

PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF MILAN, ERIE COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION DEFINING THE POWERS AND DUTIES PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY AND MORALS, AND FOR THE REPEAL THEREOF.

THEREFORE BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF MILAN TOWNSHIP, ERIE COUNTY, STATE OF OHIO.

This zoning resolution applies to all land and to every structure or use of any land or structure or use of any land or structure lying within the unincorporated boundaries of Milan Township, Erie County, Ohio, as those boundaries now exist or may hereafter be changed except land owned by the township. Land owned by the United States of America, the State of Ohio, Erie County, and any and all other political subdivisions, agencies, departments, boards or commissions thereof shall be subject to this resolution except and only to the extent expressly exempted by law.

ARTICLE 1

GENERAL PROVISIONS

1.0 Title

This Resolution shall be known and may be cited to as the “Zoning Resolution of the Township of Milan”, 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 Township Clerk and bearing the seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 10 of Resolution No. ____ of the Township of Milan, 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, buildings 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 Township Clerk 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 Milan Township.

ARTICLE 3

CONSTRUCTION OF LANGUAGE AND 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, or 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 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

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. A swimming pool shall be deemed an accessory building for the purpose of the Resolution.

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. (See also **Temporary Use of a Building.**)

Accessory uses shall also include:

- 1) Residential accommodations for servants, caretakers or night watchmen must be located in the primary residence 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 or other casual sales of personal property shall be considered an accessory use so long as they are limited to no more than three (3) times a year and for no longer than three (3) days each time.

- 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. All such items shall be stored no closer to the street than the minimum front yard setback requirements of the district.
- 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 Adult Cabaret

Means a nightclub, bar, restaurant or similar establishment in which persons appear in a state of nudity that is without opaque covering on the human genitalia, buttocks, pubic area or the female breast nipple area, while performing their duties.

3.10 Agriculture

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry on a minimum of five (5) acres.

3.11 Airport

Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

3.12 Alley

See **Street, Road, and Thoroughfare**.

3.13 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".

3.14 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.

3.15 Apartment Hotel

A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building 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.

3.16 Attic

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

3.17 Attic, Habitable

A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet (2235 mm) above the attic floor is not more than one-third the area of the floor next below.

3.18 Auto Fuel Stations

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

3.19 Auto Repair Station

A place where 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 automobiles and/or the sale of engine fuels.

3.20 Auto 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 automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted and where, if within a building such services as tire repairing, battery

recharging, cleaning and polishing of vehicles, chassis lubrication, motor repairs and adjustments may be rendered.

3.21 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.

3.22 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.

3.23 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 may include a restaurant open to the general public, as well as to overnight guests.

3.24 Block

The property abutting one 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.

3.25 Boarding House (Rooming House)

A building other than a hotel, where for compensation and by prearrangement for definite periods, lodging, 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.

3.26 Buffering

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

3.27 Building

Any structure, whether temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall not include such structures as billboards, fences, radio towers, tents or structures with

interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

3.28 Building - Accessory

See **Accessory Building**.
See **Accessory Use**.

3.29 Building, Height

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

3.30 Building Line

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

3.31 Building, Principal

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

3.32 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 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

3.33 Business, General

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

3.34 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.

3.35 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.

3.36 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.

3.37 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.

3.38 Cemetery

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

3.39 Channel

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

3.40 Child Day-Care

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

3.41 Child Day-Care Center

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

3.42 Type A Family Day-Care Home

A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children under 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.

3.43 Type B Family Day-Care Home

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

3.44 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.

3.45 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.

3.46 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.

3.47 Comprehensive Development Plan

A plan or any portion thereof, adopted by the planning commission and the legislative authority of the Township of Milan 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 established the goals, objectives and policies of the community.

3.48 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.

3.49 Conditional Use Permit

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

3.50 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.

3.51 Corner Lot

See **Lot Types**.

3.52 Cul-de-sac

See **Street, Road, Thoroughfare**.

3.53 Dead-end Street

See **Street, Road, Thoroughfare**.

3.54 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.

3.55 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.

3.56 Development

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

3.57 District

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

3.58 Drive-In

Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purposes as the drive-in service.

3.59 Driveway

The construction of any residential driveway shall be in accordance with the requirements and provisions of this Resolution; and construction shall not start until plans are submitted to and approved by the zoning inspector. The driveway should be a minimum of one (1) foot from the lot line and designed so no drain water from such driveway drains onto the adjoining private property.

3.60 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 or more human occupants.

3.61 Dwelling, Converted

Is a dwelling altered to change the number of dwelling units.

3.62 Dwelling Unit

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

3.63 Dwelling, Industrialized Unit

An assembly of materials or products comprised 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 including a modular or sectional unit, but not a mobile home. (See also **Factory-Built Housing**.)

3.64 Dwelling, Mobile Home

Is a detached dwelling unit designed to be transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling and connection operations; but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. The unit shall be considered as real property if such reconstruction is undertaken. No seasonal or temporary dwelling defined as a recreational vehicle in Definition Number 103 Recreational Vehicle of these definitions shall be considered as a mobile home for any purpose under this Zoning Resolution. (See also **Factory-Built Housing**.) (See also **Mobile Home**.)

3.65 Dwelling, Single Family

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

3.66 Dwelling, Two-Family

A dwelling consisting of two dwelling units which may be either attached side by side or one above another.

3.67 Dwelling, Multi-Family

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

3.68 Dwellings, Unconventional

Shall include coaches, bus bodies, vans, streetcars and railroad cars used for dwellings.

3.69 Easements

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

3.70 Elderly Household

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

3.71 Elderly Housing Facility

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

3.72 Elderly Person

Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

3.73 Erected

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

3.74 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

3.75 Excavation

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

3.76 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 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 . Color and texture of exterior materials 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 inches and no greater than 30 inches.
 - D) Roofing Material . All roofing material shall consist of the following categories: wood, shingle, concrete tile or any other material that the Township deems. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport.
 - 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 1,000 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 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.
 - H) Manufactured homes must be approved HUD units.

- 2) 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 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.

3.77 Family

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I, Type B group residential facilities.

3.78 Farm

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

3.79 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.

3.80 Feedlot

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

3.81 Filling

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

3.82 Fireworks

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers, or other devices 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, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for the use of such caps.

3.83 Flood Plain

That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

3.84 Flood, Regional

Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

3.85 Floodway

That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

3.86 Floodway Fringe

That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

3.87 Floor Area, Gross

Is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, floor area includes: basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, accessory buildings, attic floor space (whether or not floor has been laid) providing structural head room of seven (7) feet six (6) inches. Floor area shall not include: elevator or stair bulkheads, accessory water tanks or cooling towers, uncovered steps, attic floor space less than seven (7) feet six (6) inches high. Covered but unenclosed

portion of porches, terraces or breezeways shall have their floor area computed at fifty (50) percent of the actual floor area. Uncovered and unenclosed porches, terraces or breezeways shall have their floor areas computed at twenty-five (25) percent of the actual floor area.

3.88 Floor Area, Residential

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

3.89 Floor Area, Useable (For the Purposes of Computing Parking)

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

3.90 Food Processing

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

3.91 Foundation

The lowest division of a wall for a structure intended for permanent use; that part of a wall on which the building is erected; usually that part of a building which is below the surface of the ground and on which the superstructure rests.

3.92 Foundation Wall

Any bearing wall below the first tier of floor joists or beams; that portion of an enclosing wall below the first-floor construction

3.93 Garage Commercial Parking

Is a building or other structure which is used for the storage or parking of motor vehicles. A commercial parking garage shall not include a building or other facility used for automotive repair, or primarily for the storage of commercial vehicles or for dead storage of vehicles.

3.94 Garages, Private

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

3.95 Grade (Ground Level)

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

3.96 Greenbelt

A planting strip.

3.97 Group Residential Facility

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

3.98 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 fewer residents, exclusive of staff.

3.99 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 fewer residents, exclusive of staff.

3.100 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.

3.101 Home Occupation

Is that occupation conducted in a dwelling unit, provided that:

- 1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- 2) 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 the conduct of the home occupation.
- 3) 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 per side, which may be located not less than twenty-five (25) feet from the road right-of-way and not less than ten (10) feet from the side lot line of the property, and shall not be illuminated except by continuous indirect white lighting.
- 4) If the home is in any residential zoning district, no traffic shall be generated by such home occupation 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.
- 5) 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, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

3.102 Homes For The Aging

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 or more unrelated individuals who are dependent on the services of others by reason of age and physical or mental impairment;

- 2) Personal care services and skilled nursing care for three 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.

3.103 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. Hospital includes sanitariums and sanitoriums.

3.104 Hotel

Is a building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:

- 1) Maid service.
- 2) Telephone, secretarial or desk service.
- 3) Furnishing of linen.
- 4) Bellboy service

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

3.105 Institution

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

3.106 Junk

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

3.107 Junk Buildings, Junk Shops, Junk Yards

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

3.108 Junk Motor Vehicle, Collector's Vehicle

Junk motor vehicle means any motor vehicle that is left uncovered in the open on private property for more than seventy-two (72) hours with or without the permission of the person having the right to the possession of the property, except if the person is operating a licensed junk yard or scrap metal processing facility and meets all of the following requirements:

- 1) Extensively damaged;
- 2) Apparently inoperable and not able to be "started up" and moved under its own power; and
- 3) Not licensed with current license plates.

3.109 Junk Yard

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

3.110 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.

3.111 Landfill

An area in which garbage, refuse, debris, recyclable material, non-hazardous commercial and/or industrial waste and building material are deposited for disposition.

3.112 Loading Space, Off-Street

A space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required

off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

3.113 Location Map

See **Vicinity Map**.

3.114 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 or record and portions of lots of record, or of portions of lots of record.

3.115 Lot Area

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

3.116 Lot Coverage

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

3.117 Lot Lines

Are the lines abounding a lot as defined herein:

- 1) Lot Line, Front: Is the distance as measured between the two foremost points of the side lot lines.
- 2) Lot Line, Rear: Is a lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.

- 3) Lot Line, Side: Is any lot line not a front line or not a rear line.

3.118 Lot Measurements

A lot shall be measured as follows:

- 1) Depth : The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- 2) Width : The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
- 3) Frontage: The lot width at the front of the lot as defined by deed description.

3.119 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.

3.120 Lot Orientation

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 "yard" in this section. (See also **Yard**.)

3.121 Lot Types

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

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

3.121 Lot, Zoning * RELOOK *****

3.122 Main Building

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

3.123 Main Use

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

3.124 Maintenance and Storage Facility

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

3.125 Major Thoroughfare

Is an arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond.

3.126 Manufactured Home

See **Factory Built Housing**, No. 1 Manufactured Home.

3.127 Manufactured Home Park

Any lot upon which manufactured homes are located within a PUD District for residential use, including any roadway, building, structures, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

3.128 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.

3.129 Manufacturing, Light

Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

3.130 Manufacturing, Extractive

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

3.131 Marina

Is an establishment located on the shore of a body of water, where a boathouse, boat storage yard, pier and dock or jetty facilities are available for any type 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.

3.132 Massage Establishment

Any fixed place of business where a person offers massages either in exchange for anything of value or in connection with the provision of another legitimate service but excluding the practice of any limited branch of medicine or surgery in accordance with sections 4731.15 and 4731.16 of the Revised Code or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse or any other licensed health professional or duly licensed barbers and cosmetologists practicing their professions pursuant to Chapters 4709 and 4713, Ohio Revised Code and the Ohio Administrative Code in massaging the neck, face, scalp and hair of the customer.

3.133 Master Plan

Is the Comprehensive Development Plan approved by the Erie Regional Planning Commission and including graphic and written materials indicating the general location for streets, parks, schools, public buildings and other physical development of the County and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

3.134 Mezzanine

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

3.135 Mini-Warehouse

A structure containing separate storage spaces usually containing about thirty (30) to four hundred (400) square feet each with direct access to paved driveways and leased or rented on an individual basis.

3.136 Mobile Home

See **Factory-Built Housing**, 2) Mobile Home.

3.137 Mobile Home Park

Any site, or tract of land under single ownership within a PUD District, upon which mobile homes used for habitation are parked, including any roadway, building, structure, vehicle, or enclosure or intended for use as a part of the facilities of such park.

3.138 Motel

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

3.139 Nonconformities

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.

3.140 Nuisance Factor

Is an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passing traffic, (o) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities

3.141 Nursery, Plant Material

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

3.142 Nursing Home

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

3.143 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, any other recreational facilities that the planning commission deems permissible. Streets, parking areas, structures for habitation and the like shall not be included.

3.144 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.

3.145 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.

3.146 Performance Bond, Surety Bond, or Financial Guarantee

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

3.147 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.

3.148 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.

3.149 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.

3.150 Public Utility

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

3.151 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.

3.152 Quasi-Public Use

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

3.153 Recreation Camp

An area of land on which two 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.

3.154 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, golf courses and parks. Intensive facilities generally require less land (used more intensely) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums and bowling alleys.

3.155 Recreational Vehicle

A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and is classed as follows:

- 1) Travel Trailer: A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent-type fold-out camping trailer as defined below (at F.).
- 2) Motor Home: A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- 3) Park Trailer: A vehicle commonly known as a park model recreational vehicle, which meets the American National Standard Institute A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for operation of installed features and appliances.
- 4) Truck Camper: A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers that consist of walls and a roof, but do not have floors and facilities that enable them to be used as a dwelling.
- 5) Fifth Wheel Trailer: A vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- 6) Tent-Type Fold Out Camping Trailer: Means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and which is subject to the following properties and limitations:
 - A) A minimum of twenty-five (25) percent of the fold out portion of the top and sidewalls combined must be constructed of canvas, vinyl or other fabric, and form an integral part of the shelter.
 - B) When folded, the unit must not exceed:
 - (1) Fifteen (15) feet in length, exclusive of bumper and tongue;
 - (2) Sixty (60) inches in height from the point of contact with the ground;
 - (3) Eight (8) feet in width;

- (4) One ton gross weight at time of sale.

