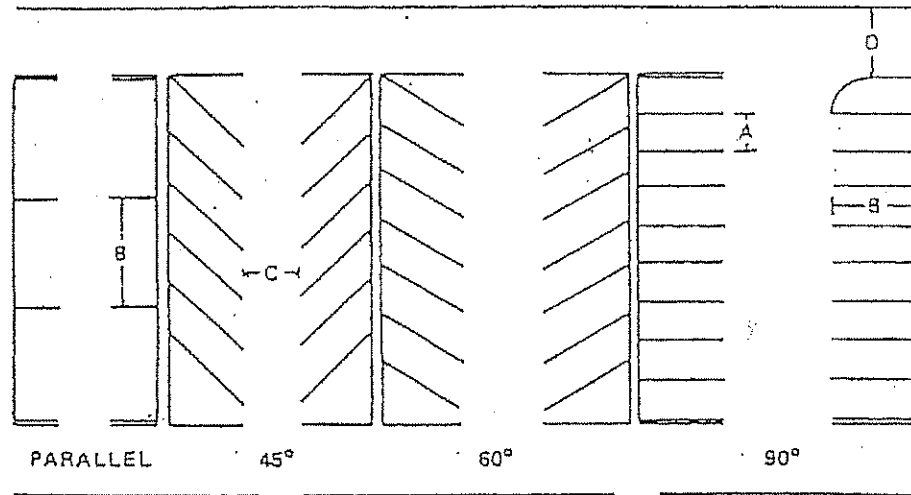


Appendix B
Area and Setback Regulations

Principle Use	Minimum Lot Area	Minimum Front Yard	Minimum Setback
	Acres	Feet	Feet
Camp Grounds	10	200	100
Marinas	2	75	N/A
Hunting	75	200	100
Water Sports	5	100	100
Riding Stables	10	100	100
Vacation Farms	50	75	100
Swimming Pools	1 1/2	100	100
Skeet & Trap Shooting	8	200	100

APPENDIX C
Required Off-Street Parking Space Dimensions



OFF-STREET PARKING

OFF-STREET PARKING DIMENSIONAL TABLE

	45°	60°	90°	Parallel
A Width of Parking Space	12'	10'	9'	9'
B Length of Parking Space	19'	19'	19'	23'
C Width of Driveway Aisle	13'	17'6"	25'	12'
D Width of Access Driveway	17'	14;	14'	14'

Appendix E

Accessory Structure Approved Sizing

<u>Zoning District</u>	<u>Setback Rear</u>	<u>Setback Side</u>	<u>Max</u>	<u>Between</u>	<u>Max</u>	<u>Max Lot Rear</u>	<u># Of</u>
	<u>Lot Line</u>	<u>Lot Line</u>	<u>Height</u>	<u>Structures</u>	<u>Square Feet</u>		<u>Accessory</u>
A-1	</=	</=	35'	20'	2500	35%	1
	1.5 Acres / 15'	1.5 Acres / 15'					
A-1	> 1.5 Acres	> 1.5 Acres	35'	20'	5000	35%	2
	15'	15'					
R-1	10'	10'	30'	20'	2500	35%	1
R-2	10'	10'	30'	20'	2500	35%	1
R-3	20'	15'	30	20'	2500	35%	1
C-1	20'	15'	35'	20'	5000	35%	1
C-2	20'	15'	35'	20'	5000	35%	1
C-3	20'	20'	40'	50'	N/A	50%	2
I-1	30'	30'	50'	50'	N/A	50%	N/A
I-2	30'	30'	50'	50'	N/A	50%	N/A
MA	200'	200'	50'	50'	N/A	50%	N/A

Resolution No. 2018-06

The Margaretta Township Board of Trustees of Margaretta Township, Erie County, Ohio met at regular session on the 7th day of June 2018, at the Township Hall, 114 Main Street, Castalia Ohio 44824 with the following members present:

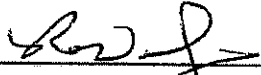
Joe Bias Jr.
Gary Pooch
Timothy Riesterer

Mr. Timothy Riesterer moved to pass Resolution 2018-06 adopting the new amended zoning code and keeping our current map as is for now. Mr. Gary Pooch seconded the motion. Roll call vote: Mr. Pooch – yes, Mr. Riesterer – yes and Mr. Bias – yes.

Adopted June 7th, 2018

Fiscal Officer's Certification

The undersigned hereby certifies that the foregoing is a true and correct copy from the minutes of a regular meeting of the Margaretta Township Board of Trustees of Margaretta Township, dully called and held on the 7th day of June 2018



Robert Day, Fiscal Officer
Margaretta Township Board of Trustees
Margaretta Township, Erie County, Ohio

TABLE OF CONTENTS

	Page
Article 1	
General Provisions.....	1-2
Article 2	
Intent and Purposes.....	3
Article 3	
Construction of Language & Definitions.....	4-31
Article 4	
Administration.....	32-38
Article 5	
Enforcement.....	39-43
Article 6	
Nonconformities.....	44-47
Article 7	
Procedures & Requirements for Appeals & Variances.....	48-50
Article 8	
Amendment.....	51-56
Article 9	
Procedures for Conditional Use Permits; Substantially Similar Uses; & Accessory Uses.....	57-60
Article 10	
Zoning Districts & Boundary Interpretations.....	61-62
Article 11	
Agricultural District.....	63-67
Article 12	
Single-Family Serviced Residential.....	68-70
Article 13	
Two-Family Serviced Residential (R-2).....	71-72
Article 14	
Multi-Family Residential District (R-3).....	73-75
Article 15	
Local Commercial District (C-1).....	76-79
Article 16	
General Commercial District (C-2).....	80-87
Article 17	
Recreation District (C-3).....	87-90
Article 18	
Professional & Business Office District (P-B-O).....	91-92
Article 19	
Light Industrial (I-1).....	93-96
Article 20	
Heavy Industrial District (I-2).....	97-99
Article 21	
Mineral Aggregate District (MA).....	100-104
Article 22	
Planned Unit Development Regulations (PUD).....	105-113
Article 23	
Supplementary District Regulations.....	114-125
Article 24	
Special Regulations.....	126-135
Article 25	
Off-Street Parking & Loading Facilities.....	135-140
Article 26	
Signs.....	141-147

Appendix A

Schedule of Regulations

Appendix B

Area and Setback Regulations

Appendix C

Required Off-Street Parking Space Dimensions

Appendix D

Zoning Map

Appendix E

Accessory Structure Approved Sizing

ARTICLE 1
General Provisions

1.0 Title

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

1.1 Interpretation

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

1.2 Separability

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

1.3 Repeal of Conflicting Resolutions

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

1.4 Effective Date

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

1.5 Incorporation of Maps

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

1.6 Incorporation and Alteration of the Official Zoning Map

The official zoning map shall be identified by the signature of the Township Trustees and the **Fiscal Officer** and bearing the seal of the township under the following words: “This

Margareta Township Zoning Resolution
2018 – 06

is to certify that this is the Official Zoning Map referred to in Article 10 of the Township of Margareta, together with the date of the adoption of this resolution.

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 entered on the official zoning map promptly after the amendment has been approved by the Board of Trustees.

No amendment to this resolution which involves a matter portrayed on the official zoning map shall become effective until after such changes and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this resolution. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this resolution and punishable as provided under Article 5.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Office of the Zoning Inspector shall be the final authority as to the current zoning status of the land and water areas, building and other structures in the planning region.

1.7 Replacement of Official Zoning Map

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the Board of Trustees may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Township Trustees and the **Fiscal Officer** bearing the seal of the township under the following words:

“This is to certify that this official zoning map supersedes and replaces the official zoning map adopted by the Township.”

All prior official zoning maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendments.

ARTICLE 2
Intent and Purposes

2.0 Intent and Purposes

The purpose of this resolution is to promote the public health, safety and morals, comfort, property and general welfare. This Board of Township Trustees, in accordance with a comprehensive plan and by this resolution, hereby regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches; percentages of lot areas which may be occupied; 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, recreation, or other purposes in the unincorporated territory of the Township and for such purpose hereby divides the entire unincorporated territory of this Township into districts and zones as hereinafter described.

2.1 Uniformity of Regulations

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.

2.2 Comprehensive Plan

The comprehensive plan referred to herein means the Comprehensive Development Plan for Erie County, Ohio or subsequent refinements of said plan which may include greater detailing of land use categories, development goals and policies more relevant to the development of Margaretta Township.

ARTICLE 3
Construction of Language & Definitions

3.0 Construction of Language

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

3.1 “Shall”

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

3.2 Word Tense

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.

3.3 “Used For”

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

3.4 “Person”

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

3.5 “And” & “Or”

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and” , “or”, “either ... or”, the conjunction shall be interpreted as follows:

“And” indicates that all the connected items, conditions, provisions, or events shall apply.

“Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

3.6 Definitions

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

3.7 Accessory Building/Structure

Means a building located on property under common ownership with the principal building which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, barns, shelters and decorative structures.

3.8 Accessory Use

Means any activities which are incidental, subordinate and customarily carried on in addition to the primary use of the premises. In residential districts this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant. It shall also include activities related to the occupant's employment off premises that are occasionally carried on in the premises. Such activities shall not be deemed a home occupation. Accessory uses may include satellite television reception equipment, or electricity producing windmills provided these shall be located only in rear yard areas and shall meet the minimum rear and side yard setback requirements for the district in which they are located.

Accessory uses shall also include:

- 1) Residential accommodations for servants **or** caretakers in any use district.
- 2) Swimming pools, tennis courts and other personal recreational facilities.
- 3) Off-street loading and parking facilities and the storage of goods used, produced or offered for sale which shall be accessory uses in commercial or industrial districts only and subject to all regulations of the district where located.
- 4) Garage sales shall be considered an accessory use.
- 5) The storage in residential districts of trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for nonresidents of the premises whether or not a fee is charged, shall not be deemed an accessory use.
- 6) Accessory use shall include the keeping of dogs, cats, or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- 7) The sale of fruits and vegetables grown on the premises where sold.

- 8) Any activity which is the subject of any advertising including, but not limited to newspaper, magazine, radio, television, poster, billboard, handbills, direct mailing, yearbooks, telephone directory or other publications shall not be deemed to be an accessory use in a residential district.

3.9 Agriculture

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

3.10 Alley

See Thoroughfare.

3.11 Alterations

Any structural change, additions, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

3.12 Apartment

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

3.13 Apartment Hotel

A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which may include any accessory uses such as a cigar store, coffee shop, etc., permitted in a hotel as defined herein, provided such uses are accessible only from the lobby.

3.14 Attic

The space between the ceiling beams of the top story and the roof rafters.

3.15 Attic, Habitable

A habitable attic is an attic which has a stairway as a means of access and egress.

3.16 Basement

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

3.17 Bed and Breakfast Homestay

A private owner-occupied residence with one (1) to three (3) guest rooms. The Bed and Breakfast Homestay must be a subordinate and incidental to the main residential use of the building.

3.18 Bed and Breakfast Inn

Operated primarily as a business, even though the owner may live on the premises. The Inn may offer a maximum of twelve (12) guest rooms and include a restaurant open to the general public, as well as to overnight guests.

3.19 Block

The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating), between the nearest such street and railroad right-of-way.

3.20 Boarding House (Rooming House)

A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding ten (10) sleeping rooms. A rooming house or a furnished rooming house shall be deemed a boarding house for the purpose of the Resolution.

3.21 Breezeway

A roofed passageway connecting two (2) structures.

3.22 Buffering

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

3.23 Building

A “building” is any structure which:

- A) Is permanently affixed to the land;
- B) Has one (1) or more floors and a roof; and
- C) Is bounded by either open area or the “lot lines” of a zoning lot.

A building shall not include such structures as billboards, fences, radio towers, tents, awnings, or vehicles situated on the private property; or structures with interior surfaces not normally accessible for human use.

3.24 Building – Accessory

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

- A) Attached building- A building that must share a common wall or walls with another Structure or connected by a common roofline or breezeway.
- B) Detached building- A building that is not directly attached to the main building.

3.25 Building, Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the height to the highest gable for gable, hip and gambrel roofs.

3.26 Building Line

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

3.27 Building, Principal

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

3.28 Business, Convenience

Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than ten thousand (10,000) square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

3.29 Business, General

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

3.30 Business, Highway

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

3.31 Business, Office Type

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

3.32 Business Services

Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

3.33 Business, Wholesale

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

3.34 Cemetery

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

3.35 Channel

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

3.36 Child Day-Care

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

3.37 Child Day-Care Center

Any place in which child day-care is provided, with or without compensation, for thirteen (13), or more children at any one (1) time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation for seven (7) to twelve (12) children at any one (1) time. In counting children less than six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

3.38 Type A Family Day-Care Home

A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one (1) time, if four (4) or more children are under two (2) years of age. In counting children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

3.39 Type B Family Day-Care Home

A permanent residence of the provider in which child day-care services are provided for one (1) to six (6) children at one (1) time and in which no more than three (3) children may be under two (2) years of age at any one (1) time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered

to, if all such children are siblings of the same immediate family and the residence is their home.

3.40 Church

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

3.41 Clinic

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

3.42 Club

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

3.43 Commercial Entertainment Facilities

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

3.44 Comprehensive Development Plan

A plan or any portion thereof, adopted by the planning commission and the legislative authority of the Township of Margareta showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

3.45 Conditional Use

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

3.46 Conditional Use Permit

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

3.47 Condominium

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

3.48 Corner Lot

See Lot Types.

3.49 Cul-de-Sac

See Thoroughfare.

3.50 dB(A)

Sound pressure measured in decibels measured on the audio scale.

3.51 Dead-End Street

See Thoroughfare.

3.52 Decibel

A unit of measure of sound pressure used to express the magnitude or volume sound.

3.53 Density

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

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

3.54 Density Bonus

An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower-income housing, open space, or other such amenities, as provided for in the zoning regulations.

3.55 District

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

3.56 Dwelling

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

3.57 Dwelling Unit

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

3.58 Dwelling, Single-Family

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

3.59 Dwelling, Two-Family

A dwelling consisting of two (2) dwelling units which may be either attached side by side or one (1) above the other.

3.60 Dwelling, Multi-Family

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

3.61 Dwelling, Industrialized Unit

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparation for its placement and including a modular or sectional unit, but not a mobile home.

3.62 Easements

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

3.63 Senior Household

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

3.64 Senior Housing Facility

A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to senior citizens. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities and provide for independent or semi-independent living. For the purposes of this definition, “senior housing facility” shall not include convalescent homes, nursing homes, group residential facilities.

3.65 Senior Citizen

Any person who is sixty-two (62) years of age or older, or any person under sixty-two (62) years of age who is disabled such that his/**her** physical impairments are of a long-term duration and impede his/her ability to live independently without a suitable housing environment.

