure on which it is located
    - c. May be mounted to a principal or accessory structure
    - d. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached

A ground/pole mounted solar energy system:

- a. Shall not exceed the maximum height allowed in that zoning district for accessory buildings
- b. Shall not be located within the required front yard setback
- c. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage
- d. The minimum setback distance from property lines for solar energy systems and their related equipment shall be at least one hundred ten percent (110%) of the height of the solar energy system or at least ten (10) feet from the nearest property line, whichever is greater

Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right-of-ways.

A solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.

The design of the solar energy system must conform to all applicable industry standards.

Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not



producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

A site plan shall be submitted at the time of application and shall include:

- a. Property lines and physical dimensions of the site
- b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems
- c. Location of any required signage
- d. Elevation of the proposed solar energy system(s) at its maximum tilt
- e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)
- f. Manufacturer's specifications, including make, model and picture
- g. Scaled drawing no smaller than 1" = 100'

**PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY** It is the purpose of this regulation to promote the safe, effective and efficient use of utility scale solar energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels such as farms or industrial uses, or designed primarily to produce energy to be supplied directly to the electrical grid. A principal solar energy production facility shall be considered a conditionally permitted use in the C-1, I-1, I-2 and in the agricultural district, provided all requirements and regulations are met. No person shall cause, allow or maintain the use of a principal solar energy production facility without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with Article XI, Conditional Zoning Certificates.

A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

All principal solar energy production facilities shall meet the following requirements:

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-ways.
5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and provide screening in accordance with the landscaping provisions of this Resolution.

8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.

9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

10. A site plan shall be submitted at the time of application and shall include:

a. Property lines and physical dimensions of the site

b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems

c. Location of any required signage

d. Elevation of the proposed solar energy system(s) at its maximum tilt

e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s)

f. Manufacturer's specifications, including make, model and picture g. Scaled drawing no smaller than  
1" = 100

## APPENDIX C

DISTRICT	MINIMUM LOT SIZE	MINIMUM ROAD FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM BUILDING HEIGHT	MINIMUM FLOOR AREA
<b>AGRICULTURE</b>							
<b>RESIDENTIAL AGRICULTURE *</b>							
* five acres or less	43,560 sq. ft.	200 ft.	60 ft.	10 ft.	50 ft.	40 ft.	1,000 sq. ft.
* more than five acres		400 ft.	60 ft.	50 ft.	50 ft.	40 ft.	20 ft. wide
<b>RESIDENTIAL R-1</b>							
single family	43,560 sq. ft.	200 ft.	60 ft.	10 ft.	50 ft.	40 ft.	1,000 sq. ft.
<b>MULTI-FAMILY R-2</b>	60,000 sq. ft.	200 ft.	60 ft.	20 ft.	35 ft.	40 ft.	1,000 sq. ft. 20 ft. wide
<b>COMMERCIAL C-1</b>	43,560 sq. ft.	300 ft.	60 ft.	25 ft.	60 ft.	40 ft.	1,000 sq. ft. 20 ft. wide
<b>COMMERCIAL C-2</b>	43,560 sq. ft.	300 ft.	60 ft.	25 ft.	60 ft.	40 ft.	1,000 sq. ft. 20 ft. wide
<b>PROFESSIONAL BUSINESS/OFFICE PBO</b>	43,560 sq. ft.	300 ft.	60 ft.	25 ft.	60 ft.	75 ft.	1,000 sq. ft. 20 ft. wide
minimum depth 500-1,000 ft.				minimum 1 ft. per height			
<b>INDUSTRIAL I-1</b>	87,120 sq. ft.	400 ft.	75 ft.	50 ft.	60 ft.	40 ft.	1,000 sq. ft. 20 ft. wide
<b>MINERAL AGGREGATE</b>	200 acres	200 ft.	75 ft.	500 ft. from residence	500 ft from residence	60 ft.	
<b>P.U.D.</b>	Restrictions						
<b>FLOODPLAIN FP</b>	Restrictions						
<b>RIGHT-OF-WAYS</b>	Easements		60 ft. wide				
<b>ROAD SETBACKS</b>	50 ft. from R.R.W.						
<b>DETACHED GARAGES</b>	Detached garages not to exceed 1,250 sq.ft in floor area						
<b>ACCESSORY BUILDINGS</b>	limited to 4% of lot size no larger than sq. ft. of house						




# Groton Township Erie County, Ohio Zoning Map

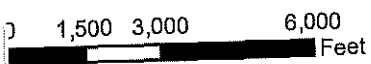


## Legend

### District Classifications

-  AG/RES Agricultural/Residential
-  C-1 Light Commercial
-  C-2 Commercial
-  I-1 Industrial
-  MA Mineral Aggregate/Quarry

-  PBO Professional and Business
-  R-1 Residential
-  R-2 Multi-Family Residential



Prepared by the Erie County Department of Regional Planning and Development. This map is for illustrative purposes only. Refer to the original documents for accuracy. Erie County, Ohio assumes no liability or responsibility for errors or omissions contained herein.

Source: October 1999 Tax Map Base  
Compiled: November 2004