3.156 Rest Homes

Means 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 impairment or, in the case of a rest home component of a home for the aging, accommodations to three (3) or more individuals and supervision and personal care 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 impairment and supervision of special diets or the administration of medication to at least one (1) of those individuals.

3.157 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.

3.158 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.

3.159 Roadside Stand

A structure designed or used for the display or sale of locally grown agricultural and related products in accordance with O.R.C. 519.21, Section C.

3.160 Salvage Yard

An establishment licensed by the State of Ohio to permit the processing of wrecked and/or abandoned motorized vehicles for parts and materials which may be sold both as retail and wholesale.

3.161 Satellite Signal Receiver

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

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

3.162 Seasonal Residence ** relook **

3.162 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.

3.163 Setback Line

- 1) Rear and Side Setback Line. A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said code. (See also **Yard**.)
- 2) Front Setback Line. A line established by the zoning resolution, generally parallel with and measured from the road right-of-way, defining the limits of a yard in which no building may be located above ground, except as may be provided in said code. (See also **Yard**.)

3.164 Sewers, Central or Group

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

3.165 Sewers, Sanitary

A septic tank or similar installation on an individual lot subject to the approval of health and sanitation officials having jurisdiction.

3.166 Sewers, Storm Water

A system for the collection of storm water and rain water including watershed drainage ditches along the road.

3.167 Sidewalk

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

3.168 Sign

Is a name, identification, description, display or illustration which is affixed to, painted, or represented, directly or indirectly, upon a building, structure, parcel or lot, and which direct attention to an object, product, place, activity, person, institution, organization, or business on that property. A sign shall include the following types:

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

**** INSERT MILAN TWP. DIAGRAM ****

3.169 Stable, Private

Is the stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses, provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each horse stabled thereon.

3.170 **Stable, Public**

Is a stable other than a private stable, with a capacity for more than two (2) horses, and carried on within a tract of land of not less than ten (10) acres.

3.171 **Story**

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

3.172 **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 area having at least seven (7) feet six (6) inches clear height between floor and ceiling.

3.173 **Street, Thoroughfare 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 having only one (1) outlet for vehicular traffic and the other end terminating in a vehicular turnaround.
- 5) Dead-end Street : A street having only one (1) outlet for vehicular traffic and may 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).

3.174 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, walls, fences and billboards.

3.175 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 or more parcels, sites or lots, any one of which is less than five 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 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.

3.176 Supply Yards

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

3.177 Swimming Pool

A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and which is 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 guest of a club member, or the patrons of a motel or hotel; an accessory use.

- 2) Community: Operated with a charge for admission; a primary use.

3.178 Temporary Use of a Building

Is a use of a building of construction of the main building or use or for special events.

3.179 Through Lot

See **Lot Types**.

3.177 Transportation, Director of

The Director of the Ohio Department of Transportation.

3.178 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.

3.179 Variances and Exceptions

- 1) Exception. Is a conditional use permitted only after review of an application by the Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions, precedent or subsequent, are not precise enough for all applications without interpretation, and such review is required by the Resolution.
2. Variance. Is a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

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

The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Resolution appear as "special approval" or review by the Planning Commission, Legislative Body or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- 1) They require large areas.

- 2) They are infrequent.
- 3) They sometimes create an unusual amount of traffic.
- 4) They are sometimes obnoxious or hazardous.
- 5) They are required for public safety and convenience.

3.180 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.

3.181 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.

3.182 Walkway

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

3.183 Yard

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

- 1) Yard, Front : A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- 2) Yard, Rear : A yard extending between 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.

3.184 Zoning Inspector

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

3.185 Zoning Variances and Exceptions

See **Variances and Exceptions**.

3.186 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 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.

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

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 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 as provided by this Resolution and keep a record of same with a notation of any special conditions involved.
- 4) Act on all applications upon which he or she is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his or her refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- 5) Conduct inspections of buildings and uses of land to determine compliance with this Resolution and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- 6) Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.
- 7) Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents and records of all variances, amendments and special uses.
- 8) Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
- 9) Review and approve plot plans pursuant to this Resolution.
- 10) Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop work orders to be issued or initiate such other administrative or legal action as needed to address such violations.
 - A) A notice of zoning violation when the Zoning Inspector determines that there is a violation of any provision of this Resolution;
 - B) A stop work order when the Zoning Inspector determines that work is being done contrary to this Resolution;
 - C) An order to cease and desist when the Zoning Inspector determines that land is being used contrary to this Resolution;
 - D) A revocation notice revoking a permit issued contrary to this Resolution based upon mistake, false or incomplete information, or misrepresentation; or any combination of the above.

- 11) Prepare and submit monthly reports to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

4.4 Township Zoning Commission

The Board of Township Trustees of any Township proceeding under Sections 519.01 to 519.99, inclusive, of the Revised Code, shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) members, who reside in the unincorporated area of the Township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. The Board of Township Trustees may appoint two (2) 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 of 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, the Board may appoint qualified members of such Commission to serve on the township zoning 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 being filed with the board, after a public hearing has been held regarding such charges and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally by certified mail or by leaving such copy at his usual place of residence. The member 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 of the powers, purposes and provisions set forth in Sections 519.01 to 519.99, inclusive, of the Revised Code, including additions to territory in which a 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 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

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

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

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

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

- 1) The name of the zoning commission that will be conducting the public hearing;
- 2) A statement indicating that the motion, resolution or application is an amendment to the zoning resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and 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, resolution or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the Zoning Commission;
- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

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

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
- 3) The time and place where the text and map(s) of the proposed amendment will be available for examination for a period of at least ten 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.

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

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

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

- 1) The name of the board that will be conducting the public hearing;
- 2) A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

- 5) The time and place where the motion, application or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the Board.

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

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

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

Such amendment adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (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 a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment,

resolution, motion or application furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

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

4.7 Ratification of Amendments to Township Zoning Plan

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

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 member will expire each year. Each member shall serve until his or her successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the 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:

- 1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the Revised Code or of any resolution adopted pursuant thereto;
- 2) Authorize, upon appeal, in specific causes, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done;
- 3) Grant conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the zoning resolution;
- 4) Revoke an authorized variance or conditional zoning certificate, 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 mailing of the notice, if he or she so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his or her attorney or other representative, or he or she may present his/her position in writing. He/She may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

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

4.10 Rules, Organization and Meeting of Zoning Appeals Board

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board determines. The chairman, or in his absence the acting chairman, may administer oaths and the Board of Zoning Appeals may

compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Township Trustees and be a public record.

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

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspaper(s) or general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appeal in person or by attorney.

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

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board 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.

Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

4.12 Board of Township Trustees

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

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

4.13 Schedule of Fees

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

ARTICLE 5

ENFORCEMENT

5.0 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 and may be revoked if work has not begun within one year or 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) Erie County Tax Identification Number and legal description of the property, when required by Zoning Inspector;
- 3) Existing use of land and/or structure;
- 4) Proposed use of land and/or structure;
- 5) Zoning district;

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

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 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 completed within two and one half (2½) 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 payment of the established fee. Copies shall be furnished to any person upon request.

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

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. 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. 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

1) 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:

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

2) Service of notice of violation shall be as follows:

- A) 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 (and noting the date, time and place of service on the Township copy); or
- B) 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
- C) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

5.14 Ticketing Procedure **OMIT**** 7/28/200**

5.14 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 upon conviction thereof be fined not more than one hundred (\$100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

5.15 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 Township Trustees, 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. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

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 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.

6.6 Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements.

6.7 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. Mere loss in value shall not justify an approval by the Zoning Board of Appeals; there must be deprivation of beneficial 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 purposes of this Article is defined as damaged to an extent of more than sixty (60) percent of the replacement costs at time of destruction.
- H) The replacement of one 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.

6.8 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 (50) percent 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 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 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 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) Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.
 - B) Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
 - C) Will be designed as to location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - D) Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate

development and use of adjacent land and buildings or unreasonably affect their value.

- E) Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons continuity of development, and need for particular services and facilities in specific areas of the Township.
- F) Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
- G) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- H) Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- I) 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.
- J) 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.

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, when 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 or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

7.8 Notice to Parties in Interest

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

7.9 Action by Board of Zoning Appeals

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

8.1 General

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

8.2 Initiation of Zoning Amendments

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

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

8.3 Contents of Application for Zoning Map Amendment

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

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

lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;

- 8) A list of all property owners and their mailing addresses who are within, contiguous to or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- 9) A fee as established by Resolution of the Board of Township Trustees.

8.4 Contents of Application for Zoning Text Amendment

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

- 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.

8.5 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.

8.6 Submission to Regional Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the fillings 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 considered at the public hearing held by the Zoning Commission.

8.7 Standards of Recommendations of Township Zoning Commission

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

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

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

- 2) What other effects might the adoption of the proposed amendment 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 uses permitted in the proposed zoning district?
- 6) Would all of the permitted uses in the proposed district be compatible with the existing potential future development in the area?
- 7) What effect would the rezoning have on property values?
- 8) Would the rezoning cause a considerable increase in the volume of traffic? Can existing roads accommodate this traffic?
- 9) Does the area proposed for rezoning reflect land needed for the proposed use or does it merely reflect the applicant's property lines?
- 10) Is there a physical feature such as a river, creek, or railroad that can be used as a natural dividing line to separate a new district from adjacent properties?

8.8 Submission to Director of 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. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

8.9 Public Hearing by Zoning Commission

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

8.10 Notice of Public Hearing in Newspaper

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

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

- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the zoning commission;
- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

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

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

8.11 Notice of Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, 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 8.10.

8.12 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 8.9, the Zoning Commission shall recommend 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.

8.13 Public Hearing by Board of Township Trustees

Where the proposed amendment intends to rezone ten 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 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 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 days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication;
- 5) Any other information requested by the board.

8.14 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 8.13, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees is required.

8.15 Effective Date and Referendum

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

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:

- 1) Name, address and phone number of the applicant;
- 2) Legal description of the property;
- 3) Zoning district;
- 4) Description of existing use;
- 5) Description of proposed conditional use;
- 6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the Board may require;

- 7) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and 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;
- 8) A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
- 9) A fee as established by Resolution; and
- 10) A narrative addressing each of the applicable criteria contained in Section 9.2 General Standards for all Conditional Uses.

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 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 Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed 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, channelized 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 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.

9.9 Certificate for Conditional Use

- 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 copy of the certificate shall be returned to the owner, one shall be sent to the Erie County Department of Planning and Development and one 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 & BOUNDARIES INTERPRETATION

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 Milan 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	AG
2)	Rural Residential District ***DELETED***	R-R
2)	Single Family District	R-1-A
	Single Family Residential District	R-1-B
3)	Two-Family Residential District	R-2
4)	Multi-Family Residential District	R-3
6)	Professional & Business Offices ***DELETED***	PBO
	<u>Recreation District ***DELETED***</u>	
5)	Local Commercial District	C-1
6)	General Commercial District	C-2
7)	Light Industrial	
8)	Heavy Industrial	
11)	Mineral Aggregate ***DELETED***	MA
9)	Planned Unit Development	PUD
10)	Floodplain, Floodway, & Wetland Overlay District	FFW

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 Identification of Official Zoning Map

The Official Zoning Map shall be properly identified by the signature of Township Trustees, as attested by the Township Clerk and bearing the official seal. The Map shall be maintained by the Zoning Inspector and shall remain on file in the Office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and 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 therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 5) Where the boundary of a district follows a stream, lake, or 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 Statement of Purpose

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

- 1) Land containing agricultural value should be preserved because it is a vital resource.
- 2) Land with agricultural value justifies design requirements which attempt to support a town-country spatial relationship.
- 2) Agricultural zoning permits the timing of land allotments to urban purposes in keeping with a theory of maximizing supporting public utilities so as 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.

Any use not specifically permitted under 11.1 Principally Permitted Uses or 11.2 Conditionally Permitted Uses of this section is expressly prohibited.

11.1 Principally Permitted Uses

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

- 1) Agriculture;
- 2) Single family residential dwellings - farm-related or non-farm related;
- 3) Accessory uses and structures incidental to the above permitted uses, including but not limited to the following:
 - A) Roadside stands on five (5) acres or more for the sale of agricultural products where fifty (50) percent 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:
 - (1) Any structure used to display such goods shall be less than two hundred fifty (250) square feet in size and be located at least

fifty (50) feet from any side or rear property line.

- (2) The structure shall be setback at least forty (40) feet from the road right-of-way.
- (3) Off-street parking shall be provided for all employees and customers.
- (4) Any signs used shall be attached to the roadside stand structure and shall not exceed five (5) square feet in total area.

- 4) Farms;
- 5) Nurseries, Lawn and Garden Centers;
- 6) Veterinary Clinics or Hospitals;
- 7) Public stables and riding academies of at least ten (10) acres in size;
- 8) Type "B" Family Day Care Home;
- 9) Home Offices and Home Occupations, subject to the following:
 - 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, if the occupation is conducted in a single-family residence.

