

OXFORD TOWNSHIP

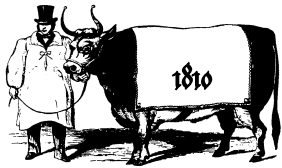
ZONING RESOLUTION

PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF OXFORD, ERIE COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 713, 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 OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF.

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

This Zoning Resolution applies to all land and to every structure or use of any land or structure lying within the boundaries of Oxford Township, Erie County Ohio, as those boundaries now exist or may hereafter be changed except land owned by this 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 Commissioners thereof shall be subject to this Resolution except and only to the extent expressly exempted by law.



Article 1 General Provisions

Section

1.0	Title
1.1	Interpretation
1.2	Separability
1.3	Repeal of Conflicting Resolutions
1.4	Effective Date
1.5	Incorporation of Maps
1.6	Identification and Alteration of the Official Zoning Map
1.7	Replacement of Official Zoning Map

1.0 Title

This Resolution shall be known and may be cited to as the “Zoning Resolution of the Township of Oxford,” 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 Identification and Alteration of the Official Zoning Map

The official zoning map shall be identified by the signature of the Township Trustees 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 12 of Resolution No. _____ of the Township of Oxford, 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 such change and entry has been made on said map.

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

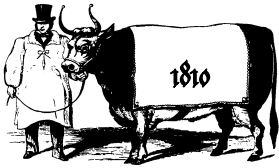
Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the Zoning Inspector shall be the final authority as to the current zoning status of the land and water areas, buildings 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

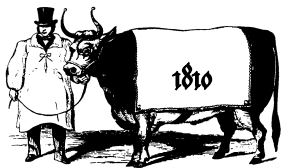
of the Township Trustees and bearing the seal of the Township under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted by the Township."

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** The purpose of this Resolution is to promote the public health, safety and morals, comfort, property and general welfare. The Board of Township Trustees may, in accordance with a Comprehensive Plan, regulate by resolution, 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 purposes may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape and area as the board determines.
- 2.1** 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. 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 Oxford Township.



Article 3 Construction of Language and Definitions

Section

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| 3.0 | Construction of Language |
| 3.6 | Definitions |
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3.0 Construction of Language

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

- 3.1 The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- 3.2 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 The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- 3.4 The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar activity.
- 3.5 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 Use (or structure):** Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure.

Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, signs and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

- 3.8 **Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, vitaculture, and animal and poultry husbandry.
- 3.9 **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.
- 3.10 **Alley:** See Thoroughfare.
- 3.11 **Alterations:** Is any structural change, additions, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
- 3.12 **Apartment:** Is a room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit as herein defined.
- 3.13 **Apartment Hotel:** Is 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.
- 3.14 **Attic:** The space between the ceiling beams of the top story and the roof rafters.
- 3.15 **Attic, Habitable:** A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet above the attic floor is not more than 1/3 the area of the floor next below.

- 3.16 **Auto Service Stations:** A building or buildings, structures and adjoining space used for the sale and dispensing of motor fuel from fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies and where automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted and where, if within a building such services as tire repairing, battery recharging, cleaning and polishing of vehicles, chassis lubrication, motor repairs and adjustments may be rendered.
- 3.17 **Auto Repair Station:** Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body frame, or fender straightening and repair, overall painting and undercoating of automobiles.
- 3.18 **Basement:** Is the portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in the definition of story.
- 3.19 **Block:** Is the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), between the nearest such street and railroad right-of-way.
- 3.20 **Bed and Breakfast Homestay:** Is a private owner-occupied residence with one to three guest rooms. The Bed and Breakfast Homestay must be a subordinate and incidental to the main residential use of the building.
- 3.21 **Bed and Breakfast Inn:** Is operated primarily as a business, even though the owner may live on the premises. The Inn may offer a maximum of twelve guest rooms and include a restaurant open to the general public, as well as to overnight guests.
- 3.22 **Boarding House (Rooming House):** Is a building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and means are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished rooming house shall be deemed a boarding house for the purposes of the Resolution.
- 3.23 **Boathouse:** A structure overhanging or appurtenant to Lake Erie, Sandusky Bay and/or a channel or other body of water connecting thereto within which a boat is or may be kept or stored.
- 3.24 **Boathouse/Residence:** A structure overhanging or appurtenant to Lake Erie, Sandusky Bay and/or a channel or other body of water connecting thereto within which a boat is or may be kept or stored, and within which there exists an area which is utilized for human habitation, residence and/or occupancy, or is suitable for such use.

- 3.25 **Boatport:** An open-sided roofed boat shelter usually formed by an extension of the roof from the side or end of a building. Also an open-sided roofed boat shelter independent of any attached structure.
- 3.26 **Buffering:** (see also screening) A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- 3.27 **Building:** Any structure, whether temporary or permanent, having a roof and used or built from the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as billboards, fences, or radio towers, or structures with interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.
- 3.28 **Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
- 3.29 **Building, Height:** Is the vertical distance from the grade to the highest point of the coping of a flat or to the deck line of a mansard roof or to the height of the highest gable or a pitched or hip roof. Where the building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall, unless otherwise defined herein.
- 3.30 **Building, Line:** Is 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 pickup 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 service station, 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, Service:** 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 **Carport:** An open-sided roofed vehicle shelter usually formed by an extension of the roof from the side or end of a building. Also an open-sided, roofed vehicle shelter independent of any attached structure.
Adopted August 7, 2003 Effective September 6, 2003
- 3.39 **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.
- 3.40 **Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- 3.41 **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.
- 3.42 **Child Day Care Center:** Any place in which child day care is provided, with or without compensation, for thirteen or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation for seven to twelve children at any one time. In counting children for the purposes of this definition, any children under

six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

- 3.43 **Type A Family Day-Care Home:** A permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- 3.44 **Type B Family Day-Care Home:** A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six 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.
- 3.45 **Clinic:** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.
- 3.46 **Club:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.
- 3.47 **Commercial Entertainment Facilities:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.
- 3.48 **Comprehensive Development Plan:** A plan or any portion thereof, adopted by the Planning Commission and the legislative authority of the Township of Oxford showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.
- 3.49 **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.
- 3.50 **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.

- 3.51 **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.
- 3.52 **Corner Lot:** (see lot types).
- 3.53 **Cul-de-sac:** (see thoroughfare).
- 3.54 **Dead-End Street:** (see thoroughfare).
- 3.55 **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.
- 3.56 **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.
- 3.57 **District:** A part, zone, or geographic area within the township within which certain zoning or development regulations apply.
- 3.58 **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.
- 3.59 **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.
- 3.60 **Dwelling, Single Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
- 3.61 **Dwelling, Two Family:** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other.
- 3.62 **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.
- 3.63 **Dwelling, Industrialized Unit:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary

- preparations for its placement, and including a modular or sectional unit, but not a mobile home.
- 3.64 **Easements:** Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.
- 3.65 **Elderly Household:** Not more than three persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.
- 3.66 **Elderly Housing Facility:** A building or buildings containing twelve or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, daycare, 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 home for the aged.
- 3.67 **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.
- 3.68 **Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate 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.
- 3.69 **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 nonreflective and nonmetallic 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 (6) inches and no greater than thirty (30) inches.
- d. Roofing Material. All roofing material shall consist of the following categories: wood, shingle, concrete tile or 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 1,200 square feet, excluding the area of the garage or carport.
- f. Minimum Width. The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty (20) feet.
- g. Foundations. All manufactured homes shall be placed on a permanent foundation that meets applicable building code requirements, such as the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.

- 2. Mobile Home. A transportable, factory-built home, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

3.70 **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.

3.71 **Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicing and sports areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and watershed projects.

3.72 **Feedlot:** A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

3.73 **Fireworks:** Fireworks shall mean and include an combustible or explosive composition, or any substance or combination of substances or articles 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.

- 3.74 **Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.
- 3.75 **Flood, Regional:** Large floods which have previously occurred or which may be expected to occur on a particular channel because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.
- 3.76 **Floodway:** That portion of the flood plain, including the channel, which is reasonable required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.
- 3.77 **Floodway Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.
- 3.78 **Floor Area of a Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and the area of roofed porches and roofed terraces and garages. All dimensions shall be measured between interior faces of walls.
- 3.79 **Floor Area of a Nonresidential Building (to be used in calculating parking requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.
- 3.80 **Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal areas of the floor of the building, measured from the interior faces of the exterior walls.
- 3.81 **Food Processing:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.
- 3.82 **Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

- 3.83 **Garage, Public:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.
- 3.84 **Group Residential Facility:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the state of Ohio, which provide rehabilitative or habilitative services. There are two classes of group residential facilities.
- 3.85 **Class I:** Any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
- 3.86 **Class II:** Any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.
- 3.87 **Historic Area:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.
- 3.88 **Home Occupation:** Home occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without significant adverse effect upon the surrounding neighborhood.
- 3.89 **Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

- 3.90 **Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.
- 3.91 **Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building or combination of the same, on which junk is stored or processed.
- 3.92 **Kenel:** Any lot or premises on which four (4) or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold and/or which offers provisions for minor medical treatment.
- 3.93 **Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
- 3.94 **Location Map:** (see vicinity map).
- 3.95 **Lot:** For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
1. A single lot of record;
 2. A portion of a lot of record;
 3. A combination of complete lots of record, or of portions of lots of record.
- 3.96 **Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- 3.97 **Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, one side of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "Yards" in this section.
- 3.98 **Lot, Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- 3.99 **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.

- 3.100 **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.
- 3.101 **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 lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
 2. Interior Lot: A lot with only one frontage on a street.
 3. Through 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.
- 3.102 **Major Thoroughfare Plan:** The portion of the Comprehensive Plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.
- 3.103 **Maintenance and Storage Facilities:** Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.
- 3.104 **Manufactured Home Park:** Any lot upon which three or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.
- 3.105 **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.
- 3.106 **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.
- 3.107 **Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.
- 3.108 **Mobile Home:** Any non-self propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit

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

- 3.109 **Mobile Home Park:** Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.
- 3.110 **Nonconformities:** Lots, uses of land, structures and uses of structures and land in combination lawfully existing at the time of enactment of this resolution or its amendments which do not conform to the regulations of the zone in which they are situated and are therefore incompatible.
- 3.111 **Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners or elderly people.
- 3.112 **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.
- 3.113 **Overlay District:** A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying district to which such designation is added.
- 3.114 **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.
- 3.115 **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.
- 3.116 **Personal Services:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

- 3.117 **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.
- 3.118 **Professional Activities:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.
- 3.119 **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 furnishings of electrical, gas, rail transport, communications, public water and sewage services.
- 3.120 **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.
- 3.121 **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.
- 3.122 **Quasi-public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.
- 3.123 **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.
- 3.124 **Recreation Facilities:** Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to miniature golf courses, amusement parks, stadiums and bowling alleys.
- 3.125 **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.

- 3.126 **Roadside Stand:** A structure designed or used for the display or sale of agricultural and related products.
- 3.127 **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.
- 3.128 **Satellite Signal Receiver:** "Dish type satellite signal receiving antennas," "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one or a combination of two or more of the following:
- a) A signal receiving device such as a dish antenna whose purpose is to receive communications or signals from earth orbiting satellites or similar sources.
 - b) A low noise 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.
- 3.129 **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.
- 3.130 **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 yard).
- 3.131 **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.
- 3.132 **Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- 3.133 **Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
- 3.134 **Sign:** Any visual communication display, object, device, graphic, structure or part situated indoors or outdoors, or attached to, painted on, or displayed from a building

or structure, in order to direct or attract attention to, or to announce or promote an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. Sign, On Premises: Any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
 2. Sign, Off Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
 3. Sign Illuminated: Any sign illuminated by electricity, gas or other artificial light, including other reflecting or phosphorescent light.
 4. Sign, Lighting Device: Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.
 5. Sign, Projecting: Any sign which projects from the exterior of a building.
- 3.135 **Special District**: A zoning district created to meet the needs of an area experiencing unusual problems or one that is designed to meet special needs.
- 3.136 **Story**: That part of a building between the surface of a floor and the ceiling immediately above (see basement).
- 3.137 **Structure**: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.
- 3.138 **Subdivision**: The division of a lot, tract or parcel into two or more lots, tracts or parcels of other divisions of land for sale.
- 3.139 **Supply Yards**: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.
- 3.140 **Swimming Pool**: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.
1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.
 2. Community: Operated with a charge for admission; a primary use.
- 3.141 **Thoroughfare, Street or Road**: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector 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-sacs: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred 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 street).

3.142 **Through Lot**: (see lot types).

3.143 **Transportation, Director of**: The Director of the Ohio Department of Transportation.

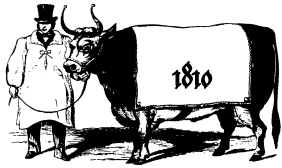
3.144 **Use**: The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

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

3.146 **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.

- 3.147 **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 services within the general area in order to better locate and orient the area in question.
- 3.148 **Walkway:** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.
- 3.149 **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 front 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.
- 3.150 **Zero Lot Line Development:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.
- 3.151 **Zoning Inspector:** The Zoning Inspector is the person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions.
- 3.152 **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.
- 3.153 **Towers:** A self supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunication facilities.
- 3.154 **Wireless Telecommunication Facility:** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless communication facilities shall not include:

- a) Any satellite earth station antenna two (2) meter (78.74 inches) in diameter or less which is located in an area zoned industrial or commercial.
- b) Any satellite earth station antenna one (1) meter (39.37 inches) or less in diameter, regardless of zoning category.
- c) Antennas used by amateur radio operator.



Article 4 Administration

Section

- 4.0 Purpose
- 4.1 General Provisions
- 4.2 Zoning Inspector
- 4.3 Responsibilities of Zoning Inspector
- 4.4 Township Zoning Commission
- 4.5 Recommendations of Township Zoning Commission
- 4.6 Public Hearings on Recommendations
- 4.7 Proposed Zoning Resolution, Approval, Public Hearing and Certification
- 4.8 Changes in Text or Maps; Second Hearing
- 4.9 Amendments to Zoning Resolution; Procedure; Referendum
- 4.10 Ratification of Amendments to Township Zoning Plan
- 4.11 Township Board of Zoning Appeals; Compensation and Expenses
- 4.12 Powers of Township Board of Zoning Appeals
- 4.13 Rules, Organization and Meetings of Zoning Appeals Board
- 4.14 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority
- 4.15 Board of Township Trustees
- 4.16 Schedule of Fees

4.0 Purpose

This article set 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 office and bodies within the township:

1. Administrative Assistant
2. Zoning Inspector
3. Zoning Commission
4. Board of Zoning Appeals
5. Township Trustees
6. County Prosecutor

Adopted August 7, 2003

Effective September 6, 2003

4.2. Administrative Assistant

An Administrative Assistant designated by the Board of Township Trustees shall assist in the administration and enforcement of this resolution.

He/she shall assist the Zoning Inspector, Zoning Commission, Board of Zoning Appeals and the Township Trustees as may be required in the administration, enforcement and updating of this resolution.

In the absence of the Zoning Inspector, he/she shall be the acting Zoning Inspector and shall assume any and all of the duties and responsibilities outlined in Section 4.3

Adopted August 7, 2003 *Effective September 6, 2003*

4.3 Zoning Inspector

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

4.4 Responsibilities of Zoning Inspector

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

1. Enforce the provisions of this resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the official zoning district map.
3. Issue zoning permits and may issue certificates of occupancy as provided by this resolution and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this resolution and in 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 orders or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this resolution. Such report shall include recommendations concerning the schedule of fees.

4.5 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 members and two alternates who reside in the unincorporated area of the township, to be appointed by the Board of Township Trustees and the terms of the members and two alternates shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or Regional Planning Commission, the board may appoint qualified members of such commission to serve on the Township Zoning Commission. Each member shall serve until his successor is appointed and qualified. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the board, upon written charges and after a copy of the charges have been served upon the member so charged, at least ten 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.

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

The Township Zoning Commission shall submit a plan, including both text and maps representing the recommendations of the Zoning Commission, for the carrying out by the Board of Township Trustees for the powers, purposes and provisions set forth in sections 519.01 to 519.99, inclusive of the Revised Code, including additions to territory in which 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 action and determinations. Members of the Zoning Commission may be allowed their expenses or such other compensation or both, as the board may approve and provide. No Township Trustee shall be employed by the Zoning Commission of his 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 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.

4.7 Public Hearings on Recommendations; Notice

Before certifying its recommendations of a zoning plan to the Board of Township Trustees, the Township Zoning Commission shall hold at least one public hearing, notice of which shall be given by one publication in one or more newspapers of general circulation in the township at least thirty days before the date of such hearing. The notice shall state the place and time at which the text and maps of the proposed zoning resolution may be examined.

4.8 Proposed Zoning Resolution to Regional Planning Commission; Approval; Public Hearing if Resolution Disapproved; Certification of Township Trustees

Following the hearing provided for in section 519.06 of the Revised Code the Township Zoning Commission shall submit the proposed Zoning Resolution, including text and maps, to the Regional Planning Commission of the county or district in which the township is located, if there is such a commission, for approval, disapproval or suggestions.

The approval of the Planning Commission shall be conclusively presumed unless, within twenty days after receiving the proposed Zoning Resolution, it notifies the Zoning Commission to the contrary.

In the event the Planning Commission disapproves of the proposed Zoning Resolution or suggests any material change, the Zoning Commission shall hold a public hearing on the resolution, due notice of which shall be given as provided in section 519.06 of the Revised Code. When the Zoning Commission has completed its recommendation for a zoning plan it shall certify the plan to the Board of Township Trustees.

4.9 Changes in Text or Maps; Second Hearing

No change in or departure from the text or maps, as certified by the Township Zoning Commission, shall be made by the Board of Township Trustees unless it is first resubmitted to the commission for approval, disapproval or suggestions. Upon receipt of the recommendations of the Township Zoning Commission regarding the proposed changes, the Board of Township Trustees shall hold a second public hearing, at least ten days notice of the time and place of which shall be given by one publication in one or more newspapers of general circulation in the township affected. If such changes are disapproved by the Zoning Commission, the provision so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

4.10 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 to defray the cost of advertising, mailing and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission.