3.66 Essential Services

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

3.67 Factory-Built Housing

Factory-Built Housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, “factory-built housing” shall include the following:

- 1) Manufactured Home – A factory-built structure that is manufactured or constructed under the authority of forty-two (42) United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and with wheels or axles. Manufactured homes must comply with the following minimum standards:
 - A) Exterior Siding – Exterior siding shall be made of non-reflective and non-metallic materials unless approved otherwise. Acceptable siding materials include: vinyl, wood, stucco, brick, stone or other masonry materials, or any combination of these materials.

- B) Color/Texture – Except for authorized deck areas, all roof structures shall be compatible with the adjacent single-family structures.
 - C) Roof Structure – Except for authorized deck areas, all roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches.
 - D) Roofing Material – All roofing material shall consist of the following categories: wood, shingle, concrete tile or metal.
 - E) Minimum Floor Area – The minimum floor area for every dwelling located on a lot in an “R” Zoning District, which is not a part of a mobile home subdivision, shall be one-thousand two hundred (1,200) square feet, excluding the area of garage or carport.
 - F) Minimum Width – The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty (20) feet.
 - G) Foundations – All manufactured homes shall be placed on a permanent foundation that meets applicable building code requirements, such as the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.
- 2) Mobile Home – A transportable, factory-built home, designed to be used as a year-round residential dwelling and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

3.68 Family

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

3.69 Farm Vacation Enterprises (Profit or Non-Profit)

Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery and nature recreation areas; hunting preserves and watershed projects.

3.70 Feedlot

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

3.71 Fireworks

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

include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term “fireworks” shall not include auto flares.

3.72 1% Chance Flood Plain

That land, including the flood fringe and the floodway, subject to inundation by the 1% chance flood.

3.73 Floor Area of a Residential Building

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and the area of roofed porches and roofed terraces and garages. All dimensions shall be measured between interior faces of walls.

3.74 Floor Area of a Non-Residential Building (To be used in calculating Parking Requirements)

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

3.75 Floor Area, Usable

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

3.76 Food Processing

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

3.77 Garages, Private

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

3.78 Garage, Public

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

3.79 Group Residential Facility

A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities as shown below (3.84 & 3.85)

3.80 Class I

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

3.81 Class II

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

3.82 Historic Area

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

3.83 Home Occupation

Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

3.84 Senior Housing

Means a home that provides both of the following:

- 1) Accommodations, supervision and personal care services or accommodations, supervision, personal care services, administration of medication and supervision of special diets for three (3) or more unrelated individuals who are dependent on the services of others by reason of age and physical or disability;
- 2) Personal care services and skilled nursing care for three (3) or more unrelated individuals. The part or unit of the home for the aging that provides personal care services, that may administer medication and that may supervise special diets is licensed as a rest home. The part or unit that provides other skilled nursing care is licensed as a nursing home.

3.85 Hospital

Is any institution providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick or injured.

3.86 Hotel or Motel and Apartment Hotel

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

3.87 Institution

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

3.88 Junk

Any worn, used or discarded item or material including but not limited to scrap metals, rags, cans, bottles, glass, building materials, packaging, motor vehicles or parts thereof, machinery or parts thereof, used building materials, paper, tires or any other waste product that may or may not be used again.

3.89 Junk Buildings, Junk Shops, Junk Yards

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

3.90 Kennel

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

3.91 Loading Space, Off-Street

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

3.92 Location Map

See Vicinity Map.

3.93 Lot

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

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

3.94 Lot Coverage

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

3.95 Lot Frontage

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, one side of a lot adjacent

to streets shall be considered frontage and yards shall be provided as indicated under “Yards” in this section.

3.96 Lot, Minimum Area of

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

3.97 Lot Measurements

A lot shall be measured as follows:

- 1) Depth: The horizontal distance between the front & rear property lines of a lot measured along a line midway between the side property lines.
- 2) Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

3.98 Lot of Record

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

3.99 Lot Types

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

- 1) Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- 2) Interior Lot: A lot with only one (1) frontage on a street.
- 3) Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- 4) Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

3.100 Maintenance and Storage Facility

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

3.101 Major Thoroughfare Plan

The portion of a comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

3.102 Manufactured Home Park

Any lot upon which three (3) or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structures, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

3.103 Manufacturing, Heavy

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

3.104 Manufacturing, Light

Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures.

3.105 Manufacturing, Extractive

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

3.106 Marina

An establishment located on the shore of a body of water, where a boat house, boat storage yard, pier and dock or jetty facilities are available for all types of marine pleasure craft and may include a gasoline pump or other facility for the fueling of marine craft and a building or structure for the supply of marine craft accessories or refreshments.

3.107 Mobile Home

Any non-self propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for

human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation, and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

3.108 Mobile Home Park

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

3.109 Monument Sign

A freestanding sign which is less than six and one-half (6 ½) foot above established grade at its highest point.

3.110 Motor Home or Travel Trailer

Is defined as 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, whether resting on wheels, jacks, or other temporary foundation and used as a conveyance upon the public streets or highways.

3.111 Non-conformities

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

3.112 Nursing Home

A home used for the reception and care of individuals who by reason of illness or physical or mental disability require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

Mmeans a home that provides either of the following:

- 1) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are

dependent on the services of others by reason of age or physical or mental disability or, in the case of a nursing home component of a home for senior citizens, accommodations to three (3) or more individuals and supervision and personal care services for at least three (3) of those individuals;

- 2) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental disability and supervision of special diets or the administration of medication to at least one (1) of those individuals

3.113 Open Spaces

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, and other recreational facilities. Streets, parking areas, structures for habitation and the like shall not be included.

3.114 Overlay District

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

3.115 Parking Space, Off-Street

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

3.116 Performance Bond, Surety Bond, or Financial Guarantee

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

3.117 Personal Services

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

3.118 Planned Unit Development

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

3.119 Portable Signs

Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, produce, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring pedestrian traffic.

3.120 Professional Activities

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

3.121 Public Service Facility

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

3.122 Public Uses

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

3.123 Public Way

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

3.124 Quasi-Public Use

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

3.125 Recreation Camp

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

3.126 Recreation Facilities

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

3.127 Renewable Energy Facility

A facility which converts a natural renewable commodity such as, but not limited to sun, wind, water or geothermal useable electrical power.

3.128 Research Activities

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

3.129 Right-Of-Way

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

3.130 Roadside Stand

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

3.131 Rotor

The element of a wind energy machine which acts as a single or multi-bladed airfoil assemble and is used to extract kinetic energy from the wind and includes both the blades and hub assemblies.

3.132 Satellite Signal Receiver

“Dish-type Satellite Signal-Receiving Antennas”, “earth stations”, or “ground stations”, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one(1), or a combination of two (2) or more of the following:

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

3.133 Seat

For purposes of determining the number of off-street parking spaces or certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

3.134 Setbacks

Setback lines: The minimum required distance between the property line and the building or structure line.

- A) Front setback line
A line extending between the side lot lines across the front of a lot and measured from the road right-of-way to the front of the principle building.
- B) Rear setback line
A line extending between the side lot lines across the rear of a lot and measured from the rear property line to the rear of the principal building.
- C) Side setback line
A line extending from the principal building to the side property line on both sides of the principal building between the lines establishing the front and rear property line.

3.135 Sewers, Central or Group

An approved sewage disposal system which provides a collection network and disposal system for a community or region.

3.136 Sewers, On-Site

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

3.137 Sidewalk

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

3.138 Sign

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

- 1) Sign, On-Premises: Any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
- 2) Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- 3) Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including other reflecting or phosphorescent light.
- 4) Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- 5) Sign, Projection: Any sign which projects from the exterior of a building.

3.139 Special District

A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

3.140 Stable, Public

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

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.

3.141 Story

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

3.142 Story, Half

Is 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 (7) feet six (6) inches. For the purpose of this Resolution, the usable floor area is only that having at least seven (7) feet six (6) inches clear height between floor and ceiling.

3.143 Structure

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

3.144 Subdivision

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- 2) The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

3.145 Supply Yards

A commercial establishment storing and offering for sale; building supplies, steel supplies, coal, heavy equipment, feed, and grain, and similar goods.

3.146 Swimming Pool

A pool, pond, lake, or open tank containing at least one-and-a-half (1.5) feet of water at any point and maintained by the owner or manager.

- 1) Private: Exclusively used without paying an additional charge for admission by the residents, development, or a community, the members guest of a club, or the patrons of a motel or hotel; an accessory use.
- 2) Community: Operated with a charge for admission; a primary use.

3.147 Thoroughfare, Street or Road

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

- 1) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- 2) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- 3) Collector Streets: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- 4) Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- 5) Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- 6) Local Street: A street primarily for providing access to residential or other abutting property.
- 7) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- 8) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called frontage streets).

3.148 Through Lot

See Lot Types.

3.149 Transportation, Director of

The Director of the Ohio Department of Transportation.

3.150 Use

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

3.151 Variance

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

3.152 Vehicle Fuel Stations

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

3.153 Vehicle Repair Station

A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of vehicles.

3.154 Vehicle Service Stations

A building or buildings, structures and adjoining space used for the dispensing of motor fuel from fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies and where vehicle 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, motor repairs and adjustments may be rendered.

3.155 Vehicle Storage

Parking or placing of a vehicle, motorized or not, or any trailer or boat for more than five (5) consecutive days in one (1) location.

3.156 Veterinary Animal Hospital or Clinic

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

3.157 Vicinity Map

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

3.158 Walkway

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

3.159 Wind Energy Facility

An electricity generating facility (or similar testing facility) consisting of one (1) or more wind energy machines under common ownership or operating control whose main purpose is to create electricity for testing or off-site customers. This is to include all substations, towers, cables and wires, and buildings accessory to the facility.

3.160 Wind Energy Machine

A piece of equipment which is used to derive electric energy from the wind or tests the amount of wind for potential conversion into electricity. This includes the tower, the rotor, and the related electrical machinery, but not the connections to the grid or end use locations.

3.161 Yard

An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided by this resolution.

- 1) Yard Front: A yard extending between side lot lines across the front of a lot and measured from the road right-of-way to the front of the principal building.
- 2) Yard Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- 3) Yard Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

3.162 Zoning Inspector

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

3.163 Zoning Permit

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

ARTICLE 4 Administration

4.0 Purpose

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

4.1 General Provisions

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

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

4.2 Zoning Inspector

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

4.3 Responsibilities of Zoning Inspector

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

- 1) Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
- 2) Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.

- 3) Issue zoning permits and certificates of occupancy as provided by this Resolution and keep a record of same with a notation of any special conditions involved.
- 4) Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his or her refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- 5) Conduct inspections of buildings and uses of land to determine compliance with this Resolution and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- 6) Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents and records of all variances, amendments and special uses.
- 7) Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
- 8) Review and approve plot plans pursuant to this Resolution.
- 9) Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
- 10) Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

4.4 Township Zoning Commission

The Board of Township Trustees of any Township proceeding under Chapter 519, inclusive, of the Ohio Revised Code shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Board and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Where there is a County or Regional Planning Commission; each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges and after a copy of the charges have been served upon the member so charged at least ten (10) days prior to the hearing, either personally by certified mail or by leaving such copy at this usual place of residence. The

members shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

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

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

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

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

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

4.6 Amendments to Zoning Resolution; Procedure; Referendum

Any proposed amendments to the zoning resolution, zoning map or proposed referendum will follow the requirements as established in the Ohio Revised Code 519.12.

4.7 Ratification of Amendments to Township Zoning Plan

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

4.8 Township Board of Zoning Appeals; Compensation and Expenses

In any township which adopts zoning regulations, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Each member shall serve until his or her successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

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

4.9 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

- A) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the Ohio Revised Code or of any resolution adopted pursuant thereto;
- B) 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 resolution shall be observed and substantial justice done;
 - 1. In granting an Area Variance, the Board shall consider the following:
 - a. The conditions upon which an application for a Variance is based are particular to the subject property with respect to the physical size, shape or other characteristics of the premises or adjoining premises, differentiating it from other premises in the same district; or
 - b. The Variance would result in an improvement of the property that is more appropriate and more beneficial to the community than would be the case without granting of the Variance.
 - 2. In granting an Area Variance, the Board shall also consider the following:

- a. The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the Variance;
 - b. The spirit and intent behind the subject zoning requirement would be observed and substantial justice done by granting the Variance;
 - c. The Variance is not substantial and is the minimum necessary to afford relief to the applicant and achieve an appropriate and beneficial improvement of the property; and
 - d. The Variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
3. In granting an Area Variance, the Board shall also consider the following factors:
- a. whether the property owner purchased the property with knowledge of the zoning restriction; b. whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance; and c. whether the property owner's predicament feasibly can be obviated through some method other than a Variance.
4. In granting a Use Variance, the Board shall consider the following:
- a. The property cannot be put to any economically viable and appropriate use under any of the permitted uses in the zoning district;
 - b. The Variance requested stems from conditions that are particular to the subject property and are not applicable, generally, to other properties within the same zoning classification;
 - c. The hardship condition is not created by actions of the applicant;
 - d. Granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. Granting of the variance will not adversely affect the community character, public health, safety, or general welfare;
 - f. The Variance will be consistent with the general spirit and intent of the Zoning Code; and

- g. The Variance sought is the minimum that will afford relief to the applicant.
- C) Grant conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the zoning resolution;
- D) Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his or her right to a hearing before the board, within thirty (30) days of the notice, if he or she so requests. If the holder requests a hearing, the board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

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

4.10 Rules, Organization and Meeting of Zoning Appeals Board

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

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

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days of notice in writing to the parties in interest, give notice

of such public hearing by one (1) publication in one (1) or more newspapers or general circulation in the county, at least thirty (30) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appeal in person or by attorney.

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

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution, the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law and of establishing a schedule of fees and charges as stated in Section 1351 of this Resolution.

4.12 Board of Township Trustees

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

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

4.13 Schedule of Fees

The Board of Township Trustees shall, by Resolution, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the Board of

Township Trustees. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

ARTICLE 5 **Enforcement**

5.0 General

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

5.1 Zoning Permits Required

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

5.2 Contents of Application for Zoning Permit

The application for a zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire if work has not begun within one (1) year or substantially completed within two and one-half (2 ½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- 1) Name, address, and phone number of applicant;
- 2) Legal description of property, when required by Zoning Inspector;
- 3) Existing use;
- 4) Proposed use;
- 5) Zoning district;

- 6) Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- 7) Building heights;
- 8) Number of off-street parking spaces or loading berths, and their layout;
- 9) Location and design of access drives; if applicable,
- 10) Number of dwelling units; if applicable,
- 11) If applicable, application for a sign permit or a conditional, special or temporary use permit, unless previously submitted.

5.3 Approval of Zoning Permit

Within thirty (30) days after receipt of an application, the Zoning Inspector shall either approve or disapprove a zoning permit.

5.4 Submission to Director of Ohio Department of Transportation

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

5.5 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2 ½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

5.6 Record of Zoning Permits

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

5.7 Failure to Obtain a Zoning Permit

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

5.8 Construction and Use to be as Provided in Applications, Plans and Permits

Zoning permits are issued on the basis of plans and applications being approved by the Zoning Inspector authorizing only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

5.9 Complaints Regarding Violations

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

5.10 Entry and Inspection of Property

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

5.11 Stop Work Order

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

5.12 Zoning Permit Revocation

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

5.13 Notice of Violation

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

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

Service of notice of violation shall be as follows:

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

5.14 Ticketing Procedure

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

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

5.15 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of the requirements shall be fined and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

5.16 Additional Remedies

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

Article 6
Nonconformities

6.0 Purpose

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution.