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) The commercial raising of fur-bearing animals, including mink, chinchillas, rabbits, foxes, guinea pigs and similar animals, subject to the following:
 - a) All such operations shall be located on a continuous parcel of forty (40) acres or more in area.
 - b) All outdoor runs or breeding areas shall be set back from the front property line a minimum of one hundred (100) feet and the rear property line a minimum of one hundred (100) feet.
- 2) The commercial raising of domestic or laboratory animals, such as cats, dogs, mice, rats or other similar animals, subject to the following:
 - a) All such operations shall be located on a parcel of property not less than ten (10) acres in area.
 - b) All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
- 3) 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.
- 4) Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to the following:
- a) The area shall be sufficient to meet the Federal Aviation Administration requirements for the class of airport proposed.
 - b) There is no existing flight obstruction such as towers, chimneys, or other tall structures, or which would fall within the approach zone to any of the proposed airport runways or landing strips.
 - c) There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration, or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
 - d) Any building, hangars or other structures shall be at least one hundred (100) feet from any street or lot line.
 - e) Adequate space for off-street parking for at least fifty (50) vehicles will be required, the Board may increase this requirement.
 - f) The application for authorization of an airport shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zone and less than five hundred (500) feet distance from the boundary lines of the airport, other pertinent data such as topography and grading plan, drainage, water and sewage, etc.
 - g) The plans of the proposed airport shall be reviewed by the Regional Planning Commission. It shall make a recommendation to the Board of Zoning Appeals which shall include the compatibility of the proposed airport with the master plan for the township and the potential detrimental effects upon the surrounding properties and proposals to eliminate or reduce them.

- 5) Golf courses and golf driving ranges, subject to the following conditions:
 - a) All buildings and structures shall be at least fifty (50) 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) All driving directions shall be away from any street or highway.
- 6) Private parks, country clubs, archery clubs and gun clubs, subject to the following:

**** NO REQUIREMENTS LISTED ****
acreage, lighting, traffic patterns, buffering and parking
as well as NRA safety regulations for gun clubs needed
- 7) Type "A" Family Day Care Home, subject to the following:
 - a) Outdoor playgrounds, 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, as approved by the Zoning Board of Appeals 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 so as to conform with the required setback and building design.
 - 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 line a minimum of fifty (50) feet.
 - c) Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
 - d) A cemetery shall not be a permitted use in conjunction with the church. (See **11.2 Conditionally Permitted Uses, Item 3. Cemeteries.**)
- 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. Refer to Article 27 OFF-STREET PARKING AND LOADING FACILITIES.
- 11) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, 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.
 - c) Refer to Article 27 OFF-STREET PARKING AND LOADING FACILITIES.
- 12) Bed and Breakfast Homestays or Tourist Homes, subject to the

following:

- a) A bed and breakfast homestay or tourist home 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) Refer to Article 27 OFF-STREET PARKING AND LOADING FACILITIES.
 - e) One sign shall be permitted not exceeding two (2) square feet in area and three and one half (3 ½) feet above ground.
 - f) Length of stay for guests shall not exceed fourteen (14) days.
- 13) Outdoor advertising and billboards, subject to the following:
- a) No billboard shall be located within two hundred (200) feet of another billboard or two hundred (200) feet from a park, playground, public or semi-public building or residence.
 - 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.

11.3 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	20 feet (each side)
Minimum Rear Yard Setback	35 feet
Minimum Dwelling Floor Area	1,200 square feet
Minimum Setback for Corner Lots from Side Street	50 feet
Minimum Setback on Cul-de-sacs	Refer to Section 25.20

11.4 Required Parking

Refer to specifications in Article 27 OFF-STREET PARKING AND LOADING FACILITIES.

11.5 Signs

Refer to specifications in Article 28 SIGNS.

11.6 Accessory Structures

- 1) Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 3) 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 ten (10) feet shall be maintained, unless the structure is 1,000 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.
 - b) In no case shall an accessory structure be located closer than fifty (50) feet to any road right-of-way.
- 4) An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
- 5) No accessory structure shall be used for human habitation.
- 6) No accessory structure shall be used for commercial or industrial purposes.

- 7) Accessory structures shall not cover more than thirty-five percent (35%) of the required rear yard.
- 8) Accessory structures must be subordinate in floor area to the principal use.
- 9) The maximum height of any accessory structure shall be thirty (30) feet in size.
- 10) No more than two (2) accessory buildings on lots less than one (1) acre in size.
- 11) Private swimming pools, refer to Section 26.3 Regulations of Swimming Pools as Accessory Uses.

ARTICLE 12

SINGLE FAMILY DISTRICT (R-1-A)

12.0 Statement of Purpose

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

- 1) To permit a degree of urbanization of lands which are not expected to have public utilities available to them for many years.
- 2) Because of the above consideration, and because there is a demand for non-farm residences within a rural environment, the R-1-A District provides an opportunity to satisfy one's housing preference without unduly contributing to uneconomical urban sprawl conditions.
- 3) The R-1-A District will lessen urbanizing forces on the good agricultural land and reduce the possible mixture of farm and non-farm dwellings which have several undesirable effects, including assessment practices and weed problems related to uncultivated land.
- 4) Acreage zoning is necessary to prohibit erosion and sedimentation in certain areas of the Township where topographical conditions are such that the removal of vegetative cover would constitute a pollution problem.
- 5) Any use not specifically permitted under Article 12.1 Principally Permitted Uses or Article 12.2 Conditionally Permitted Uses is expressly prohibited.

12.1 Principally Permitted Uses

In the R-1-A 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) All uses principally permitted in the Article 11 Agricultural District except churches and schools other than as provided below:

12.2 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 9 PROCEDURES AND GENERAL REQUIREMENTS FOR CONDITIONAL USE PERMITS; SIMILAR USES; AND ACCESSORY USES and subject further to the terms and conditions herein provided:

- 1) Cemeteries and other facilities incidental thereto, subject to the following conditions:
 - a) The principal access to the cemetery shall be from a directly adjoining Regional, Major or Secondary Thoroughfare as defined in the Erie County Comprehensive Development Plan.
 - b) The site shall contain a minimum of twenty (20) contiguous acres of land.
 - c) The perimeter of the entire site shall be fenced in a manner satisfactory to the Board of Zoning Appeals.

2) Nursery schools, day nurseries and child care centers (not including dormitories), providing that for each child so cared for, there shall be provided and maintained a minimum of one hundred 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 yard setbacks of one hundred (100) feet.

- 3) Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a) A church site shall contain an area of at least three (3) acres.
 - b) The site shall be so located as to have at least one (1) property line abutting a road designated as a Regional, Major or Secondary Thoroughfare on the Erie County Comprehensive Development Plan. The major ingress and egress to the site shall be directly onto said thoroughfare.
 - c) Wherever the off-street parking area is adjacent to land zoned for residential purposes, a contiguous and obscuring wall not less than four (4) feet six (6) inches in height shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of ARTICLE 26.28 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.
- 4) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools. No school permitted in this subsection shall be located nearer than one hundred (100) feet to any adjacent zoned single-family residential property.

Every school property shall be surrounded by a minimum five (5) foot chain link fence on the side and rear lot lines and by a minimum four (4) foot chain link fence along streets.

5) Non-profit swimming pool clubs consisting of members residing within the immediate area of the swimming pool, or from a membership who are owners of lots within the recorded subdivision in which the pool is situated. Said subdivision may have been recorded in stages, and subdivision in this sense shall consist of the various stages of development.

Said pool shall be for the exclusive use of the membership, as conditioned above, and their guests, all subject to the following conditions:

a) As a condition of the original granting of such a permit and the operation of such non-profit swimming pool clubs, the subdivision in which said pool is to be situated, shall have been so advertised in the development promotion of the said subdivision so that all purchasers of lands in the subdivision are adequately put on notice as to the location of the pool. Prior to the granting of a conditional use permit, the Board of Zoning Appeals shall determine that the location of the pool and the organization of the swimming pool was in fact public knowledge to those owners of lands in the subdivision in question.

b) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential districts, wherein it shall be ten (10) feet, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

c) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

d) When the parking plan is so laid out as to beam automobile headlights toward any residential land, a wall at least four (4) feet six (6) inches in height shall be provided along that entire side of the parking area, and said wall shall further be subject to the requirements of ARTICLE 26.28 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

e) When a swimming pool is constructed under this section of the Zoning Resolution, said pool area shall be provided with a protective fence five

(5) feet in height, and entry shall be provided by means of a controlled gate. A controlled-access shall be provided for above-ground swimming pools.

f) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members at one time. Prior to the issuance of a conditional use permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of ARTICLE 19 OFF-STREET PARKING AND LOADING REQUIREMENTS.

g) All plans for storm sewers, sanitary sewers and other utilities shall be reviewed and approved the County Engineer and Sanitary Engineer.

6) Private recreational areas and institutional or community recreation centers subject to the following conditions:

a) Provision for the land and/or building shall have been identified in the original platting of the land, such that all subsequent lot purchasers were duly placed on notice. Prior to the issuance of a conditional use permit, the Board of Zoning Appeals shall, within thirty (30) days, determine that such affected area residents were able to determine that such facilities were a part of the original development scheme. Evidence to this effect would include a provision in the plat.

b) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a Regional, Major or Secondary Thoroughfare as shown in the Erie County Comprehensive Development Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said thoroughfare.

c) Front, side and rear yards shall be at least eight (80) feet wide and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

d) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and or individual members at one time. The Board of Zoning Appeals may modify the off-street parking requirements in those instances where it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrians. Prior to the issuance of a conditional use

permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Board of Zoning Appeals on the basis of usage.

- 7) Golf courses and driving ranges, subject to the following conditions:
 - a) The site shall be so planned as to provide all ingress and egress directly to a Regional, Major or Secondary Thoroughfare as shown on the Erie County Comprehensive Development Plan.
 - b) The site shall be laid out to achieve a relationship between the thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c) Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that, where topographic conditions are such that building would be screened from view, the Board of Zoning Appeals may modify this requirement.
 - d) The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole, plus one (1) space per employee, plus spaces as required under ARTICLE 19 OFF-STREET PARKING AND LOADING REQUIREMENTS for each accessory use such as a restaurant or a bar.
 - e) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence five (5) feet in height, and entry shall be by means of a controlled gate.
 - f) Such use must comply with ARTICLE 12 SINGLE FAMILY DISTRICT regarding parking and lighting (ARTICLE 12.4 REQUIRED PARKING) and Article 12.2, Items 5 and 6 as to the parking, lighting and location of the pool and the golf course parking and building locations.
 - g) Temporary buildings for use incidental to construction work for a period not to exceed one (1) year, subject to renewal.
- 8) Manufactured Homes, provided they comply with the following minimum standards:

- a) Exterior siding shall be made of non-reflective and nonmetallic materials, Acceptable siding materials include: vinyl, wood, stucco, brick, stone or other masonry materials, or any combination of these materials;
- b) Color and texture of exterior materials shall be compatible with the adjacent single family structure;
- c) 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) All roofing material shall consist of one of the following categories: wood, shingle, wood shake, synthetic composite shingle, concrete tile. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport;
- e) The minimum floor area for every dwelling located on a lot in any zoning district shall be one thousand, two hundred (1,200) square feet, excluding the area for basements, porches, and attached garages;
- f) The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty (20) feet;
- g) All manufactured homes shall be placed on a permanent foundation that meets the applicable building code requirements such that the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.
- h) Manufactured homes must be approved HUD units.

12.3 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	Least One: 10 feet Total of Two: 30 feet
Minimum Rear Yard Setback	35 feet
Minimum Floor Area	1200 square feet
Maximum Height	2 1/2 stories 30 feet
Minimum Setback for Corner Lot from Side Street	50 feet
Minimum Setback on	50 feet

12.4 Required Parking

As specified in Article 27 OFF-STREET PARKING AND LOADING FACILITIES.

12.5 Signs

As specified in Article 28 SIGNS.

12.6 Accessory Structures

- 1) Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 3) 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 ten (10) ft. side yard setback and ten (10) ft. rear yard setback shall be maintained, unless the structure is one thousand (1,000) square feet or greater, then the minimum side and rear yard setback shall be twenty (20) feet.
 - b) In no case shall an accessory structure be located closer than fifty (50) feet to any road right-of-way.
- 4) An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
- 5) No accessory structure shall be used for human habitation.
- 6) No accessory structure shall be used for commercial or industrial purposes.
- 7) Accessory structures shall not cover more than thirty-five percent (35%) of the required rear yard.
- 8) Accessory structures must be subordinate in area to the principal use.
- 9) The maximum height of any accessory structure shall be thirty (30) feet.

- 10) No more than two (2) accessory buildings on lots less than one acre in size.
- 11) Private swimming pools, refer to Section 26.3 Regulations of Swimming Pools as Accessory Uses.

ARTICLE 13

SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1-B)

13.0 Purpose

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

Any use not specifically permitted under Article 13.1 or Article 13.2 of this section is expressly prohibited.

13.1 Principally Permitted Uses

In the R-1-B 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) Single-family dwellings;
- 2) Publicly owned and operated schools, libraries, parks, parkways and recreation facilities;
- 3) Accessory uses, subject to the provisions of Article 13.6 Accessory Structures.

13.2 Conditionally Permitted Uses

The uses listed in Article 12 SINGLE FAMILY DISTRICT (R-1-A), 12.2 Conditionally Permitted Uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 9 PROCEDURES AND GENERAL REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES AND ACCESSORY USES.

13.3 Development Standards

Minimum Lot Area With Public Water Only	30,000 square. feet
Minimum Lot Area With Public (Sanitary) Sewer and Public Water	13,500 square feet
Minimum Lot Frontage With Public Water Only	100 feet
Minimum Lot Frontage With Public (Sanitary) Sewer and Public Water	90 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	Least One: 10 feet Total of Two: 20 feet
Minimum Rear Yard Setback	35 feet
Minimum Floor Area	1,200 square feet
Minimum Setback for Corner Lots from Side Street	50 feet
Maximum Building Height	2 1/2 stories 30 feet
Minimum Setback on Cul-de-Sac	50 feet Refer to Section 25.20.

13.4 Required Parking

As specified in Article 27 OFF-STREET PARKING AND LOADING FACILITIES.

13.5 Signs

As specified in Article 28 SIGNS.

13.6 Accessory Structures

- 1) Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
- 3) 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 ten (10) feet shall be maintained, unless the structure is 1,000 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.