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

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten 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 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 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 for its action.

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

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

Within five 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 days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, 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 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 proposed amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten 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 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 proposed amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten 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 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 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 days after the date of such adoption unless within thirty days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of such next primary or general 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 and accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five days prior to the election at which the question is to be voted upon.

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

4.11 Ratification of Amendments to Township Zoning Plan

All amendments or supplements to a township zoning plan adopted by a board or Township Trustee 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 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.

4.12 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 composed of five members and two alternates who reside in the unincorporated area of the township. The terms of all members and two alternates shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. An alternate member shall take the place of an absent regular member at any meeting of the Township Board of Zoning Appeals, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. 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.

4.13 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of section 519.02 to 519.25 of the Revised Code, or of any resolution adopted pursuant thereto;
- b) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;
- c) Grant conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the Zoning Resolution;
- d) Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his right to a hearing before the board, within thirty days of the mailing of the notice, if he 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 attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. 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.

4.14 Rules, Organization and Meetings 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 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 specifying the grounds. The officer from whom the 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 days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten 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.

4.15 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 schedule of fees and charges as stated in section 4.16 of this resolution. Nothing in this resolution shall be interpreted to prevent any official of the township from appealing a decision of the board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days from the board's written decision.

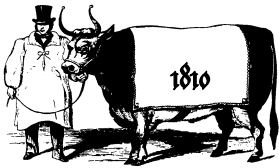
4.16 Board of Township Trustees

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. Final 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 required.

4.17 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

Section

- 5.0 General
 - 5.1 Zoning Permits Required
 - 5.2 Contents of Application for Zoning Permit
 - 5.3 Approval of Zoning Permit
 - 5.4 Submission to Director of Transportation
 - 5.5 Expiration of Zoning Permit
 - 5.6 Record of Zoning Permits
 - 5.7 Failure to Obtain a Zoning Permit
 - 5.8 Construction and Use to be as Provided in Applications, Plans, Permits and Certificates
 - 5.9 Complaints Regarding Violations
 - 5.10 Entry and Inspection of Property
 - 5.11 Stop Work Order
 - 5.12 Zoning Permit Revocation
 - 5.13 Notice of Violation
 - 5.14 Penalties and Fines
 - 5.15 Additional Remedies
-

5.0 General

This article stipulates the procedure 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 zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

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

5.3 Approval of Zoning Permit

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

5.4 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of the proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director 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 of Transportation. If the Director of Transportation 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 of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning 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 be substantially 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 copies shall be furnished, upon request and upon payment of the established fee, to any person.

5.7 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a punishable violation of the resolution.

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

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

5.9 Complaints Regarding Violations

Whenever a violation of this resolution occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall

record properly such complaint, immediately investigate it and take action thereon as provided by this resolution.

5.10 Entry and Inspection of Property

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

5.11 Stop Work Order

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

5.12 Zoning Permit Revocation

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

5.13 Notice of Violation

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

- 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.

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; 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 of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

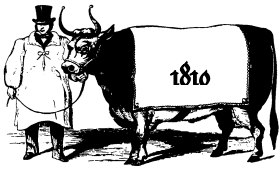
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

5.14 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 Prosecuting Attorney or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.



Article 6 Nonconformities

Section

- 6.0 Purpose
 - 6.1 Incompatibility of Nonconformities
 - 6.2 Completion of Nonconforming Structures
 - 6.3 Certificates for Nonconforming Uses
 - 6.4 Substitution of Nonconforming Uses
 - 6.5 Single Nonconforming Lots of Record
 - 6.6 Nonconforming Lots of Record in Combination
 - 6.7 Nonconforming Structures or Uses
 - 6.8 Repairs and Maintenance
-

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 mandated, 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 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 been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

6.3 Certificates for Nonconforming Uses

The Zoning Inspector may, upon his/her 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 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 to a less intensive classification, or the board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board may require that additional conditions and safeguards be met, which requirements shall certain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

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 that district, such structure or use may be continued so long as it remains otherwise lawful.

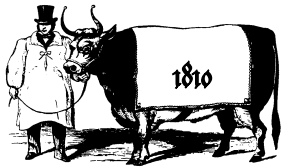
1. The Board of Zoning Appeals is hereby authorized to grant a variance from the literal provisions of this resolution in order to allow the restoration, reconstruction, extension or substitution of a nonconforming use of land or nonconforming structure in accordance with the following terms:
 - a. The 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 provision or provisions of the 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. Any nonconforming land use or structure which has been damaged to the extent of seventy-five (75) percent of its assessed value exclusive of site improvements shall not be repaired or reconstructed except in conformity with this resolution.
- 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 regulation 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 content 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

Section

- 7.0 General
 - 7.1 Appeals
 - 7.2 Stay of Proceedings
 - 7.3 Variances
 - 7.4 Application and Standards for Variances
 - 7.5 Additional Conditions and Safeguards
 - 7.6 Public Hearing by the Board of Zoning Appeals
 - 7.7 Notice of Public Hearing in Newspaper
 - 7.8 Notice to Parties in Interest
 - 7.9 Action by Board of Zoning Appeals
 - 7.10 Term of Variance
-

7.0 General

Appeals and variances shall conform to the procedures and requirements of 7.1 to 7.10 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 or 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 to the Board of Appeals, if it concludes that strict enforcement of the resolution would result in unnecessary hardships for the applicant and that, by granting the variance, the spirit of the resolution will be observed, public safety and welfare secured and substantial justice done. 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.

7.4 Application and Standards for Variances

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

1. Name, address and phone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by resolution;
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - a. The granting of the variance shall be in accordance with the general purpose and intent of the regulations imposed by this resolution on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area and which are such that the strict application of the provisions of this resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

- d. There must be proof of hardship created by the strict application of this resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on the basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- e. The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property value of the adjacent area.
- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

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 they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this resolution.

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

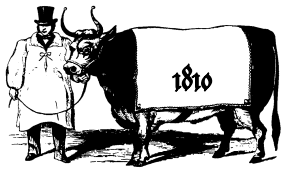
Before conducting the public hearing required in section 7.6, written notice of such hearing shall be mailed to the Chairman of the Board of Zoning Appeals by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information 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 further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from the board decision shall be made in the manner specified in section 4.14.

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

Section

- 8.1 General
 - 8.2 Initiation of Zoning Amendments
 - 8.3 Contents of Application for Zoning Map Amendment
 - 8.4 Contents of Application for Zoning Text Amendment
 - 8.5 Transmittal to Zoning Commission
 - 8.6 Submission to Regional Planning Commission
 - 8.7 Other Conditions Proponent to the Approval of Zoning Amendment
 - 8.8 Standards for Recommendations of Township Zoning Commission
 - 8.9 Submission to Director of Transportation
 - 8.10 Public Hearing by Zoning Commission
 - 8.11 Notice of Public Hearing in Newspaper
 - 8.12 Notice to Property Owners by Zoning Commission
 - 8.13 Recommendation by Zoning Commission
 - 8.14 Public Hearing by Board of Township Trustees
 - 8.15 Action by Board of Township Trustees
 - 8.16 Effective Date and Referendum
-

8.1 General

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

8.2 Initiation of Zoning Amendments

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

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

8.3 Contents of Application for Zoning Map Amendment

Applications for amendments to the official zoning map adopted as part of this resolution by Article 8 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 statement on the ways in which the proposed amendment relates to the Comprehensive Plan.
10. A fee as established by resolution of the Board of Township Trustees.

8.4 Contents of Application for Zoning Text Amendment

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

1. The name, address and phone 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 filing of an application by at least one owner or lessees of property, said resolution of 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 filing of an application by at least one owner or lessees, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

8.7 Other Conditions Proponent to the Approval of Zoning Amendment

- a. Noise control in residential communities.
 1. Before any zoning amendment is approved, affecting residential districts, a consideration for potential noise inflation shall be addressed. In doing so, the board may require proper noise reduction designs to those proposed uses necessitating such action.
- b. Possible noise reduction requirements and designs may be those that are suggested in the Erie County Landscaping Design policies handbook.

8.8 Standards for 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 of 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 being used, the need to rezone more land should be carefully analyzed. The fact that the cost of the land already zoned may be more expensive does not mean that the township should rezone more land.
2. What other effects might the adoption of the proposed amendment have on future land uses in the area? What will be the long term effect of the proposed change?
3. How does the proposed change relate to existing public facilities and services such as water, sewer, police and fire protection and schools.

4. What is the present character of the area in terms of existing land use and physical characteristics? Do the physical characteristics of the area cause problems for development?
5. What are the factors that make this location well suited for the uses permitted in the proposed zoning district?
6. Would all of the permitted uses in the proposed district be compatible with the existing and potential future development in the area?
7. What effect would the rezoning have on property value?
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?

8.9 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, 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.

8.10 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.

8.11 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in section 8.9, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation in the township at least ten days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

8.12 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the 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 8.11.

8.13 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by section 8.9, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, 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.

8.14 Public Hearing by Board of Township Trustees

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees, as specified in section 8.10.

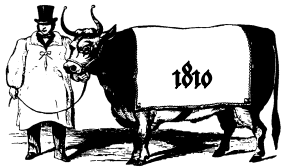
8.15 Action by Board of Township Trustees

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.

8.16 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the 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 votes 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 Requirements for Conditional Use Permits;
Substantially Similar Uses; Accessory Uses; Agricultural Use**

Section

- 9.0 Purpose
- 9.1 Contents of Conditional Use Permit Application
- 9.2 General Standards for All Conditional Uses
- 9.3 Public Service Facility
- 9.4 Church
- 9.5 Cemetery
- 9.6 Service Offices and Other Similar Establishments
- 9.7 Veterinary Clinic and Kennel
- 9.8 Child Day Care Center – Type A Family Day Care Home
- 9.9 Nursery Schools, Day Nurseries and Child Care Centers
- 9.10 Funeral Home
- 9.11 Boarding Home, Rooming House
- 9.12 Bed and Breakfast Homestay or Tourist Home
- 9.13 Mini-Storage Buildings
- 9.14 Airport
- 9.15 Golf Courses and Driving Ranges
- 9.16 Hotel and Motels
- 9.17 Transmitter/Receiver Towers
- 9.18 Telecommunications Towers
- 9.19 Home Office and Home Occupation
- 9.20 Housing for the Elderly
- 9.21 Convalescent and/or Nursing Home
- 9.22 Education Facilities
- 9.23 Firework Sales
- 9.24 Sewage Treatment
- 9.25 Travel Trailer Park and Campgrounds
- 9.26 Recreation Vehicle Sales and Service
- 9.27 Public, Parochial Schools
- 9.28 Automobile Service Stations
- 9.29 Travel Trailer Park
- 9.30 Recycling Paper, Glass and Metal Products
- 9.31 Processing of Farm Products
- 9.32 Car Washes
- 9.33 Billboards
- 9.34 Neighborhood Convenience Store
- 9.35 Night Clubs

- 9.35.1 Sexually Oriented Business Establishments
 - 9.36 Retail Sales Outlet
 - 9.37 Public Hearing
 - 9.38 Notice of Public Hearing
 - 9.39 Notice to Parties of Interest
 - 9.40 Action by the Board of Zoning Appeals
 - 9.41 Supplementary Conditions and Safeguards
 - 9.42 Expiration of Conditional Use Permit
 - 9.43 Regulation of Accessory Uses
 - 9.44 Definition
 - 9.45 Features Noted as Accessory Uses and Structures
 - 9.46 Accessory Use and Structures as Permitted Uses
 - 9.47 Certificate for Conditional Use
 - 9.48 Agricultural Use
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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 right 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.

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 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;
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7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Comprehensive Plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by resolution;
10. A narrative addressing each of the applicable criteria.

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 established under the provisions of Article 9 and appeals 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 Comprehensive Plan and/or the 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 persons, 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;

9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

9.3 Public Service Facility

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
- b. Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.
- c. Must be licensed by the State Fire Marshal's Office.

9.4 Church

- 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.

9.5 Cemetery

- 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 no less than fifty (50) feet from any property line.

9.6 Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service and Bookkeeping Service Offices and Other Similar Establishments

- a. Parking spaces shall be provided as required in this resolution, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally know parking conditions in the neighborhood.
- b. The design, location and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety and to reduce the impact on the residential character of the neighborhood.

- c. One sign not exceeding four (4) square feet in area and mounted flush against the building shall be permitted.

9.7 Veterinary Clinic and Kennel

Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.

Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.

No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

In addition, the following shall apply:

Animal hospital, veterinarians' offices and commercial animal kennels are permitted within the general commercial and industrial districts subject to the provision that all buildings, structures and facilities, including runways are located at least three hundred (300) feet from any property line in the agricultural district or any residential district and other pertinent provisions of this resolution.

Veterinarian outpatient clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels.

Building plans submitted for building permit application for veterinarian outpatient clinics shall include a certificate by a registered architect or acoustical engineer that the building will meet the requirements. Existing buildings that are to be used as veterinarian outpatient clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements.

Standards that apply to kennels shall be as follows:

- a. Minimum lot area shall be two (2) acres.
- b. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be within the rear yard.
- c. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet away from all property lines.

- d. All outdoor running areas shall be enclosed to prevent the escape of animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.
- e. All animal wastes shall be regularly cleaned up and properly disposed of.
- f. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded at the site.

9.8 Child Day Care Center – Type A Family Day Care Home

- a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals;
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety and reduce the impact on the residential character of the neighborhood. The outgoing vehicles during high volume periods shall provide a safe drop off point for children that will not impede other traffic.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

9.9 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 yards of one hundred (100) feet.

9.10 Funeral Home

- a. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety and reduce the impact on the character of the neighborhood. The plan shall provide the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

9.11 Boarding Home, Rooming House

- a. No more than one person shall occupy each sleeping room.
- b. Fire escapes shall be provided as approved by the Board of Zoning 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 official shall accompany the application.
- e. One unit announcement sign shall be permitted not exceeding two (2) feet in area and three and one-half (3½) feet in height.

9.12 Bed and Breakfast Homestay or Tourist Home

A private owner-occupied residence with one to three guest rooms. The bed and breakfast homestay must be subordinate and incidental to the main residential use of the building.

Standards that apply to bed and breakfast or tourist homes are as follows:

- a. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- b. All floors above grade shall have direct means of escape to ground level.
- c. One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- d. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. One unit announcement sign shall be permitted not exceeding two (2) feet in area and three and one-half (3½) feet in height.
- f. Length of stay shall not exceed fourteen days.

9.13 Mini-Storage Buildings

- A. Purpose – This section is to provide for the development of mini-storage buildings in commercial district C-2 and such use shall be a conditional use. For the purpose of this resolution, a mini-storage building shall mean a structure or group of structures for the dead storage of customer’s goods and wares where individual stalls or lockers are rented out to different tenants for storage and where the maximum size of the stall shall be six hundred (600) square feet and not more than four thousand (4,000) square feet shall be leased to a single tenant.
- B. Not to Restrict Use by Right – Nothing herein shall be deemed to limit warehouse use within an industrial district as elsewhere permitted or provided for by this resolution.
- C. Conditional Use Required – The Zoning Board of Appeals may, after the review and recommendation of the commission, approve a plan for mini-storage buildings upon any tract zoned C-2 when such plan is found to comply with the conditions and requirements hereinafter set forth.

D. Contents of Plan: Site Review

1. General Requirements

- a. No lot shall be less than two acres.
- 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. The plan shall show the existing site along with surrounding land within two hundred (200) feet of its border. Street right-of-ways and easements shall be included (the area two hundred feet adjacent to the site may be shown by a locational map).
- d. The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet. Building elevations shall also be included on the plan along with specification of the colors of buildings and materials to be used.
- e. Stormwater management shall be incorporated into the plan so that stormwater runoff from the site will not increase as a result of the proposed development. The facility shall be designed to control the stormwater runoff from at least a twenty-five year return frequency storm as certified by a professional engineer.
- f. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
- g. Outdoor Lighting of Any Kind - All outdoor lights shall be shielded to direct light and glare only onto the mini-warehouse 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.
- h. Building setbacks shall be as follows:
 - Front Yard – Not less than twenty-five (25) feet on which all parking and internal drives are prohibited.
 - Side Yard – Not less than 12.5 feet on which all parking and internal drives are prohibited.
 - Rear Yard – 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, then no rear yard is required.
- i. The storage facility shall be enclosed by a six (6) foot high, sight proof fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be set back six (6) feet from the side property lines and rear property line. When a rear property line 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.

- j. 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.
 - k. Parking shall be prohibited at a ratio of one space for each two thousand (2,000) square feet of gross building area, plus two spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the township.
 - l. Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves).
 - m. Signs shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulation of chapter 27.
- E. Commercial Activity Prohibited – The sale of any item from or at a mini-storage building is specifically prohibited.
- 1. It shall be unlawful for any owner, operator or lessees 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.
 - 2. Auction or sale for unclaimed storage items by owners of mini-storage to recoup rental losses.
- F. Repair of Autos, Boats, Motors and Furniture Prohibited – 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 storage warehouse.
- G. Violations – 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.

9.14 Airport

An airport or heliport may be permitted in any district as a special use, provided:

- a. The area shall be sufficient to meet the Federal Aviation Administration requirements for the class of airport proposed.
- b. There is not 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 shall be provided. If, in the opinion of the Board of Township Trustees, off-street parking space for more than fifty (50) vehicles will be required, the board shall 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 line; dimension; names of the 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. In its review of the proposed airport, the Planning Commission shall make at least the following two finds:
 1. The airport is not in conflict with any existing element of the master plan;
 2. The benefits of and need for the airport are greater than any possible depreciating effects and damages to the neighboring property.

9.15 Golf Courses and Driving Ranges

- a. All buildings shall be at least thirty (30) feet from all property lines.
- b. A minimum of two 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, planting or sufficient area shall be provided to insure the safety and to protect the neighboring properties and passing motorists.
- f. Except in districts where signs are allowed, one non-flashing sign, not to exceed sixty (60) square feet in area, may be provided at the major entrance.
- g. All driving directions shall be away from any street or highway.