6.1 Incompatibility of Nonconformities

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located without approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

6.2 Completion of Nonconforming Structures

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

6.3 Certificates for Nonconforming Uses

The Zoning Inspector may, upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including

a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are, or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

6.4 Substitution of Nonconforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, in accordance with the standards contained in Section 6.7, which requirements shall pertain as stipulated conditions to the approval of such change and failure to meet such conditions shall be considered a punishable violation of said Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

6.5 Single Nonconforming Lots of Record

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

Chart for Non-Conforming Lots of Record

Lot Width	Front Set Back	Side Lot Set Back
74 feet +	35 feet	10 feet
70 – 74 feet	35 feet	8 feet
60 – 69 feet	35 feet	6 feet

50 – 59 feet	30 feet	4 feet
40 – 49 feet	25 feet	3 feet

There Must Be A 10 Foot Minimum Between Structures.

6.6 Nonconforming Structures or Uses

Where a lawful structure or use of land exists at the effective date of adoption or amendment of this Resolution that does not meet the minimum requirements of the district in which the lot is located, or is not a lawful use within the district, such structure or use may be continued as long as it remains otherwise lawful.

- 1) The Board of Zoning Appeals is hereby authorized to grant a variance from the literal provisions of this Resolution in order to allow the restoration, reconstruction, extension or substitution of a nonconforming use of land or nonconforming structure in accordance with the following terms:
 - A) The restoration, reconstruction, extension or substitution of the nonconforming use or structure will not be contrary to the public interest.
 - B) Where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship.
 - C) There must exist special circumstances or conditions fully described by the applicant and which are such that strict application of the provisions of this Resolution would deprive the applicant of reasonable use of the structure or land.
 - D) The lot area shall be adequate to accommodate the required off-street parking for the structure as restored, reconstructed, extended or substituted. The design, location and surface of the parking area shall be provided so as to reduce congestion, promote safety and to reduce the impact on the existing neighborhood.
 - E) No nonconforming use shall be permitted to restore, reconstruct, extend or substitute if it will result in a greater detriment to surrounding properties.
 - F) No nonconforming use may be expanded beyond the property limits as existing at the time this Resolution was adopted or amended to make the use or structure nonconforming.
 - G) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Article is defined as damaged to an extent of more than sixty percent (60%) of the replacement costs at time of destruction.
 - H) The replacement of one (1) mobile home with another mobile home shall not be considered reconstruction or restoration under this provision.
 - I) If any nonconforming use is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises),

any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

6.7 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty percent (50%) of the current assessed value of the nonconforming structure as the case may be, provided that the cubic feet existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Zoning Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the District in which it is located.

ARTICLE 7

Procedures and Requirements for Appeals and Variances

7.0 General

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

7.1 Appeals

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

7.2 Stay of Proceedings

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

7.3 Variances

A variance may be granted by the Board of Appeals if it concludes that strict enforcement of the Resolution would result in unnecessary hardships in the case of use variances and practical for the applicant and that by granting the variance, the spirit of the Resolution will be observed, public safety and welfare secured, substantial justice done and that the variance will not be contrary to the public interest. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance

of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship in the case of a use variance or practical difficulties in the case of an area variance.

7.4 Application and Standards for Variances

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

- 1) Name, address and phone number of applicant(s);
- 2) Legal description of property;
- 3) Description or nature of variance requested;
- 4) A fee as established by resolution;
- 5) Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - A) The granting of the variance shall be in accordance with the general purpose and intent of the regulations imposed by this Resolution, the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - B) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - C) There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 - D) There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - E) The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.

- F) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.
- G) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures or buildings in the same district.

7.5 Additional Conditions and Safeguards

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

7.6 Public Hearing by the Board of Zoning Appeals

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

7.7 Notice of Public Hearing in Newspaper

Before conducting the public hearing required in Section 7.6, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

7.8 Notice to Parties in Interest

Before conducting the public hearing required in Section 7.6, written notice of such hearing shall be mailed by the Clerk of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information required of notices published in newspapers as specified in Section 7.7.

7.9 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions or disapprove the request for appeal or variance. The Board of Zoning Appeals shall maintain minutes containing its conclusions of fact and reasons for granting or refusing to grant the variance or for sustaining or denying the appeal. Appeals from the Board's decision shall be in accordance with Chapter 2506, Ohio Revised Code.

7.10 Term of Variance

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

ARTICLE 8 **Amendment**

8.0 General

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

8.1 Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one (1) of the following ways:

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

8.2 Contents of application for Zoning Map Amendment

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

- 1) The name, address and phone number of applicant;
- 2) A statement of the reason(s) for the proposed amendment;
- 3) Present use;
- 4) Present zoning district;
- 5) Proposed use;
- 6) Proposed zoning district;
- 7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;

- 8) A fee as established by Resolution of the Board of Township Trustees.

8.3 Contents of Application for Zoning Text Amendment

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

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

8.4 Transmittal to Zoning Commission

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

8.5 Submission to Regional Planning Commission

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

8.6 Standards of Recommendations of Township 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 and that the need for the change rests with the applicant. The following questions should be asked when considering district changes.

- 1) Is there vacant land in the area already zoned to accommodate this use? If there is a considerable amount of land zoned for the requested purpose, and if little of it is used, the need to rezone more land should be carefully analyzed.
- 2) What other effects might the adoption of the proposed amendment have on future land uses in the area? What will be the long-term effect of the proposed change?

- 3) How does the proposed change relate to existing public facilities and services such as water, sewer, police and fire protection and schools?
- 4) What is the present character of the area in terms of existing land use and physical characteristics? Do the physical characteristics of the area cause problems for development?
- 5) What are the factors that make this location well-suited for the users permitted in the proposed zoning district?
- 6) Would all of the permitted uses in the proposed district be compatible with the existing potential future development in the area?
- 7) What effect would the rezoning have on property values?
- 8) Would the rezoning cause a considerable increase in the volume of traffic? Can existing roads accommodate this traffic?

- 9) Does the area proposed for rezoning reflect land needed for the proposed use or does it merely reflect the applicant's property lines?
- 10) Is there a physical feature such as a river, creek, or railroad that can be used as a natural dividing line to separate a new district from adjacent properties?

8.7 Submission to Director of Transportation

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

8.8 Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

8.9 Notice of Public Hearing in Newspaper

The notice of the hearing before the Zoning Commission which is published and sent to landowners if there are ten (10) or fewer parcels must contain in addition to the time, date, and place of the hearing the following:

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

The notice that is published if the amendment alters the text or when there are more than ten (10) parcels must contain in addition to the time, date and place of the public hearing all of the following:

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

8.10 Notice of Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from

such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.9.

8.11 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 8.8, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Plan.

8.12 Public Hearing by Board of Township Trustees

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

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

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

- 1) The name of the board that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

- 3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) Any other information requested by the board.

8.13 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 8.12, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, a majority vote of the Township Trustees is required.

8.14 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the voters cast on the issue 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.

ARTICLE 9
Procedures for Conditional Use Permits

9.0 Purpose

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements and traffic generation. Consequently, conditional use permits are not affected by the transfer of ownership, provided the use remains the same.

9.1 Contents of Conditional Use Permit Application

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

Name, address, and phone number of the applicant;

- 1) Legal description of the property;
- 2) Zoning district;
- 3) Description of existing use;
- 4) Description of proposed conditional use;
- 5) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
- 6) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Erie County Comprehensive Plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration;

- 7) A fee as established by Resolution; and
- 8) A narrative addressing each of the applicable criteria contained in Section 9.2.

9.2 General Standards for all Conditional Uses

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 1) Is in fact a conditional use as appears on the schedule of district regulations adopted for the zoning district involved;
- 2) Will be in accordance with the general objectives, or with any specific objective, of the County's Comprehensive Plan and/or zoning resolution.
- 3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 4) Will not be hazardous or disturbing to existing or future neighboring uses;
- 5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- 8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- 9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

9.3 Public Hearing

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

9.4 Notice of Public Hearing

Before conducting the public hearing required in Section 9.3, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

9.5 Notice to Parties of Interest

Prior to conducting the public hearing required in Section 9.3, written notice of such hearing shall be mailed by the Clerk of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed on the application. The notice shall contain the same information as required in Section 9.4 for notices published in newspapers.

9.6 Action by the board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in Section 9.3, the Board shall take one of the following actions:

- 1) Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 9.7. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
- 2) Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- 3) Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.

9.7 Supplementary Conditions and Safeguards

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

- 1) The location, width, radius and number of driveways entering onto any public street;
- 2) The requirement that barriers be established to prevent access to a public street at any other location than established driveways;
- 3) A limitation upon access to certain public streets where there are more than one public street abutting the property;
- 4) Limitations upon the use of required setbacks for the parking of motor vehicles, storage or display of goods for sale or use, or the location of dumpsters;
- 5) Limitations on the intensity and location of lighting and requirements that lighting be shielded from adjoining properties;

- 6) Requirements that surface water be detailed, channeled or otherwise carried from the property to public storm sewers so as to avoid injury to adjoining properties; and
- 7) Requirements that culverts be installed parallel to the road under any proposed driveway so as not to interfere with the existing flow of surface water. The size of the culvert shall be determined based upon accepted engineering standards.

9.8 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize any one (1) particular conditional use and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

- 1) The Zoning Inspector shall upon his own initiative, or shall upon the request of any owner, issue a certificate for any conditional use deemed valid by the Board of Zoning Appeals.
- 2) The purpose of this section is to protect the owners of lands or structures that are of a conditional nature. One (1) copy of the certificate shall be returned to the owner, one (1) shall be sent to the Erie County Department of Planning and Development, and one (1) copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file, along with an indexed overlay, of all such certificates.

ARTICLE 10
Zoning Districts & Boundary Interpretations

10.0 Purpose

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

10.1 Establishment of Districts

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

1)	Agricultural District	A	Article 11
2)	Single- Family Serviced Residential District	R-1	Article 12
3)	Two-Family Residential District	R-2	Article 13
4)	Multi-Family Residential District	R-3	Article 14
5)	Local Commercial District	C-1	Article 15
6)	General Commercial District	C-2	Article 16
7)	Recreation District	C-3	Article 17
8)	Professional & Business Office District	PBO	Article 18
9)	Light Industrial District	I-1	Article 19
10)	Heavy Industrial District	I-2	Article 20
11)	Mineral Aggregate District	MA	Article 21
12)	Planned Unit Development Regulations	PUD	Article 22

10.2 Zoning District Map

The districts established in Section 10.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

10.3 Zoning Map Legend

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend.

10.4 Official Zoning Map

The Official Zoning Map shall be properly identified by the signature of Township Trustees, as attested by the Fiscal Officer and bearing the official seal. The Map shall be maintained by the Zoning Inspector and shall remain on file in the Office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description as found in the text of this Resolution. The Official Zoning Map shall be of a reproducible document and copies shall be made available to the public upon request and upon payment of a fee as established by resolution.

10.5 Interpretation of District Boundaries

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

- 1) Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way shall be construed to be said boundaries;
- 2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 5) Where the boundary of a district follows a stream, lake, or body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
- 6) Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits; and

- 7) Whenever any street, alley, or other public way is vacated by any official Board of Township Trustees' action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation and all areas within that vacation shall henceforth be subject to all regulations appropriate to the respective extended districts.

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

ARTICLE 11

Agricultural District (Ag.)

11.0 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) Agricultural zoning permits the timing of land allotments to urban purposes in keeping with a theory of maximizing supporting public utilities to achieve the greatest of service for each dollar of capital expenditure.
- 4) Indiscriminate urbanizing of agricultural lands adversely affects the remaining owners of land pursuing agricultural endeavors by creating urban land values and character.

11.1 Principal Permitted Uses

The following uses are principal permitted uses in the Agricultural District:

- 1) Agriculture includes: farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 2) Single family residential dwellings-farm-related or non-farm related;
- 3) Accessory uses structures incidental to the above permitted uses, including but not limited to the following:

- A) Roadside stands for the sale of agricultural products where fifty percent (50%) or more of the gross income produced by the stand is derived from produce grown on farms owned or operated by the farm operator, subject to the following:
 - i) Any structure used to display such goods shall be less than two hundred fifty (250) square feet in size and must be located at least fifty (50) feet from the side or rear property line.
 - ii) The structure shall be setback at least forty (40) feet from the street right-of-way.
 - iii) Off-street parking shall be provided for all employees and customers.
- 4) Farms;
- 5) Nurseries, Lawn and Garden Centers;
- 6) Veterinary Clinics or Hospitals.
- 7) 4H & FFA Projects limited to 6 months
- 8) Public Stables or Riding Academies

11.2 Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit within the provisions of Article 9 of this Resolution:

- 1) Public stables and riding academics.
- 2) Cemeteries of at least twenty (20) acres in size, subject to the following:
 - A) The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
 - B) Any new cemetery shall be located on a site containing not less than twenty (20) acres.
 - C) All buildings, including but not limited to mausoleums and maintenance buildings shall not be located within one hundred (100) feet of any property line.
 - D) All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
- 3) Public, parochial, or other private elementary, intermediate schools and/or high schools offering courses in general education on sites of not less than ten (10) acres.
- 4) 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.
- 5) Golf courses and golf driving ranges, subject to the following conditions:
- A) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - B) A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green. Additional spaces shall be furnished for other uses in conjunction with the range.
 - C) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
 - D) All lights shall be directed away from site boundary lines.
 - E) Fences, plantings or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
 - F) One non-flashing sign not to exceed sixty (60) square feet in area may be erected at the major entrance to the proposed facility.
 - G) All driving directions shall be away from any street or highway.
- 6) Private parks, country clubs, and gun clubs, subject to the following:
- A) All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
 - B) Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.
- 7) Type "A" Family Day Care Home, subject to the following:
- A) Outdoor play grounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
 - B) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce the impact on the residential character of the neighborhood. The outgoing vehicles during high volume periods shall provide a safe drop-off point for children that will not impede other traffic.

- C) One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
- 8) Publicly-owned and operated libraries, parks and recreation facilities, subject to the following:
- A) All permanent buildings shall be constructed and designed to conform with the setback and building design of existing uses in the district.
 - B) Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.
- 9) Churches, subject to the following:
- A) The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
 - B) The church building and parking shall be set back from any adjacent residential property lines a minimum of fifty (50) feet.
 - C) Parking should not be permitted within fifty (50) feet of any side or rear property line.
- 10) Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education on sites of not less than ten (10) acres, subject to the following:
- A) No school shall be located nearer than one hundred (100) feet to any adjacent residentially-zoned property.
 - B) Every school property shall be surrounded by a minimum of five (5) foot high chain link fencing along both sides and rear property lines.
- 11) Bed and Breakfast Homestays subject to the following:
- A) A bed and breakfast homestay is a private owner-occupied residence with one to three (3) guest rooms. The bed and breakfast homestay must be subordinate and incidental to the main residential use of the dwelling.
 - B) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
 - C) One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
 - D) All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
 - E) One sign shall be permitted not exceeding two (2) square feet in area and three and one-half (3 ½) feet above ground.
- 12) Outdoor advertising and billboards, subject to the following:

- A) No billboard shall be located within two hundred (200) feet of another billboard.
- B) All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- C) All billboards shall be set back at least fifty (50) feet from any road right-of-way.
- D) All billboards shall be set back at least one hundred (100) feet from any land within a residential zoning district.
- E) No billboard shall obstruct the view of motorists on adjoining roads or in view of adjoining commercial or industrial uses which depend upon visibility for identification.
- F) No billboard shall exceed an overall size of three hundred (300) square feet nor exceed twenty-five (25) feet in height.