- b) In no case shall an accessory structure be located closer than fifty (50) feet to any road right-of-way.
- 4) An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
- 5) No accessory structure shall be used for human habitation.
- 6) No accessory structure shall be used for commercial or industrial purposes.
- 7) Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
- 8) Accessory structures must be subordinate in area to the principal use.
- 9) The maximum height of any accessory structure shall be thirty (30) feet.
- 10) No more than two (2) accessory buildings on lots less than one (1) acre in size.
- 11) Private swimming pools, refer to Section 26.3 Regulations of Swimming Pools as Accessory Uses.

ARTICLE 14

TWO FAMILY RESIDENTIAL DISTRICT (R-2)

14.0 Purpose

The R-2 District is designed to provide for a one-and-two family residential environment on relatively small lots with supporting ancillary uses in areas of the Township which contain public water and sanitary sewer systems. This District is also designed to permit the conversion of older large residences in areas which are experiencing a transition in use acceptability because of external adverse influences.

Any use not specifically permitted under Article 14.1 or 14.2 of this section is expressly prohibited.

14.1 Principally 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 District unless otherwise provided;
- 2) Two-family dwellings;

14.2 Conditionally Permitted Uses

The uses listed in Article 12 Single Family District (R-1-A), 12.2 Conditionally Permitted Uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 9 PROCEDURES AND GENERAL REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; QAND ACCESSORY USES and subject further to the following provisions:

- 1) The conversion of existing residences is hereby permitted provided that further encroachment into required yard areas is not necessary and provided that the following conditions are met:

- a. Conversion is prohibited in the event a lot is less than one hundred (100) feet in width.
- b. Conversion is prohibited if the effect of said conversion is to increase the lot coverage to more than thirty-five (35) percent.
- c. When converted, no dwelling unit shall contain a floor area of less than nine hundred (900) square feet.

14.3 Development Standards

Minimum Lot Area	20,000 sq. ft.
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	10 feet each side
Minimum Rear Yard Setback	35 feet
Minimum Floor Area	900 square feet
Maximum Building Height	30 feet
Minimum Setback for Corner Lot	50 feet
Minimum Setback on Cul-de-Sacs	50 feet
	Refer to Section 25.20

14.4 Required Parking

As specified in Article 27 OFF-STREET PARKING AND LOADING FACILITIES.

14.5 Signs

As specified in Article 28 SIGNS.

14.6 Accessory Structure

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

- 1) Where the accessory structure is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
- 2) Accessory buildings shall not be erected in any required yard, except a rear yard. Accessory buildings, on a corner lot of record, that conflict with required yards shall be submitted to the Board of Zoning Appeals for a variance. The Board's decision as to extent and location shall be compatible with the intent of this Resolution.

3) An accessory structure not exceeding twenty (20) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building or ten (10) percent of the total lot, whichever is the lesser. Additionally, one other accessory structure not to exceed two hundred (200) square feet in size and fifteen (15) feet in height may be erected.

4) No detached accessory building shall be located closer than ten (10) feet to any main building, nor shall it be located closer than ten (10) feet to any side lot line, nor closer than five (5) feet to any rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall any accessory building be located within a dedicated easement right-of-way.

5) When an accessory building is located on a corner lot, said building shall not project beyond the front yard line of the required rear yards.

ARTICLE 15

MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

15.0 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.

Any use not specifically permitted under 15.1 Principally Permitted Uses of this section is expressly prohibited.

15.1 Principally Permitted Uses

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

- 1) All principally permitted uses and conditionally permitted uses in the R-1-B District, subject to the terms and conditions provided herein.
- 2) Multiple-family dwelling units, including apartments, townhouses and row houses.
- 3) 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 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 or more boundaries of the proposed site lies opposite or contiguous to an R-1 or R-2 residential district, the minimum distance between any hospital structure or accessory use and 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 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 fifty (50) 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 of at least six (6) feet in height and said wall shall be further subject to the requirements of ARTICLE 25.19 Site Plan Review and ARTICLE 27 OFF-STREET PARKING AND LOADING

FACILITIES.

- 4) Housing for the elderly 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 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 (35) percent of the total site exclusive of any dedicated public right-of-way.
- 5) 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.

- 5) Boarding house (rooming house), when the following conditions are met:
 - a) No more than one (1) person shall occupy each sleeping room of not less than one hundred (100) square feet.
 - b) Fire escapes shall be provided as approved by the Zoning Board of Appeals.
 - c) Fire exit instructions shall be posted in each sleeping room.
 - d) All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate fire department official shall accompany the application.

- 6) Boarding house (rooming house), when the following conditions are met:
 - a) No more than one (1) person shall occupy each sleeping room of not less than one hundred (100) square feet.
 - b) Fire escapes shall be provided as approved by the Zoning Board of Appeals.
 - c) Fire exit instructions shall be posted in each sleeping room.
 - d) All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate fire department official shall accompany the application.

- 7) Accessory structures and uses customarily incidental to any of the above uses.

15.2 Site and Landscape Plan Review

For all uses permitted in the Multi-Family Residential R-3 District, a site plan shall be submitted in accordance with the provisions of Article 25 SUPPLEMENTARY DISTRICT REGULATIONS, Section 25.19 Site Plan Review.

15.3 Screening

Screening or buffering in compliance with the provisions of Article 25 SUPPLEMENTARY

DISTRICT REGULATIONS, Section 25.18 Screening/Buffering is required.

15.4 Lot, Yard, Area and Building Requirements

Minimum Lot Area	1 acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	50 feet or as noted in Section 25.24
Minimum Side Yard Setback	15 feet (each side) or as noted
Minimum Rear Yard Setback	35 feet
Maximum Net Density	6 units per acre
Maximum Height	40 feet

15.5 Required Parking

Off-street parking facilities in compliance with the provisions of Article 27 OFF-STREET PARKING AND LOADING FACILITIES are required.

15.6 Signs

Signs in compliance with the provisions of Article 28 SIGNS are permitted.

15.7 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 five (5) feet shall be maintained.
 - b) In no case shall an accessory structure be located closer than fifty (50) feet to any right-of-way.
 - c) An accessory structure shall be a minimum distance of ten (10) feet from any main building.
 - d) No accessory structure shall be used for commercial or industrial purposes.
 - e) An accessory building not exceeding twenty (20) feet in height may occupy not more than twenty-five percent (25%) of a required rear yard, plus forty percent (40%) of any non-required rear yard, provided that

in no instance shall the accessory building exceed the ground floor area of the main building or ten percent (10%) of the total lot, whichever is the lesser. Additionally, one other accessory structure not to exceed two hundred (200) square feet in size and fifteen (15) feet in height may be erected.

- f) Private swimming pools, refer to ARTICLE 26 SPECIAL REGULATIONS, Section 26.10 Private Swimming Pools.

15.8 Development Standards for Multi-Family Dwellings

1) Purpose and Intent

The special provisions set forth herein are intended to provide design criteria for multi-family dwellings. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by the Township review of the site plan.

It is the intent that multi-family dwellings, where they are permitted, shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

2) Detailed Design Criteria

- a) Each dwelling unit should be provided with reasonable visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- b) Walks should be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- c) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d) Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen

planting or are useful in protecting slopes.

- e) Adequate recreation facilities for the residents of the project should be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f) Attractive outdoor sitting areas should be provided, appropriate in size, type and number to the needs of the residents.
- g) Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h) All public streets located within any multi-family development shall meet the construction specifications set forth in the subdivision regulations.
- i) The Township shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- j) All dwelling units shall be so positioned as to insure the availability of adequate fire protection. The fire department shall adjudge the adequacy of protection.

ARTICLE 16

LOCAL COMMERCIAL DISTRICT (C-1)

16.0 Statement of Purpose

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

Any use not specifically permitted under 16.1 Principally Permitted Uses or 16.3 Conditionally Permitted Uses of this section is expressly prohibited.

16.1 Principally Permitted Uses

- 1) Shops for the sale of baked goods, beverages, including liquor outlets (not be 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 customer service outlet shall be prohibited.
- 4) Professional offices of doctors, lawyers, dentists, chiropractors and similar professions.
- 5) Accessory buildings and uses customarily incidental to the above Principally Permitted Uses. Accessory buildings must be located a minimum of ten (10) feet from other structures and must meet all of the Section 16.6 Development Standards.

16.2 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.

16.3 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 29 VESTED RIGHTS and subject further to the provisions herein ARTICLE 25 SUPPLEMENTARY DISTRICT REGULATIONS, Section 25.19 Site Plan Review:

- 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 shall 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. See Section 16.5 Screening/Buffering.
 - d) All signs shall be affixed to the face of the building and shall be of a uniform design throughout, except for one ground or pole sign advertising the name of the shopping center. See ARTICLE 28 SIGNS.
 - e) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - f) The maximum grade of off-street parking spaces shall be three percent (3%). See ARTICLE 27 OFF-STREET PARKING AND LOADING FACILITIES.

- g) A site plan must be submitted subject to provisions of ARTICLE 25, Section 25.19 Site Plan Review.
- 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 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 27.8 of this Code.
 - d) The attached dwelling unit must be a minimum of four hundred fifty (450) square feet in floor area and must meet the same setback requirements as the commercial use.
- 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 lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.

5) 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) Stormwater management shall be incorporated into the site plan for a mini-storage building so that stormwater run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the stormwater 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 of storage units shall be conducted on the premises and no outside storage will be permitted.
- 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. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.
- f) Building setbacks shall be as follows:

Front Yard Setback	Not less than 25 feet on which parking & 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, except that a rear yard is not required adjacent to commercial or industrial zoned land.

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 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 setback six (6) feet from the side property lines and rear property line. When a rear yard setback is not required, a lesser

setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.

h) Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low-, medium-, and high-profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or 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.

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i) Parking shall be provided at a ratio of one (1) space for each two (2,000) square feet of gross building area, plus two (2) spaces for manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the Township.

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 to the premises. No more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulations of ARTICLER 28

SIGNS.

l) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.

m) The sale of any item from or at a mini-storage building is specifically prohibited. 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.

n) 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.

o) Any violation of the regulations regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.

16.4 Site and Landscape Plan Review

For all uses permitted in the C-1 District, a site plan shall be submitted to the Township Zoning Inspector for his/her review and recommendations. The Zoning Inspector in the review of the site plan shall have regard to the provisions of this Resolution. The Zoning Board of Appeals may require certain modifications in terms of the location of buildings, parking and driveways and may require screening/landscaping techniques to ameliorate potential nuisance problems with adjoining districts 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 25, Section 25.19 Site Plan Review.

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 high buffer shall be provided adjacent to a Residential District.

16.6 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	50 feet or as noted in Section 25.24 which includes 100 feet on the eastern side of U. S. Route 250 between Scheid and Mason Roads
Minimum Side Yard Setback	30 feet (each side)
Minimum Rear Yard Setback	40 feet

Minimum Setback for Corner Lots	50 feet or as noted in Section 25.24 which includes 100 feet on the eastern side of U. S. Route 250 between Scheid & Mason Rods
Maximum Height	35 feet at the highest point
Maximum Lot Coverage	40 percent (40%) and not to exceed three (3) buildings per acre

16.7 Required Parking

As specified in ARTICLE 27 OFF-STREET PARKING AND LOADING FACILITIES.

16.8 Signs

As specified in ARTICLE 28 SIGNS.

16.9 Prohibition of Outdoor Storage and Land Use

All uses of land except as herein provided, shall take place within a wholly enclosed structure, except that this shall not be construed to include the parking of motorized vehicles.

ARTICLE 17

GENERAL COMMERCIAL DISTRICT (C-2)

17.0 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 partially dependent upon extending services to other business uses and not necessarily household oriented.

Any use not specifically permitted under 17.1 Principally Permitted Uses or 17.2 Conditionally Permitted Uses of this section is expressly prohibited.

17.1 Principally 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) All principal uses permitted in the C-1 District except that shopping centers shall be subject to the regulations of Article 17.2 Conditionally Permitted Uses, Item 11.
- 2) Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.
- 3) All retail business establishments conducted within a completely enclosed building except those listed separately as conditional uses in this District.
- 4) Wholesale business establishments and wholesale distribution centers conducted within a completely enclosed building.
- 5) Dormitories, fraternities, clubs, lodges, social or recreational buildings.
- 6) 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.
- 7) Repair shops conducted within a completely enclosed building except those listed separately as conditional uses in this District.
- 8) Public buildings and uses.
- 9) Business schools and colleges or private trade schools operated for profit.
- 10) Commercial or technical schools or training centers.
- 11) Offices.

- 12) Restaurants or other places serving food and beverages.
- 13) Data processing centers.
- 14) Banks.
- 15) Research and development facilities.
- 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) Bowling alleys, billiard halls, indoor archery ranges, or indoor skating rinks, or similar forms of indoor recreation when located at least one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district.
- 20) Hotels and motels.
- 21) Accessory structures and uses customarily incidental to the above permitted uses. Accessory buildings must be located a minimum of ten (10) feet from other structures and must meet all of the Section 17.3 Development Standards.

17.2 Conditionally Permitted Uses

The following uses shall be permitted by the Township Board of Zoning Appeals pursuant to ARTICLE 29 VESTED RIGHT and subject further to the provisions herein ARTICLE 9 PROCEDURES AND GENERAL REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; AND ACCESSORY USES.

- 1) Automobile service stations and Auto repair stations.
 - a) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b) The minimum lot area shall be twenty thousand (20,000) square

feet, with minimum lot sides of one hundred fifty (150) feet each, and so arranged that ample space is available for motor vehicles which are required to wait for services.

- c) Automobile service stations and auto repair stations shall not be located within five hundred (500) feet of any school.
- d) All lighting shall be shielded from adjacent residential districts.
- e) The maximum length of time that a vehicle may be parked on the premises waiting for service is sixty (60) days.

2) Car washes. Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit. Standards that apply to car washes are as follows:

- a) 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 lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one street frontage shall be fifty (50) feet and the setback on the other street frontage shall be fifty (50) feet.