9.16 Hotels and Motels

Motels shall utilize collective sewers connecting with an approved community or individual sewage disposal system.

Any lot to be used for a motel shall not be less than one acre in area and shall contain not less than two thousand (2,000) square feet per sleeping unit. All buildings and structures shall be at least sixty (60) feet from a front lot line and at least twenty-five (25) feet from the rear and side lot lines. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.

All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

Motels, motor courts and hotels may be established in business and industrial districts subject to area, yard and height regulations or those districts.

Motels, motor courts and hotels may be established in office districts subject to area, yard and height regulations of those districts and provided no part of the property so used is located within one hundred (100) feet of any residential districts.

Associated commercial uses may be established in office districts in conjunction with motels, motor courts and hotels subject to the following limitations in addition to any other applicable requirements of this resolution for the districts in which such uses are located.

Allowable commercial uses shall be located only in a motel, motor court or hotel having a minimum of seventy-five rental units.

Gross floor area used for commercial purposes shall be limited to seventy-five (75) square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities shall not be included in determining gross floor area used for commercial purposes.

Public entry to commercial facilities shall be from the interior of building with no direct public entrance from the street or outside of building permitted.

No merchandise or merchandise display window shall be visible from outside the building.

No outside storage or display of merchandise shall be permitted.

No business or identification sign pertaining to commercial uses shall be visible from outside the building.

Permitted commercial uses shall be limited to the following: dispensing of drugs, flower shops, laundry and dry cleaning pick-up stations, restaurants, food and beverage service facilities, snack bars and sundry shops.

Motels, motor courts and hotels may be established in the institutional districts subject to area, yard and height regulations of those districts and provided no part of the property so used is located within one hundred (100) feet of any residential district. Associated commercial uses may be established in the institutional districts in conjunction with motels, motor courts and hotels except that restaurants and food and beverage service facilities shall be exempt from these limitations.

9.17 Transmitter/Receiver Towers

Transmitter towers and accessory buildings used only in connection with the operation of the transmission of radio, facsimile or television broadcasting after the plan for the location of such structures and the method of operation shall have been approved by the Zoning Inspector when in compliance with the following regulations:

1. No building or structure other than the aforesaid accessory buildings shall be located or proposed to be located within a circle having the transmitter tower as its center and a radius equal to twenty (20) percent of the height of the tower or one hundred (100) feet, whichever is the greater.
2. No building or structure other than the aforesaid accessory buildings shall be located in an area twenty (20) feet each side of the radial line between the center of the transmitter tower and each guy anchorage.
3. No tower guy anchor and approved enclosure for the same shall be located closer than thirty (30) feet to any lot line, street line or street line extended if the adjacent lot or parcel is used or intended to be used for residence purposes.

9.18 Telecommunications Towers

In the case of a company that plans to construct a tower or wireless telecommunication facility in the township, the facility shall be conditional use in all districts subject to the following conditions:

- A. A freestanding wireless telecommunications tower may be a conditional use within any district provided the Board of Zoning Appeals finds the following standards have been met.

1. Minimum Lot Size for Principal Use

The minimum lot size for principal use for which the tower is conditional shall be five acres.

2. Minimum Setback From Property Lines and Residential Structures

The minimum setbacks and yard requirements shall be a minimum of two times the height of the tower or five hundred (500) feet, whichever is greater.

3. Maximum Height

The height of such tower shall be subject to approval by the Board of Zoning Appeals and be the minimum height necessary.

4. Equipment Shelter

The minimum setbacks, height limits, bulk requirements and screening standards shall be established by the Board of Zoning Appeals during the conditional use approval hearing. Such shelter shall not be located above ground in any required front or side yard. The base of the tower shall be surrounded by a fence eight (8) feet in height with a locked gate and as close as is practical to the tower.

The base of the tower and any accessory buildings shall be inside the fence and shielded by a greenbelt of living plant materials well maintained and replanted as necessary in order to provide year around obstruction from the public view.

5. Co-location on Existing Towers

Upon application for the siting of a wireless telecommunication tower, the applicant shall provide the Zoning Inspector with documentation of all written proposals and denials to jointly do business with existing telecommunication providers within the township as evidence of non-feasibility of co-location.

9.19 Home Office and Home Occupation

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

- 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 (25) percent of the residential floor area of the dwelling unit shall be used in the conduct of 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 sign, not exceeding two (2) square feet in area, non-illuminated.
- d. 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.
- e. 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.

9.20 Housing for the Elderly

Housing for the elderly shall not exceed a height of forty (40) feet. All housing for the elderly shall be provided on a site of at least five (5) acres in area and may provide the following:

- a. Townhouse and/or apartment-type dwelling units.
- b. Common services containing, but not limited to central dining rooms, recreational rooms, central lounge and workshops.
- c. All dwellings shall consist of at least three hundred and fifty (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.

9.21 Convalescent and/or Nursing Home

Convalescent and/or nursing home, is not to exceed a height of forty (40) feet 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 one (1) 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 spaces required for accessory uses.
- b. No building shall be closer than forty (40) feet from any property line.

9.22 Education Facilities

Educational facilities such as colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, all subject to the following conditions:

- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
- 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.

9.23 Firework Sales

Any business handling fireworks must meet the following provisions:

- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
- 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.

9.24 Sewage Treatment

Sewage treatment plants (public or private) provided such facilities are set back a minimum of fifty (50) feet from any adjoining property line and are screened from view of any residential property.

9.25 Travel Trailer Park and Campgrounds

Travel trailer parks and accessory structures and uses customarily incidental to the park, all subject to the following conditions:

- a. Minimum of ten (10) acres.
- b. Sewer, water, fuel, electrical and telephone installation and connections shall be done in accordance with plans approved by the appropriate agency or utility. Underground sewer, water and electrical connections must be supplied for each unit.
- c. Maximum trailer size shall be forty (40) feet in length.
- 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 within a permanent, durable and 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 trailers of at least twenty (20) feet and not less than twenty (20) feet between the ends of each two trailers.
- i. No trailer shall be closer than ten (10) feet from any private street or adjacent property line, or twenty-five (25) feet from any private 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. Fences and/or greenbelts may be required by the Township Board of Zoning Appeals.
- m. All interior 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 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 26.
- p. The Township Board of Zoning Appeals shall approve the plans for any travel trailer park prior to issuance of a zoning certificate.

9.26 Recreation Vehicle Sales and Service, Including Boats, Snowmobiles, Travel Trailers, Campers, Tents and Accessory Equipment Peculiar to the Above; Motor Vehicle Sales and Service; and Farm Implements Sales and Services

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 a distance of at least fifty (50) feet from the right-of-way of the intersection of any two streets.
- d. All lighting shall be shielded from adjacent residential districts.

9.27 Public, Parochial Schools

Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools. No school permitted in this subsection shall be located nearer than one hundred (100) feet to any adjacent zoned single-family property. Every school property shall be surrounded by a minimum five (5) foot chain link fence on property sides.

9.28 Automobile Service Stations

- a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that 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 shall not be located within five hundred (500) feet of any school.
- d. All lighting shall be shielded from adjacent residential districts.

9.29 Travel Trailer Park

- a. All repairs shall be conducted within a wholly enclosed building.
- b. Outdoor areas used for display shall be provided within a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water accumulated within the area in accordance with the specifications of the County Engineer.
- c. Points of ingress and egress to the lot shall be at least fifty (50) feet from the right-of-way of the intersection of any two streets.
- d. All lighting shall be shielded from adjacent residential districts.

9.30 Recycling Paper, Glass and Metal Products

Standards that apply to the recycling of paper, glass and metal products are as follows:

- a. All operations, including collection, shall be conducted within a wholly enclosed building.
- b. There shall be no outdoor storage of materials used or generated by the operation.
- c. The applicant shall explain the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust and litter.
- d. The applicant will ensure regular maintenance of the site to assure the immediate collection of stray debris.

9.31 Processing of Farm Products

Standards that apply to the processing of farm products are as follows:

- a. The processing facility is located on the same lot and accessory to the principle agricultural use of the site.

- b. A majority of the materials to be processed have been grown or raised on the subject property; the remainder of materials have been grown or raised within the township.
- c. No butchering, slaughtering or rendering uses shall be permitted.
- d. No retail sales of the products shall be permitted, except roadside stands.
- e. All processing activities shall be conducted within a wholly enclosed building which is located behind the principle residence building setback line.
- f. No noxious odor, dust, glare, vibration or noise shall be perceptible at the property line.
- g. All off-street parking and loading areas shall be contained behind the principal residence.
- h. All individuals involved in the process or sale of farm products must reside on the subject property.

9.32 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. Each washing bay shall provide a one hundred (100) foot long, on-site stacking lane.
- c. All structures housing washing apparatuses shall be set back fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two street right-of-way lines, then the setback requirements on the one street frontage shall be reduced to fifty (50) feet and the setback on the other street frontage be reduced to eighty (80) feet.

9.33 Billboards

Within I-3 districts, one billboard per lot shall be permitted by conditional permit, subject to the following criteria:

- a. No billboard shall be located within two hundred (200) feet of another billboard.
- b. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- c. All billboards shall be set back at least fifty (50) feet from any road right-of-way.
- d. All billboards shall be set back at least one hundred (100) feet from any land within a residential 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.

9.34 Neighborhood Convenience Store

Commercial establishments constructed with the sole intent of servicing local multi family (R-3) residential developments. The following arrangements shall regulate the functions of neighborhood convenience stores:

- a. A neighborhood convenience commercial center may be provided as part of a minimum two hundred (200) unit R-3 development proposal. For each two hundred (200) units proposed, a minimum of one-half ($\frac{1}{2}$) acre of neighborhood commercial uses, up to a maximum of one and one-half ($1\frac{1}{2}$) acres may be constructed.
- b. The granting of this conditional use is tied to the actual construction of a minimum of one hundred (100) dwelling units, plus the road system serving the entire two hundred (200) dwelling units.
- c. Such neighborhood convenience commercial uses shall be located at the intersection of an arterial or collector road and the primary entrance to the proposed R-3 district development. Direct vehicular access to the neighborhood convenience commercial center shall be limited to the street within the proposed residential development. Furthermore, any driveway into the neighborhood convenience commercial parking lot shall be set back a minimum of one hundred (100) feet from the arterial or collector street right-of-way line along the site's frontage.
- d. The proposed neighborhood convenience commercial center shall be designed, oriented and constructed to serve residents. No automobile related uses, arcade or adult related uses shall be permitted.
- e. The proposed neighborhood convenience commercial center shall be integrated with the R-3 district development and will be linked by safe and convenient pedestrian walkways.
- f. No neighborhood convenience commercial center shall be located within one thousand (1,000) feet of another neighborhood convenience commercial center.
- g. Such commercial center shall be set back a minimum of one hundred (100) feet and screened from adjoining residences.
- h. No outdoor storage shall be permitted. Dumpsters shall be enclosed by a six (6) foot high, sight-tight fence.
- i. One free-standing sign for the entire neighborhood convenience commercial center shall be permitted along the R-3 district development's street, not along the site's frontage. Such sign shall be no larger than thirty-two (32) square feet and will be set back at least seventy-five (75) feet from arterial or collector street right-of-way along the sites frontage. In addition, the sign shall be set back at least ten (10) feet from any other street right-of-way and one hundred (100) feet from any residence.
- j. All other design standards prescribed in local commercial district (LC) shall apply to the proposed neighborhood convenience store(s).

9.35 Night Clubs

A bar, restaurant, coffee house or similar establishment where a dance floor or entertainment is provided.

Standards that apply to night clubs and taverns are as follows:

- a. No part of the subject property shall be located within three hundred (300) feet of any residentially zoned lands.
- b. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light and/or litter.
- c. The applicant shall furnish evidence as to how the use will be controlled to not constitute a nuisance due to noise or loitering outside the building.
- d. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

9.35.1 Regarding Sexually Oriented Business Establishments

Sexually oriented businesses shall be allowed in industrial districts (I-1 and I-2) only and shall be subject to the rules and regulations as set forth by the Township Trustees.

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 of specified sexual activities or specified anatomical areas.
 3. Adult bookstore or adult video store means a commercial establishment which utilizes twenty five (25) percent or more of its retail selling area for the purpose of sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas;” or
 - 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 “specified sexual activities” or “specified anatomical areas.”
6. Adult motel means a hotel, motel or similar commercial establishment which:
- A. Offer 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 (10) 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 (10) 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-1 and I-2 industrial districts shall sexually oriented businesses be permitted and only if the Planning Commission 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 one thousand (1,000) 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 one thousand (1,000) feet from any other parcel of land containing a sexually oriented business.
 3. Section 1137.01 and 1137.02 governing conditional zoning permits and section 1139.06 and 1139.07 governing site plan approval shall also apply for an application for a conditional zoning permit under this section.

9.36 Retail Sales Outlet

- a. Retail outlets should be incorporated into planned commercial shopping centers which would integrate the design and dimensions of structures, parking areas and access points with those of existing uses.
- b. The grouping of retail outlets together and controlling access points onto arterial roads will minimize to potential conflicts with through traffic.

9.37 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.

9.38 Notice of Public Hearing

Before conducting the public hearing required in section 9.36, 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.

9.39 Notice to Parties of Interest

Prior to conducting the public hearing required in section 9.36, 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 9.37 for notices published in newspapers.

9.40 Action by the Board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in section 9.37, the board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in section 9.37. 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 modification 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.

9.41 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.

9.42 Expiration of Conditional Use Permit

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

9.43 Regulation of Accessory Uses

The provisions of this section shall apply to the location and maintenance of accessory uses in order to promote the public health, safety and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which make them compatible with principal uses and harmonious with uses upon adjacent properties.

9.44 Definition

Accessory use and structure means a subordinate use or structure which is incidental to and in association with a principal use or structure and which is customarily required or provided for the principal use or structure.

9.45 Features Noted as Accessory Uses and Structures

Accessory uses and structures can either be attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles and signs.

9.46 Accessory Use and Structures as Permitted Uses

To ensure that confusion is at a minimum, each land use district provides specific regulations for accessory uses and structures. However, as a general indication, all accessory uses and structures are considered to be permitted uses and will be enforced as such.

9.47 Certificate for Conditional Use

- a. 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.

- b. The purpose of this section is to protect the owners of lands or structures that are of a conditional nature. No fee shall be charged for such a certificate. 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.

9.48 Agricultural Use

The Oxford Township Zoning Resolution confers no power on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes of the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for venting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure, except as follows:

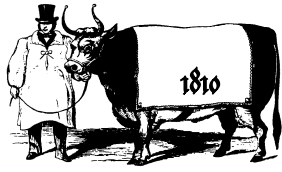
In any platted subdivision approved under section 711.05, 711.09 or 711.10 of the Revised Code or in any area consisting of fifteen (15) or more lots approved under section 711.13.1 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road the Zoning Resolution shall regulate:

- 1) Agricultural use on lots of one (1) acre or less;
- 2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by setback building lines, height and size;
- 3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Revised Code. After thirty-five (35) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and building or structures pursuant to section 519.19 of the Revised Code.

This resolution confers no power to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

This resolution confers no power to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty (50) percent or more of the gross income received from the market operator in a normal crop year. However, a Board of Township Trustee, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm

markets as size of the structure, size of parking areas that may be required, setback building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.



Article 10 Zoning Districts and Boundaries Interpretation

Section

- 10.0 Purpose
 - 10.1 Establishment of Districts
 - 10.2 Zoning District Map
 - 10.3 Zoning Map Legend
 - 10.4 Identification of Official Zoning Map
 - 10.5 Interpretation of District Boundaries
-

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 Oxford Township are hereby divided into district or zones, as shown on the zoning map, which accompanies this resolution. They are as follows:

Conservation/Recreation	CR
Agricultural	Ag
Rural Residential	R-R
Two Family	R-2
Multi-Family	R-3
Local Commercial	C-1
General Commercial	C-2
Professional and Business Office District	PBO
Light Industrial	I-1
Heavy Industrial	I-2
Mineral Aggregate	MG
Planned Unit Development	PUD
Floodplain and Floodway Overly District	F.F. & W.

10.2 Zoning District Map

The districts established in section 11.1, 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 Administrator and shall remain on file in the office of the clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the map and the description as found in the text of this resolution. The official zoning map shall be a reproducible document and copies shall be made available to the public upon request and upon payment of a fee, as established by resolution.

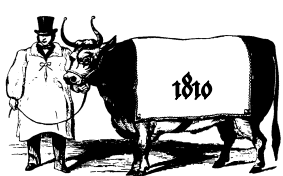
10.5 Interpretation of District Boundaries

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 centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines or highway right-of-way;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;

5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley or other public way is vacated by official Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

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



Article 11 General Provisions

Section

11.0	Statement of Purpose
11.1	Permitted Uses
11.2	Conditional Uses
11.3	Development Standards
11.4	Setback From Property Lines
11.5	Height Limitations
11.6	Required Parking
11.7	Signs
11.8	Site and Landscape Plan Review
11.9	Screening/Buffering

11.0 Statement of Purpose

The conservation/recreation district is designed to encourage the development of land for “open space” recreational activities or preserve natural resources; a secondary purpose is that of protecting the public health, safety, comfort and welfare and reducing financial burdens imposed on the community and its individuals by restricting the use of those areas in the township which may be subject to periodic flooding or which constitute water retention or recharge areas. The district is not intended to encourage retail commercial operations.

11.1 Permitted Uses

Land located in the conservation/recreation district shall be used for the following purposes only:

- a. Agriculture, including incidental agricultural structures.
 - b. Botanical gardens and arboretums.
 - c. Forest preserves, wildlife reservations and ecological sanctuaries.
 - d. Parks and playgrounds.
 - e. Zoological gardens.
 - f. Accessory uses and buildings, incidental to and on the same zoning lot as a principal use, as follows:
 1. Agricultural buildings and structures.
 2. Administration buildings or field houses.
-

11.2 Conditional Uses

The following conditional uses may be allowed, subject to Article 9:

- a. Cultural facilities, including: libraries, museums and similar cultural institutions.
- b. Educational facilities.
- c. Golf courses, tennis centers and similar open recreational activities.
- d. Municipal facilities.
- e. Nurseries, for the growing and sale of trees and shrubbery.
- f. Accessory uses and buildings, incidental to and on the same lot as a principal use.
- g. Recreational and social facilities.