13) Renewable energy facilities

As specified in Article 24.9.

11.3 Development Standards

Minimum Lot Area	1 acres
Minimum Lot Frontage	125 feet
Minimum Front Yard Setback	60 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	50 feet
Minimum Dwelling Floor Area	1,200 square feet
Minimum Setback for Corner Lots From Side Street	Half the required front yard Setback
Minimum Setback Cul-de-sacs	Refer to section 23.23

11.4 Required Parking

As specified in Article 25.

11.5 Signs

As specified in Article 26.

11.6 Accessory Structures

- 1) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 2) A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:

- A) In no case shall an accessory structure be located closer than twenty (20) feet to any street or alley.
- 3) No accessory structure shall be used for commercial or industrial purposes.
- 4) Accessory structures shall not cover more than thirty-five percent (35%) of the required rear yard.
- 5) The maximum height of any accessory structure shall be twenty-five (35) feet.

ARTICLE 12
Single-Family Serviced Residential (R-1)

12.0 Purpose

The purpose of this District is to provide a single family residential development in areas served by public water and community sewage disposal facilities. The District offers reduced area requirements in serviced areas.

12.1 Principal 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 dwellings;
- 2) Publicly owned and operated schools, libraries, parks, parkways and recreation facilities;
- 3) Type B Family Day Care Home;
- 4) Accessory uses customarily incidental to the above permitted uses;

12.2 Conditionally Permitted Uses

- 1) Home Occupations or Home Offices, subject to the following conditions:
 - A) No person other than members of a family residing on the premises shall be engaged in such occupation.
 - B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.
 - C) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated.

- D) Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
- E) If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of the lot, if the occupation is conducted in a single-family residence.

12.3 Development Standards

Development Standard	R-1
Minimum Lot Area Without Sewer and Water	20,000 sq. ft.
Minimum Lot Area With Sewer and Water	16,000 sq. ft.
Minimum Lot Frontage	100 ft.
Minimum Front Yard Setback (or as noted in section 25.24)	60 ft.
Minimum Side Yard Setback	10 ft. one side
Minimum Total Side Yard Width	25 ft. total
Minimum Rear Yard Setback	50 ft.
Minimum Floor Area	1,200 sq. ft.
Minimum Setback for Corner Lot on Side Street	Half the required front yard setback
Maximum Building Height	35 ft.
Setback on Cul-de-sac	Refer to section 23.23
Maximum Lot Coverage	35% (percent)

12.4 Required Parking

As specified in Article 25.

12.5 Signs

As specified in Article 26.

12.6 Accessory Structures

- 1) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 2) An accessory building shall be a minimum distance of twenty (20) feet from any main building(s).
- 3) No accessory structure shall be used for human habitation.
- 4) No accessory structure shall be used for commercial or industrial
- 5) Accessory structures shall not cover more than thirty-five percent (35%) of the required rear yard.
- 6) Accessory structures must be subordinate in area to the principal use.
- 7) The maximum height of any accessory structure shall be thirty (30) feet.

- 8) In residential districts no more than one (1) accessory building can be erected on a lot. Accessory structures must be subordinate to the principal use.
- 9) Private swimming pools refer to Section 24.2.
- 10) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: R-1 (Resolution 2018-06)

ARTICLE 13
Two-Family Residential District (R-2)

13.0 Purpose

The R-2 District is designed to provide for a one-and-two (1&2) family residential environment on relatively small lots with supporting ancillary uses in areas of the Township which contain public water and sanitary sewer systems.

13.1 Principal Permitted Uses

The following provisions apply in all R-2 Districts. In an R-2 District no person shall hereafter use any building or structure except in accordance with the following provisions:

- 1) All uses principally permitted in R-1 Districts unless otherwise provided;
- 2) Two-family dwellings;
- 3) Publicly owned and operated libraries, parks and recreation facilities;
- 4) Type B Family Day Care Home;
- 5) Accessory uses customarily incidental to the above permitted uses.

13.2 Conditionally Permitted Uses

- 1) Home Occupations or Home Offices, subject to the following conditions:
 - A) No person other than members of a family residing on the premises shall be engaged in such occupation.
 - B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.

- C) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated.
- D) Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
- E) If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

13.3 Development Standards

Minimum Lot Area	20,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	10 feet
Minimum Floor Area	900 square feet per unit
Maximum Building Height	35 feet
Minimum Setback for Corner Lot on Side Street	Half the required front Yard setback
Minimum Setback on Cul-de-sacs	Refer to section 23.23
Maximum Lot Coverage	35% (percent)

13.4 Required Parking

As specified in Article 25.

13.5 Signs

As specified in Article 26.

13.6 Accessory Structures

- 1) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 2) No accessory structure shall be used for human habitation.
- 3) No accessory structure shall be used for commercial or industrial purposes.
- 4) Accessory structures must be subordinate in area to the principal use.

- 5) Private swimming pools refer to Section 24.2.
- 6) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: R-2 (Resolution 2017-08)

ARTICLE 14
Multi-Family Residential District (R-3)

14.0 Statement of Purpose

The R-3 District is designed to provide for a multiple housing environment with townhouses and garden apartments constituting the principal type dwelling accommodations. The District should be adequately supported with necessary public utilities.

14.1 Principal Permitted Uses

In an R-3 District, no person shall hereafter use any building or structure except in accordance with the following provisions:

- 1) Multiple-family dwelling units, including apartments, townhouses and row houses;

14.2 Conditionally Permitted Uses

- 1) Hospitals, provided the following conditions are met:
 - A) All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - B) The proposed site shall have at least one (1) property line abutting a Regional, Major or Secondary Thoroughfare as shown in the Erie County Comprehensive Plan. All ingress and egress to the off-street parking area for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a said thoroughfare.
 - C) In the event one (1) or more boundaries of the proposed site lies opposite or contiguous to a residentially zoned district, the minimum distance between any hospital structure or accessory use in the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be setback

- from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
- D) The minimum distance from any street right-of-way line shall not be less than forty (40) feet.
 - E) The minimum distance from any non-residential interior lot line shall not be less than twenty-five (25) feet.
 - F) Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Article 24, Section 24.08.
- 2) Senior Housing shall be on a site of more than five (5) acres 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 lounges, and workshops.
 - C) All dwellings shall consist of at least three hundred and fifty (350) square feet 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 percent (35%) of the total site exclusive of any dedicated public right-of-way.
- 3) Convalescent and/or nursing homes, not to exceed a height of two (2) stories, when the following conditions are met:
- A) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home, there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements and space required for accessory uses.
 - B) No building shall be closer than forty (40) feet from any property line.
- 4) Boarding house (rooming house).
- 5) Accessory structures and uses customarily incidental to any of the above uses.

14.3 Site and Landscape Plan Review

For all uses permitted in the R-3 District, a site plan shall be submitted to and approved by the Margaretta Township Zoning Commission. The site plan shall be in accordance with the provisions of Section 23.22.

14.4 Screening/Buffering

Screening or buffering in compliance with the provisions of Section 24.08 is required.

14.5 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	40 feet
Minimum Floor Area	900 square feet per unit
Maximum Net Density	6 units per acre
Maximum Building Height	40 feet
Minimum Setback for Corner Lot on Side Street	Half the required front yard setback
Minimum Setback on Cul-de-sacs	Refer to section 23.23
Maximum Lot Coverage	35% (Percent)

14.6 Required Parking

As specified in Article 25.

14.7 Signs

As specified in Article 26.

14.8 Accessory Structures

- 1) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the front yard.
- 2) A detached private garage or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - A) When such accessory structure is located in the rear yard a minimum side and rear yard of twenty (20) feet shall be maintained.
 - B) No accessory structure shall be used for human habitation or commercial or industrial purposes.
 - C) Private swimming pools refer to Section 24.2.

- D) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: R-3 (Resolution 2018-06)

ARTICLE 15
Local Commercial District (C-1)

15.0 Purpose

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

15.1 Principal Permitted Uses

- 1) Shops for the sale of baked goods, beverages, including liquor outlets (not to be consumed on the premises), books, confections, drugs, flowers, foodstuffs, including meats, gifts, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry, small household articles and tobacco except that shopping centers shall comply with provisions in section 16.3.
- 2) Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
- 3) Laundry or dry cleaning customer outlets, coin-operated laundromat and self-serve dry cleaning center. Dry cleaning or laundry plants serving more than one (1) customer service outlet shall be prohibited.
- 4) Accessory buildings and uses customarily incidental to the above Principal Permitted Uses. Accessory structures may be erected and used in the interior side or rear yards. Accessory structures may not be used for human habitation.

15.2 Required Conditions

- 1) All business establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where they are produced.

- 2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

15.3 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Zoning Appeals:

All residential uses allowed in R-2 Districts.

- 1) Planned shopping center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site of three (3) to five (5) acres; six (6) to fifteen (15) stores; and a floor area of 10,000 to 50,000 square feet; and which further satisfies the following development standards:
 - A) A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - B) No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - C) A landscaping plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - D) All signs shall be affixed to the face of the building and shall be of a uniform design throughout, except for one (1) ground or pole sign advertising the name of the shopping center.
 - E) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - G) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
 - H) The maximum grade of off-street parking spaces shall be three percent (3%).
 - I) A site plan must be submitted subject to provisions of Section 23.22.
- 2) Nursery schools, day nurseries, and child care centers (not including dormitories) provided 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 total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district. Said use shall not be permitted in the interior of any residential block and shall have minimum side and rear yards of one hundred (100) feet.
- 3) Residential use in conjunction with commercial use provided the following conditions are met:
 - A) One (1) dwelling unit may be permitted in conjunction with a commercial use.

- B) The permitted dwelling unit may only be occupied by the owner/operator of the commercial use.
 - C) Off-street parking must be provided for the dwelling unit in accordance with Section 25 of this Code.
 - D) The dwelling unit must be a minimum of four hundred fifty (450) square feet in floor area.
 - E) The dwelling unit, if attached to the commercial use, must meet the same setback requirements as the commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the "R-1" District.
 - F) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: C-1 (Resolution 2018-06)
- 4) Car washes. Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit and which further satisfies the following development standards:
- A) Public sewers and water facilities shall be utilized.
 - B) For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
 - C) All structures housing washing apparatuses shall be setback fifty (50) feet from any rear property line and twenty (20) feet from any side lot line; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one (1) street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.
- 5) Renewable Energy Facilities
As specified in Article 24.9.

15.4 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent material resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. A minimum of a ten (10) foot high buffer shall be provided adjacent to a Residential District. Screening or buffering must follow the provisions of Section 24.8.

15.5 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	60 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	40 feet
Minimum Setback for Corner Lots	Half the required front yard setback
Maximum Height	35 feet
Maximum Lot Coverage	40 percent (40%)

15.6 Required Parking

As specified in Article 25.

15.7 Signs

As specified in Article 26.

ARTICLE 16
General Commercial District (C-2)

16.0 Statement of Purpose

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

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

16.1 Principal Permitted Uses

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

- 1) Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.
- 2) All retail business establishments conducted within a completely enclosed building except those listed separately as conditional uses in the District.

- 3) Wholesale business establishments and wholesale distribution centers conducted within a completely enclosed building.
- 4) Dormitories, fraternities, clubs, lodges, social or recreational buildings.
- 5) Sales establishments, such as for real estate and insurance conducted within a completely enclosed building, except those listed separately as conditional uses in this District.
- 6) Repair shops conducted within a completely enclosed building except those listed separately as conditional uses in this District.
- 7) Public buildings and uses.
- 8) Business schools and colleges or private trade schools operated for profit.
- 9) Commercial or technical training centers.
- 10) Offices.
- 11) Restaurants or other places serving food and beverages.
- 12) Data processing centers.
- 13) Banks.
- 14) Research and development facilities.
- 15) Marinas.
- 16) Merchandise service shops.
- 17) Specialized commercial uses including plumbing, electrical and building supply shops.
- 18) Theaters, assembly halls, concert halls, or similar places of assembly, conducted completely within an enclosed building.
- 19) Hotels and motels.
- 20) Accessory structures and uses customarily incidental to the above permitted uses. Accessory structures may be erected and used in the interior, side or rear yards. Accessory structures may not be used for human habitation or commercial or industrial uses.

16.2 Conditionally Permitted Uses

The following uses shall be permitted by the Township Board of Zoning Appeals pursuant to Article 9, subject to the conditions imposed herein, and subject further to the procedure where applicable indicated in Article 9:

- 1) Vehicle service stations and vehicle fuel stations.
 - A) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be not less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residentially zoned districts.
 - B) The minimum lot area shall be twenty thousand (20,000) square feet, with minimum lot sides of one hundred fifty (150) feet each, and so arranged that ample space is available for motor vehicles which are required to wait for services.

- C) Vehicle service stations shall not be located within five hundred (500) feet of any school.
 - D) All lighting shall be shielded from adjacent residentially zoned districts.
- 2) Car washes. Any automatic or manually operated facility used to accommodate the laundering of automobiles and/or trucks and construed to be of a commercial operation managed to produce a profit. Standards that apply to car washes are as follows:
- A) Public sewers and water facilities shall be utilized.
 - B) For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
 - C) All structures housing washing apparatuses shall be set back fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one (1) street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.
- 3) Recreation vehicle sales and service, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment peculiar to the above; motor vehicle sales and service; and farm implement sales and service, subject to the following conditions:
- A) All repairs shall be conducted within a wholly enclosed building.
 - B) Outdoor areas used for display shall be provided with a permanent, durable and dust-less surface such as asphalt or concrete and shall be graded and drained as to dispose of all surface water accumulated within the area. See Section 25.
 - C) Points of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - C) All lighting shall be shielded from adjacent residentially zoned districts.
- 4) Any business of a drive-in nature or so called open front store or open air business, subject to the following conditions:
- A) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - B) Ingress and egress points shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - C) All lighting shall be shielded from adjacent residentially zoned districts.
 - D) A completely opaque wall at least six (6) feet high shall be provided when abutting or adjacent to any residentially zoned district.

- 5) 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.