3) Recreational 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 dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
- 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 residential 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 residential districts.
 - d) A completely opaque wall at least six (6) feet high shall be provided when abutting or adjacent to any residential 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 of enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels. Building plans submitted for a building permit application for veterinary hospitals or clinics shall include a certificate by a

registered architect or acoustical engineer that the building will meet these requirements. Existing buildings that are to be used as veterinary hospitals or clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements.

- 7) Travel trailer parks which rent space to recreational vehicles as defined in ARTICLE 3 Construction of Language and Definitions, 3.155 Recreational Vehicle. No permanent structures shall be allowed on the premises, other than a business office with a game room and grocery sales and/or sanitary facilities.

The issuance of a permit shall be subject to the following conditions:

- a) Travel trailer parks must be a minimum of ten (10) acres in size.
- b) Sewer, water, fuel, electrical and telephone installation and connections shall be done in accordance with plans approved by the appropriate agency or utility. Underground sewer, water and electrical connections must be supplied for each unit.
- b) Maximum trailer size shall be forty (40) feet.
- d) All streets and roadways shall be hard-surfaced and parking shall be prohibited on all streets and roadways. Main roadways will be a minimum of twenty-four (24) feet in width.
- e) Outdoor areas used for display shall be provided with a permanent, durable, dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the County Engineer.
- f) No trailer lot shall have direct access to a public thoroughfare.
- g) Point of registration should be at least two hundred (200) feet from the road right-of-way.
- h) There shall be a space between each two (2) trailers of at least twenty (20) feet and not less than twenty (20) feet between the ends of each two (2) trailers.
- i) No trailer shall be closer than ten (10) feet from any private street or adjacent property line, or fifty (50) feet from any right-of-way line.
- j) No business of any kind shall be conducted in any trailer.
- k) All repairs shall be conducted within a wholly enclosed building.

- l) Fence and/or greenbelts may be required by the Township Zoning Board of Appeals.
 - m) All exterior lighting shall be sufficient to provide security and discourage vandalism in the park. All lighting shall be shielded from adjacent residential districts.
 - n) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such a facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.
 - o) All signs shall conform to the sign regulations as stated in ARTICLE 28 SIGNS.
 - p) The Township Zoning Board of Appeals shall approve the plans for any travel trailer park prior to issuance of a zoning certificate.
 - q) Accessory uses subject to approval by the Township Zoning Board of Appeals.
 - r) There shall be no permanent recreational vehicles permitted in the park; that is units which remain continuously on site and are rented by the owner/operator of the travel trailer park to transients as if a motel/hotel unit.
 - s) All non-self-propelled recreational vehicles shall be accompanied by a motor vehicle which is both capable of towing the recreational vehicle and is registered for travel upon the highways of this State.
 - t) All recreational vehicles shall be registered with the State of Ohio or another licensing governmental unit such as another state or Canada for travel upon public highways. All vehicles shall be registered for travel upon the public highways of this State.
- 8) Bowling alleys, billiard halls, indoor archery ranges, or indoor skating rinks, or similar forms of indoor recreation when located less than one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district, subject to the following conditions:
- a) All activities shall be conducted within a wholly enclosed building.
 - b) 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 residential districts.
 - d) Screenings and plantings to buffer any adjacent residential areas are required.
- 9) Mini-storage buildings, subject to the following conditions:
- a) No lot shall be less than two (2) acres in size.
 - b) The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
 - c) Stormwater management shall be incorporated into the site plan for a mini-storage building so that stormwater run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the stormwater 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 of storage units shall be conducted on the premises and no outside storage will be permitted.
 - 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. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.
 - f) Greenbelt setbacks shall be as follows:

Front Yard Setback	Not less than 25 feet on which parking & internal drives are prohibited.
Side Yard Setback	Not less than 12.5 feet on each side 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, except that a rear yard is not required adjacent to commercial or industrial zoned land.
 - g) The storage facility shall be enclosed by a six (6) foot high fence. Said fence shall be constructed to prevent the passage of debris. Said fence shall be setback six (6) feet from the side property lines and rear property

line. When a rear yard setback is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.

- h) Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low-, medium- and high-profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or 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.
- thousand
the i) Parking shall be provided at a ratio of one (1) space for each two (2,000) square feet of gross building area, plus two (2) spaces for manager. One (1) additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the Township.
- 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 ground sign not more than thirty-two (32) square feet in size at the entrance to the premises as per ARTICLE 28 SIGNS and Definition 3.168 Signs.
- l) No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds for revocation of the conditional use permit.
- m) The sale of any item from or at a mini-storage building is specifically prohibited. 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.
- n) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components if prohibited within any

structure on a tract of land designated as a residential storage warehouse.

- o) Any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.
- 10) 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 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) All driving directions shall be away from any street or highway.
 - g) For all signage, refer to ARTICLE 28 SIGNS and Definition 3.168 Signs.
- 11) Planned shopping centers, subject to the following conditions:
- a) A planned shopping center when used in this context is a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site exceeding ten (10) acres; at least twenty (20) stores and a floor area of at least fifty thousand (50,000) square feet.
 - b) A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - c) No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary except that such buildings may be situated within twenty (20) feet of a non-residential district boundary.

- d) A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - e) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - f) The maximum grade of off-street parking shall be three percent (3%).
 - g) A site plan must be submitted subject to the provisions of Section 25.19 Site Plan Review.
- 12) Residential use in conjunction with commercial use provided the following conditions are met:
- a) One 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 27.8 Schedule of Required Parking Spaces.
 - d) The attached dwelling unit must be a minimum of 450 square feet in floor area and must meet the same setback requirements as the commercial use.

17.3 Development Standards

Minimum Lot Area	One (1) acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	50 feet or as noted in Section 25.24
Minimum Side Yard Setback	30 feet (each side)
Minimum Rear Yard Setback	40 feet
Minimum Setback for Corner Lots	50 feet or as noted in Section 25.24
Maximum Height	70 feet. Buildings above two (2) stories or forty (40) feet shall have sprinkler systems in accordance with Township Fire Code.
Maximum Lot Coverage	Forty percent (40%) not to exceed three (3) buildings per

acre

17.4 Site and Landscape Plan Review

For all uses permitted in the C-2 District, a site plan shall be submitted to the Township Zoning Inspector for his review and recommendations. The Zoning Inspector in review of the site plan, shall have regard to the provisions of this Resolution. The Inspector may require certain modifications in terms of the location of buildings, parking and driveways may require screening and landscaping and driveways 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 Article 25, Section 25.19 Site Plan Review.

17.5 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 one hundred (100) foot wide buffer area shall be provided adjacent to residential districts. Screening or buffering must also be in compliance with the provisions of Article 25, Section 25.18 Screening/Buffering.

17.6 Required Parking

As specified in ARTICLE 27 OFF-STREET PARKING AND LOADING FACILITIES.

17.7 Signs

As specified in ARTICLE 28 SIGNS.

17.8 Prohibition of Outdoor Storage and Land Use

All uses of land, except as herein provided, shall take place within a wholly enclosed structure except that this shall not be construed to include the parking of motorized vehicles.

ARTICLE 18

RECREATION DISTRICT

deleted

ARTICLE 19

PROFESSIONAL & BUSINESS OFFICE DISTRICT (P-B-O)

deleted

ARTICLE 20

LIGHT INDUSTRIAL (I-1)

20.0 Statement of 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.

Any use not specifically permitted under Section 20.1 Principally Permitted Uses is expressly prohibited.

20.1 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) Automobile dealerships.
- 21) All uses permitted in the C-2 District, except residential units are prohibited.

20.2 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 review and recommendations. The Zoning Inspector in the review of the site plan, shall have regard to the provisions of Section 25.19 Site Plan Review. The 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. A site plan must be submitted in accordance with the provisions of Article 25, Section 25.19 Site Plan Review.

20.3 Screening/Buffering

Screening or buffering shall be required in compliance with the provisions of Section 25.18 Screening/Buffering. A minimum of a one hundred fifty (150) foot buffer shall be provided adjacent to Residential Districts.

20.4 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	150 feet
Minimum Front Yard Setback	60 feet or as noted in Section 25.24
Minimum Side Yard Setback	30 feet (each side) except paved driveways and paved parking shall be ten (10) feet each side
Minimum Rear Yard Setback	50 feet
Minimum Setback for Corner Lots	60 feet or as noted in Section 25.24
Maximum Building Height	70 feet Buildings above two (2) stories or forty (40) feet shall have sprinkler systems in accordance with Township Fire Code

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 residential district.

20.5 Required Parking

As specified in ARTICLE 27 OFF-STREET PARKING AND LOADING FACILITIES.

20.6 Outdoor Advertising Signs and Billboards

- 1) Outdoor advertising and billboards shall be permitted by conditional use permit, subject to the following conditions:
 - a) No billboard shall be located within three hundred (300) feet of another billboard.
 - b) All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
 - c) All billboards shall be set back at least fifty (50) feet from any road right-of-way.
 - d) All billboards shall be set back at least one hundred (100) feet from any land within a residential 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.
 - g) All other signs as specified in ARTICLE 28 SIGNS.

20.7 Accessory Structures

- 1) No accessory structure shall be used for human habitation.
- 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 twenty (20) feet of any lot

line.

- 5) No accessory structure shall cover more than ten (10) percent of the total lot area.
- 6) A minimum of thirty (30) feet shall be required between accessory structures or the main structure.

20.8 Industrial Performance Standards

- 1) Automatic Screw Machines: Permitted only when operated with noise silencers, and when located not less than three hundred (300) feet from any residentially zoned districts.
- 2) Stamping Machines, Punch Presses and Press Brakes: Must be placed on shock absorbing mounting and on a suitably reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.

For Punch and Stamp Presses, other than hydraulic presses, up to twenty (20) tons capacity permitted when two hundred (200) feet from the nearest residentially zoned district.

For Hydraulic Presses, up to one hundred fifty (150) tons capacity permitted when two hundred (200) feet from nearest residentially zoned district.

All Press Brakes must be located at least three hundred (300) feet from nearest residentially zoned district.

- 3) Hot Forgings, Stem or Board Hammers: Not permitted.
- 4) Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillings. Noise as measured at the street or property line may not exceed sixty (60) decibels.
- 5) Odor: The emission of obnoxious odors of any kind shall not be permitted.
- 6) Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere, from any single source of emission, any smoke of a density equal to, or greater than, that density described as No. 2 on the Ringleman Chart as published by the United States Bureau of

Mines; provided that the following exceptions to the provisions of this rule shall be permitted.

- a) Smoke the shade or appearance of which is equal to, but not darker than, No. 2 of the Ringleman Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes.
 - b) Smoke the shade or appearance of which is equal to, but not darker than, No. 3 of the Ringleman Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes when building a new fire or when breakdown of equipment occurs, such as to make it evident that the emission was not reasonably preventable.
- 7) Glare and Heat: Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind a protective barrier conforming to all applicable State and Federal safety regulations.
- 8) Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all regulations of the Township Fire Department and with all State rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines. and shall be completely surrounded by earthen embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed.

Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

- 9) Sewage Wastes: No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction to impair action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause restriction of the normal inspection or maintenance of the sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewer treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

20.9 Prohibition of Outdoor Storage and Land Use

- 1) All uses of land, except as herein provided, shall take place within a wholly enclosed structure, except that this shall not be construed to include the parking of motorized vehicles.
- 2) An area of the lot may be used for the purpose of storing manufactured products and materials awaiting processing, provided such area is completely enclosed by

a solid fence with no apertures, of a height equal to the height of the highest point of stored materials and products.

ARTICLE 21

HEAVY INDUSTRIAL DISTRICT (I-2)

21.0 Statement of Purpose

The purpose of 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. Uses which are incompatible with the permitted industrial uses are prohibited.

Any use not specifically permitted under Section 21.1 or Section 21.2 of this Resolution is expressly prohibited.

21.1 Principally 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 use.
- 12) Equipment repair and servicing shops.
- 13) Machine shops.
- 14) Salvage Yards.
- 15) Automobile accessory manufacturing, not including tires.
- 16) Bump shops where the primary use is auto body repair.
- 17) Cigar and cigarette manufacturing.

- 18) Electrical fixtures, batteries and other electrical apparatus manufacturing.
- 19) Mattress, Upholstering and furniture manufacturing.
- 20) Hardware and cutlery manufacturing.
- 21) Leather goods and luggage manufacturing.
- 22) Metal buffing, plating and polishing.
- 23) Metal molding and extrusion.
- 24) Millwork, lumber and planing mills
- 25) Painting and varnishing shops.
- 26) Paper box and cardboard products manufacturing.
- 27) Plastic molding and extrusion.
- 28) Tinsmith and sheet metal shops.
- 29) Undercoating shops.
- 30) Wearing apparel manufacturing, including shoes, handbags, etc.
- 31) Welding shops.
- 32) Public utility uses.
- 33) All Industrial Light District uses.

21.2 Conditionally Permitted Uses

The following uses shall be permitted by the Township Board of Zoning Appeals, pursuant to the conditions noted below and to ARTICLE 9 PROCEDURES AND GENERAL REQUIREMENTS FOR CONDITONAL USE PERMITS of this Resolution:

- 1) Sexually-oriented businesses shall be permitted by conditional use, subject to the following:
 - A) As used in this section the following definitions shall apply:

- (1) "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- (2) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing or "specified sexual activities" or "specified anatomical areas."
- (3) "Adult bookstore" or "adult video store" means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:
 - a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
 - b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
- (4) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a) Persons who appear in a state of nudity; or
 - b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - c) Film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (5) "Adult motion picture theater" means a commercial

establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "special sexual activities" or "specified anatomical areas."