11.3 Development Standards

No permitted or conditional use shall be allowed in this district which is not provided with at least two (2) acres of lot area and two hundred (200) feet of lot width.

11.4 Setback From Property Lines

No building or structure in the conservation/recreation district shall be located closer than fifty (50) feet from any property lines.

11.5 Height Limitations

No building or structure shall exceed thirty (30) feet in height.

11.6 Required Parking

As specified in Article 26.

11.7 Signs

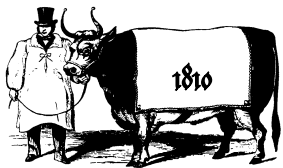
As specified in Article 27.

11.8 Site and Landscape Plan Review

For all uses permitted in the conservation/recreation district, a site plan shall be submitted in accordance with the provisions of Article 24, section 24.18.

11.9 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 24, section 24.17.



Article 12 Agricultural/Residential District (Ag/R)

Section

- 12.0 Statement of Purpose
 - 12.1 Principal Permitted Uses
 - 12.2 Conditionally Permitted Uses
 - 12.3 Development Standards
 - 12.4 Required Parking
 - 12.5 Signs
 - 12.6 Accessory Structures for Single Family Dwelling
-

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

12.1 Principal Permitted Uses

The following uses are principal permitted uses in the agricultural district:

1. Agriculture, horticulture and viticulture.
 2. Single family dwellings, both farm and non-farm related.
 3. Accessory uses and structures incidental to the above permitted uses, including but not limited to the following:
 - a. Roadside stands for the sale of agricultural products grown on the site, 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 set back at least forty (40) feet from the street 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.

12.2 Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a conditional use permit; pursuant to any conditions and requirements in Article 9.

1. The raising of fur-bearing animals, subject to the following conditions:
 - a. The commercial raising of fur-bearing animals, including mink, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a continuous parcel of five acres or more in area. 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 and the side property lines a minimum of one hundred (100) feet.
 - b. The commercial raising of domestic or laboratory animals, such as cats, dogs, mice, rats or other similar animals, shall be located on a parcel of property not less than five (5) acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.
2. Public stables and riding academies of at least ten (10) acres in size.
3. Cemeteries of at least twenty (20) acres in size.
4. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to the provisions of Article 9.
5. Temporary buildings for use incidental to construction work for a period not to exceed one year, subject to renewal.
6. Private parks, country clubs, gun clubs, golf courses and golf driving ranges.
7. Type A family day care home.
8. Publicly owned and operated libraries, parks and recreation facilities.
9. Churches.

10. Public, parochial or other private elementary, intermediate and vo-tech schools and/or high schools offering courses in general education on sites of not less than ten (10) acres.
11. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general technical or religious education, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
 - b. No building or other use of land except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as part of this site.
12. Bed and breakfast homestay.
13. Type B family day care home.
14. Private swimming pools, refer to section 25.10.
15. Home occupation, subject to Article 9.
16. Telecommunication towers pursuant to any conditions and requirements in article 9.

12.3 Development Standards

- a. Minimum Area: 1 acre
- b. Minimum Frontage: 150 feet
- c. Minimum Front Yard: 60 feet
- d. Minimum Side Yard: 10 foot minimum, total 30 feet
- e. Minimum Rear Yard: 60 feet
- f. Minimum Setback for Corner Lots: the required front yard setback
- g. Setback on Cul-de-sacs: refer to section 24.20
- h. Maximum Height: 35 feet
- i. Minimum Floor Area of Principal Dwelling: 1,200 square feet

12.4 Required Parking

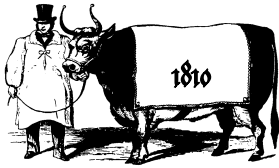
As specified in Article 26.

12.5 Signs

As specified in Article 27.

12.6 Accessory Structures for Single Family Dwelling

Refer to R-1.



Article 13 Rural Residential (R-1)

Section

13.0	Purpose
13.1	Principal Permitted Uses
13.2	Conditionally Permitted Uses
13.3	Development Standards
13.4	Required Parking
13.5	Signs
13.6	Accessory Structures

13.0 Purpose

The primary purpose of this district is to ensure harmony among new non-farm dwellings with rural surroundings. As the number of non-farm residents in an area grows, the more difficult it is to engage in typical farm practices and it becomes more arduous to protect the rural character associated with these areas. Therefore, the following reasons are given to support the purpose for which this zoning district is intended to accomplish:

1. This district shall permit a degree of non-farm housing without unduly contributing to uncontrolled residential expansion into rural areas.
2. The R-1 district will lessen the impacts of non-farm residences on the rural environment by reducing the possible mixture of farm and non-farm dwellings.
3. Because of the loss of prime agricultural land, non-farm development shall not advance upon such land.

13.1 Principal Permitted Uses

In the R-R 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. One family dwelling.
 2. Publicly owned and operated libraries, parks and recreation facilities.
 3. Type B and family day care home.
 4. Agriculture.
 5. Accessory uses customarily incidental to the above permitted uses.
 6. Raising of two (2) horses and livestock must be on at least five (5) acres.
-

13.2 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to any conditions and requirements in Article 9.

1. Cemeteries and other facilities incidental thereto.
2. Nursery schools and day care nurseries and child care centers, pursuant to any conditions and requirements in Article 9.
3. Churches and other facilities normally incidental thereto, pursuant to any conditions and requirements in Article 9.
4. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools.
5. Private recreational areas and institutional or community recreation centers, pursuant to any conditions and requirements in Article 9.
6. Golf courses, pursuant to any conditions and requirements in Article 9.
7. Type A family day care home, pursuant to any conditions and requirements in Article 9.
8. Bed and breakfast homestay, pursuant to any conditions and requirements in Article 9.
9. Home occupation, pursuant to any conditions and requirements in Article 9.
10. Telecommunication towers pursuant to any conditions and requirements in Article 9.

13.3 Development Standards

- a. Minimum Area: 1 acre
- b. Minimum Frontage: 150 feet
- c. Minimum Front Yard Setback: 60 feet
- d. Minimum Side Yard Setback: minimum 10 feet, total of 30 feet
- e. Minimum Rear Yard Setback: 50 feet
- f. Minimum Floor Area: 1,200 square feet
- g. Maximum Height: 35 feet
- h. Minimum Setback for Corner lots: the required front yard setback
- i. Setback on Cul-de-sacs: refer to section 25.21

13.4 Required Parking

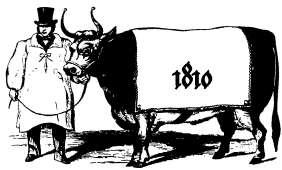
As specified in Article 26.

13.5 Signs

As specified in Article 27.

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 and its square footage shall be included in the maximum square footage for accessory structures.
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 provide that:
 - a. No detached accessory structure 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 or rear lot line.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
4. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
5. a) The total maximum allowable floor area for all accessory structures shall be two thousand (2,000) square feet.
Adopted August 7, 2003 Effective September 6, 2003
- b) Where the lot has a frontage of less than one hundred (100) feet and area of less than twenty thousand (20,000) square feet, the total maximum floor area for all accessory structures should be 35% of the required rear yard or eight hundred (800) square feet, whichever is greater to a maximum of two thousand (2,000) square feet.
Adopted August 7, 2003 Effective September 6, 2003
- c) The maximum allowable overhang shall be three (3) feet. When the overhang exceeds three (3) feet, the total area of the overhang shall be included in the square footage of the accessory structure and shall not exceed the maximum allowable two thousand (2,000) square feet for all accessory structures.
Adopted August 7, 2003 Effective September 6, 2003
6. The maximum number of accessory structures shall be two (2) with an attached garage and three (3) with a detached garage.
7. No accessory structure shall be used for human habitation.
8. No accessory structure shall be used for commercial or industrial purposes.
9. The maximum height of any accessory structure shall be twenty-one (21) feet.
10. Private swimming pools, refer to section 25.10.



Article 14 Two-Family Residential District (R-2)

Section

14.0	Purpose
14.1	Principal Permitted Uses
14.2	Conditionally Permitted Uses
14.3	Development Standards
14.4	Required Parking
14.5	Signs
14.6	Accessory Structures

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.

14.1 Principal Permitted Uses

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

1. All uses principally permitted in R-1, R-1A and R-1B districts, unless otherwise provided.
2. Two family dwellings.
3. Publicly owned and operated libraries, parks and recreation facilities.
4. Type B family day care home.
5. Accessory uses customarily incidental to the above permitted uses.

14.2 Conditionally Permitted Uses

1. Home occupation.
2. Telecommunication towers pursuant to any conditions and requirements in Article 9.

14.3 Development Standards

- a. Minimum Area: 60,000 square feet
- b. Minimum Frontage: 200 feet
- c. Minimum Front Yard: 60 feet
- d. Minimum Side Yard: 25 feet
- e. Minimum Rear Yard: 50 feet
- f. Minimum Setback for Corner Lots Side Yard: the required front yard setback
- g. Setback on Cul-de-sacs: Refer to section 23.19
- h. Maximum Height: 35 feet
- i. Minimum Floor Area of Principal Dwelling: 900 square feet

14.4 Required Parking

As specified in Article 26.

14.5 Signs

As specified in Article 27

14.6 Accessory Structure

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. No detached accessory structure 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 or rear lot line.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
4. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
5. a. The total maximum allowable floor area for all accessory structures shall be two thousand (2,000) square feet.

Adopted August 7, 2003

Effective September 6, 2003

- b. Where the lot has a frontage of less than one hundred (100) feet and an area of less than twenty thousand (20,000) square feet, the total maximum floor area for all accessory structures should be 35% of the required rear yard or eight hundred (800) square feet, whichever is greater to a maximum of two thousand (2,000) square feet.

Adopted August 7, 2003

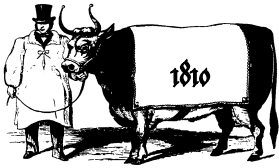
Effective September 6, 2003

- c. The maximum allowable overhang shall be three (3) feet. When the overhang exceeds three (3) feet, the total area of the overhang shall be included in the square footage of the accessory structure and shall not exceed the maximum allowable two thousand (2,000) square feet for all accessory structures.

Adopted August 7, 2003

Effective September 6, 2003

- 6. The maximum number of accessory structures shall be two (2) with an attached garage and three (3) with a detached garage.
- 7. No accessory structure shall be used for human habitation.
- 8. No accessory structure shall be used for commercial or industrial purposes.
- 9. The maximum height of any accessory structure shall be twenty-one (21) feet.
- 10. Private swimming pools, refer to section 25.10.



Article 15 Multi-Family Residential District (R-3)

Section

- 15.0 Statement of Purpose
 - 15.1 Principal Permitted Uses
 - 15.2 Site and Landscape Plan Review
 - 15.3 Screening
 - 15.4 Lot, Yard and Area and Building Requirements
 - 15.5 Required Parking
 - 15.6 Signs
 - 15.7 Accessory Structures
 - 15.8 Development Standards for Multi-Family Dwellings
-

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 must be adequately supported with necessary public utilities.

15.1 Principal Permitted Uses

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

1. Multiple family dwelling units, including apartments, townhouses and rowhouses.
2. Hospitals, provided the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one (1) property line abutting a regional major or secondary thoroughfare as shown in the Erie County Comprehensive Development Plan. All ingress and egress to the off-street parking for guests, employees and 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 residential district, the minimum distance between any hospital structure or accessory use in the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
 - d. The minimum distance from any street right-of-way line shall not be less than forty (40) feet.
 - e. The minimum distance from any non-residential interior lot line shall not be less than twenty-five (25) feet.
 - f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of chapter 19, "General Provisions."
3. Housing for the elderly shall be on a site of more than five (5) acres and may provide the following:
- a. Cottage-type dwellings and/or apartment type dwelling units.
 - b. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops.
 - c. All dwellings shall consist of at least three hundred 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 35% of the total site exclusive of any dedicated public right-of-way.
4. Convalescent and/or nursing home, 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 one (1) 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. 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 R-3 district, a site plan shall be submitted in accordance with the provisions of Article 24, section 24.18.

15.3 Screening

Screening or buffering in compliance with the provisions of Article 24, section 24.17.

15.4 Lot, Yard and Area and Building Requirements

- a. Minimum Lot Area: 1 acre
- b. Minimum Lot Frontage: 150 feet
- c. Minimum Front Yard Setback: 60 feet
- d. Minimum Side Yard: 15 feet minimum
- e. Rear Yard: 40 feet
- f. Minimum Net Density: 6 units/acre
- g. Maximum Height: 40 feet

15.5 Required Parking:

As specified in Article 26.

15.6 Signs

As specified in Article 27.

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 ten (10) feet shall be maintained.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet to any street line.

3. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
4. a) The total maximum allowable floor area for all accessory structures shall be two thousand (2,000) square feet.
Adopted August 7, 2003 Effective September 6, 2003
- b) Where the lot has a frontage of less than one hundred (100) feet and an area of less than twenty thousand (20,000) square feet, the total maximum floor area for all accessory structures should be 35% of the required rear yard or eight hundred (800) square feet, whichever is greater to a maximum of two thousand (2,000) square feet.
Adopted August 7, 2003 Effective September 6, 2003
- c) The maximum allowable overhang shall be three (3) feet. When the overhang exceeds three (3) feet, the total maximum floor area of all accessory structures shall be 35% of the required rear yard or eight hundred (800) square feet, whichever is greater to a maximum of two thousand (2,000) square feet.
Adopted August 7, 2003 Effective September 6, 2003
5. The maximum number of accessory structures shall be two (2) with an attached garage and three (3) with a detached garage.
6. No accessory structure shall be used for human habitation.
7. No accessory structure shall be used for commercial or industrial purposes.
8. The maximum height of any accessory structure shall be twenty-one (21) feet.
9. Private swimming pools, refer to section 25.10

15.8 Development Standards for Multi-Family Dwellings

Purpose

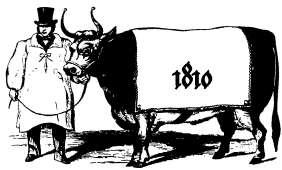
The special provisions set forth herein are intended to provide design criteria for multi-family dwellings. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by Zoning Commission review of the site plan.

Design Criteria, General

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.

Design Criteria, Detailed

- 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 detailed 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 Zoning Board of Appeals 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 assure the availability of adequate fire protection. The fire department shall adjudge the adequacy of protection.



Article 16 Local Commercial District (C-1)

Section

16.0	Statement of Purpose
16.1	Principal Permitted Uses
16.2	Required Conditions
16.3	Conditionally Permitted Uses
16.4	Site and Landscape Plan Review
16.5	Screening/Buffering
16.6	Development Standards
16.7	Required Parking
16.8	Signs
16.9	Accessory Structures

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.

16.1 Principal Permitted Uses

1. Shops for the sale of baked goods, beverages, including liquor outlets (not to be consumed on the premises), books, confections, drugs, flowers, foodstuffs, including meats, gifts, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry, small household articles and tobacco except that shopping centers shall comply with provisions in section 11.04.
 2. Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
 3. Laundry or dry cleaning customer outlets, coin-operated laundromat and self-serve dry cleaning center. Dry cleaning or laundry plants serving more than one (1) customer service outlet shall be prohibited.
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4. Professional offices of doctors, lawyers, dentists, chiropractors and similar professions.
5. Accessory buildings and uses customarily incidental to the above principal permitted uses.

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 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 use shall be permitted by the Township Board of Zoning Appeals, pursuant to any conditions and requirements in Article 9.

1. Planning Shopping Center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria; a site of three (3) to five (5) acres; six (6) to fifteen (15) stores; with a floor area of ten thousand (10,000) to fifty thousand (50,000) square feet; and which further satisfies the following development standards.
 - a. A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - b. No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - c. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - d. All signs shall be affixed to the face of the building and shall be of a uniform design throughout except for one (1) ground pole sign advertising the name of the shopping center.
 - e. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - f. Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
 - g. The maximum grade of off-street parking shall be three (3) percent.
 - h. A site plan must be submitted subject to provisions of Article 26.

2. Child day care center.
3. Residential use in conjunction with commercial use.
4. Telecommunication towers pursuant to any conditions and requirements in Article 9.

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 Board of Zoning Appeals for its review and recommendations. The Zoning Appeals Board, in its review of the site plan, shall have regard to the provisions of this resolution. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening landscaping techniques to ameliorate potential nuisance problems with adjoining districts of uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 24, section 24.18.

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. Screening or buffering must also be in compliance with the provisions of Article 24.17.

16.6 Development Standards

- a. Minimum Area: 1 acre
- b. Minimum Frontage: 150 feet
- c. Minimum Front Yard: 60 feet
- d. Minimum Side Yard: 10 feet minimum, total 30 feet
- e. Minimum Rear Yard: 35 feet
- f. Minimum Setback for Corner Lots Side Yard: the required front yard setback
- g. Maximum Height: 35 feet
- h. Maximum Coverage: 40%

16.7 Required Parking

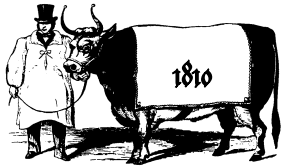
As specified in Article 26.

16.8 Signs

As specified in Article 27.

16.9 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. There shall be a minimum of thirty (30) feet between accessory structure and the main structure.



Article 17 General Commercial District (C-2)

Section

17.0	Statement of Purpose
17.1	Principal Permitted Uses
17.2	Conditionally Permitted Uses
17.3	Development Standards
17.4	Site and Landscape Plan Review
17.5	Screening/Buffering
17.6	Required Parking
17.7	Signs
17.8	Accessory Structures

17.0 Statement of Purpose

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

1. They are large users.
2. Their customers do not make frequent purchases.
3. They combine retail, wholesale, service and repair in various ways.
4. Their market area 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.