- 6) Veterinary hospitals or clinics, subject to the following conditions:
 - A) All activities must be conducted within a totally enclosed building.
 - B) All abutting property must be non-residentially zoned.
 - C) Sanitation practices shall be adequate to ensure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
 - D) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
 - E) Veterinary hospitals or clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed forty-five (45) decibels at the property boundary. Building plans submitted for a zoning certificate shall be certified by a registered architect or acoustical engineer that the building will meet these requirements. Existing buildings that are to be used as veterinary hospitals or clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements.

- 7) Indoor recreational uses such as bowling alleys, billiard halls, indoor archery ranges, or indoor skating rinks, arcades, haunted houses, haunted house theaters, indoor go cart tracks or similar forms of indoor recreation shall not be located within one hundred (100) feet from any front, rear or side yard of any lot in an adjacent residentially zoned district, subject to the following conditions:
 - A) All activities shall be conducted within a wholly enclosed building.
 - B) Points of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - C) All lighting shall be shielded from adjacent residentially zoned districts.
 - D) Screenings and plantings to buffer any adjacent residentially zoned district are required.
 - E) Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor, dust, odors, glare, storm water runoff, hazardous materials, etc.

- 8) Mini-storage buildings, subject to the following conditions:
 - A) No lot shall be less than two (2) acres in size.

- B) The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
- C) Storm-water management shall be incorporated into the site plan for a mini-storage building so that storm-water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm-water run-off from at least a twenty-five (25)-year return frequency storm as certified by a professional engineer.
- D) No business activity other than rental or storage units shall be conducted on the premises and no outside storage will be permitted. Human habitation of any storage unit is prohibited.
- E) All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft.

Building setbacks shall be as follows:

Front Yard Setback	Not less than 25 feet on which parking and internal drives are prohibited.
Side Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited.
Rear Yard Setback	Not less than 12.5 feet on which all parking and internal drives are prohibited.

- G) The storage facility shall be enclosed by a six (6) foot high, completely opaque fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris and light and constructed of either brick, stone, masonry units, wood or similar materials, chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be set back six (6) feet from the side property lines and rear property line. Fences shall also be set back twenty-five (25) feet from the front property line.
- H) Landscaping shall be provided in the areas between the property line and the required fencing. Evergreen planted material consisting of trees, low-medium-and high-profile shrubs, together with suitable groundcover such as

native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.

- I) Parking shall be provided at a ratio of one (1) space for each two thousand (2,000) square feet of gross building area, plus two (2) spaces for the manager. One (1) additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dust-less surface satisfactory to the township. See Section 25.
 - J) Building heights shall be limited to one (1) story (not to exceed fourteen (14) feet at the eaves).
 - K) Signs shall be limited to one (1) ground sign at the entrance in to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control all contrary or conflicting provisions of the sign regulations of Article 26.
 - L) The sale of any item from or at a mini-storage building is specifically prohibited except for sales as provided in O. R.C. 532203. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
 - M) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a residential storage warehouse.
 - N) Any violation of the regulation regarding mini-storage buildings shall be considered to be in violation of this zoning resolution.
- 9) Golf courses and driving ranges, subject to the following conditions:
- A) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - B) A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green. Additional spaces shall be furnished for other uses in conjunction with the range.

- C) All drives and parking areas shall be surfaced with a hard, durable material such as asphalt or concrete and properly drained. See Section 25.
 - D) All lights shall be directed away from site boundary lines.
 - E) Fences, plantings or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
 - F) All driving directions shall be away from any street or highway.
- 10) Planned shopping centers, subject to the following conditions:
- A) A planned shopping center when used in this context is a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site exceeding ten (10) acres; at least twenty (20) stores and a floor area of at least fifty thousand (50,000) square feet.
 - B) A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - C) No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary except that such buildings may be situated within twenty (20) feet of a non-residential district boundary.
 - D) A landscape plan which includes the entire site shall be submitted to the Zoning Inspector for approval to determine compliance with screening and planting strips.
 - E) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - F) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
 - G) The maximum grade of off-street parking shall be three percent (3%).
 - H) A site plan must be submitted subject to the provisions of 23.22.
- 11) Residential use in conjunction with commercial use provided the following conditions are met:
- A) One (1) dwelling unit may be permitted in conjunction with a commercial use.
 - B) The permitted dwelling unit may only be occupied by the owner/operator of the commercial use.
 - C) Off-street parking must be provided for the dwelling unit in accordance with Section 25 of this code.
 - D) The dwelling unit must be a minimum of four hundred fifty (450) square feet in floor area.
 - E) The dwelling unit, if attached to the commercial use, must meet the same setback requirements as the commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the "R-1" District.

- 12) Outside display and storage of goods and merchandise.

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

- 13) Automobile dealerships:

- A) All repairs shall be conducted within a wholly enclosed building.
- B) Outdoor areas used for display shall be provided with a permanent, durable, and dust-less surface such as asphalt or concrete and shall be graded and drained as to dispose of all surface water accumulated within the area. See Section 25.
- C) Points of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
- D) All lighting shall be shielded from adjacent residentially zoned districts.

- 14) Renewable Energy Facilities
As specified in Article 24.9.

16.3 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	60 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	40 feet
Minimum Setback for Corner Lots	Half of the required front yard setback
Maximum Height	35 feet

16.4 Site and Landscape Plan Review

For all uses permitted in the C-2 District, a site plan shall 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. The Zoning Inspector 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. A site plan must be submitted in accordance with the provisions of Section 23.22.

16.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. A minimum of a ten (10) foot wide buffer area shall be provided adjacent to residential districts. Screening or buffering must also be in compliance with the provisions of Section 24.8.

16.6 Required Parking

As specified in Article 25.

16.7 Signs

As specified in Article 26.

16.8 Accessory Structures Set-Back and Size Specifications Refer to Appendix E: C-2 (Resolution 2018-06)

ARTICLE 17 **Recreation District (C-3)**

17.0 Purpose

The C-3 District provision is designed in recognition of the fact that Lake Shore and certain inland areas within the Township have potential commercial value to the recreation industry. Generally the kinds of uses that would be deemed appropriate would be those that may be considered accessory but not limited to activities such as boating, camping, fishing, hunting, horseback riding, golfing, etc.

17.1 Principal Permitted Uses

- 1) Recreational facilities such as community centers, ice rinks, playing fields, swimming pools, winter sports, and riding stables.
- 2) Golf courses and driving ranges, golf pro shops, skeet and trap shooting ranges.
- 3) Marinas, (watercraft and boat motor sales, parts and marina equipment, service, dockage, fuel, and dry storage).

- 4) Hunting areas.
- 5) Any park over five (5) acres.

17.2 Conditionally Permitted Uses

The following uses shall be permitted by the Township Board of Appeals, pursuant to the conditions noted below and to Article 9 of this Resolution:

- 1) Retail and service uses when primarily accessory to the recreation facility, which may include, but is not limited to a restaurant and/or cocktail lounge and subject to 9.2.
- 2) Open air commercial amusements, including but not limited to amusement parks, miniature golf courses, batting cages, and mini race car or go-cart tracks, subject to Section 9.2. and 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.
- 3) RV trailer parks or campgrounds shall comply with the requirements of the Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code and subject to the following conditions:
 - A) Travel trailer parks must be a minimum of ten (10) acres in size.
 - B) No trailer shall be closer than ten (10) feet from any private street or adjacent property line, or twenty-five (25) feet from any right-of-way line.
 - C) No business of any kind shall be conducted in any trailer.
 - D) All repairs shall be conducted within a wholly enclosed building.
 - E) Fence and/or greenbelts may be required by the Margaretta Township Zoning Inspector
 - F) All exterior lighting shall be sufficient to provide security and discourage vandalism in the park. All lighting shall be shielded from adjacent residential districts.
 - G) The Margaretta Township Board of Zoning Appeals shall approve the plans for any travel trailer park prior to issuance of a zoning certificate.
- 4) Renewable Energy Facilities

As specified in Article 24.9.

17.3 Site and Landscape Plan Review

A site plan must be submitted to the Township Board of Appeals for approval in accordance with the provisions of Section 23.22.

17.4 Performance Standards

- 1) No parking space, building or accessory building, use other than plant material shall be located closer than fifty (50) feet from abutting residential property line or road right-of-way line.
- 2) Adequate off-street parking shall be provided, sufficient to accommodate all users of said activity. Driveways providing means of egress and ingress and parking spaces shall be maintained in a dust-free condition. Driveways shall have a minimum width of twenty-four (24) feet and parking areas shall have a minimum of one hundred and eighty (180) square feet per space exclusive of aisles and driveways.
- 3) All outdoor lighting shall be shielded and directed away from adjacent property and public thoroughfares.

17.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any recreation district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward, and shall be permanently maintained.

17.6 Development Standards

Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	50 feet
Minimum Setback for Corner Lots	25 feet
Maximum Height	40 feet

17.7 Required Parking

As specified in Article 25.

17.8 Signs

As specified in Article 26.

17.9 Accessory Structures Set-Back and Size Specifications Refer to Appendix E: C-3
(Resolution 2018-06)

ARTICLE 18
Professional & Business Office District (P-B-O)

18.0 Purpose

The P.B.O. district is designed to encourage the grouping of similarly related land uses. Past practices which witnessed the intermixing of all commercial uses have been found undesirable because the uses were not necessarily related. This brought about numerous pedestrian and automobile conflicts. A greater dependency upon the automobile was created in which greater shopping movement was encouraged. Centralizing office activities facilitates pedestrian movement and convenience in terms of satisfying activity demands with the minimum physical movement. For this reason, clustering of office uses as distinct from retail activity is seen as desirable.

18.1 Principal Permitted Uses

In a P.B.O. District, no person shall hereafter use any building, structure, or land and no person shall erect any building or structure except in accordance with the following provisions:

- 1) Office buildings for any of the following occupations:
Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, subject to the limitations contained in Section 19.2, Required Conditions.
- 2) Medical Offices, including clinics.
- 3) Other uses similar to the above uses, as determined by the Zoning Inspector.

18.2 Required Conditions

No interior display shall be visible from the exterior of the building and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects shall not exceed twenty-five percent (25%) of the

usable floor area of either the first or second story, or in the basement. The outdoor storage of goods or materials shall be prohibited. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

18.3 Site and Landscape Plan Review

For all uses permitted in the P.B.O. District, a site plan shall be submitted to the Township Zoning Commission Plan Review Committee for review and approval. The Township Zoning Inspector in review of the site plan, shall have regard to the provisions of this Resolution. The Township Zoning Inspector may require certain modifications in terms of the location of buildings, parking and driveways. The Township Zoning Inspector 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. A site plan must be submitted in accordance with provisions of Section 23.22.

18.4 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained.

18.5 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	60 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	25 feet
Minimum Setback for Corner Lots	25 feet
Maximum Building Height	50 feet

18.6 Required Parking

As specified in Article 25.

18.7 Signs

As specified in Article 26.

ARTICLE 19
Light Industrial District (I-1)

19.0 Purpose

The I-1 District permits certain industries which are of a light manufacturing character to locate in planned areas of the township. So that such uses may be integrated with land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities. This zoning designation will generally be located along state highways and arterial roads which provide good visibility for the proposed uses.

19.1 Principal Permitted Uses

- 1) Light and medium industrial uses including manufacturing, processing, automobile and truck assembly and manufacturing.
- 2) Metal stamping.
- 3) Processing or semi-manufactured products.
- 4) Warehousing.
- 5) Wholesale distribution centers.
- 6) Professional or industrial oriented offices.
- 7) Data processing centers.
- 8) Research and development facilities.
- 9) Building supply yards.
- 10) Truck and machinery rental, sales and servicing.
- 11) Contractors' yards.
- 12) Transport terminals.
- 13) Equipment repair and servicing shops.

- 14) Recreational uses.
- 15) Dyeing or cleaning plants.
- 16) Machine shops.
- 17) Retail outlets accessory to the main industrial use.
- 18) Assembly of manufactured products.
- 19) Light machinery, truck and automobile rentals.
- 20) Food processing.
- 21) Medical marijuana, growing processing and dispensing.

19.2 Conditionally Permitted Uses

- 1) All uses permitted in a C-2 classification except R-2.
- 2) Mini-storage buildings, subject to the following conditions except as follows:
 - A) No lot shall be less than two (2) acres in size.
 - B) The lot shall abut and gain direct access to a local non-residential collector, or arterial street as specified in the Major Thoroughfare Plan.
 - C) Storm water management shall be incorporated into the site plan for a mini-storage building so that storm-water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm-water run-off from at least a 25-year return frequency storm as certified by a professional engineer.
 - D) No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
 - D) All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft. All lighting shall be shielded from adjacent residential districts.
 - E) Building setback refer to Appendix E: L-1
- 3) Renewable Energy Facilities

As specified in Article 24.9

19.3 Site and Landscape Plan Review

For all uses permitted in the I-1 District, a site plan shall be submitted to the Township Zoning Inspector for approval. The Township Zoning Inspector in review of the site plan, shall have regard to the provisions of Section 23.22. The Inspector may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to eliminate potential nuisance problems with

adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 23, Section 23.22.

19.4 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 24.8. A minimum of a one hundred fifty (150) foot buffer shall be provided adjacent to any residentially zoned district.

19.5 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	60 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	50 feet
Minimum Setback for Corner Lots	50 feet
Maximum Building Height	40 feet

No principal building, accessory structure or parking areas, loading or maneuvering areas shall be located less than one hundred (100) feet from the boundary of any residentially zoned district.

19.6 Required Parking

As specified in Article 25.

19.7 Outdoor Advertising Signs and Billboards

Outdoor advertising and billboards shall be permitted by conditional use permit, subject to the following conditions:

- 1) No billboard shall be located within two hundred (200) feet of another billboard.
- 2) All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- 3) All billboards shall be set back at least fifty (50) feet from any road right-of-way.
- 4) All billboards shall be set back at least one hundred (100) feet from any land within a residentially zoned district.

- 5) No billboard shall obstruct the view of motorists on adjoining roads or in view of adjoining commercial or industrial uses which depend upon visibility for identification.
- 6) No billboard shall exceed an overall size of three hundred (300) square feet nor exceed twenty-five (25) feet in height.

19.8 Accessory Structures

- 1) No accessory structure shall be used for human habitation or commercial uses.
- 2) No accessory structure shall be located between the street line and any setback line established by this Resolution.
- 3) No accessory structure shall be located in any side yard required by this Resolution.
- 4) No accessory structure shall be located within thirty feet (30) of any lot line.
- 5) Minimum of fifty (50) feet between accessory structures or the main structure.
- 6) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: L-1 (Resolution 2018-06)

ARTICLE 20
Heavy Industrial District (I-2)

20.0 Purpose

The I-2 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.

20.1 Principal Permitted Uses

The following provisions apply in all I-2 Districts. In an I-2 District, no person shall hereafter use any building or structure except in accordance with the following provision:

- 1) Light, medium and heavy industrial uses including manufacturing, processing, metal stamping and automobile and truck assembly.
- 2) Cleaning and dyeing plants.
- 3) Underground bulk liquid storage.
- 4) Transport terminals, including railway yards.
- 5) Recycling depots and recycling operations.
- 6) Concrete and paving establishments.
- 7) Building or contracting yards.
- 8) Industrially oriented offices.
- 9) Material storage facilities.
- 10) Warehousing.
- 11) Retail sales outlets accessory to the main industrial use.
- 12) Equipment repair and servicing shops.
- 13) Machine shops.
- 14) Junkyards.