- (6) "Adult motel" means a hotel, motel or similar commercial establishment which:
 - a) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproducing which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - b) Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- (7) "Adult theater" means a theater, concert hall, establishment which regularly features persons who appear in a state of nudity in live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."
- (8) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
- (9) "Nude motel studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (10) "Sexual encounter center" means a business or commercial enterprise that, as one of its primary purposes, offers for any form of consideration:

- a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (11) "Specified anatomical areas" means human genitals in a state of sexual arousal.
- (12) "Specified sexual activities" means and includes any of the following:
- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) Sex acts, normal or perverted actual or simulated, including intercourse, oral copulation, or sodomy;
 - (c) Masturbation, actual or simulated; or
 - (d) Excretory functions as part of or in connection with any of the activities set forth in A) through C).
- B) Only within the I-2 Heavy Industrial District shall sexually oriented businesses be permitted and only if the Zoning Board of Appeals determines that each of the following conditions have been met:
- (1) That the parcel of land upon which the sexually oriented business is located at a minimum of 500 feet from the nearest parcel of land containing a school, church or residence.
 - (2) That the parcel of land upon which the sexually oriented business is located is a minimum of 500 feet from any other parcel of land containing a sexually oriented business.
 - (3) Section 4.9 Powers of the Township Board of Zoning Appeals and ARTICLE 9 PROCEDURES AND GENERAL REQUIREMENTS FOR CONDITONAL USE PERMITS governing conditional zoning permits and Section 25.18 Screening/Buffering and Section 25.19 Site Plan Review governing site plan approval shall also apply to an application for a conditional zoning permit under this section.

- (4) Massage establishments are regulated by Resolution Number 93-14 of the Board of Trustees of Milan Township. Before the issuance of a zoning permit, the owners or operators of the establishment must show that it has met all the requirements of the Resolution.
- (5) Adult caberets are regulated by Resolution Number 97-10 of the Board of Trustees of Milan Township. Before the issuance of a zoning permit, the owners or operators of the establishment must show that it has met all the requirements of the Resolution.

2) Fireworks Sales

Any business selling fireworks must meet the standards set forth in the most current (State of) Ohio Fire Code.

21.3 Site Plan 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 and recommendations. The Township Zoning Inspector in the review of the site plan, shall have regard to the provisions of Section 25.19 Site Plan Review. The 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.

21.4 Screening/Buffering

Screening or buffering in compliance with the provision of Section 25.8 Screening/ Buffering. A minimum of a two hundred (200) foot buffer shall be provided adjacent to Residential Districts.

21.5 Development Standards

Minimum Lot Area	3 acres
Minimum Lot Frontage	200 feet
Minimum Front Yard Setback	80 feet or as noted in Section 25.24
Minimum Side Yard Setback	30 feet (each side)
Minimum Rear Yard Setback	50 feet
Minimum Setback for Corner Lots	80 feet each side or as noted in Section 25.24
Maximum Building Height	70 feet Buildings above two (2) stories or forty (40) feet shall have

sprinkler systems in accordance
with Township Fire Code

21.6 Required Parking

As specified in ARTICLE 27 OFF-STREET PARKING AND LOADING FACILITIES.

21.7 Signs

As specified in ARTICLE 28 SIGNS.

21.8 Accessory Structures

- 1) No accessory building shall be used for human habitation.
- 2) No accessory building shall be located between the street line and any setback line established by this Resolution.
- 3) No accessory building shall be located in any side yard required by this resolution.
- 4) No accessory structure shall be located within twenty (20) feet of any lot line.
- 5) No accessory building shall cover more than ten percent (10%) of the total lot area.
- 6) A minimum distance of thirty (30) feet shall be required between accessory structures or between the main structure and the accessory structure.

21.9 Industrial Performance Standards

- 1) Automatic Screw Machines: Permitted only when operated with noise silencers, and when located not less than three hundred (300) feet from any residentially zoned districts.
- 2) Stamping Machines, Punch Presses and Press Brakes: Must be placed on shock absorbing mountings and on a suitable, reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.

For Punch and Stamp Presses, other than hydraulic presses:

Up to fifty (50) tons capacity when located at least three hundred (300) feet from the nearest residentially zoned district.

Up to one hundred fifty (150) tons capacity when located at least five hundred (500) feet from the nearest residentially zoned district.

For Hydraulic Presses

Up to five hundred (500) tons capacity when located at least two hundred fifty (250) feet from the nearest residentially zoned district.

Up to seven hundred fifty (750) tons capacity when located at least three hundred (300) feet from the nearest residentially zoned district.

Up to one thousand (1,000) tons capacity when located at least five hundred (500) feet from the nearest residentially zoned district.

All Press Brakes must be located at least three hundred (300) feet from nearest residentially zoned district.

- 3) Hot Forgings, Steam or Board Hammers: Not permitted.
- 4) Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty-five decibels.
- 5) Odor : The emission of obnoxious odors of any kind shall not be permitted.
- 6) Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformity with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere, from any single source of emission, any smoke of a density equal to, or greater than, that density described as No. 2 of the Ringlemann Chart as published by the United States Bureau of Mines; provided that the following exceptions to the provision of this rule shall be permitted.

- A) Smoke the shade or appearance of which is equal to, but not darker than, No. 2 of the Ringlemann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes.
 - B) Smoke the shade or appearance of which is equal to, but not darker than, No. 3 of the Ringlemann Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes when building a new fire or when breakdown of equipment occurs as to make it evident that the emission was not reasonably preventable.
- 7) Glare and Heat: Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind a protective barrier conforming to all applicable State and Federal safety regulations.

- 8) Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives, shall comply with all regulations of the Township Fire Department and with all State rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines and shall be completely surrounded by earthen embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
- 9) Sewage Wastes: No industrial sewage waste shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process, cause limitation of the effectiveness of the sewer treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.
- 10) Outdoor Storage: All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies, shall be located within an area not closer than one hundred 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 which abut any residential districts by a solid masonry wall sufficient to serve as a permanent retaining wall.. Junk yards, when permitted, shall be entirely enclosed on all sides by said wall.

ARTICLE 22

MINERAL AGGREGATE DISTRICT (MA)

deleted

ARTICLE 23

PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

23.1 Planned Unit Development Regulations

Article 23 of this Resolution shall apply to the location and maintenance of Planned Unit Development as herein defined.

23.2 Statement of Purpose

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

23.3 Definition

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

23.4 Interpretation

Whenever the requirements of Article 23 appear to be in conflict with other Sections of this Resolution or with those of other existing resolutions, the provisions of this section shall prevail.

23.5 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.

23.6 Uses Permitted in a PUD District

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

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

23.7 Disposition of Open Space

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

23.8 Utility Requirements

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

23.9 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.

23.10 Arrangement of Commercial/Manufacturing Uses

When planned unit development districts include commercial and/or industrial uses, building(s) and establishment(s) 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.

23.11 Procedures for Approval of Planned Unit Development Districts

Planned Unit Development Districts shall be approved in accordance with the procedure in Section 23.11 to 23.25. The designation of major PUD will be considered a change of zoning and must meet all the applicable provisions of the Zoning Resolution.

23.12 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 zoning and other applicable regulations.

23.13 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 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 Amendment. 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 Article 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 urban planner assisting in the preparation of the preliminary development plan;
- 3) Legal description of property;
- 4) Present use(s);
- 5) Present zoning district;
- 6) Identification of any area within a floodplain;
- 7) A vicinity map at a scale approved by the Township showing the property lines, streets, existing easements, and existing buildings, existing and the proposed zoning and other items such as the Township may require;
- 8) A preliminary development plan at a scale of 1" = 200' showing topography at a minimum of ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Commission may deem necessary; general location of buildings;
- 9) Proposed schedule for the development of the site;
- 10) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years;
- 11) 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 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.

23.14 Criteria for Commission Recommendation

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

- 1) The proposed development can be initiated within two (2) years of the date of approval.
- 2) The streets proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- 3) Any proposed commercial or industrial development can be justified at the location proposed.
- 4) Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
- 5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- 6) Proposed design shall consider the removal of minimal natural coverage and in all cases reflect conservatory measures relating to open space.
- 7) The PUD will not be hazardous or disturbing to existing or future neighboring uses.
- 8) The PUD will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- 9) The PUD will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 10) The PUD will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors, The 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 the Milan Township Zoning Resolution.

23.15 Development Policies

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

light and air to surrounding properties.

23.16 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. All 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, thus affecting 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.

23.17 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 sides ten (10) feet long and running along the driveway and public

right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.

- b) Intersection of two public rights-of-way: A triangle having two sides thirty (30) feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two sides.

2) Placement of Structures

- a) Adverse effects. No structure shall be placed in such a way so as to adversely affect adjacent ownership.
- b) Snow storage areas. 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.

23.18 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.

23.19 Approval

Once the PUD has been reviewed by the Zoning Commission at a public hearing, its recommendation is forwarded to the Township Trustees for its review at a public hearing. When the conceptual approval is granted by the Township Trustees, the Final Development Plan shall be submitted to the Township Zoning Inspector.

23.20 Submission of Final Development Plan

After approval of the preliminary development plan in accordance with Section 23.19, the developer shall submit a final development plan to the Township Zoning 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 Zoning 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 Inspector.

23.21 Final Development Plan Application Contents

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

- 1) A survey of the proposed development site, showing the dimensions and bearing of the property lines; area in acres; topography; and existing features of the development site including major wooded areas; structures, streets, easements, utility lines and land 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 specified by Resolution Number _____ of the Milan Township Board of Trustees as indicated on the current PUD Application.

23.22 Action by Township Trustees

The Trustees shall either approve, approve the supplementary conditions, or disapprove the final plan as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Township 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 plan has been approved by the Township Trustees and the application to rezone the property has been approved, then the zoning map shall be amended to reflect this approval.

23.23 Supplementary Conditions and Safeguards

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

23.24 Expiration and Extension of Approval Period

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

23.25 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 amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the uses of premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development, as set forth therein.

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

ARTICLE 24

FLOODPLAIN, FLOODWAY & WETLAND OVERLAY DISTRICT

24.0 Statement of Purpose

The Floodplain Overlay District is designed to protect those lands which are subject to predictable inundations at frequent intervals. Such regulations as herein established, while permitting reasonable economic use of affected properties, will protect the public health and reduce potential financial obligations on the Township and its individuals by frequent and periodic floods. By restricting the use of flood lands, areas are reserved for the impoundment of water with a consequent stabilized stream flow which promotes and maintains the streams' ecological environment.

24.1 Boundaries Further Defined

The floodplain and floodway districts are hereby established "overlay districts", meaning that these districts are overlaid upon the districts and the land so enclosed may be used in a manner permitted in the underlying districts only if and to the extent such use is also permitted in this district.

The floodplain and floodway districts are hereby established as shown on the Milan Township Zoning Map, which accompanies this Resolution.

As used in this Article, the terms "floodplain" and "floodway" refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are established on the map identified in this Section, which boundaries are intended to correspond to the actual physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy rather than physical criteria). The floodplain area is the same as delineated in the Floodplain Building Regulations, as provided by the Erie Regional Planning Commission.

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet on each side, whichever is greater.

All land lying within the floodplain of the one hundred (100) year frequency flood of, including but not limited to, the Huron River, Mud Brook and Poncas Creek is within the floodplain and subject to these regulations. The boundaries of the floodplain are hereby established as shown on the Zoning Map. A petitioner for use of land in the floodplain may be required to supply such additional topographical data or engineering studies as are needed to define the exact limits of the floodplain upon the subject land.

24.2 Artificial Obstruction within Floodplain

- 1) No artificial obstruction may be located within any floodway, except as provided in Section 24.2 and with issuance of a floodplain permit from the Erie Regional Planning Commission.
- 2) For purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

24.3 Permissible Uses within Floodways

Notwithstanding this provision of this Resolution, no use of land within a floodway may be permitted unless the proposed use is listed in the underlying district and in the following units:

- 1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.
- 2) Ground-level loading areas, unpaved parking areas, rotary aircraft ports and other similar ground-level area uses.
- 3) Lawns, gardens, play areas and other similar uses.
- 4) Golf courses, grass or clay tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.

24.4 Limitations on Uses within Floodways & Floodplains

- 1) Any development within the District should meet the following criteria:
 - A. The proposed development is consistent with the need to

minimize flood damage and

- B. All public and private utilities and appurtenances and facilities such as sewer, gas, electrical, water systems, propane tanks and generators are located and constructed to minimize or eliminate flood damage and floatation; and
 - C. Adequate drainage is provided to minimize or reduce exposure to flood hazards and
 - D. All necessary permits have been received from Erie Regional Planning Commission and those agencies from which approval is required by federal or state law.
- 2) No building may be constructed and no substantial improvement of an existing building may take place within any floodway. With respect to mobile home parks that are nonconforming because they are located within a floodway, mobile homes may be replaced in such parks only if they comply with the provisions of 24.4, Item 7.
- 3) No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated to or above the base flood level.
- A. Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent floatation.
 - B. Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.
- 4) No new residential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or floodproofed to or above the base flood level. Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.
- 5) For purposes of this Section, "substantial improvement" means for a

building constructed prior to the effective date of this Chapter, any repair, reconstruction or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the structure either

- A. before the improvement or repair is started or
- B. if the structure has been damaged and is being restored, before the damage occurred.

“Substantial improvement” occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include with

- A. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions, or
- B. any alteration of a building listed on the National Register of Historic Places or a state Inventory of Historic Places.

6) No zoning, special use or conditional use permit may be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans to assure that any new construction or substantial improvements shall be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure.
- B. Constructed with materials and utility equipment resistant to flood damage.
- C. Constructed by methods and practices that minimize flood damage.