17.1 Principal Permitted Uses

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

1. All principal uses permitted in the C-1 district except that shopping centers shall be subject to the regulations of Article 17.
 2. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.
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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 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 schools operated for profit.
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. Hotels and motels.
20. Golf courses, subject to Article 9.
21. Accessory structures and uses customarily incidental to the above permitted uses.

17.2 Conditionally Permitted Uses

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

1. Automobile service stations and repair garages.
2. Automotive dealership.
3. Recreation vehicle sales and service, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment peculiar to the above, motor vehicle sales and service; and farm implements sales and service.
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 streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A completely obscuring wall at least six (6) feet high shall be provided when abutting or adjacent to any residential district.
5. Open air commercial amusements provided that such uses would not have an adverse effect on surrounding properties and that they be appropriately screened from adjacent properties so as to reduce potential noise, glare and vehicular and pedestrian traffic congestion.
 6. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all abutting or adjacent property is non-residentially zoned.
 7. Travel trailer parks and accessory structures and uses customarily incidental to the park, pursuant to any conditions and requirements in Article 9.
 8. Bowling alley, billiard hall, indoor archery range, or indoor skating rink, 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.
 9. Fireworks, pursuant to any conditions and requirements in Article 9.
 10. Mini-storage buildings, pursuant to any conditions and requirements in Article 9.
 11. 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 exceeding ten acres; at least twenty stores and a floor area of at least fifty thousand (50,000) square feet.
 - a. A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - b. No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary and public street except that such buildings may be situated within twenty (20) feet of a non-residential district boundary.
 - c. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.

- d. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - e. Internal landscaping shall be provided in parking lots containing twenty-five spaces or more.
 - f. The maximum grade of off-street parking shall be three (3) percent.
 - g. A site plan shall be submitted subject to the provisions of section 12.8.
12. Telecommunication towers pursuant to any conditions and requirements in Article 9.

17.3 Development Standards

- a. Minimum Area: 1 acre
- b. Minimum Frontage: 150 feet
- c. Minimum Front Yard: 60 feet
- d. Minimum Rear Yard: 35 feet
- e. Minimum Side Yard: 10 feet
- f. Maximum Height: 70 feet (buildings above two stories or forty (40) feet shall have sprinkler systems in accordance with the state building code.
- g. Minimum Setback for Corner Lots Side Yard: the required front yard setback

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 Board of Appeals for its review and recommendations. The Zoning Commission in its review of the site plan, shall have regard to the provisions of this resolution. The board may require certain modifications in terms of the location of buildings, parking and driveways 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 24, section 24.18.

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 screening. Screening, as provided herein, shall not be less than six (6) feet in height and shall be permanently maintained. A minimum of a one hundred (100) foot buffer shall be provided adjacent to residential districts. Screening or buffering must also be in compliance with the provisions of Article 24, Section 24.17.

17.6 Required Parking

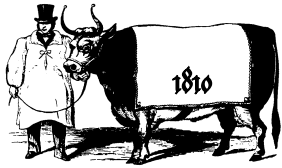
As specified in Article 26.

17.7 Signs

As specified in Article 27.

17.8 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. There shall be a minimum of thirty (30) feet between accessory structure and the main structure.



Article 18 Professional and Business Office District (P.B.O.)

Section

18.0	Statement of Purpose
18.1	Principal Permitted Uses
18.2	Required Conditions
18.3	Site and Landscape Plan Review
18.4	Screening/Buffering
18.5	Development Standards
18.6	Required Parking
18.7	Signs
18.8	Accessory Structures

18.0 Statement of Purpose

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

18.1 Principal Permitted Uses

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

1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, subject to the limitations contained in section 18.2, Required Conditions.
2. Medical offices, including clinics.
3. Other uses similar to the above uses, as determined by the Zoning Board of Appeals.

18.2 Required Conditions

No interior display shall be visible from the exterior of the building and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the useable floor area of either the first or second story or in the basement. The outdoor storage of goods or materials shall be prohibited. Warehousing or indoor storage of goods or material beyond that normally incidental to the above permitted uses, shall be prohibited.

18.3 Site and Landscape Plan Review

For all uses permitted in the P.B.O. district, a site plan shall be submitted to the Township Board of Appeals for its review and recommendations. The Zoning Board of Appeals in its review of the site plan, shall have regard to the provisions of this resolution. The board may require certain modifications in terms of the location of building, parking 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 24, section 24.18.

18.4 Screening/Buffering

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

18.5 Development Standards

- a. Minimum Frontage: 100 feet
- b. Minimum Front Yard: 60 feet
- c. Minimum Side Yard: 10 feet
- d. Minimum Rear Yard: 25 feet
- e. Minimum Setback for Corner Lots Side Yard: one-half (1/2) of the required front yard setback
- f. Maximum Height: 50 feet

18.6 Required Parking

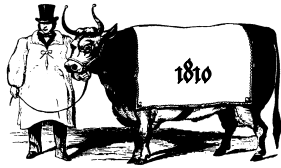
As specified in Article 26.

18.7 Signs

As specified in Article 27.

18.8 Accessory Structures

1. No accessory structures 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. There shall be a minimum of thirty (30) feet between accessory structure and the main structure.



Article 19 Light Industrial (L-1)

Section

19.0	Statement of Purpose
19.1	Principal Permitted Uses
19.2	Site and Landscape Plan Review
19.3	Screening/Buffering
19.4	Development Standards
19.5	Required Parking
19.6	Signs
19.7	Accessory Structures
19.8	Industrial Performance Standards
19.9	Prohibition of Outside Storage and Land Use

19.0 Statement of Purpose

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

19.1 Principal Permitted Uses

1. Light and medium industrial uses including manufacturing, processing, automobile and truck assembly and manufacturing.
 2. Metal stamping.
 3. Processing of semi-manufactured products.
 4. Warehousing.
 5. Wholesale distribution centers.
 6. Professional or industrially oriented offices.
 7. Data processing centers.
 8. Research and development facilities.
 9. Building supply yards.
 10. Truck and machinery rental, sales and servicing.
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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 dealership.

19.2 Site and Landscape Plan Review

For all uses permitted in the I-2 district, a site plan shall be submitted to the Township Zoning Board of Appeals for its review and recommendations. The Board of Appeals in its review of the site plan, shall have regard to the provisions of section 24.18. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 24, section 24.18.

19.3 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 24. A minimum of one hundred fifty (150) foot buffer shall be provided adjacent to residential districts.

19.4 Development Standards

- a. Minimum Width: 150 feet
- b. Minimum Area: 1 acre
- c. Minimum Front Yard: 60 feet
- d. Minimum Rear Yard: 50 feet
- e. Minimum Side Yard: 20 feet
- f. Minimum Setback on Corner Lots Side Yard: 60 feet
- g. Maximum Height: 40 feet. No principal building, accessory structure or parking areas, loading or maneuvering areas shall be located less than one hundred (100) feet from the boundary of any residential zone.

19.5 Required Parking

As specified in Article 26.

19.6 Signs

As specified in Article 27.

19.7 Accessory Structures

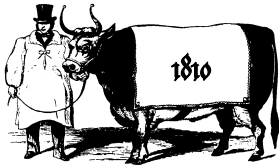
1. No accessory structure shall be used for human habitation.
2. No accessory structure shall be located between the street line and any setback line established by this resolution.
3. No accessory structure shall be located in any side yard required by this resolution.
4. No accessory structure shall 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. Minimum of thirty (30) feet between accessory structure or the main structure.

19.8 Industrial Performance Standards

1. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.
2. Odor: The emission of obnoxious odors of any kind shall not be permitted.
3. 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.
4. 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 and fifty (150) feet from all property lines and shall be completely surrounded by earth 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.

19.9 Prohibition of Outside 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 not to exceed ten (10) percent of the lot may be used for the purpose of storing manufacturing 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 20 Heavy Industrial (I-2)

Section

20.0	Statement of Purpose
20.1	Principal Permitted Uses
20.2	Site and Landscape Plan Review
20.3	Screening/Buffering
20.4	Development Standards
20.5	Required Parking
20.6	Signs
20.7	Accessory Buildings
20.8	Industrial Performance Standards

20.0 Statement of Purpose

The I-2 district is to permit certain industrial uses to locate in desirable areas of the township, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad and needing special sites or public utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the township.

20.1 Principal Permitted Uses

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

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.

20.2 Site and Landscape Plan Review

For all uses permitted in the I-2 district, a site plan shall be submitted to the Township Zoning Board of Appeals for its review and recommendations. The Zoning Board of Appeals in its review of the site plan, shall have regard to the provisions of section 24.18. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system.

20.3 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 24. A minimum of two hundred (200) foot buffer shall be provided adjacent to residential districts.

20.4 Development Standards

- a. Minimum Lot Area: 3 acres
- b. Minimum Lot Width: 200 feet
- c. Minimum Front Yard: 80 feet
- d. Minimum Rear Yard: 50 feet
- e. Minimum Side Yard: 30 feet
- f. Maximum Height: 50 feet

20.5 Required Parking

As specified in Article 26.

20.6 Signs

As specified in Article 27.

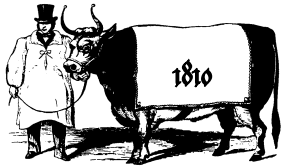
20.7 Accessory Buildings

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 by-law.
3. No accessory building shall be located in any side yard required by this resolution.
4. No accessory building shall be located within two (2) feet of any lot line, except that two adjoining property owners may erect accessory buildings with a common party wall.

5. No accessory building shall cover more than ten (10) percent of the lot area.

20.8 Industrial Performance Standards

1. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.
2. Odor: The emission of obnoxious odors of any kind shall not be permitted.
3. 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.
4. 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 and fifty (150) feet from all property lines and shall be completely surrounded by earth 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.
5. Open 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 eight (8) foot 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 21 Mineral Aggregate District (MG)

Section

21.0	Statement of Purpose
21.1	Principal Permitted Uses
21.2	Conditionally Permitted Uses
21.3	Performance Standards
21.4	Amendments to the Resolution
21.5	Site and Landscape Plan Review
21.6	Screening/Buffering
21.7	Development Standards
21.8	Required Parking
21.9	Signs
21.10	Accessory Buildings

21.0 Statement of Purpose

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

The mineral aggregate district and regulations are established in order to achieve, among others, the following purposes:

1. To provide quarrying district in appropriate areas for the removal of natural resources; and
 2. To protect adjacent residential areas by establishing yards and buffer areas at the boundaries; and
 3. To regulate the noise, vibration, dust, explosions and other objectionable influences so as not to endanger the health and safety of the surrounding neighborhoods. For the purposes of this resolution, the following definitions apply:
 - a. Mineral aggregate shall mean top soil, subsoil, sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals; and
-

- b. Borrow pits refer to extraction areas used to supply mineral aggregates on a temporary basis for uses in public projects and operated by public authorities or their agents.

21.1 Principal Permitted Uses

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

21.2 Conditionally Permitted Uses

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

1. Asphalt plants, ready mix concrete plants, aggregate transfer stations and similar related uses subject to the following:
 - a. Such aggregate uses shall be adequately buffered to protect adjacent land uses and shall meet the industrial pollution control standards and any other standards of the authorities having jurisdiction.
 - b. Production of the principal product or operation of accessory plants shall not be permitted less than three hundred and fifty (350) feet from a residential district.
2. Telecommunications towers pursuant to any conditions and requirements in Article 9.

21.3 Performance Standards

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

1. Noise
 - a. All blasting and quarrying operations (except loading) shall be limited between the hours of 6 o'clock a.m. and 8 o'clock p.m., except in emergencies.

2. Air Pollution

- a. Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation and throughout the mining site. The Zoning Inspector may require additional control measures during periods of high wind or very dry weather.

3. Visual Impact

- a. Ten (10) foot high screens shall be established to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Inspector. Screens formed of over-burden or topsoil saved for future reclamation may be placed in the setback area provided appropriate vegetative cover is established.

4. Transportation

- a. Points of ingress and egress associated with extraction and/or processing sites shall be located as approved by the County Engineer of the Ohio Department of Transportation, as appropriate.
- b. The applicant shall include, with his submittal, a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.

5. Surface Water

- a. The hydrographs and quality of water leaving the site of an extraction activity meet the Ohio EPA standards.
- b. During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operations. Upon completion of mining, ponds shall be left in such condition as to avoid their constituting a hazard to adjoining lands.

6. Groundwater

- a. During mining and reclamation, contamination of underground water supplies shall be prevented. Backfilling or grading of any nature up to a level of ten (10) feet above the water level shall be accomplished with materials approved by the Zoning Inspector and the Ohio Environmental Protection Agency. Materials contaminating to groundwater shall not be used for filling or grading at any time. Upon completion of reclamation, any

lake or pond located within the site boundaries shall be of quality equal to that existing for groundwater on adjacent property.

- b. The storage of fuels and chemicals and equipment service facilities required by uses permitted in section 21.1 shall be located where they are least likely to contaminate groundwater as determined by the Zoning Inspector.

7. Vibration and Blasting

- a. The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.
- b. Blasting shall be done in accordance with the applicable laws of the state of Ohio and shall be and competent in the sizing and placing of the explosive to be used for blasting.
- c. When the blasting area is within one thousand (1,000) feet to an existing residential structure the maximum hours of blasting operation shall be sunrise to sunset.

8. Slope Stability

- a. The sides of excavation sties shall be set back a minimum of fifty (50) feet from the property line with a sufficient slope of excavation to insure the lateral support of surrounding property with the following provisions:
 - 1. The reclaimed sides of excavation sites shall be set back a minimum of fifty (50) feet from the right-of-way of all public streets or roads.
 - 2. Final slopes shall be graded, contoured or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation. High walls will be permitted if they are compatible with the future uses specified in the site plan and measures taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, banks and slopes shall be established that will assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, measures to insure public safety shall be included and one egress provided.

9. Soil Erosion Sedimentation Control

- a. The area of land affected shall be resoiled, wherever needed with topsoil or suitable subsoil

A diverse vegetative cover of grass and legumes or trees, grasses and legumes capable of self-regeneration and plant succession wherever required by the site plan shall be established.

10. Other Requirements

- a. Government boundary, section corner and other government survey monuments that were removed by the operator as a result of the mining shall be replaced where practical.
- b. Mining and reclamation shall be carried out in the sequence and manner set forth in the site plan and reclamation measures shall be performed in a timely manner. All reclamation of an area of land affected shall be completed no later than three years following the active mining of such area, unless a showing satisfactory to the Zoning Board of Appeals is made that the future use of such area requires a longer period for completing reclamation.
- c. During mining, store topsoil or fill in quantities sufficient to complete the backfilling, grading, contouring, terracing and resoiling that is specified in the plan. Stabilize the slopes of an plant each spoil bank to control soil erosion and sedimentation wherever substantial damage to adjoining property might occur.

21.4 Amendments to the Resolution

1. In considering applications to amend this resolution to designate an area as mineral aggregate extraction, consideration shall be given to the following:
 - a. The impact on adjacent land uses and residents;
 - b. The impact on the physical environment;
 - c. The capabilities of the subject lands for agriculture and other land uses;
 - d. The impact on the transportation system;
 - e. The need for additional mineral aggregates;
 - f. The possible effect on the water table or surface drainage pattern;
 - g. The manner in which the operation will be carried out;
 - h. The nature of reclamation work that is proposed;
 - i. Such other matters as the township deems necessary.
2. Applications to amend this resolution in order to designate an area as mineral aggregate extraction shall be accompanied by the following information:
 - a. The location, true shape, topography, contours, dimensions, area and description of the lands proposed as a new area of mineral aggregate extraction or the area proposed for expansion of an existing area of aggregate extraction;
 - b. The use of all land and the location and use of all buildings and structures lying within a distance of five hundred (500) feet of any of the boundaries of the lands set aside for the purposes of the operation;
 - c. The pattern, quality and estimated quantity of the mineral aggregate resources within the property;

- d. The location, height, dimensions and use of all existing or proposed buildings or structures;
- e. Existing and anticipated final grades of excavation, contours where necessary and excavation setbacks;
- f. Engineering plans showing the proposed drainage system;
- g. Proposed entrances, exits and routes to be used by gravel trucks;
- h. To the extent possible plans showing the ultimate area of aggregate extraction, progressive and ultimate road plan, any water diversion or storage and products, tree screening and berming, progressive and ultimate rehabilitation and where possible, intended use and ownership of the land after aggregate extraction has ceased;
- i. The extent of adjacent property holdings intended for future mineral aggregate extraction;
- j. Additional information such as hydrology, wildlife, vegetation or soil studies which may be required due to special concerns related to a specific site; and
- k. Any other information as deemed necessary by the township.

21.5 Site and Landscape Plan Review

For all uses permitted in the MG district, a site plan shall be submitted to the Township Zoning Board of Appeals for its review and recommendations. The Board of Appeals in its review of the site plan, shall have regard to the provisions of section 21.5. The board may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. The information as required by section 21.3 (2) must be submitted with the site plan. A site plan must be submitted in accordance with the provisions of Article 24.

21.6 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 24.

21.7 Development Standards

- 1. Every main or accessory building shall be set back at least seventy-five (75) feet from a public road.
- 2. Production of principal product or operation of accessory plants, shall not be permitted less than three hundred fifty (350) feet from a residential district.

21.8 Required Parking

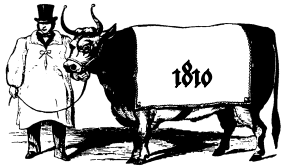
As specified in Article 26.

21.9 Signs

As specified in Article 27.

21.10 Accessory Buildings

1. No accessory building shall be located between the street line and any setback line established by this by-law.
2. No accessory building shall be located in any side yard required by this resolution.
3. No accessory building shall be located within two (2) feet of any lot line, except that two (2) adjoining property owners may erect accessory buildings with a common party wall.
4. No accessory building shall cover more than ten (10) percent of the lot area.