- 15) Auto Body Repair.

20.2 Conditionally Permitted Uses

- 1) All uses permitted in the I-1 District.
- 2) Outdoor advertising signs and billboards. As specified in Article 19.7.
- 3) Adult Businesses or sexually-oriented businesses shall be permitted by conditional use only within the I-2 Heavy Industrial District and only if the Margareta Township Zoning Board of Appeals determines that each of the following conditions have been met:
 - A) No adult business 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, public park, tavern, bar, residence or another adult business.
 - B) An employee of an adult business, in the performance of the employee's duties, shall appear on the premises in a state of nudity only where the employee is appearing on a stage that is at least twenty-four (24) inches above the main floor level of the adult business and the employee is at least six (6) feet from the nearest other employee and/or customer.
 - C) The board shall determine whether to issue or deny the conditional zoning permit based solely upon the standards set forth in Article 9. The Board's decision to grant or deny the certificate shall be made within thirty (30) days of the filing of a complete application. If no decision is made within thirty (30) days of the filing of a complete application, the conditional zoning permit shall be issued.
- 4) Fireworks Sales
Any business handling fireworks must meet the following provisions:
 - A) No building or other use of land, except landscaped passive areas shall be situated adjacent to any residentially zoned property.
- 5) Mini-storage buildings. As specified in Article 19.2
- 6) Renewable energy Facilities. As specified in Article 24.9.

20.3 Site and Landscape Plan Review

For all uses permitted in the I-2 District, a site plan shall be submitted to the Township Zoning Inspector, for review. The Township Zoning Inspector, in review of the site plan, shall have regard to the provisions of Section 23.22. The Township Zoning Inspector 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.

20.4 Screening/Buffering

Screening or buffering in compliance with the provision of Article 24.8. A minimum of a two hundred (200) foot buffer shall be provided adjacent to Residential Districts.

20.5 Development Standards

Minimum Lot Area	3 acres
Minimum Lot Frontage	200 feet
Minimum Front Yard Setback	80 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	50 feet
Maximum Building Height	50 feet

20.6 Required Parking

As specified in Article 25.

20.7 Signs

As specified in Article 26.

20.8 Accessory Structures

- 1) No accessory building shall be used for human habitation or commercial uses.
- 2) No accessory building shall be located between the street line and any setback line established by this by-law.
- 3) No accessory building shall be located in any side yard required by this resolution.
- 4) No accessory building shall be located within thirty (30) feet of any lot line, except that two (2) adjoining property owners may erect accessory buildings with a common party wall.
- 5) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: L-2 (Resolution 2018-06)

20.9 Industrial Performance Standards

- 1) Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- 2) Odor: The emission of obnoxious odors of any kind shall not be permitted.
- 3) Open Storage: All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies, be located within an area not closer than one hundred and fifty (150) feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line and a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets and on all sides

abutting any residentially zoned districts. Junk yards shall be entirely enclosed on all sides by a screening wall.

ARTICLE 21
Mineral Aggregate District (MA)

21.0 Purpose

It is the intent of this District to ensure the orderly extraction of mineral aggregate resources while minimizing any negative environmental, social and aesthetic impacts of mineral extraction.

The Mineral Aggregate District and regulations are established in order to achieve among others, the following purposes:

- 1) To provide the Quarrying District in appropriate areas for the removal of natural resources; and
- 2) To protect adjacent residential areas by establishing yards and buffer areas at the boundaries; and
- 3) To regulate the noise, vibration, dust, explosions and other objectionable influences so as not to endanger the health and safety of the surrounding neighborhoods.
- 4) For the purposes of this Resolution, the following definitions apply;
 - A) Mineral aggregates shall mean top soil, subsoil, sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals; and
 - B) Borrow pits refer to extraction areas used to supply mineral aggregates on a temporary basis for uses in public projects and operated by public authorities or their agents.

21.1 Principal Permitted Uses

Mineral aggregate extraction and uses accessory to mineral aggregate extraction such as crushing, screening, washing, and stockpiling of mineral aggregates.

21.2 Conditionally Permitted Uses

Conditional uses may be permitted by the Township Board of Appeals pursuant to Article 9 and subject further to the terms and conditions herein provided:

- 1) Asphalt plants, ready-mix concrete plants, and similar related uses subject to the following:
 - A) Such aggregate uses shall be adequately buffered to protect adjacent land uses and shall meet the industrial pollution control standards and any other standards of the authorities having jurisdiction.
 - B) Production of the principal product or operation of accessory plants shall not be permitted less than two hundred (200) feet from a residential use.

21.3 Performance Standards

Uses permitted by this Article shall be subject to and in conformance with Ohio Revised Code Section 1514.02. A copy of the surface mining permit application required by Ohio Revised Code Section 1514.01(A) and any amendments thereto proposed by the State of Ohio or applicant shall be provided as a site plan for the surface mining operation. In addition to the requirements stipulated in Ohio Revised Code 1514.01(A), the following regulations shall apply to all operations covered under this Article.

- 1) Noise
 - A) From the date of adoption of this Resolution, new quarry equipment shall operate in such a manner as to create a noise level not to exceed 75dbA at the abutting property line.
- 2) Air Pollution
 - A) Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation and throughout the mining site. Stone products emitting dust, strippings or soil shall not be stockpiled above grade. Operations shall be carried out according to the terms and conditions of the Operator's Permit(s) to operate an air contaminant source(s), as issued by the Ohio EPA. Regulation and enforcement shall be by the Air Pollution Control Division, Ohio EPA.
- 3) Visual Impact
 - A) Ten (10) foot high screens shall be established to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Inspector. Screens formed of over-burden or topsoil saved for future

reclamation may be placed in the setback area provided appropriate vegetative cover is established to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way, except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Inspector. Trees or other natural screening materials shall be preferred.

- 4) Transportation
 - A) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved for new sites by the Erie County Engineer along county roads or the Ohio Department of Transportation along state highways and the Margareta Township Road Superintendent along township roads.
 - B) The applicant shall include with the submittal a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.

- 5) Surface Water
 - A) The hydrographs and quality of water leaving the site of an extraction activity must meet the Ohio EPA standards.
 - B) During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations.
 - C) See Section 23.26

- 6) Groundwater
 - A) During mining and reclamation, contamination of underground water supplies shall be prevented. Water discharges and or out-falls from the operation shall be governed by the operator's National Pollutant Discharge Elimination System (NPDES) permit(s) and the applicable rules and regulations of the Ohio EPA. See Section 23.26
 - B) The storage of fuels and chemicals and equipment services facilities required by uses permitted in Section 23.26 shall be located where they are least likely to contaminate groundwater. Permits shall be obtained by the Bureau of Underground Storage Tanks, EPA and comply with the Ohio Fire Code.
 - C) Upon the completion of the reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations.

- 7) Vibration and Blasting
 - A) The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.
 - B) Blasting shall be done in accordance with the applicable laws of the State of Ohio and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
 - C) When the blasting area is within 1,000 feet of an existing residential structure the maximum hours of blasting operation shall be sunrise to sunset.

- 8) Slope Stability, Soil Erosion Control and Other Requirements

- A) During operations, the site shall be managed in a neat and professional manner.
- B) Mining and reclamation activities will at all times be carried out in the manner and sequence as established by the Operator's Mining Permit and Reclamation Plan, as approved annually by the Ohio Department of Natural Resources and shall be supervised and regulated by the appropriate State and Federal agencies.

21.4 Amendments to the Resolution

- 1) In considering applications to amend this Resolution to designate an area as Mineral Aggregate Extraction, consideration shall be given to the following:
 - A) the impact on adjacent land uses and residents;
 - B) the impact on the physical environment;
 - C) the capabilities of the subject lands for agriculture and other land uses;
 - D) the impact on the transportation system;
 - E) the possible effect on the water table or surface drainage pattern;
 - F) the manner in which the operation will be carried out;
 - G) the nature of reclamation work that is proposed;
 - H) such other matters as the Township Trustees deem necessary.

- 2) Applications to amend this Resolution in order to designate an area as Mineral Aggregate Extraction shall be accompanied by the following information:
 - A) the location, true shape, topography, contours, dimensions, area and description of the lands proposed as a new area of mineral aggregate extraction or the area proposed for expansion of an existing area of aggregate extraction;
 - B) the use of all land and the location and use of all buildings and structures lying within a distance of five hundred (500) feet of any of the boundaries of the lands set aside for the purpose of the operation;
 - C) the pattern,, quality and estimated quantity of the mineral aggregate resources within the property;
 - D) the location, height, dimensions and use of all existing or proposed buildings or structures;
 - E) existing and anticipated final grades of excavation;
 - F) engineering plans showing the proposed drainage system;
 - G) proposed entrances, exits and routes to be used by gravel trucks;
 - H) to the extent possible, plans showing the ultimate area of aggregate extraction, progressive and ultimate road plan, any water diversion or storage facilities, location of stockpiles for stripping and products, tree screening and

berming, progressive and ultimate rehabilitation and where possible, intended use and ownership of the land after aggregate extraction has ceased;

- I) the extent of adjacent property holdings intended for future mineral aggregate extraction;
- J) additional information such as hydrology, wildlife, vegetation or soil studies which may be required due to special concerns related to a specific site and any other information as deemed necessary by the Township Trustees.

21.5 Site and Landscape Plan Review

For all new uses permitted in the MA District, a site plan shall be submitted to the Township Zoning Inspector for its review and recommendations. The Township Zoning Inspectors review of the site plan, shall have regard to the provisions of Section 23.22. The Township Zoning Inspector may require certain modification 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. The information as required by Section 23.22 must be submitted with the site plan. A site plan must be submitted in accordance with the provisions of Article 23.

21.6 Screening/Buffering

Screening or buffering in compliance with the provision of Section 24.8.

21.7 Development Standards

Minimum Lot Area	10 acres
Minimum Lot Frontage	300 feet
Minimum Front Yard Setback	75 feet
Minimum Side Yard Setback	75 feet
Minimum Rear Yard Setback	75 feet
Maximum Building Height	100 feet

Production of principal product or operation of accessory plants, shall not be permitted less than two hundred (200) feet from a residential use or public road right-of-way.

21.8 Required Parking

As specified in Article 25.

21.9 Signs

As specified in Article 26.

21.10 Accessory Structures

- 1) No accessory structure shall be located between the street line and any setback line established by this by-law.
- 2) No accessory structure shall be located within two-hundred (200) feet of any lot line, except that two (2) adjoining property owners may erect accessory structures with a common party wall.
- 3) Accessory Structures Set-Back and Size Specifications Refer to Appendix E: MA (Resolution 2018-06)

ARTICLE 22

Planned Unit Development Regulations (PUD)

22.0 Planned Unit Development Regulations

Article 22 of this Resolution shall apply to the location and maintenance of Planned Unit Development as herein defined.

22.1 Purpose

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

22.2 Definition

“Planned Unit Development” or PUD shall mean a development which may integrate residential, commercial and industrial facilities in a pre-planned environment under more flexible restrictions that would normally apply under these regulations. The procedure for approval of such development contains additional requirements such as building design principles and landscaping plans.

22.3 Interpretation

Whenever the requirements of Article 22 appear to conflict with other sections of this Resolution or with those of other existing resolutions, the provisions of this section shall prevail.

22.4 PUD District Designation

Subsequent to the review of the Township Trustees, the designation “Planned Unit Development District” may be applied to any residential, commercial or industrial developments. Upon approval of the final development plan, the Official Zoning Map shall be so amended. The designation shall only apply to property at the election of the property owner.

22.5 Uses Permitted in a PUD District

Residential, commercial, manufacturing, public and quasi-public uses may be separate or combined in PUD Districts, provided that the proposed uses will not adversely impact upon adjacent property or the public health, safety and general welfare and that the location of uses in the PUD are specified in the final development plan. The Planned Unit Development may be comprised of one (1) use or a combination of uses, as indicated above. There is no minimum area required for a planned unit development. The amount of land devoted to commercial-manufacturing or residential-commercial development shall be determined by the Township Zoning Commission and approved by the Township Trustees.

22.6 Disposition of Open Space

The required amount of common space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a property owners’ association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Township Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development.

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

22.7 Utility Requirements

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

22.8 Special PUD Lot Requirements

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

22.9 Arrangement of Commercial/Manufacturing Uses

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

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

22.10 Procedures for Approval of Planned Unit Development Districts

Planned Unit Development Districts shall be approved in accordance with the procedure in Section 22.11 to 22.32. The designation of a PUD will be considered a change of zoning and must meet all the applicable provisions of the Zoning Resolution.

22.11 Pre-Application Meeting

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

22.12 Preliminary Development Plan Application Requirements

An application for preliminary planned unit development approval shall be filed with the Township Zoning Inspector, as representative for the Zoning Commission, by at least one

(1) owner of property for which the planned unit development is proposed. The procedure for approval shall be the same as an amendment to the Zoning Resolution, as detailed in Article 8. The filing of a preliminary development plan under this section shall constitute the election by the property owner to submit the property described in the plan to provisions of this Chapter and shall constitute an application for rezoning the property to the Planned Unit Development District (PUD). All plans prepared and submitted must be prepared by a registered engineer, surveyor, or architect. At a minimum, the application shall contain the following information filed in triplicate:

- 1) Name, address and phone number of applicant & property owner;
- 2) Name, address and phone number of registered surveyor, registered engineer and/or architect assisting in the preparation of the preliminary development plan;
- 3) Legal description of property;
- 4) Present uses(s);
- 5) Present zoning district;
- 6) Identification of any area within a floodplain;
- 7) A vicinity map, appropriately scaled, showing the property lines, streets, existing easements, and existing buildings, existing and the proposed zoning and other items such as the Township Zoning Inspector may require;
- 8) A preliminary development plan at a scale of 1" = 200' showing topography at a minimum of ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, utility easements, parks and community spaces layout utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Commission may deem necessary; general location of buildings;
- 9) Proposed schedule for the development of the site;
- 10) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years;
- 11) A fee as established by Resolution passed by the Township Trustees;
- 12) A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
- 13) Verification by at least one (1) owner of property that all information in the application is true and correct to the best of his/her knowledge;
- 14) A conceptual drainage plan must also be submitted with the application.

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

22.13 Criteria for Township Zoning Commission Recommendation

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

*Margaretta Township Zoning Resolution
2018 – 06*

- 1) The proposed development can be initiated within two (2) years of the date of approval.
- 2) The streets proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- 3) Any proposed commercial or industrial development can be justified at the location proposed.
- 4) Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
- 5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- 6) Proposed design shall consider the removal of minimal natural coverage and in all cases reflect conservatory measures relating to open space.
- 7) The PUD will not be hazardous or disturbing to existing or future neighboring uses.
- 8) The PUD will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- 9) The PUD will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 10) The PUD will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The Township Zoning Commission may require studies such as a traffic study to be provided to ensure the concerns noted above can be addressed.
- 11) The PUD will encourage development as close as possible to existing settlements to keep the cost of providing service down.
- 12) The PUD will provide adequate access for emergency vehicles and for those persons providing emergency services.
- 13) The PUD will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.
- 14) The design of the PUD will encourage the use of the existing road system presently maintained by the authority having jurisdiction to minimize the additional maintenance expense of new development and to ensure that new development is adequately served by the transportation network.
- 15) The PUD will be consistent with the intent and purposes of this Resolution & the Erie County Comprehensive Plan.