7) Notwithstanding any other provision of this Section, no mobile home may be located or relocated within that portion of the floodplain outside of the floodway, unless the following criteria are met:

- A. Ground anchors for the tie-downs are provided.
- B. The following tie-down requirements are met:
 - i) Over-the-top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than fifty feet long. Two additional ties per side are required for mobile homes more than fifty feet long.
 - ii) Frame ties are required in conjunction with each over-the-top tie.

- iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds.
 - C. Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is at or above the base flood level.
 - D. Adequate surface drainage and easy access for mobile home hauler is provided.
 - E. Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings nor more than ten feet apart and if the support height is greater than seventy-two inches, the support must contain steel reinforcement.
- 8) Dumping or backfilling with any material or excavation in any manner is prohibited unless:
- A. Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved and will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
 - B. No significantly measurable reduction in the flow or impoundment capacity of the floodplain thereby results.
 - C. Where there is dumping, backfilling or excavation in any manner, adequate site plans and engineering drawings shall be submitted to effectively show the final result of such action.

24.5 Site and Landscaping Plan Review

For all development in the Floodplain District, a site plan shall be submitted to the Township Zoning Inspector for his/her review and recommendations. The Zoning Inspector, in the review of the site plan, shall have regard to the provisions of Article 25.19 Site Plan Review.

24.6 Reference to Flood Plain Permit

Floodplain permits are required in accordance with the requirements of the Flood Damage Prevention and Flood Plain Building Regulations, Board of Commissioners of Erie County Resolution No. 81-31. Applications for permits must be made through the Erie County Department of Planning and Development.

24.7 Wetlands

Wetlands are areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support and under normal circumstances support a prevalence of vegetation adapted for life in saturated soil conditions. Size is not a limitation. Areas smaller than an acre are regulated by the Army Corps of Engineers.

24.8 Permits Required

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403): Under this law you will need a permit from the Corps of Engineers for any structure or work that takes place in, under or over a navigable water or wetland adjacent to navigable waters of the United States. Section 404 of the Clean Water Act (33 U.S.C. 1344): Under this law, you need a permit to discharge dredged or fill material into a water of the United States. Remember, this includes wetlands.

24.9 Wetland Zone Mapping

This Section allows for the incorporation of wetland maps into the zoning resolution. Although all wetlands cannot be delineated without site specific analysis, the overlay district will delineate wetlands where the determination has been made. Permits shall be obtained through the Army Corps of Engineers, as appropriate.

SUPPLEMENTARY DISTRICT REGULATIONS

25.0 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. These 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.

25.1 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; and
- 6) The conversion is in compliance with all other relevant codes and resolutions.

25.2 Principal Building Per One- and Two-Family Lot

No more than one principal building or structure may be constructed upon any one 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 NONCONFORMITIES of this Resolution.

25.3 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. However, nothing in this Section shall be interpreted to limit the power of the Zoning Board of Appeals in the granting of variances under this Resolution.

25.4 Construction in Easements

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

25.5 Prohibited Uses for Mobile Homes

Individual mobile homes shall be prohibited in all districts. 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 at the discretion of the Zoning Inspector.

25.6 Parking and Storage of Automobiles, Trucks, Recreational Vehicles & Boats in Residential Districts

- 1) No automotive vehicle, boat, truck, trailer, recreational vehicle, or camper of any type without correct license plates shall be parked or stored on any residential property less than five (5) acres in size 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 of any residentially zoned property if it has a current license. The Zoning Inspector may require these vehicles to be covered.
 - A) During the summer season one (1) properly licensed boat with trailer or one (1) recreational vehicle may be parked in the driveway of a residentially zoned property.
 - B) Occasional visits of licensed travel trailers/RV's owned by family or friends lasting no longer than fourteen (14) days are permitted.
- 3) One (1) properly licensed semi-tractor may be parked in the driveway or on

the side or rear yard of residentially zoned property.

25.7 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, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- 1) The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- 2) Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- 3) Storage areas in residential districts shall utilize such additional screening as required in this Resolution. See 25.18 Screening/Buffering.

25.8 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 salvage yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents. See **Article 3 Construction of Language and Definitions: "Landfill" and "Salvage Yard."** See **Section 26.29 Junk, Junk Motor Vehicles and Collector's Vehicles.**

In the heavy industrial district, the storage of disabled or inoperative machinery shall be allowed, provided said storage is located and not readily visible to abutting residential property or screened in an appropriate manner so as to not be readily visible to abutting residential property.

25.9 Supplemental Yard and Height Regulations

In addition to the regulations specified in other sections of this Resolution, Sections 25.9 to 25.14 inclusive shall be used for clarification and interpretation.

25.10 Residential Setback Requirements for Buildings on Corner Lots

The minimum required width of a side yard abutting a street shall be the same as the minimum required front yard depth for the district. Parking within this side yard is prohibited.

25.11 Yard Requirements for Multi-Family Dwellings

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

25.12 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.

25.13 Architectural Projections

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

25.14 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 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 an alley and a street, within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and one half (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.

25.15 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 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 are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- 3) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
- 4) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
- 5) Erosion caused by wind or water which is carrying objectionable substances onto any adjacent lot or property;
- 6) Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency;
- 7) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;

25.16 Enforcement Provisions

Any occupancy, use, conditions or circumstances existing in violation of Section 25.16 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Article 5 ENFORCEMENT.

25.17 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 thirty (30) 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, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six-month extensions may be granted if conditions warrant.

Such offices shall be removed upon the completion of the sale 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-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
- 3) Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he/she determines that it encroaches upon more than twenty-five (25) percent of the required parking area. A minimum of twenty-five (25) parking spaces shall be required for car washes.
- 4) Garage sales, which for the purposes of this Section shall include yard sales, barn sales and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct no more than one (1) such sale within any twelve-month period upon the property at which he/she or they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit.

25.18 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 Zoning Board of 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, plantings or mounds shall be a minimum of 5½ feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than three (3) feet. Plantings 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 (5½) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- 4) Screening for purposes of absorbing or deflecting noise shall have a depth of at least 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 applicant 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 areas or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
- 6) All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

25.19 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 Milan Township. The Site Plan Review regulates the development of structures and sites in a manner which considers the following concerns and, where considered necessary by the Zoning Inspector, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:
 - A) The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
 - B) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
 - C) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
 - D) The protection of historic and natural environmental features on the site under review and in adjacent areas.
- 2) Uses Requiring Site Plan Approval. All new development, land use, and activities within the Township shall require site plan review and approval before being undertaken, except those specifically exempted below. While not all inclusive, the following uses shall require site plan approval: multi-family residential developments, commercial establishments, professional offices, shopping centers, mini-malls, warehouses, industrial buildings and institutional buildings.
- 3) Exempted Uses. The following land use activities are exempted from the requirements of this regulation:
 - A) Construction of one- or two-family dwellings, ordinary accessory structures and related land use activities.

- B) Ordinary repair or maintenance of existing structures or uses.
 - C) Agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
 - D) Exterior alterations or additions
 - (1) to an existing residential structure which do not substantially change its nature or use and
 - (2) to any commercial or industrial structure which will not increase the gross floor area of the existing structure by less than 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 as detailed in 25.19 Site Plan Review.
- 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. One copy of the site plan shall be permanently kept on file in the Township zoning office.
 - B) The Zoning Inspector within thirty (30) days after determining that the application is complete, shall approve or disapprove the site plan.
 - (1) 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;
 - (2) 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
 - (3) If the site plan is not approved, applicant may require review by the Zoning Board of Appeals who may approve the site plan subject to any conditions, modifications and restrictions.
 - (4) Zoning permit to be issued fourteen (14) days after site plan approval.
- 6) Submission Requirements. The site plan shall include the following data, details

and supporting plans. The number of pages submitted will depend on the proposal's size and complexity.

All of the requirements must be met in each plan with notations explaining the reasons for any omissions.

The Milan Township 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 township Zoning 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 five hundred (500) feet of the property line.
- E) All existing lot lines, easements and rights-of-way.
- F) The location and use of all existing and proposed buildings and structures within the development.
- G) In all multi-family projects the location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences.
- H) The location, height, intensity and bulk type (e.g. fluorescent, sodium, incandescent) of all new or additional external lighting and methods to eliminate glare onto adjoining properties must also be shown.
- i) The location, height, size, materials and design of all proposed signage. (See ARTICLE 28 SIGNS.)
- j) The location of all proposed utility systems including:
 - sewage or septic system;
 - water supply systems;
 - stormwater drainage plan.

(Note: All stormwater drainage plans to be developed in accordance with Erie County Stormwater and Sediment Control Regulations.)

- k) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- l) For all new construction a landscape plan must be drafted to show all proposed changes to the natural features of the site area. The plan will show all existing natural land features, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- m) Zoning district boundaries of adjacent properties shall be drawn and identified on the plan.
- n) Traffic flow patterns within the proposed site, entrances and exits, loading and unloading areas, curb cuts on the proposed site and within one hundred (100) feet of the site. (See ARTICLE 27 OFF-STREET PARKING & LOADING.)

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

- (1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - (2) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - (3) 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:
 - (1) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - (2) Maximum number of employees;

- (3) Maximum seating capacity, where applicable; and
- (4) Number of parking spaces existing and required for the intended use. (See ARTICLE 27 OFF-STREET PARKING AND LOADING.)
- p) Elevation plans when required by the Zoning Inspector:
- q) The Zoning Inspector, in the approval of any site plan shall, before issuing a permit for multi-family residential, commercial or industrial development, require certification from the Erie County Engineer that the proposed project complies with the County Stormwater Regulations and that the Erie County Engineer has approved said plans.

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 and all applicable rules and regulations of state and federal agencies.
- b) Traffic Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- c) Parking Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- d) Pollution Control Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- e) Nuisances Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, dust, odors, glare, stormwater, runoff, hazardous materials, etc.

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

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

25.20 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 and a minimum frontage at the road right-of-way equal to or greater than fifty percent (50%) of the required lot width, but not less than fifty (50) feet.

25.21 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.

25.22 Access to Public Roads

- 1) The Zoning Board of Appeals in the granting of any variance or conditional zoning permit or the approval of any site, has the authority to impose any or all of the following provisions upon the access to any public roads or streets which abut the property:
 - a) the location, width, radius and number of all driveways entering into any public street or road;
 - b) a requirement that barriers be installed and maintained to prevent ingress or egress from a 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 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;

- e) a limitation upon the direction which traffic exiting the property may turn onto the public street or road.

25.23 Storm Water Regulations

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

25.24 Supplemental Front Yard Setbacks

Minimum front yard setback shall apply, as listed in previous articles, except as listed below (these will need to be changed to Milan Township roads):

- 1) U. S. Route 250 (westerly side) 50 feet
- 2) U. S. Route 250 (easterly side
from Mason Road to Scheid Road) 100 feet
- 3) All other roads 50 feet
- 4) See 25.20 Setbacks on Cul-de-sacs

* Note - in the case of a conflict between two listed streets, the more restrictive setback shall apply.

25.25 TEMPORARY/PORTABLE STORAGE UNITS FOR RESIDENTIAL USE

Temporary/Portable Storage Units are described as storage units that are often used for moving from one residence to another.

GENERAL

- A. Notification to the Milan Township Zoning Inspector is required prior to the deliver of the temporary/portable storage unit. B.
- B. The temporary/portable storage unit must comply with side and rear accessory structure setback in the zoning district in which it will be located at all times.
- C. No more than one (1) temporary/portable storage unit is permitted on any property at any one time.

TEMPORARY PORTABLE STORAGE UNITS

- A. The temporary/portable storage unit shall be located behind the front foundation of the residence. Side rear setbacks must be in compliance with the zoning district in which it is located. A permit and fee are required.

- B. A permit for 90 days or less shall be issued. This may be renewed twice for a maximum total of nine (9) months. Upon reaching the nine (9) month limit, the temporary/portable storage unit shall be removed. A fee is required for each renewal.

ARTICLE 26

SPECIAL REGULATIONS

26.0 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.

26.1 Regulation of Satellite Dish Antennas

Sections 26.2 to 26.7 inclusive shall apply to the location and construction of dish-type satellite signal-receiving antennas as herein defined.

A. Purpose

It is the purpose of Sections 26.2 to 26.7 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 association with windloads and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

B. Definitions

- 1) 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, parabolical 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, or a combination of two or more of the following:

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

“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.

C. Zoning Permit Required

No person, firm or corporation shall undertake the construction, erection or installation or any satellite dish 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:

- 1) A description of the type of earth station proposed;
- 2) A plot plan of the lot, premises or parcel of land showing the location of the proposed earth station and all other buildings thereon;
- 3) Plans depicting the specifications and elevations of the proposed

location, to include satisfactory screening and landscaping for ground-mounted structures;

- 4) Details of the method of assembly and construction of the proposed earth station;
- 5) A fee as required for the review of plans and specifications and the inspection of construction.

D. Ground-Mounted Satellite Dish Antennas

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

- 1) The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet in diameter.
- 2) The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;
- 3) The satellite dish apparatus shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture or visual image;
- 4) The apparatus shall not be located in a side yard or a front yard;
- 5) The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application ;
- 6) The apparatus shall be mounted upon a solid concrete slab and shall be constructed in such manner that it will withstand wind forces of up to seventy-five (75) miles per hour;
- 7) Only metal supports of galvanized construction shall be used;
- 8) Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved four (4) foot fence;
- 9) Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard;
- 10) All wiring between the apparatus and any other structure shall be placed underground in approved conduit;

- 11) The apparatus shall be bonded to an approved eight (8) foot grounding rod.

E. 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:

- 1) The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet in diameter;
- 2) 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;
- 3) The apparatus shall be painted a color which complements the environment and shall bear no advertisement, picture, lettering or visual image;
- 4) All wiring and grounding of the apparatus shall be in accordance with the electrical code;
- 5) The apparatus, its mounting and all supporting devices shall be constructed and erected in accordance with the building code directly upon the roof of the principal building and shall not be mounted upon a spire, tower, turret, chimney, pole or any appurtenance thereto attached;
- 6) The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five (75) miles per hour.