Article 22 Planned Unit Development Regulations

Section

- 22.1 Planned Unit Development Regulations
 - 22.2 Statement of Purpose
 - 22.3 Definition
 - 22.4 Interpretation
 - 22.5 PUD District Designation
 - 22.6 Uses Permitted in a PUD District
 - 22.7 Disposition of Open Space
 - 22.8 Utility Requirements
 - 22.9 Special PUD Lot Requirements
 - 22.10 Arrangement of Commercial/Manufacturing Uses
 - 22.11 Procedures for Approval of Planned Unit Development Districts
 - 22.12 Pre-Application Meeting
 - 22.13 Preliminary Development Plan Application Requirements
 - 22.14 Erie Regional Planning Commission
 - 22.15 Township Zoning Commission Public Hearing
 - 22.16 Notice of Public Hearing
 - 22.17 Public Access to Proposed PUD Documents
 - 22.18 Approval in Principle of Preliminary Development Plan
 - 22.19 Submission of Final Development Plan
 - 22.20 Final Development Plan Application Contents
 - 22.21 Public Hearing by Commission
 - 22.22 Recommendation by Commission
 - 22.23 Criteria for Commission Recommendation
 - 22.24 Public Hearing by Township Trustees
 - 22.25 Notice of Public Hearing by Township Trustees
 - 22.26 Action by Township Trustees
 - 22.27 Supplementary Conditions and Safeguards
 - 22.28 Expiration and Extension of Approval Period
 - 22.29 Changes in the Planned Unit Development
 - 22.30 Development Policies
 - 22.31 Site Design
 - 22.32 Placement of Structures
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22.1 Planned Unit Development Regulations

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

22.2 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 developments. It is the intent of these regulations to provide maximum opportunity for orderly developments which will benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities and transportation needs.

22.3 Definition

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

22.4 Interpretation

Whenever the requirements of Article 22 appear to be in conflict with other sections of this resolution or with those of other existing resolutions, the provisions of these sections shall prevail.

22.5 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.

22.6 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 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 commission and approved by the Township Trustees.

22.7 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 to 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 useable as a trail or similar purpose and has been approved by the commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development.

The Township Zoning Commission in conjunction with the Township Trustees may require land to the amount of three (3) percent 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 \$100.00 per unit in the PUD 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.

22.8 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 exempted from this requirement if the commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

22.9 Special PUD Lot Requirements

The lot requirements for planned unit development approved by the commission may vary from requirements of the districts included in the Zoning Resolution.

22.10 Arrangement of Commercial/Manufacturing Uses

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

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

22.11 Procedures for Approval of Planned Unit Development Districts

Planned unit development districts shall be approved in accordance with the procedure in section 22.11 to 22.32. The designation of major PUD will be considered a change of zoning and must meet all the applicable provisions of the Zoning Resolution.

22.12 Pre-Application Meeting

The developer shall meet with the 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.

22.13 Preliminary Development Plan Application Requirements

An application for preliminary planned unit development approval shall be filed with the 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. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address and phone number of applicant;
2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;

3. Legal description of property;
4. Present use(s);
5. Present and proposed zoning district;
6. Identification of any area within a floodplain;
7. A vicinity map at a scale approved by the Zoning Administrator showing the property lines, streets, existing and the proposed zoning and such other items as the Zoning Administrator may require;
8. A preliminary development plan at a scale of 1"=200' showing topography at then (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 (2) years;
11. A fee as established by resolution;
12. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
13. Verification by at least one (1) owner of property that all information in the application is true and correct to the best of his/her knowledge.

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

22.14 Erie Regional Planning Commission

The application for preliminary PUD approval shall be forwarded to the Erie Regional Planning Commission for review and recommendation within five (5) days of the filing of the application. The Erie Regional Planning Commission shall review the planned unit development and forward a written recommendation to the Township Zoning Commission to be available for their public hearing.

22.15 Township Zoning Commission Public Hearing

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

22.16 Notice of Public Hearing

Before holding the public hearing, notice of such commission hearing shall be given in one or more newspapers of general circulation at least fifteen days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned unit development and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Township Trustees for further determination. Also before holding the public hearing, written notice of such hearing shall be sent by the Zoning Commission by first class mail, at least fifteen days before the hearing, to all owners of property within five hundred (500) feet of the property in question and to such others as the commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspapers.

22.17 Public Access to Proposed PUD Documents

For a period of at least fifteen (15) days prior to the public hearing by the commission, all papers relating to the planned unit development shall be available for public inspection in the office of the Zoning Inspector and the Erie Regional Planning Commission.

22.18 Approval in Principle of Preliminary Development Plan

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

22.19 Submission of Final Development Plan

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Inspector. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purposes of this resolution, the submission of the final development plan is a formal request for a zoning permit for the property in question. Ten (10) copies of the final development plan shall be submitted to the 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.

22.20 Final Development Plan Application Contents

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

1. A survey of the proposed development site, showing the dimensions and bearings of 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; nonresidential 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 nonresidential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements, whenever the applicant proposes any exception from standard zoning 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 improvements; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to county standards and approved by the County Engineer, the County Sanitary Engineer and the Township Trustees.
5. Site plan showing building(s), various functional use areas, circulation and their relationship.
6. Preliminary building plans.
7. Landscaping plans.

8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
9. A fee as established by this resolution.

22.21 Public Hearing by Commission

Within thirty (30) days after submission of the final development plan, the commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in section 22.25.

22.22 Recommendation by Commission

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

22.23 Criteria for Commission Recommendation

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

1. The proposed development can be initiated within two (2) years of the date of approval.
2. The streets proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the 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. 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 create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
11. 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 Zoning Commission may require studies such as a traffic study to be provided to ensure that the concerns noted above can be addressed.
12. The PUD will encourage development as close as possible to existing settlements to keep the cost of providing service down.
13. The PUD will provide adequate access for emergency vehicles and for those persons providing emergency services.
14. The PUD will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.
15. 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 a new development and to ensure that the new development is adequately served by the transportation network.
16. The PUD will be consistent with the intent and purposes of this resolution.

22.24 Public Hearing by Township Trustees

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

22.25 Notice of Public Hearing by Township Trustees

Before holding its public hearing, notice of such hearing shall be given by at least one (1) publication in one (1) or more newspapers of general circulation at least ten (10) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the planned unit development and a statement that all papers relating to the planned unit development are on file with the clerk and open for public inspection.

Also, written notice of the hearing on the planned unit development shall be mailed by the clerk by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within five hundred (500) feet of the proposed

planned unit development and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

22.26 Action by Township Trustees

After the public hearing, the trustees shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the trustees shall direct the Zoning 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.

In the event that the Township Trustees deny or substantially modify the final development plan as recommended by the commission, any resulting final development plan for said planned unit development shall not be effective unless approved unanimously by the trustees.

22.27 Supplementary Conditions and Safeguards

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

22.28 Expiration and Extension of Approval Period

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

22.29 Changes in the Planned Unit Development

A planned unit development shall be developed only according to the approved and recorded final plan and all supporting 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 use 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 but not limited to, increases in the density, changes in location and types of non-residential land uses, increases in the height of buildings, reductions of proposed open space, more than a fifteen (15) percent 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 Zoning Commission 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 change not defined as a major change.

22.30 Development Policies

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

- d. **Views:** Buildings shall not be of such height so as to block, destroy or degrade the scenic values as seen from other private places that exist or are likely to exist in the future.
- e. **Light and Air:** Buildings shall not be of such heights so as to deny light and air to surrounding properties.

22.31 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 and aesthetically pleasing manner. The arrangement of all functions, uses and improvements should reflect the natural capabilities and limitations of the site as well as the characteristics 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 by integrated by design to the degree of their compatibility and separated to the degree of their compatibility.
- 2. **Privacy:** It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.
- 3. **Aesthetics:** It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally. The degree of existing character of the site and the basic nature of the proposed uses.
- 4. **Vistas:** It is encouraged that the site be developed in such a way so as to preserve or enhance vistas, particularly those seen from public places.

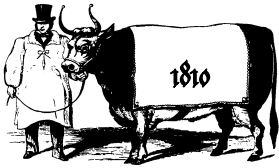
22.32 Placement of Structures

- 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 centerline grade. The clear vision areas shall be, but not be limited to, 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 (2) ends.

- b. Intersection of two public rights-of-way: A triangle having two (2) sides thirty (30) feet long and running along each public right-of-way, said length, beginning at their intersection and the third side formed by a line connecting the two (2) sides.

2. Placement of Structures

- a. **Adverse Effects.** No structure shall be placed in such a way so as to adversely affect adjacent ownerships. Adverse effects shall include, but not be limited to the removal of lateral support, the creation of hazard, nuisance, danger or inconvenience, unreasonable loss of light and air, or loss of privacy.
- 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.



Article 23 Floodplain, Floodway and Wetland District (F.F. & W.)

Section

- 23.0 Statement of Purpose
 - 23.1 Boundaries Further Defined
 - 23.2 Artificial Obstructions Within Floodplain
 - 23.3 Permissible Uses Within Floodways
 - 23.4 Limitations on Uses Within Floodways and Floodplains
 - 23.5 Site and Landscaping Plan Review
 - 23.6 Reference to Flood Plain Permit
 - 23.7 Wetlands
 - 23.8 Permits Required
 - 23.9 Wetland Zone Mapping
-

23.0 Statement of Purpose

The floodplain, floodway and wetland 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.

23.1 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 district only if and to the extent such use is also permitted in this district. The floodplain and floodway districts are hereby established as shown in Appendix A to the 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 (5) times the width of the stream at the top of the bank or twenty (20) feet on each side, whichever is greater.

23.2 Artificial Obstructions Within Floodplain

1. No artificial obstruction may be located within any floodway, except as provided in section 20.25 and with issuance of a floodplain permit for 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.

23.3 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 list:

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, parking areas, rotary aircraft ports and other similar ground level area uses.
3. Lawns, gardens, play areas and other similar uses.
4. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.

23.4 Limitations on Uses Within Floodways and 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 utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, 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 relocated in such parks only if they comply with the provisions of subsection 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 flotation.
 - 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, ½ inch bolts six (6) 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 flood-proofed to or above the base flood level. Where flood-proofing 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 (50) percent of the market value of the structure either:

- (i) Before the improvement or repair is started; or
- (ii) 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:

- (i) 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
 - (ii) 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 flotation 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 the portion of the floodplain outside of the floodway, unless the following criteria are met:
- a) Ground anchors for tie downs are provided.
 - b) The following tie down requirements are met:
 - (i) Over the top ties are required at each of the four (4) corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than fifty (50) feet long. Two (2) additional ties per side are required for mobile homes more than fifty (50) 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 four thousand eight hundred (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 no more than ten (10) feet apart and if the support height is greater than seventy-two (72) 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 results of such action.

23.5 Site and Landscaping Plan Review

For all development in the floodplain, floodway and wetland overlay district, a site plan shall be submitted to the Township Zoning Commission for its review and recommendations. The Zoning Commission, in its review of the site plan, shall have regard to the provisions of Article 24.

23.6 Reference to Flood Plain Permit

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

23.7 Wetlands

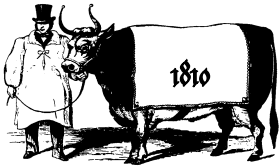
Wetlands are areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support and under normal circumstances support a prevalence of vegetation adapted in life in saturated soil conditions. Size is not a limitation. Areas smaller than an acre are regulated by the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

23.8 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.

23.9 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.



Article 24 Supplementary District Regulations

Section

- 24.0 General
- 24.1 Conversions of Dwellings to More Than One Unit
- 24.2 Principal Building Per Lot
- 24.3 Reduction of Area or Space
- 24.4 Prohibited Uses for Mobile Homes
- 24.5 Required Refuse Collection Areas
- 24.6 Junk
- 24.7 Supplemental Yard and Height Regulations
- 24.8 Setback Requirements for Buildings on Corner Lots
- 24.9 Fences, Walls and Other Protective Barriers
- 24.10 Yard Requirements for Multi-Family Dwellings
- 24.11 Exceptions to Height Regulations
- 24.12 Architectural Projections
- 24.13 Visibility at Intersections
- 24.14 Objectionable, Noxious or Dangerous Uses, Practices or Conditions
- 24.15 Enforcement Provisions
- 24.16 Temporary Uses
- 24.17 Screening/Buffering
- 24.18 Site Plan Review
- 24.19 Setback on Cul-de-sacs
- 24.20 Access
- 24.21 Access to Public Roads
- 24.22 Storm Water Regulation
- 24.23 Front Yard Setback Requirements in Areas Developed Prior

24.0 General

The purpose of supplementary district regulations is 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.

24.1 Conversions of Dwelling to More Than One Unit

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

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

24.2 Principal Building Per Lot

- a. No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this resolution. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Article 6 of this resolution.
- b. A permit for a temporary housing structure may be issued for placement of a housing structure on a lot for a period of not more than six (6) months with one (1) extension not to exceed an additional six (6) months allowed. This permit shall be issued by the Zoning Inspector, upon a showing by the owner of the lot that circumstances not under the owners' control have caused the principal dwelling to become uninhabitable.

24.3 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 Board of Zoning Appeals in the granting of variances under this resolution.

24.4 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 construction company for the use of a trailer as a field office.

24.5 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.

24.6 Junk

Waste, discarded or compiled; metal; paper; tires; building materials or equipment; bottles, cans or paper packaging; glass; appliances; furniture; fixtures; rags; rubber; bones; inoperable motor vehicles, recreational vehicles, farm equipment or implements not used in conjunction with a permitted farm operation, boats, or parts thereof; and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture; or other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents.

Adopted August 7, 2003

Effective September 6, 2003

- a. Junk or Inoperable Vehicle: Any transportation device that is unfit for use or travel due to the lack of a part or parts so as to make it not road worthy according to the Ohio Revised Code.

Adopted August 7, 2003

Effective September 6, 2003

- b. Accumulation of Junk Prohibited: Unless otherwise permitted by this resolution, no inoperable vehicle, trailer or junk shall be permitted to remain exposed on any lot for more than ten (10) days unless stored in a completely enclosed building. Specific demolition and rehabilitation projects requiring the placement of a dumpster on the lot shall be exempted from these regulations so long as the dumpster remains on the lot no longer than thirty (30) days.

Adopted August 7, 2003

Effective September 6, 2003

24.7 Supplemental Yard and Height Regulations

In addition to the regulations specified in other sections of this resolution, sections 24.8 to 24.13 inclusive shall be used for clarification and interpretation.

24.8 Setback Requirements for Buildings on Corner Lots

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

24.9 Fences, Walls and Other Protective Barriers

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

A. GENERAL

1. A zoning certificate is required for the erection, construction or alteration of any fence, wall or other type of protective barrier which shall conform to the requirements of the zoning districts wherein they are required because of land use developments 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 of a vehicle approaching the intersection. 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. Shade trees would be permitted where all branches are not less than eight (8) feet above the road level.

B. FENCES IN RESIDENTIAL DISTRICTS AND PROPERTY USED IN A RESIDENTIAL MANNER

1. Fences and wall may be permitted along the lines of a side yard and a rear yard to a height of not more than six (6) feet above grade, provided that any fence shall be of uniform design, painted and/or otherwise be well maintained.
Adopted August 7, 2003 Effective September 6, 2003
2. Plantings, fences and walls in front yard: Fences, walls or hedges under three (3) feet in height on any required front yard shall be set back a minimum of ten (10) feet from the right-of-way. Front yard fences, walls or hedges that rise above three (3) feet in height to a maximum of six (6) feet in height shall be set back a minimum of twenty (20) feet from the right-of-way. In all cases, the fence, wall or hedge shall be of uniform design, painted and/or otherwise be well maintained. No fences, wall or hedge planting shall interfere with visibility from a driveway. The Zoning Inspector is hereby empowered to cause all such obstruction to be removed in the interest of the public safety.

Two posts with a maximum height of eight (8) feet above grade shall be permitted in a front yard fence for the purposes of lighting and/or to display house numbers.

Adopted August 7, 2003

Effective September 6, 2003

3. Fences shall be permitted only as a decorative feature in the front yard or along a side lot line when adjoining a less restrictive use.
4. Where adjacent property lines due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the more restrictive provision shall apply.
5. No barbed wire, spike tips or electrically charged fences shall be permitted in any residential district or on property used in a residential manner, except where required for public uses. All fence posts incorporated in a fence shall not exceed one hundred ten (110) percent of fence height regardless of location, except those allowed in Section 24.9 (b)(2).
6. Fences which enclose public or institutional parks, playgrounds or public landscaped areas shall not exceed eight (8) feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
7. In-ground swimming pools shall be provided with a protective fence, five (5) feet in height and entry shall be provided by means of a controlled gate.
8. Fences on recorded lots having a lot area in excess of five (5) acres and a frontage of at least three hundred (300) feet and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts are excluded from these regulations.

Adopted August 7, 2003

Effective September 6, 2003

C. FENCES IN COMMERCIAL DISTRICTS

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 a 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. FENCES IN INDUSTRIAL DISTRICTS

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.

24.10 Yard Requirement for Multi-Family Dwellings

Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear and two 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 the individual lot.

24.11 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.

24.12 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 yard.

24.13 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 (2½) 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 line joining along said street lines 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 or street, within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impeded vision materially between a height of two and one-half (2½) 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.

24.14 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 contributed to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable or which may otherwise adversely affect surrounding areas of adjoining premises, except that any use permitted by this resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this section, are properly exercised. Specifically, 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 for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity 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. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;

9. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

24.15 Enforcement Provisions

Any occupancy, use, conditions or circumstances existing in violation of section 24.15 of this resolution shall constitute a violation of this resolution and be subject to the enforcement procedures contained in Article 5.

24.16 Temporary Uses

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

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

1. Real estate sales offices which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one (1) year, except the six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.
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 (12) 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 determines that it encroaches upon more than twenty-five (25) percent of the required parking area and minimum of twenty-five (25) spaces 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 one such sale within any twelve (12) month period upon the property at which he or they reside for a period not to exceed two (2) consecutive days without obtaining a zoning permit, so long as the provisions of this resolution pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations and community organizations two (2) times within any twelve (12) month period and shall not exceed a period of three (3) consecutive days, so long as the provisions of this resolution pertaining to signs and parking are observed.
5. Temporary park camp permit.