22.14 Development Policies

- 1) Density

- A) The maximum density for a proposed residential development shall be based on site specific review, but shall be based on the compatibility with adjacent uses;
 - B) Where increased densities are located adjacent to existing buildings, the building setback should be increased to minimize any adverse impact of the proposed development.
- 2) Height Criteria
- A) Architectural compatibility: The heights of all buildings are encouraged to be compatible with their vicinity.
 - B) General character: The heights of the buildings should be in general compliance with district regulations for a similar type of land use.
 - C) Scenic view: Buildings should be of such heights so as not to destroy or degrade the scenic values of surrounding areas.
 - D) Light & air: Buildings shall not be of such heights so as to deny light and air to surrounding properties.

22.15 Site Design

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

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

- 1) Integration and separation: It is encouraged that those elements and functions of the site that are basically compatible with one another be integrated by design to the degree of their compatibility and separated to the degree of their compatibility.
- 2) Privacy: It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.
- 3) Aesthetics: It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally. The degree of existing character of the site and the basic nature of the proposed uses.
- 4) Vistas: It is encouraged that the site be developed in such a way so as to preserve or enhance vistas, particularly those seen from public places.

22.16 Placement of Structures

- 1) Clear Vision Area. No structure or foliage shall extend into a clear vision area between the height of three (3) feet and seven (7) feet measured from the top of the curb, or where no curb exists, from the established street center line grade. The clear vision areas shall be as follows:
 - A) Intersection of driveways and public rights-of-way: A triangle having two (2) sides ten (10) feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two (2) ends.
 - B) Intersection of two (2) public rights-of-way: A triangle having two (2) sides thirty (30) feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two (2) sides.

- 2) Placement of Structures
 - A) Adverse effects. No structure shall be placed in such a way so as to adversely affect adjacent ownership.
 - B) Snow storage areas. Buildings shall be placed in such a manner as to allow for snow storage easements adjacent to public rights-of-way. Snow storage easements shall be dedicated where appropriate.

22.17 Amendment Procedure

Upon receipt of a preliminary development plan which complies with the provisions of this Chapter, the Township Zoning Commission shall set a date for a public hearing. The Zoning Amendment shall follow the amendment procedures detailed in Article 8 of this Resolution.

22.18 Approval

Once the PUD has been reviewed by the Township Zoning Commission, its recommendation is forwarded to the Township Trustees for approval. The Final Development Plan shall be submitted to the Township Zoning Inspector.

22.19 Submission of Final Development Plan

After approval of the preliminary development plan in accordance with Section 23.18, the developer shall submit a final development plan to the Township Inspector. The final development plan shall be in general conformance with the preliminary development plan. Eight (8) copies of the final development plan shall be submitted to the Township Inspector. Seven (7) copies shall be forwarded to the Erie Regional Planning Commission for their review and comments. Copies will be forwarded from the Director of Regional Planning to

the applicable agencies for comments. A report shall be prepared and forwarded to the Township Zoning Secretary.

22.20 Final Development Plan Application Contents

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

- 1) A survey of the proposed development site, showing the dimensions and bearing of the property lines; area in acres; topography; and existing features of the development site including major wooded areas; structures, streets, easements, utility lines and land uses.
- 2) All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.
- 3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvement, whenever the applicant proposed any exception from standard zoning district requirements or other Resolutions governing development.
- 4) Engineering feasibility studies and plans, showing as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvement; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to the county standards and approved by the County Engineer and the County Sanitary Engineer.
- 5) Site plan, showing building(s), various functional use areas, circulation and their relationship.
- 6) Preliminary building plans.
- 7) Landscaping plans.
- 8) Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- 9) A fee as established by this Resolution.

22.21 Action by Township Trustees

The Township Trustees shall either approve, approve the supplementary conditions, or disapprove the final plan as submitted. If the application is approved as submitted or approved with conditions, the Township Trustees shall direct the Township Zoning Inspector to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment and no change from or substantive alteration in such planned unit development shall be permitted without repetition of the procedures in these Sections. Once the final plans have been approved by the Township Trustees, the application to rezone the property has been approved and the zoning map shall be amended to reflect this approval.

22.22 Supplementary Conditions and Safeguards

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

22.23 Expiration and Extension of Approval Period

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

22.24 Changes in the Planned Unit Development

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

- 1) Major Changes. Changes which alter the concept or intent of the Planned Unit Development including increases in the density, changes in location and types of 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.
- 2) Minor Changes. The Township Zoning Inspector may approve changes in the Planned Unit Development which do not change the concept or intent of development, without going through the “preliminary approval” steps. Minor Changes are defined as any changes not defined as a major change.

ARTICLE 23
Supplementary District Regulations

23.0 Purpose

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict. The supplementary District Regulations are, however, nonetheless intended to recognize as valid those uses of land currently in existence that were lawful when such uses commenced.

23.1 Conversions of Dwellings to More Than One Unit

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

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

23.2 Principal Building Per One and Two-Family Lots

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 6 of this Resolution.

23.3 Reduction of Area or Space

No lot, yard, parking area or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area or other space which is already less than the required minimum shall not be reduced further.

23.4 Prohibited Uses for Mobile Homes

Individual mobile homes shall be prohibited in all districts except. A permit may be issued by the Zoning Inspector for a period not to exceed one (1) year to a company for the use of a trailer as a field office. Those permits may be extended for good cause at the discretion of the Zoning Inspector.

23.5 Relocated Structures

No structure or building shall be moved within or into Margareta Township until a zoning certificate is granted and a proper permanent foundation is in place. The building or structure must be placed on the permanent foundation within seventy-two (72) hours of its arrival or a period of time specified by the trustees.

23.6 Private Airstrips

Use of grass airstrip for private use shall be allowed in all districts as a conditional use, subject to all rules and regulations of the Federal Aviation Administration. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airstrip, shall be so developed as to not endanger safe flight conditions to and from an established airstrip.

23.7 Breezeway

A breezeway shall be limited in length to the width of the smaller structure to which it connects.

23.8 Storage of Automobile, Truck, RV Vehicles & Boats in Residential Districts

- 1) No automotive vehicle, boat, truck, trailer, R.V. vehicle, camper of any type without correct license shall be stored on any residential property other than in an enclosed building.

- 2) A maximum of one (1) boat with trailer, one (1) unoccupied recreational vehicle or one (1) automobile may be stored in the rear or side yard off any residentially zoned property if it has a current license. Storage must not be in the required front setback area.
- 3) The storage or parking of semi-tractor truck or semi-trailer trucks and other double axle vehicles on private property in residential zoned districts is prohibited.

23.9 Storage in Non-Residential Districts

- 1) In the C-1, C-2, C-3, I-1 and I-2 districts semi-trailers may be used for storage so long as the running gear is removed.
- 2) In the C-1, C-2, C-3, I-1 and I-2 districts semi-trailers will be considered as accessory buildings and must meet all set back requirements.
- 3) Storage and shipping containers are prohibited in all residential districts.

23.10 Required Refuse Collection Areas

The refuse collection areas provided by all commercial, industrial and multi-family residential uses for the collection of trash, garbage and other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes. In addition, the following requirements shall be met:

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

23.11 Junk

In any residential, commercial or light industrial district the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags or any other discarded objects or debris defined as "junk" by the Ohio Revised Code shall be prohibited, outside an approved junkyard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents.

23.12 Supplemental Yard and Height Regulations

In addition to the regulations specified in other sections of this Resolution.

23.13 Residential Setback Requirements for Buildings on Corner Lots

The minimum required width of a side yard abutting a street shall be one-half (1/2) the minimum required front yard depth for the district. Parking within this side yard is prohibited.

23.14 Yard Requirements for Multi-Family Dwellings

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

23.15 Exceptions to Height Regulations

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

23.16 Architectural Projections

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

23.17 Visibility at Intersections

On a corner lot at the intersection of two (2) streets in any district, nothing shall be installed, erected, placed, planted or allowed to grow in such a manner as to impede vision materially between a height of two and one half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining along said street line fifty (50) feet from the point of intersection. On a corner lot at the intersection of two (2) alleys, or at the intersection of any alley and a street, within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and one half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting alleys, or of the intersecting alley and street in the area bounded by the right-of-way lines of such corner

lot and a line joining points along said alley lines or alley and street lines, twenty-five (25) feet from the point of intersection.

23.18 Objectionable, Noxious or Dangerous Uses, Practices or Conditions

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

- 1) The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required of such activities;
- 2) Activities involving the use and storage of flammable and explosive materials which are not removed from adjacent facilities or such activities to a distance compatible with the potential danger involved;
- 3) Erosion caused by wind or water which is carrying objectionable substances onto any adjacent lot or property;
- 4) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;

23.19 Enforcement Provisions

Any occupancy, use, conditions, or circumstances existing in violation of Section 23.19 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Article 5.

23.20 Temporary Uses

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

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

- 1) Real estate sales offices shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six (6) month extensions may be granted if conditions warrant. Structure shall not be used for living purposes. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
- 2) Temporary buildings, offices and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one (1) year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.

23.21 Screening/Buffering

A landscaping area may be required to screen and protect neighboring properties and passing motorists from the view of facilities, buildings and parking areas of the site development, as warranted. Landscaped areas are subject to the following:

- 1) Screening shall be provided for one (1) or more of the following purposes:
 - A) A visual barrier to partially or completely obstruct the view of structures or activities.
 - B) An acoustic screen to aid in absorbing or deflecting noise.
 - C) A physical barrier to contain debris and litter.
- 2) Screening may consist of one (1) of the following, or a combination of two (2) or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance or conditional use:
 - A) A solid masonry wall;
 - B) A solidly constructed decorative fence;
 - C) A louvered fence;
 - D) A dense vegetative planting;
 - E) A landscaped mounding.
- 3) Height of screening shall be in accordance with the following:
 - A) Visual screening walls, fences, planting or mounds shall be a minimum of five and one half (5-1/2) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than three (3) feet. Planting shall be a minimum of four (4) feet in height at the time of planting.

- B) A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5-1/2) feet or greater, or a solidly constructed decorative fence five and one half (5-1/2) feet in height, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- 4) Screening for purposes of absorbing or deflecting noise shall have a depth of at least twenty-five (25) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the zoning inspector in relation to the nature of the use. Additional screening shall be required if the initial screening is found to be inadequate.
- 5) Whenever required screening is adjacent to parking area or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
- 6) All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

23.22 Site Plan Review

- 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, storm-water 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
- 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 center, 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) family dwellings, ordinary accessory structures and related land use activities.
- B) Ordinary repair or maintenance of existing structures or uses.
- C) Exterior alterations or addition
 - 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 less and five hundred (500) square feet or less than five percent (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 25.19.

5) Procedure

- A) An application for Site Plan Review under this Section shall be filed with the Zoning Inspector ten (10) days prior to a scheduled meeting, including 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 request 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 within fourteen (14) days after site plan approval.

6) Submission Requirements

The site plan shall include the following data, details and supporting plans.

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 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 and LED) of all new or additional external lighting and methods to eliminate glare onto adjoining properties must also be shown.
- I) The location, height, size, materials and design of all proposed signage.
- J) The location of all proposed utility systems including:

- sewage or septic system;
- water supply systems;

All storm-water drainage plans to be developed in accordance with Erie County Storm-water and Sediment Control Regulations.

- K) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- 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 (100) 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 use such as retail operation, office, storage, etc.;
 - ii) Maximum number of employees;

- iii) Maximum seating capacity, where applicable; and
 - iv) 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 Zoning Board of Appeals to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.

- A) Legal
Conformance with the provisions of the regulations of the Township.
- 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, run-off, 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.

23.23 Setback on Cul-de-sacs

Each lot or parcel on a cul-de-sac, curved street or dead-end street shall meet the minimum lot width requirement at the required front yard setback of the zoning district.

23.24 Access

No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a duly dedicated, improved and accepted public street. Nothing in this Section shall prevent the use of an existing dwelling on a lot having access to a public road via a private road subject to the provisions of the existing district in which the lot is located.

23.25 Access to Public Roads

- 1) The Board of Zoning Appeals in the granting of any variance or conditional zoning permit or the approval of any site, has the authority to impose on any township roads or streets which abut the property:
 - A) the location, width, radius, and number of a driveways entering into any public street or road;
 - B) a requirement that barriers be installed and maintained to prevent ingress or egress from public street or road at locations other than designated driveways;
 - C) a limitation upon ingress or egress from certain public streets or roads where the property abuts more than one (1) street or road;
 - D) a requirement that culverts be placed parallel to the road right-of-way so as to not interfere with the existing flow of surface water. The size of the culvert shall be based upon accepted engineering standards;
 - D) a limitation upon the direction which traffic exiting the property may turn onto the public street or road.

23.26 Storm Water Regulations

The Zoning Inspector, in the approval of any site plan and before issuing a permit for residential, commercial, or industrial, shall require certification from the Erie County Engineer that the proposed project complies with the County Storm-water Regulations and that the engineer had approved said plans.

ARTICLE 24
Special Regulations

24.0 General

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

24.1 Regulation of Satellite Dish Antennas

Sections 1 through 6 inclusive shall apply to the location and construction of dish-type satellite signal-receiving antennas as herein defined.

1) Purpose

It is the purpose of Sections 1 to 6 inclusive to regulate the location and construction of dish-type satellite signal-receiving antennas within the township in order to protect the public health, safety and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations in association with wind loads and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

2) Definitions

A) The following definitions shall apply in the interpretation of this Resolution:

“Dish” shall mean that part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolic or similar in shape.

“Dish-type satellite signal-receiving antennas” to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1), or a combination of two (2) or more of the following:

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

“Receiver” shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

3) Zoning Permit Required

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

- A) A description of the type of earth station proposed;
- B) A plot plan of the lot, premises or parcel of land showing the location of the proposed earth station and all other buildings thereon;
- C) Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures.

4) Ground-mounted Satellite Dish Antennas

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

- A) The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet in diameter.
- B) The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade.
- C) The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application.

5) Roof-Mounted Satellite Dish Antennas

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

- A) The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet in diameter.
- B) The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet.

6) Variances on Location Characteristics

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 7 of this Resolution. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view of the satellite. In any case where the provisions applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

24.2 Regulations of Swimming Pools as Accessory Uses Purpose

It is the purpose of Section 24.2 to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

1) Private Swimming Pools

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

- A) Private swimming pools, for the use of the occupants and their guests only, shall be permitted in all zoning districts except the Floodplain District. Any private swimming pool must comply with all setback requirements of the zoning district in which it is constructed. Any “permanent” swimming pool

must be provided with a fence to prevent passage of a child through or under and equipped with a proper security gate.