F. Variances on Locational Characteristics

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 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.

26.2 Drug Paraphernalia Establishments as Prohibited Uses

Drug Paraphernalia Establishments as herein defined are and shall be prohibited uses within all districts within this Township. Any person who establishes, operates or

maintains a drug paraphernalia establishment, or instigates or participates in such action, shall be in violation of this Section and shall be guilty of a misdemeanor of the first degree, in addition to any other penalties specified in this Resolution.

26.3 Regulations of Swimming Pools as Accessory Uses

Purpose

It is the purpose of Section 26.10 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.

A. Private Swimming Pools

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

- 1) The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guest.
- 2) The pool must be located in the rear yard and shall not be located closer than six (6) feet to any property line or easement;
- 3) The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than five (5) feet in height and it shall be maintained in good condition with a gate and lock.

B. 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:

- 1) The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 2) The pool and accessory structures thereto, including the area uses by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
- 3) The swimming pool, its accessory facilities and all of the area used by

the 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 eight (8) 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.

- 4) Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
- 5) Such pool facilities shall not be operated prior to 8:00 A.M. in the morning or after 10:00 P.M. in the evening.

26.4 Regulation of Long-Term Parking Facilities as Accessory Uses

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

Purpose

It is the purpose of Section 26.12 to regulate long-term parking facilities constructed, operated or maintained as accessory uses in order to promote the public health, safety and welfare.

A. 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.

B. 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:

- 1) That no boundary of the proposed outside parking area is within fifty (50) feet of a residential district boundary.
- 2) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- 3) That the proposed parking area will be screened in such a manner that

the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.

- 4) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
- 5) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

26.5 Regulation 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.

A. Definition

“Home Occupation” is that occupation conducted in a dwelling unit, provided that

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. 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 the conduct of the home occupation.
3. 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 per side, which may be located not less Than twenty-five (25) feet from the road right-of-way and not less than ten (10) feet from the side lot line of the property, and shall not be illuminated except by continuous indirect white lighting.
4. If the home is in any residential zoning district, no traffic shall be generated by such Home occupation 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.
5. 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, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Activities such as teaching, tutoring tax consulting and the like involve not more than three receivers of such services at any one time, with the exception of certified or uncertified

Type B Family Day-Care Homes, shall constitute a residential use and not an accessory use.

26.67 Regulation of Group Residential Facilities

A. 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.

B. Definition

“Group Residential Facility” shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides 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 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. A Class II Group A 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.

C. Conditional Use Permit Required

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

- 1) Evidence is presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency.
- 2) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- 3) Evidence is presented that the proposed facility will not generate an

unreasonable increase in traffic volume or require special off-street parking.

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

D. 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	

E. Variance to Distancing Requirement

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Article 7 if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation or similar amenities.

26.7 Regulation of Factory-Built Housing; Design and Appearance Standards

This Section shall apply to the construction and maintenance of factory-built housing in all districts.

A. Purpose

It is the purpose of Section 25.23 inclusive of this Resolution to promote the health, safety and welfare of the community by establishing regulations governing the siting, construction and maintenance of factory-built housing. It is further the intent of these Sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

B. Definitions

“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 manufactured home. See Article 3 Definitions **Factory-Built Housing**.

C. Siting Requirements

Any factory-built housing proposed to be located in any district shall comply with the following requirements:

- 1) The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure’s vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- 2) All hitches, axles, wheels and conveyance mechanisms shall be removed from the structure.
- 3) The structure shall be so oriented on the site that its long axis is parallel with the street and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport or other accessory structure may be permitted by subdivision regulation and yard requirement.
- 4) The site shall be suitably landscaped with adequate screening devices as elsewhere required.
- 5) The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.

- 6) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
- 7) The site shall be serviced by utilities in such manner as required by Resolution.

D. 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 Section 26.7 E. shall be permitted accordingly.

E. 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 one thousand, two 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 (20) feet.
- 5) Manufactured homes must have a state certification number from the Ohio Board of Building Standards to ensure compliance with the Ohio Building Code.

26.8 Fences, Walls and other Protective Barriers

A) General

- 1) 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.

- 2) No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver 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.

B) Residential

- 1) Side and Rear Fences: Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein.
- 2) 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.
- 3) 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.
- 4) Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
- 5) Fences which enclose public or institutional parks, situated within an area developed with the recorded lots shall not exceed eight (8) feet in height measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.

C) Commercial

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

- 3) The use of barbed wire on fences in a commercial district shall require approval of the Zoning Board of Appeals and the following conditions shall be met:
 - a) Barbed wire may be used on security fencing, but shall be limited to three (3) strands.
 - b) Barbed wire shall not project beyond the property line.
 - c) Barbed wire shall not be used less than eight (8) feet from grade.

D) Industrial

- 1) Fences in industrially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction, of uniform design and painted and/or otherwise well maintained.
- 2) Fences in industrially zoned districts shall be set back at least twenty-five (25) feet from the road right-of-way.
- 3) Barbed wire may be used on security fencing in the Industrial District, subject to the following regulations:
 - a) Barbed wire shall be limited to three strands.
 - b) Barbed wire shall not project beyond the property line.
 - c) Barbed wire shall not be used less than six (6) feet from grade.

26.11 Wind Generators

A. Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

B. Findings

The township finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy

resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the State's energy supply portfolio. Wind systems also make the electricity supply market more competitive by promoting customer choice.

C. Definitions

1. High Impact Wind Powered Electric Generator (Windmill). A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity greater than 100 kw.
2. Low Impact Wind Powered Electric Generator (Windmill). A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity of not more than 100 kw and which is intended to primarily reduce onsite consumption of utility power.
3. Tower Height. The height above grade of the fixed portion of the tower, including the wind turbine itself.

B. APPROVED WIND POWERED ELECTRIC GENERATOR

Applicants for permits for wind energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

C. COMPLIANCE WITH FAA REGULATIONS

Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

D. COMPLIANCE WITH NATIONAL ELECTRIC CODE

Permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

G. UTILITY NOTIFICATION

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

H. SETBACK

The wind system structure must be located in the rear or side yard at a minimum of fifty (50) feet from the foundation of the main structure. No part of the tower or guide wires may be located in the front yard. No part of the wind system structure, including the guide wire anchors, may extend closer than ten (10) feet to the abutting property boundaries or easement of the installation site. A reflective sleeve from the ground to a vertical height of ten (10) feet on all guide wires shall be required.

I. LOW IMPACT WIND POWERED ELECTRIC GENERATOR

1. The proposed wind powered electric generator/small wind turbine shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building and public or private road right-of-way.
2. The maximum tower height, including the wind turbine itself, shall not exceed one hundred fifty (150) feet.
3. The noise level measured at the closest property line shall not exceed 60 dba.
4. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
5. The wind powered electric generator shall have a rated capacity of not more than 100 kw.
6. One wind powered electric generator shall be permitted on a minimum three-acre parcel and shall service only the one residential structure on that property. Additionally, the wind powered electric generator shall not service a residential structure on an adjacent property and shall not be located on a three-acre parcel without a residential structure.

J. HIGH IMPACT WIND POWERED ELECTRIC GENERATORS

1. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site resident or building and public or private road right-of-way.
2. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
3. The wind powered electric generator/windmill shall have a rated capacity of more than 100 kw.
4. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed windmill will have on eagles, wildlife and migratory birds.
5. All necessary township and applicable permits shall be obtained.
6. High impact wind powered electric generators shall not be permitted in any residential district.
7. The noise level measured at the closest property line shall not exceed 60 dba.

ARTICLE 27

OFF-STREET PARKING AND LOADING FACILITIES

27.0 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.

27.1 Purpose

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

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

27.2 Off-Street Parking Design Standards

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

- 1) Parking Space Dimensions: Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and condition.
- 2) Access: There shall be adequate provision for ingress and egress to all

parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:

- a) For single-, two- or three-family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
 - b) For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
 - c) All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- 3) Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. Parking lots shall be located ten (10) feet from any road right-of-way, ten (10) feet from residential side yards and rear yards and maintained as a green area.
 - 4) Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 25.18 of this Resolution.
 - 5) Paving: Areas shall be hard-surfaced with hard asphalt or concrete binder.
 - 6) Drainage: All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm drainage system. All drainage plans shall be approved by the County Engineer in conformity with the Erie County Stormwater Regulations.
 - 7) Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

- 8) Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking areas shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- 9) Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition.
- 10) Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash or other debris.
- 11) Signs: Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.
- 12) Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.
- 13) Speed Bumps:
 - a) Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 - b) The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
 - c) There shall be a warning sign posted at each entrance to parking area having speed bumps.
- 14) Separation from Streets and Sidewalks: Parking space shall be guarded by curbs or other protective devices which are arranged so that cars cannot project into streets, sidewalks or walkways. A curb cut shall be provided for wheel chair access.

27.3 Handicapped Parking

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

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100

201 to 500	6 spaces, plus one space per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

27.4 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.

27.5 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 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.
- 7) The purpose listed in this Article. See Section 27.1 Purpose.

27.6 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.
- 3) Performing services, including service to vehicles.
- 4) Any other purposes except permitted as follows:
 - a) Carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days.
 - b) Sales and display of seasonal decorations (Christmas, etc.) so long as the use would be permitted by right within the underlying district, the use will not continue longer than forty-five (45) days, adequate measures have been taken to address the purposes of this Article and a temporary use permit has been obtained.
 - c) Temporary placement of a mobile home during times of emergency, as declared by the Township Board of Appeals.
 - d) The placement of donation or recycling collection facilities, provided that such collection facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals and the total size of the facility is less than two hundred (200) square feet.
 - e) At no time shall temporary uses consume more than ten (10%) percent of the total parking lot area.

27.7 Parking of Disabled Vehicles

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

27.8 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.

27.9 Off-Street Storage Areas for Drive-In Services

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

- 1) Photo pickups, restaurants, drive-thru beverage docks and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
- 2) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- 3) Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.
- 4) Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifty (50) feet to any street right-of-way line.

27.10 Off-Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the

receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space and one additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

27.11 Off-Street Loading Design Standards

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

- 1) Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length and a vertical clearance of not less than fourteen (14) feet.
- 2) Setbacks: Notwithstanding other provisions of this regulation and the official and supplementary schedules of permitted uses and dimensional requirements, off-street loading spaces may be located in the required rear or side yard of any district provided that not more than ninety (90) percent of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (5) feet from any street or alley.
- 3) Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 25.18 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 or dust-free surface.
- 6) Drainage: All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. As approved by the Erie County Engineer in conformity with the Erie County Stormwater Regulations.
- 7) Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 28

SIGNS

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

28.1 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.

28.2 General Requirements for All Signs and Districts

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

- 1) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to use glare or reflection that may constitute a traffic hazard or nuisance;
- 2) No sign shall employ any parts or elements which revolve, rotate, wheel, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this Section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
- 3) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code in effect;
- 4) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee;
- 5) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
- 6) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Article 28 herein;
- 7) No banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices shall be used for the purpose of advertising or attaching attention;
- 8) No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape;

- 9) All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm or corporation responsible for maintaining the sign;
- 10) Should any sign be or become unsafe or be in danger of falling or unsightly, the owner thereof or the person maintaining the same shall, upon receipt or written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
- 11) No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted on any property;
- 12) All signs shall be so designed and supported as to carry the weight of the sign and shall comply with the local building code in effect;
- 13) All signs shall be secured in such a manner as to prevent significant movement due to wind;
- 14) No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter;
- 15) No sign shall contain words, images or graphic illustration of an obscene or indecent nature;
- 16) No sign shall be attached in such manner that it may interfere with any required ventilation operation;
- 17) No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of trespassing;
- 18) No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors or guy wires;

28.3 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.

28.4 Signs Permitted in All Districts Not Requiring a Permit

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

28.5 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit

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

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

28.6 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 27.1, the setback requirements in Sections 28.13 to 28.17 and in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 28.

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

28.7 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 $\frac{1}{2}$ 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 if 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.

28.8 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.

28.9 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 for a period not more than thirty (30) days before and five (5) days after an election. Political signs and portable signs larger than sixteen (16) square feet shall require a zoning permit before placement.

Political signs, in accordance with Section 27.9, shall be permitted on each piece of property and do not require a zoning permit. Permission from property owner is required. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall be responsible for removal of such material, in accordance with this Section. Any signs posted in violation of the Milan Township Zoning Resolution shall be removed.

28.10 Portable Signs

Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising

a business establishment, produce, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring pedestrian traffic.

28.11 Portable Sign Requirements and Guidelines

Portable signs must conform to the following requirements and guidelines:

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

28.12 Sign Setback Requirements

Except as modified in Sections 28.13 to 28.14, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least one-half ($\frac{1}{2}$) of the front yard setback.

28.13 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.

28.14 Sight Triangle

At the intersection of any two 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.

28.15 Limitation

For the purposes of this Article, outdoor advertising off-premises (billboard) signs shall be classified as a conditionally permitted use in districts zoned I-1 and I-2 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 50 feet from the road right-of-way.

28.16 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.

28.17 Loss of Legal Non-Conforming Status

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

28.18 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 5.17 of this Resolution. Political signs posted in violation of Section 28.9 of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 28.9 has been given.

28.19 Aesthetic Criteria

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

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

- 3) Information:
 - a) Information provided on the sign shall clearly indicate the name of the business and a simple product idea.

- 4) Landscaping:
 - a) Light sources shall be concealed from view by the incorporation or shrubs or other type of sightful ground cover.

 - b) A sightful land cover shall girdle the diameter of a freestanding post.

28.20 Maintenance

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

28.21 Abandoned Signs

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

28.22 Dangerous or Defective Signs

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

28.23 Removal of Signs by the Zoning Inspector

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

ARTICLE 29

VESTED RIGHTS

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