24.17 Screening/Buffering

A landscaped 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 or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance or conditional use:
 - a. A solid masonry wall;
 - b. A solidly constructed decorative fence;
 - c. A louvered fence;
 - d. A dense vegetative planting;
 - e. A landscaped mounding;
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings or mounds shall be a minimum of five and one-half (5½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall not be greater than two and one-half (2½) 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 area or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

24.18 Site Plan Review

A. Purpose

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

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

B. Projects Requiring Site Plan Review

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

C. Exemptions From Site Plan Review

Site plan review shall not be required for:

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

D. Procedure

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

E. Submission Requirements

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

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

Items Required for Submission Include:

1. Survey plan of the development area.
2. Name of the project, boundaries and location map showing site's location, north arrow and scale of the plan.
3. Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.
4. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
5. All existing lot lines, easements and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within three hundred (300) feet of the site.
6. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area.
7. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity and bulk type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
9. The location, height, size, materials and design of all proposed signage.
10. The location of all present and proposed utility systems including:
 - Sewage or septic system;
 - Water supply system;
 - Telephone, cable and electrical systems; and
 - Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.

The Zoning Commission may also request the submission to the County Engineer storm run-off calculations for large or environmentally sensitive developments.

11. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table and flooding of other properties, as applicable.
12. A landscape plan showing all existing natural land features, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
13. Zoning district boundaries of adjacent properties shall be drawn and identified on the plan.
14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

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

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

F. Standards for Review

The Zoning Board of Appeals shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the

objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Zoning Commission to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.

1. Legal

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

2. Traffic

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

3. Parking

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

4. Pollution Control

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

5. Nuisances

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

6. Existing Vegetation

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

7. Amenities

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

24.19 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 setback of the zone.

24.20 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 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.

24.21 Access to Public Roads

The Board of Zoning Appeals in the granting of any variance or conditional zoning permit or the approval of any site, has the authority to impose 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.

24.22 Stormwater Regulation

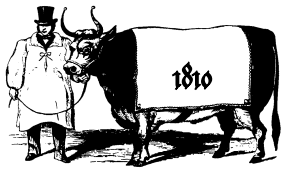
The Board of Zoning Appeals in the granting of any variance or conditional zoning permit or the approval of any site plan shall require certification from the Erie County Engineer that the proposed project complies with the County Storm Management Regulations.

24.23 Front Yard Setback Requirements in Areas Partially Developed Prior to the Adoption of the Front Yard Setback Requirements of This Resolution

Whenever buildings have been constructed prior to the adoption of the front yard setback requirements of this resolution and are located closer to the road, then subsection (a) of this section allows and are situated within one hundred fifty

(150) feet of either side of the property sought to be developed, the minimum front yard setback requirement for such property shall be the lesser of the following:

- a. Sixty (60) feet from the road right-of-way.
- b. The average setback of the existing buildings on either side of the property in question, but in no event less than fifty (50) percent of the requirement of Subsection (a).



Article 25 Special Regulations

Section

- 25.0 General
- 25.1 Regulation of Satellite Dish Antennas
- 25.2 Purpose
- 25.3 Definitions
- 25.4 Zoning Permit Required
- 25.5 Ground Mounted Satellite Dish Antennas
- 25.6 Roof Mounted Satellite Dish Antennas
- 25.7 Variances on Locational Characteristics
- 25.8 Drug Paraphernalia Establishments as Prohibited Uses
- 25.9 Regulations of Swimming Pools as Accessory Uses Purpose
- 25.10 Private Swimming Pools
- 25.11 Community or Club Swimming Pools
- 25.12 Regulation of Long Term Parking Facilities as Accessory Uses
- 25.13 Conditional Use Permit Required
- 25.14 Permit Requirements
- 25.15 Regulation of Home Occupations
- 25.16 Definition
- 25.17 Regulation of Group Residential Facilities
- 25.18 Definition
- 25.19 Conditional Use Permit Required
- 25.20 Zoning of Group Residential Facilities
- 25.21 Variance to Distancing Requirement
- 25.22 Uniformity With Respect to Granting of Conditional Use Permits
- 25.23 Regulation of Factory Built Housing; Design and Appearance Standards
- 25.24 Purpose
- 25.25 Definitions
- 25.26 Siting Requirements
- 25.27 Zoning of Factory Built Housing
- 25.28 Single Family Design and Appearance Standards
- 25.29 Uniformity With Respect to Granting of Variance
- 25.30 Landfills as a Prohibited Use

25.5 General

It is the purpose of these special regulations to promote the public health, safety and welfare to establish regulations affecting the 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 generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

25.1 Regulation of Satellite Dish Antennas

Section 25.2 to 25.7 inclusive shall apply to the locations and construction of dish type satellite signal receiving antennas as herein defined.

25.2 Purpose

It is the purpose of sections 24.05 to 24.35 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 associated with wind loads and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

25.3 Definitions

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 amplified (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
- c. A coaxial cable, whose purpose is to convey or transmit signals to a receiver.

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.

25.4 Zoning Permit Required

No person, firm or corporation shall undertake the construction, erection or installation of 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 for the lot, premises or parcel of land showing the location of the proposed earth station and all other buildings thereon;
3. Plans depicting the specification 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 specification and the inspection of construction.

25.5 Ground Mounted Satellite Dish Antennas

Ground mounted satellite dish antennas in excess of eighteen (18) inches in diameter are considered 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;
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 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.

25.6 Roof Mounted Satellite Dish Antennas

Roof mounted satellite dish antennas in excess of eighteen (18) inches in diameter are considered 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;
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 appurtenances 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.

25.7 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 provision 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.

25.8 Drug Paraphernalia Establishments as Prohibited Uses

Drug paraphernalia establishments 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.

25.9 Regulations of Swimming Pools as Accessory Uses Purpose

It is the purpose of section 25.9 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.

25.10 Private Swimming Pools

No private swimming pool, exclusive or 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 guests;
2. The pool and accessory structures thereto (i.e. decks), must be located in the rear yard and shall not be located closer than twelve (12) 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 six (6) feet in height and it shall be maintained in good condition with a gate and lock.

25.11 Community or Club Swimming Pools

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

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

25.12 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 25.12 to regulate long term parking facilities constructed, operated or maintained as accessory uses in order to promote the public health, safety and welfare.

25.13 Conditional Use Permit Required

No person shall establish, operate or maintain on any premises as an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such accessory use.

25.14 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.

25.15 Regulation of Home Occupation

Purpose

It is the purpose of this section of the 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.

25.16 Definition

Home occupation means an accessory use which is an activity, profession, occupation, service, craft or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting and the like involve not more than three (3) receivers of such services at any one time, with the exception of certified or uncertified Type B family day care homes, which constitute a residential use and not an accessory use.

25.17 Regulation of Group Residential Facilities

Purpose

It is the purpose of this section to regulate the location, operation and maintenance of group residential facilities in order to promote the public health, safety and welfare.

It is the intent of this section to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

25.18 Definition

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

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

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

25.19 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 or purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character, but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
8. Such facility shall be reasonably accessible by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents and to employment opportunities, if applicable and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will service and the location and type of similar facilities operated by the applicant.

25.20 Zoning of Group Residential Facilities

Group residential facilities shall be conditionally permitted uses, as follows:

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

25.21 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.

25.22 Uniformity With Respect to Granting of Conditional Use Permits

The granting of conditional use permits for the establishment of group residential facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

25.23 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.

25.24 Purpose

It is the purpose of section 24.23 inclusive to 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.

25.25 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 and mobile home.

25.26 Siting Requirements

Any factory build 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 served by utilities in such manner as required by resolution.

25.27 Zoning of Factory Built Housing

Mobile homes shall be permitted only in approved mobile home parks. Manufactured homes and modular homes which meet the design and appearance standards contained in section 25.28 shall be permitted accordingly. Manufactured homes and mobile homes are defined in section 3.68 of this resolution.

25.28 Single Family Design and Appearance Standards

Single family residential homes, 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 contained in section 25.26 and requirements as per their definition in section 3.64.
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 manufactured home must comply with the following minimum standards:
 - a) Exterior Siding: Exterior siding shall be made of nonreflective 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 structure.
 - c) Roof Structure: Except for authorized deck areas, all roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches.
 - d) Roofing Material: All roofing material shall consist of the following categories: wood, shingles, concrete tile or any other material that the township deems.
 - e) Minimum Floor Area: The minimum floor area for every dwelling located on a lot in an R zoning district, which does not specify a larger floor area requirement and which is not a part of a mobile home subdivision, shall

be twelve hundred (1200) square feet, excluding the area of garage or carport.

- f) Minimum Width: The minimum width of a dwelling, located on a lot, outside of a mobile home subdivision shall be twenty (20) feet.
- g) Foundations: All manufactured homes shall be placed on a permanent foundation that meets applicable building code requirements, such as the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.

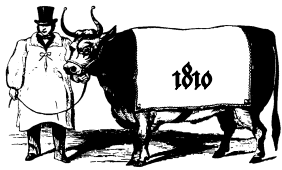
- 4. Manufactured homes must have a state certification number from the Ohio Board of Building Standards to ensure compliance with the Ohio Building Code.

25.29 Uniformity With Respect to Granting of Variances

The granting of variances from the requirements of this resolution with respect to the siting of single family home structures, their design or appearance shall be uniformly and equitably done.

25.30 Landfills as a Prohibited Use

Landfills shall be prohibited in all Oxford Township zoning districts.



Article 26 General Provisions

Section

26.1	Applicability
26.2	Purpose
26.3	Off-Street Parking Design Standards
26.4	Handicapped Parking
26.5	Joint Parking Lots
26.6	Modification of Requirements
26.7	Prohibited Uses; Temporary Uses
26.8	Parking of Disabled Vehicles
26.9	Schedule of Required Parking Spaces
26.10	Off-Street Storage Areas for Drive-In Services
26.11	Off-Street Loading Space Requirements
26.12	Off-Street Loading Design Standards

26.1 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.

26.2 Purpose

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

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

26.3 Off-Street Parking Design Standards

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

1. Parking Space Dimensions: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles and shall be of usable shape and condition.
2. Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
 - a. For one single, 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 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. In no case however, shall the parking area be located closer than three (3) feet to any street or alley.
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 12.9 of this resolution.
5. Paving: All required parking spaces shall be hard surfaced with a pavement having an asphalt or concrete binder provided however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting of recreation areas may be granted, provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
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.
7. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

8. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition.
10. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash or other debris.
11. Signs: Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.
12. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residential district.
13. Speed Bumps:
 - a. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent yellow diagonal stripes.
 - b. The speed bumps shall be in the form of mounds as depressions in the pavement and shall be designed to restrain motor vehicle speed.
 - c. There shall be a warning sign posted at each entrance to parking 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 wheelchair access.

26.4 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	1 space per 25 parking spaces
101 to 200	4 spaces plus one per 50 spaces over 100
201 to 500	6 spaces plus one per 75 spaces over 200
Over 500	10 spaces plus one per 100 spaces over 500

26.5 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.

26.6 Modification of Requirements

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

- a. The location and nature of the proposed use or expansion of an existing use.
- b. The projected generation of trips to and from the use.
- c. The impact of potential parking congestion to surrounding uses.
- d. The number of people expected to be employed in the operation or added to the operation.
- e. The area which is accessible to the public compared to the area used for warehousing or storage.
- f. The area available for parking expansion.
- g. The purposes listed in this article.

26.7 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:

- a. The sale, display or storage of automobiles or other merchandise, except those activities typical to an automobile filling station.
- b. Parking vehicles accessory to the use.
- c. Performing services, including service to vehicles.
- d. Any other purposes except permitted as follows:
 1. Carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days.
 2. 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.
 3. Temporary placement of a mobile home during times of emergency, as declared by the Township Board of Appeals.
 4. 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.
 5. At no time shall temporary uses consume more than ten (10) percent of the total parking lot area.

26.8 Parking of Disabled Vehicles

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

26.9 Schedule of Required Parking Spaces

For the purposes of this resolution the following parking space requirements shall apply, except within the central business district and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals.

Residential Uses

Single family or
two family dwelling

Minimum of One Parking Space for Each

Two for each unit

Apartments, townhouses
or multi-family dwellings

Two for each unit

Mobile homes

Two for each unit

Elderly housing

Parking three for every dwelling units and
one per regular shift employee

Commercial Uses

Animal hospitals and
kennels

Minimum of One Parking Space for Each

One for each four hundred square feet of
floor area and one for each two employees

Motor vehicle repair
stations

One for each four hundred square feet of
floor area and one for each employee

Motor vehicle salesroom

One for each four hundred square feet of
floor area and one for each employee

Car washing facility

One for each employee

Banks, financial institutions,
post offices and similar uses

One for each two hundred fifty square feet
of floor area and one for each employee

Barber and beauty shops

Three for each barber or beauty operator

Carryout restaurants

One for each two hundred square feet of
floor area and one for each two employees

Drive-in restaurants

One for each one hundred twenty-five
square feet of floor area and one per each
Employee

Commercial Uses

Minimum of One Parking Space for Each

Hotels and motels

One for each sleeping room plus one space for each two employees

Boarding, rooming, tourist, bed and breakfast

One for each sleeping room

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

Two plus one additional space for each two hundred square feet of floor area over one thousand square feet

Consumer and trade service uses not otherwise specified

One for each employee

Funeral homes, mortuaries and similar type uses

One for each fifty square feet of floor area in slumber rooms, parlors or service rooms

Laundromats

One for every two washing machines

Administrative, business and professional office uses

One for each two hundred square feet of floor area

Sit down restaurants, taverns, night clubs and similar uses

One for each three persons of capacity

Retail stores

One for each one hundred fifty square feet of floor area

Shopping centers

One parking space per two hundred square feet of gross floor area

All other types of business or commercial uses permitted in any commercial district – one for each one hundred fifty (150) square feet of floor area.

Manufacturing Uses

Minimum of One Parking Space for Each

All types of manufacturing in storage and whole uses permitted in any manufacturing district

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

Cartage, express parcel delivery and freight terminals

One and one-half for every one employee (on the terminals largest shift for which the building is designed)

Recreation and Entertainment Uses

Bowling alleys

Minimum of One Parking Space for Each

Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge or similar use; and one for each three employees

Dance halls, skating rinks

One for each one hundred square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar or cocktail lounge; and one for each three employees

Outdoor swimming pools; public, community or club

One for each ten persons of capacity and one for each three persons of capacity for a restaurant

Auditoriums, sports arenas, theaters and similar uses

One for each four seats

Recreational

Minimum of One Parking Space for Each

Miniature golf courses

One for each hole and one for each employee

Private clubs and lodges

One for each ten members

Tennis facilities, racquet ball facilities or similar uses

Two for each playing area; one for each employee; and one for each one hundred square feet of other activity area

Marina

Two spaces for every three dock slips

Institutional Uses

Minimum of One Parking Space for Each

Churches and other places religious assembly

One for each eight or seats in main assembly room or one for each classroom, whichever is greater

Hospitals, sanitariums, homes for the aged, nursing homes, rest homes, similar uses

One for each three beds

Institutional Uses

Minimum of One Parking Space for Each

Medical and dental clinics

One for every one hundred square feet of floor area

Libraries, museums and art galleries

Ten and one for each three hundred square square feet of floor area in excess of two thousand square feet

Educational Institution

Minimum of One Parking Space for Each

Elementary schools and kindergartens

Four for each classroom; one for every four seats in auditoriums of assembly halls; and one for each additional non-teaching employee

High schools and middle schools

One for every ten students or one for each teacher and employee or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater

Business, technical and trade schools

One for each two students

Child care centers, nursery schools and similar uses

Four for each classroom

26.10 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 area in accordance with the following requirements:

1. Photo pickups, restaurants, drive-through beverage docks and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.

4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

26.11 Off-Street Loading Space Requirements

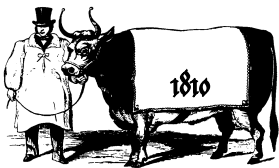
In any district, in connection with every building or part hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry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

26.12 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 distance 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 24.17 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 except for uses within any district if said loading spaces are at least two hundred (200) feet from any residential district, together with driveways, aisles and other circulation areas, shall be surfaced with asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained.

6. Drainage: All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate stormwater drainage system.
7. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.



Article 27 Signs

Section

- 27.0 General
- 27.1 Governmental Signs Excluded
- 27.2 General Requirements for All Signs and Districts
- 27.3 Permit Required
- 27.4 Signs Permitted in All Districts Not Requiring a Permit
- 27.5 Signs Permitted in Commercial and Manufacturing Districts
- 27.6 Temporary Signs
- 27.7 Free Standing Signs
- 27.8 Wall Signs Pertaining to Nonconforming Uses
- 27.9 Political Signs
- 27.10 Portable Signs
- 27.11 Portable Sign Requirements and Guidelines
- 27.12 Sign Setback Requirements
- 27.13 Increased Setback
- 27.14 Setbacks for Off Premises Signs
- 27.15 Setbacks for Public and Quasipublic Signs
- 27.16 Sight Triangle
- 27.17 Special Yard Provisions
- 27.18 Limitation
- 27.19 Nonconforming Signs and Structures
- 27.20 Loss of Legal Nonconforming Status
- 27.21 Violations
- 27.22 Aesthetic Criteria

27.0 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.

27.1 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.

27.2 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 local electrical code in effect, if any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than 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 Section 24.6 herein;
7. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;

8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
9. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape;
10. 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;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
12. 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 or private property, but bearing no advertising matter shall be permitted on any property;
13. 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;
14. All signs shall be secured in such a manner as to prevent significant movement due to wind;
15. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter;
16. No sign shall contain words, images or graphic illustration of an obscene or indecent nature;
17. No sign shall be attached in such manner that it may interfere with any required ventilation openings;
18. 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.
19. 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;
20. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.

27.3 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.

27.4 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.