- B) Pools with side walls which extend more than three one-half (3 ½) feet above the ground surface shall require a controlled point of entry but do not require fencing.
- C) The word “permanent” as used above means any swimming pool which remains in place for more than three (3) months of any year. In ground swimming pools must be provided with a protective fence at least three (3) feet in height during the construction period.

2) Community or Club Swimming Pools

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

- A) The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B) The pool and accessory structures thereto, including the area uses by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
- C) The swimming pool, its accessory facilities and all of the area used by the others shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock and screened from adjacent properties. The area surrounding the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.
- D) Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

24.3 Regulation of Long-Term Parking Facilities as Accessory Uses and Purpose

This Section shall apply to the location and operation of any long-term parking facility as an accessory use.

It is the purpose of 24.3 to regulate long-term parking facilities constructed, operated, or maintained as accessory uses to promote the public health, safety and welfare.

1) Conditional Use Permit Required

No person shall establish, operate or maintain on any premises a commercial parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks or automobiles, are to be parked for a

continuous period exceeding six (6) days without obtaining a conditional use permit for such accessory use.

2) **Permit Requirements**

In addition to complying with all other provisions of this Resolution, particularly the requirements of Article 9, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

- A) That no boundary of the proposed outside parking area is within fifty (50) feet of a residentially zoned district boundary.
- B) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- C) That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
- D) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
- E) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

24.4 Regulations of Home Occupations Purpose

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

1) **Definition**

“Home Occupation” means an accessory use which is an activity, profession, occupation, service, craft or subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting, and the like involve not more than three (3) receivers of such services at any one (1) time, with the exception of certified or uncertified Type B Family Day-Care Homes, shall constitute a residential use and not an accessory use.

24.5 Regulation of Group Residential Facilities Purpose

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

1) Definition

“Group Residential Facility” shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of Group Residential Facilities:

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

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

2) Conditional Use Permit Required

A Class I Type B group residential facility is permitted by right in any residentially zoned district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 9 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

- A) Evidence is presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency.
- B) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- C) Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
- D) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E) No such facility may be located within six hundred (600) feet of another such facility.
- F) No signs shall be erected by such facility for purpose of identification except a permitted street address sign.
- G) The exterior of all such facilities shall not be altered in character, but shall be compatible with the other residential dwellings. However, any improvement

required by code or necessitated by licensing requirements shall not be deemed compatible.

- H) Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
- I) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighboring residents, to include a structured procedure whereby their grievances may be filed and resolved.
- J) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve and the location and type of similar facilities operated by the applicant.

3) Zoning of Group Residential Facilities

Group residential facilities shall be conditionally permitted uses as follows:

Class I	Type A	R-3
Class I	Type B	Permitted by right in all residential districts
Class II	Type A	R-3
Class II	Type B	R-3

24.6 Zoning of Factory-Built Housing

Mobile homes shall not be permitted in any district unless otherwise specified in this resolution. Manufactured homes and modular homes which meet the design and appearance standards contained in ORC 4501.01 shall be permitted accordingly.

24.7 Single-Family Design and Appearance Standards

Single-family residential homes, whether modular, manufactured or site-built construction, shall comply with the following design and appearance standards:

- 1) The structure shall be in conformance with the siting requirements for Zoning District which it is to be located in.
- 2) The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

- 3) The minimum floor area for every dwelling located on a lot in any zoning district shall be twelve hundred (1,200) square feet, excluding the area for basements, porches, attached garages or utility rooms.
- 4) The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty-five (25) feet.

24.8 Fences, Walls and Other Protective Barriers

- 1) General
 - A) The erection, construction or alteration of any fence, wall, or other type of protective barrier shall be approved by the zoning inspector as to their conforming to the requirement of the zoning district 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 drive or a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines 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. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.
 - C) All fences must be constructed out of wood, metal, chain link, vinyl, aluminum, brick, or wrought iron. Any fence constructed out of concrete barriers or wall is strictly prohibited. All materials must be approved by the zoning inspector.
- 2) Residentially Zoned Areas
 - A) Side and Rear Fences: Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein.
 - B) Planting, Fences and Walls in Front Yard: No fence, wall or hedge shall rise over three (3) feet in height on any required front yard. No fence, wall or hedge planting shall interfere with visibility from a driveway.
 - C) Fences on recorded lots having a lot area in excess of five (5) acres and a frontage of at least two hundred (200) feet and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts are excluded from these regulations.
 - D) Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
 - E) Fences which enclose public or institutional parks, situated within an area developed with the recorded lots shall not exceed six (6) feet in height measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.

- 3) Commercial and Industrial Zoned Areas
 - A) Fences 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 shall be set back at least twenty-five (25) feet from the road right-of-way.
 - C) The use of barbed wire on fences shall require approval of the Zoning Board of Appeals and the following conditions shall be met:
 - i) Barbed wire may be used on a security fencing, but shall be limited to three (3) strands.
 - ii) Barbed wire shall not project beyond the property line.
 - iii) Barbed wire shall not be used less than eight (8) feet from grade.

24.9 Renewable Energy Facilities

1) Purpose

It is the purpose of this section to allow renewable energy facilities and equipment within certain areas of the township and to regulate the construction of these facilities and equipment and insure compatible land uses in the areas affected by such uses and to otherwise promote public health, welfare and safety of the Township residents. An example of this use is a wind energy facility or solar facility.

2) Setbacks

All setbacks shall be one hundred twenty five percent (125%) of the height of the wind machine from all lot lines in all zoning classifications.

Inhabited structure setbacks. The setback from inhabited structures including but not limited to a residence, church, school, or hospital shall be the greater of (a) one hundred twenty five percent (125%) of the maximum height or (b) two hundred (200) feet.

Public road setbacks. Each machine shall be setback the greater of (a) one hundred twenty five (125%) percent of the maximum height of (b) two hundred (200) feet where the setback is determined from the nearest boundary of the right of way for the public road.

Individual machines which might be located in residentially zoned areas shall not be located in the front yard area.

3) Determination of Maximum Height

The height of the machine shall be determined to be the maximum height attained by any part of the machine, the tower, or the rotor at any time. All measurements of height will be from the average existing level of the existing lot where the machine is located and not from any pad on which the machine may be sited.

4) Removal When Used

All machines which remain unused for a period of twenty-four (24) months shall be deemed to be abandoned and shall be removed from the site returned to the pre-use condition.

5) Noise

Audible noise levels are to be measured using a standard sound level meter operated on the (A) scale with a (slow) meter response.

The audible noise from the operation of any wind energy machine must be less than fifty-five (55) dB(A) when measured at the property line nearest the machine. The applicant for a zoning permit shall provide reasonable evidence that the proposed facility or machine will comply with this requirement.

Notwithstanding the above, the sound level may exceed these levels by a reasonable amount for short periods during events such as power outages or severe wind conditions.

If the noise levels are reasonably expected to exceed these levels a variance may be requested from the Township.

6) Appearance

No wind energy machine shall fly any banners or contain lettering which appear as advertising. All signs on the site for any purpose shall be addressed as in Article 26 of this code.

ARTICLE 25

Off-Street Parking & Loading Facilities

25.0 Applicability

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

25.1 Purpose

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

- 1) To facilitate and encourage safe and convenient pedestrian movement in appropriate areas of a parking lot and elsewhere.
- 2) To enhance the amenity, safety and appearance of uses, via landscaping, screening, sidewalks and other similar requirements.
- 3) To enhance compatibility between land uses.

25.2 Off-Street Parking Design Standards

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

- 1) Parking Space Dimensions: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles and shall be of usable shape and condition. See Appendix C for a schedule of parking space dimensional requirements.
- 2) Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
 - A) For single-, two-, or three-family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
 - B) For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
 - C) All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- 3) Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. Parking lots shall be located ten (10) feet from any road right-of-way, ten (10) feet from residential side yards and rear yards and maintained as a green area.
- 4) Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residentially Zoned District. Screening shall comply with the requirements of Section 24.8 of this Resolution.
- 5) Paving: All off street parking areas of five (5) or more vehicles parking areas shall be hard-surfaced with hard asphalt or concrete binder, permeable pavers or pervious concrete as required by the County's storm water regulations approved drainage plan.
- 6) Drainage: All parking spaces, together with driveway aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm drainage system. All drainage plans shall be made to insure acceptable diversion to an adequate storm drainage system. All drainage plans

shall be approved by the County Engineer in conformity with the Erie County Storm water Regulations.

- 7) Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers as approved by the zoning inspector shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- 8) Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- 9) Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition.
- 10) Signs: Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.
- 11) Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residentially zoned district.
- 12) Separation from Streets and Sidewalks: Parking space shall be guarded by curbs or other protective devices which are arranged so that cars cannot project into streets, sidewalks or walkways. A curb cut shall be provided for wheel chair access.

25.3 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with current Americans With Disability (ADA) standards.

25.4 Joint Parking Lots

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

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

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

25.5 Modification of Requirements

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

- 1) The location and nature of the proposed use or expansion of an existing use.
- 2) The projected generation of trips to and from the use and the average length of the stay per unit.
- 3) The impact of potential parking congestion to surrounding uses.
- 4) The number of people expected to be employed in the operation or added to the operation.
- 5) The area which is accessible to the public compared to the area used for warehousing or storage.
- 6) The area available for parking expansion.

25.6 Prohibited Uses; Temporary Uses

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

- 1) The sale, display or storage of automobiles or other merchandise, except those activities typical to an automobile filling station.
- 2) Parking vehicles accessory, to the use such as; but not limited to delivery vehicles.
- 3) Performing services, including service to vehicles.
- 4) The following uses are permitted:
 - A) Sales and display of seasonal decorations (Christmas, etc.) so long as the use would be permitted by right within the underlying district, the use will not continue longer than forty-five (45) days, adequate measures have been taken to address the purposes of this Article and a temporary use permit has been obtained.
 - B) Temporary placement of a mobile home during times of emergency, as declared by the Township Board of Trustees.

- C) The placement of donation or recycling collection facilities, provided that such collection facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals and the total size of the facility is less than one thousand (1000) square feet.
- D) At no time shall temporary uses consume more than ten (10%) percent of the total parking lot area.

25.7 Parking of Disabled Vehicles

The parking of a disabled or unlicensed vehicle within a residential district for a period of more than one (1) week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

25.8 Schedule of Required Parking Spaces

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

25.9 Off-Street Storage Areas for Drive-in Services

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

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

25.10 Off-Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

25.11 Off-Street Loading Design Standards

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

- 1) Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length and a vertical clearance of not less than fourteen (14) feet.
- 2) Setbacks: Notwithstanding other provisions of this regulation, off-street loading spaces may be located in the required rear or side yard of any district provided that not more than ninety (90%) percent of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any residentially zoned district nor closer than five (5) feet from any street or alley.
- 3) Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 24.8 of this Resolution.
- 4) Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- 5) Paving: All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable and dust-free surface.
- 6) Drainage: All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system, as approved by the Erie County Engineer in conformity with the Erie County Storm water Regulations.
- 7) Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

Article 26
Signs

26.0 General

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provided more open space, curb the deterioration of the natural environment and enhance community development by permitting signs which are compatible with their surroundings.

26.1 Governmental Signs Excluded

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

26.2 General Requirements for All Signs and Districts

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

- 1) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there-from to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to use glare or reflection that may constitute a traffic hazard or nuisance;
- 2) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code in effect;

- 3) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Article 26.10 herein;
- 4) No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted.
- 5) No sign shall contain words, images or graphic illustration of an obscene or indecent nature;
- 6) No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors or guy wires;
- 7) All ground affixed signs in industrially zoned areas shall be monument signs.

26.3 Permit Required

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

26.4 Signs Permitted in All Districts Not Requiring a Permit

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

26.5 Signs Permitted in Commercial and Industrial Districts Requiring a Permit

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

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

26.6 Temporary Signs

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirement listed in Section 26.2 the setback requirements in Sections 26.6.

26.7 Free-Standing Signs

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

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

26.8 Wall Signs Pertaining to Non-Conforming Uses

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

26.9 Political Signs

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

Political signs and portable signs larger than sixteen (16) square feet shall require a zoning permit before placement on each piece of property. Permission from property owner is required. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall be responsible for

removal of such material. Any signs posted in violation of the Margareta Township Zoning Resolution shall be removed.

26.10 Portable Sign Requirements and Guidelines

Portable signs must conform to the following requirements and guidelines:

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

26.11 Monument Signs

- 1) May be located within the required front yard but not closer than fifteen (15) feet or one-half (1/2) the required front yard setback, whichever is greater.
- 2) Shall not be located within ten (10) feet from a building on an adjacent lot and not less than thirty (30) feet from another sign.
- 3) Shall not extend more than eight and one-half (8 ½) feet above established grade.
- 4) Shall not interfere with the line of sight for any vehicle.
- 5) May not exceed more than one-hundred (100) square feet.

26.12 Sign Setback Requirements

Except as modified in Sections 26.2, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least one-half (½) of the front yard setback.

26.13 Setbacks for Public and Quasi-Public Signs

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

Signs advertising real estate for sale, rent, or lease are permitted in all zoning districts when located on the building or land intended to be sold, rented or leased providing they are used only during construction or offering for sale, rent or lease of the building or

property. No building permit shall be required for any sign described above, provided said sign is not larger than sixteen (16) square feet in area.

26.14 Sight Triangle

At the intersection of any two (2) streets or the intersection of any private driveway and street shall be an optical triangle with respective dimensions where within no sign shall be located or parked. The dimensions of such sight triangle are as follows:

- 1) **Street to Street Intersection**
Not to be located within a triangle formed by lines drawn between points on said front line and side lot lines of a lot twenty-five (25) feet from their intersection, providing the normal site within a vertical height band of two and one-half (2 ½) to eight and one-half (8 ½) feet above curb level is not obstructed except for poles, posts, or tree trunks.
- 2) **Driveway-to-street Intersection:**
All signs shall not be located within a triangle formed by lines drawn between points on said front lot line and driveway edges of a lot fifteen (15) feet from their intersection, providing the normal within a vertical band of two and one-half (2 ½) to six (6) feet above curb level is not obstructed except for poles, post or tree trunks.

26.15 Limitation

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

Outdoor advertising off-premises signs must conform to the guidelines:

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

26.16 Non-Conforming Signs and Structures

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

26.17 Loss of legal Non-Conforming Status

A legal non-conforming sign shall immediately lose its legal non-conforming status and therefore must be brought into conformance with this Article or be removed if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated or replaced; or if it is part of an establishment which discontinues operation for two (2) years; or if it is structurally damaged to an extent greater than one-half ($\frac{1}{2}$) of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

26.18 Violations

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessees thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 5.15 of this Resolution. Political signs posted in violation of Section 26.9 of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 26.9 has been given.

26.19 Maintenance

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

26.20 Abandoned Signs

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

26.21 Dangerous or Defective Signs

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

26.22 Removal of Signs by the Zoning Inspector

The Zoning Inspector shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The zoning inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.