27.5 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 (1) flat or wall on premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on premises signs for any single business enterprise may be an area equivalent to one and one-half (1½) square feet of sign area for each lineal foot of building width, or part of sign area for each lineal foot of building width, or part of a building occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.
2. In a commercial or manufacturing district, two (2) off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed nine hundred (900) square feet, nor shall have off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

27.6 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 requirements listed in section 27.2, the setback requirements in sections 27.12 to 27.16 and in addition, such other standards deemed necessary to accomplish the intent of this article as stated in section 27.

27.7 Free Standing Signs

- a) Except for signs authorized in section 27.2, 27.3 and 27.4, freestanding signs shall not be permitted in any residential district.
- b) Each business or industrial building shall be permitted a maximum of one freestanding sign regardless of the number of business establishments in the building except as provided in subsection 27.7(c).
- c) The Board of Zoning Appeals may in specific instances, authorize a second freestanding sign on premises that have in excess of five hundred (500) feet of frontage on public right-of-way. When authorizing an additional freestanding sign, the board may attach such conditions, stipulations and limitations as it may deem necessary and appropriate to preserve the intent and spirit of this resolution.
- d) The maximum area of any freestanding sign shall be forty (40) square feet per sign face except as provided in subsection 27.7(h). Freestanding signs shall not exceed ten (10) feet in height from established grade, except as provided in subsection 27.7(h).
- e) Freestanding signs shall be set back a minimum of ten (10) feet from any street right-of-way line and from any lot line. Freestanding signs shall not obstruct vehicular sight lines at street intersections or access drives or otherwise impair traffic visibility or safety.
- f) The foundation of each freestanding sign shall be landscaped in conformance with an approved landscape plan that shall accompany the permit application. Signs located in parking lots shall be protected from damage by vehicles.
- g) Industrial parks may be permitted one identification sign located at the entrance to the industrial park and conforming to the provisions of subsection 27.7(d) (e) and (f).
- h) Planned shopping centers which contain more than six (6) retail establishments in a coordinated design and shared parking and access provisions shall be permitted one freestanding shopping center sign not to exceed sixty-four (64) square feet in area and twelve (12) feet in height from established grade in lieu of the signage permitted in Subsection 27.7 (b) and (d).

Adopted August 7, 2003

Effective September 6, 2003

27.8 Wall Signs Pertaining to Nonconforming Uses

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

27.9 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. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

27.10 Off Premises Signs or Billboards

Off premises signs shall not be permitted in residential districts.

Adopted August 7, 2003

Effective September 6, 2003

27.11 Portable Signs

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

27.12 Portable Sign Requirements and Guidelines

Portable signs must conform to the following requirements and guidelines:

- a. A portable sign shall not be located or parked within ten (10) 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.
- b. Electrical plugs, extension cords and other supplementary electrical illumination materials shall be weather proofed, securely attached and conspicuously located in order to not be susceptible to possible health endangering incidents. Inspection and approval by a qualified electrician is mandated.
- c. Appearance of portable signs shall conform with all other regulations set forth herein.

- d. No portable sign shall be operable after the said time of ninety (90) days is expended. In addition, no permit shall be granted if applicant has held in operation a portable sign of aforesaid time period twice within the same year.
- e) The maximum allowable size of a portable sign shall be thirty-two (32) square feet.

27.13 Sign Setback Requirements

Except as modified in section 24.12 to 24.16, on-premises signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

27.14 Increased Setback

For every square foot by which any on-premises sign exceed fifty (50) square feet, the setback shall be increased by one-half ($\frac{1}{2}$) foot, but need not exceed one hundred (100) feet.

27.15 Setbacks for Off Premises Signs

If a setback line is not established for the appropriate zoning district, off premises signs shall be setback a minimum of twenty (20) feet from the right-of-way line.

27.16 Setbacks for Public and Quasipublic Signs

Real estate signs and bulletin boards for a church, school or any other 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.

27.17 Sight Triangle

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

- a. Street to Street Intersection: All signs shall not 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 ($2\frac{1}{2}$) to six (6) feet above curb level is not obstructed except for poles, posts or tree trunks.

- b. 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 (2½) to six (6) feet above curb level is not obstructed except for poles, posts or tree trunks.

27.18 Special Yard Provisions

On premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on premises signs shall not be erected or placed within twenty (20) feet of a side or rear lot line. If the requirements for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

27.19 Limitation

For the purposes of this article, outdoor advertising off premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

27.20 Nonconforming 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 nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

27.21 Loss of Legal Nonconforming Status

A legal nonconforming sign shall immediately lose its legal nonconforming 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 (½) of its estimated replacement value. Similarly, an legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

27.22 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 5.14 of this resolution. Political signs posted in violation of section 27.9 of this resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of section 24.9 has been given.

27.23 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:

A. 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.

B. Materials;

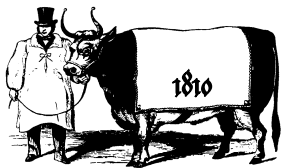
Materials used shall be designed so as to be compatible with the architecture of the building and character of the district.

C. Information:

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

D. Landscaping:

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



XFORD TOWNSHIP

ZONING RESOLUTION

Appendix 1 Official Zoning Forms

The following forms are intended as *Samples* for informational purposes only. They are to notify the property owner of the type of details that may be needed when making application to the Zoning Inspector for various purposes.

DO NOT USE THESE FORMS

REQUEST THE APPLICABLE FORMS FROM THE ZONING INSPECTOR

APPLICATION FOR ZONING PERMIT
OXFORD TOWNSHIP, ERIE COUNTY, OHIO
APPLICATION NO. _____

SAMPLE ONLY

The undersigned applies for a zoning permit for the following use, said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. The applicant is required, in addition to the information requested on this form to submit plans, in triplicate and drawn to scale, showing the actual dimensions and shape of the lot, exact location and dimensions of the proposed buildings or alterations.

1. LOCATIONAL DESCRIPTION: Subdivision Name: _____

Section _____ Township _____ Range _____

Block _____ Lot No. _____

**If not located in platted subdivision, attach a legal description*

2. NAME OF OWNER: _____

Mailing Address: _____

Phone Number: Home _____ Business _____

3. EXISTING USE: _____

4. PROPERTY PRESENTLY ZONED AS: _____

5. PROPOSED USE: New Construction Business Remodeling

Industry Accessory Building Sign Size _____

Residence No. of Units _____ Other (explain) _____

**If proposed use is business or industry, enclose a detailed description of the nature of the business or industry*

6. TYPE OF SEWAGE DISPOSAL: _____

7. PERCENTAGE OF LOT TO BE OCCUPIED: _____

8. LOT: Width _____ Lot Depth _____ Lot Area _____

APPLICATION FOR ZONING PERMIT (cont...)
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

9. SQUARE FEET: Of living area (residences) _____ square feet
Garage _____ Basement _____ Accessory Building _____
Commercial _____ Industrial _____ Office _____
10. BUILDING HEIGHTS: Stories _____ Feet _____
11. YARD DIMENSION: Front _____ Rear _____ One Side _____
Sum of Sides Yards _____
12. ACCESSORY BUILDING DIMENSIONS: Height _____ Side of _____
Dimensions _____
13. NUMBER OF OFF STREET PARKING SPACES TO BE PROVIDED: _____
14. NUMBER OF OFF STREET LOADING BERTHS TO BE PROVIDED: _____
15. On a separate sheet, attach a list of other supplemental requirements or conditions that will be met or explain any points you feel need clarification.

**NOTE: This permit shall be void if work is not started within one (1) year and completed within two and one-half (2½) years.*

SIGNATURE: _____ DATE: _____

.....
(For Official Use Only)

Date Received: _____ Fee Paid: _____

Date of Actual Application: _____ Approved Denied

If application denied, reason for denial: _____

Zoning Inspector

APPLICATION FOR ZONING AMENDMENT
OXFORD TOWNSHIP, ERIE COUNTY, OHIO
APPLICATION NO. _____

SAMPLE ONLY

1. NAME OF APPLICANT: _____

Agent: _____

Mailing Address: _____

2. LOCATIONAL DESCRIPTION: Subdivision Name: _____

Section: _____ Township: _____ Range: _____

Block: _____ Lot No: _____

3. LEGAL DESCRIPTION:

Contents of legal description shall be obtained by acquiring a signed deed or a signed statement disclosing such information as would be found on a deed.

4. SURVEY SKETCH

The property in question shall be surveyed by a registered surveyor and is as set forth on the accompanying sketch two (2) copies of which shall show the following pertinent information:

- a) North pointer on sketch
- b) Dimensions on all lines and bearings shown where necessary
- c) All lines shall be labeled to aid in checking parcel descriptions, such as county line, township line, section line, lot line, centerline or any other line which may require identification
- d) Proposed area of parcel subject to requested rezoning
- e) Sketch shall bear surveyor's seal

5. EXISTING USE: _____

6. PRESENT ZONING: _____

7. PROPOSED USE: _____

8. PROPOSED ZONING DISTRICT: _____

APPLICATION FOR ZONING AMENDMENT (cont...)
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

9. SUPPORTING INFORMATION: Attach the following items to the application:
- a) A list of all property owners and their mailing addresses within, contiguous to and directly across the street from the proposed rezoning.
 - b) A statement of how the proposed rezoning related to the Comprehensive Plan.
 - c) The proposed amendment to the zoning map or text in resolution form, approved as to form by the township legal advisor.

Date: _____

_____ Applicants Signature

(For Official Use Only)

Date Filed: _____ Fee Paid: _____

Date of Notice in Newspaper: _____

Date of Notice to Adjacent Property Owners (if required): _____

Date of Meeting of Regional Planning Commission: _____

Recommendation of Regional Planning Commission:

Recommendation of Township Zoning Commission:

Date of Notice in Newspaper: _____

Date of Hearing by Township Trustees: _____

Recommendation of Township Trustees:

SAMPLE ONLY

APPROVED ZONING CHANGE FORM
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

To: Regional Planning

From: Township Clerk

Subject: Approved Zoning Changes

1. Approved change of zoning district

From: _____

To: _____

2. Locational Description:

3. Attached Legal Description:

4. Attached plat map: (pleas attach map to page)

5. Effective date of Zoning Change: _____

Signature

Date

NOTICE OF ZONING ACTION TO ADJOINING PROPERTY OWNER
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

Dear Adjoining Property Owner:

- A request to: to rezone
 for a conditional use
 for a variation

has been filed with the _____ by _____.

The property in question is located at:

The request, if granted, would permit the applicant to use the property in the following manner:

The Board of Appeals will hold a public hearing on this application on

_____, 20____ at _____ a.m. _____ p.m.

in _____.

All persons desiring to object should file a written objection thereto before such hearing with the undersigned board and should appear at the hearing to present their objection.

If represented by counsel, the petitioner and the Board of Appeals must be notified not less than seven (7) days prior to the date of the hearing and said counsel will be present to object.

SAMPLE ONLY

PETITION FOR ZONING REFERENDUM
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

(If the proposal is identified by a particular name or number, or both, these should be inserted here): _____

A proposal to amend the zoning map of the unincorporated area of Oxford Township, Erie County, Ohio, adopted _____ (date). (Follow by brief summary of the proposal).

To the Board of Township Trustees of Oxford Township, Erie County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Oxford township, included within the Oxford Township Zoning Resolution, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the Zoning Resolution to the electors of Oxford Township residing within the unincorporated area of the township included in the Oxford Township Zoning Resolution, for approval or rejection at a special election pursuant to section 519.12 of the Revised Code.

Signature, Street Address, Township, Precinct, County, Date of Signing

STATEMENT OF CIRCULATOR

_____ (name of circulator) declares under penalty of election falsification that he is an elector of the State of Ohio and resides at the address appearing below his signature hereto; and he is the circulator of the foregoing part containing _____ (number) signatures; that we witnessed the affixing of every signature; that all signers were to the best of his knowledge and belief qualified to sign; and that every signature is to the best of his knowledge and belief the signature of the person whose signature it purports to be.

Signature of Circulator

Address

Township and Zip Code

REVOCATION OF ZONING PERMIT
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

To: _____

Date: _____

You are hereby advised that for the reason that: _____

Zoning Permit No. _____ issued on _____, 20 _____, is hereby
revoked and declared to be null and void.

Further alteration or change in the use of any building must cease until a valid zoning
permit has been obtained. Further alteration or change is punishable under section 5.16 of
the Zoning Resolution.

_____, Ohio

Zoning Inspector

.....
(For official use only)

Date Received: _____

Fee Paid: _____

Date of Action or Application _____

Approved

Denied

If denied, reason for denial: _____

Zoning Inspector

APPLICATION FOR CERTIFICATION OF OCCUPANCY
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

Before any building may be occupied or land utilized, it is necessary for the Zoning Inspector to certify that the construction is in accordance with the Zoning Resolution and the previously approved Application for Zoning Permit. Approximately one week prior to the completion of construction, mail this form to the Zoning Inspector. If the construction was completed in accordance with the approved Zoning Permit, he will approve the Certificate of Occupancy and return it to you. Temporary certificates of occupancy may be issued for a period not to exceed six months.

To: Zoning Inspector

The undersigned requests issuance of a Certificate of Occupancy for the premises as described in Zoning Permit Application No. _____, issued on _____, 20____. To the best of our knowledge all construction has been in conformance with the approved Zoning Permit.

_____ Date

_____ Applicant

.....
(For official use only)

Upon the basis of Zoning Permit Application No. _____ issued on _____, 20____ made a part hereof by reference the proposed change (is, is not) found to be in conformance with the Zoning Resolution and certificate is hereby (approved, denied) for the _____ district.

Date Application Received: _____, 20____

Date of Action on Application: _____, 20____

Date of Expiration if Temporary Certificate: _____, 20____

If denied, reason for denial: _____

_____ Zoning Inspector

*Note: This form to be filed in triplicate.

APPLICATION FOR TEMPORARY USE PERMIT
OXFORD TOWNSHIP, ERIE COUNTY, OHIO
Application No. _____

SAMPLE ONLY

The undersigned applies for a temporary use permit for the use and the time period specified, such permit to be issued on the basis of this information contained within this application. The applicant hereby certifies that all information herein and attachments hereto are true and correct.

1. **LOCATIONAL DESCRIPTION:** Attach a graphic description of the property on which the temporary use is proposed to occur, to include a site plan depicting the yard(s), setback(s), parking facilities and sanitary facilities and the location of the temporary use proposed.

2. **NAME OF OWNER:** _____
Mailing Address: _____
Phone Number: Home _____ Business: _____

3. **EXISTING USE:** _____

4. **PROPERTY PRESENTLY ZONED AS:** _____

5. **DESCRIPTION OF PROPOSED TEMPORARY USE:** _____

6. **DATE(S) OF PROPOSED TEMPORARY USE:** _____

7. **NAME OF APPLICANT/ORGANIZATION:** _____
Mailing Address: _____
Phone Number: Home _____ Business: _____
Vendor's License Number: _____ (attach photocopy)
Signature: _____ Date: _____

NOTICE OF ZONING VIOLATION
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

To: _____

Date: _____

You are hereby advised that you are in violation which must be corrected or otherwise made to comply by _____, 20____, you will be subject to the penalty as provided by section 5.16 of the Oxford Township Zoning Resolution.

Please contact this office so that we may discuss the violation.

_____, Ohio
Zoning Commission

Zoning Inspector

NONCONFORMING CERTIFICATE
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

Certificate No. _____ Date: _____

Name of Property Owner: _____

Description of Property: House Number: _____
Lot Number _____

Extent and type of nonconformity:

Reason why use in nonconforming:

Dimensional aggregates of nonconformity:

Zoning Inspector

**APPLICATION FOR REASONABLE ALTERATION OR
ENLARGEMENT OF A NONCONFORMING STRUCTURE**
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

Applicant Information:

Name: _____

Address: _____

Phone Number: _____

Legal Description of Property:

House Number: _____

Lot Number: _____

Block _____

Subdivision _____

Please describe the existing development how this development would be altered:

Please indicate the prevailing reasons for requesting an enlargement or alteration of the existing structure:

**APPLICATION FOR APPEAL
BOARD OF ZONING APPEALS
OXFORD TOWNSHIP, ERIE COUNTY, OHIO**

SAMPLE ONLY

Application No. _____

Name of Applicant: _____

Mailing Address: _____

Phone Number: Home _____ Business _____

Issue addressed: Zoning Code Violation

Zoning Permit Denial Permit No. _____

The undersigned requests a review of the decision made by the Zoning Inspector on _____, 20____. It is the applicant's contention that the following error was made in the determination of the Zoning Inspector:

Applicant

.....
(For official use only)

Date Filed: _____, 20____.

Date of Notice to Parties in Interest: _____, 20____.

Date of Notice in Newspaper: _____, 20____.

Date of Public Hearing: _____, 20____.

Fee Paid: \$_____

**APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS
OXFORD TOWNSHIP, ERIE COUNTY, OHIO**

Application No. _____

Name of Applicant: _____

Mailing Address: _____

Phone Number: Home _____ Business _____

1. Locational Description:

Subdivision Name: _____

Section: _____

Township: _____

Range: _____

Other Designation: _____

Block: _____

Lot No. _____

(If not in a platted subdivision, attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions or proposed buildings or alterations and any natural or topographic peculiarities of the lot in question.

3. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true: (please attach these comments on a separate sheet)

- a. Special conditions exist peculiar to the land or building in question;
- b. That a literal interpretation of the resolution would deprive the applicant of rights enjoyed by other property owners;
- c. That the special conditions do not result from previous owners;
- d. That the requested variance is the minimum variance and will allow a reasonable use of the land or buildings.

APPLICATION FOR CONDITIONAL USE PERMIT
BOARD OF ZONING APPEALS
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

SAMPLE ONLY

Application No. _____

The undersigned requests a conditional use permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the board. Permit is subject to Article 9 of the Zoning Resolution.

1. Name of Applicant: _____

Mailing Address: _____

Phone Number: Home _____ Business _____

2. Locational Description: Subdivision Name: _____

Section _____ Township _____ Range _____

Block _____ Lot No. _____

3. Existing Use: _____

4. Zoning District: _____

5. Description of Conditional Use: _____

6. Supporting Information: Attach a plan for the proposed use (in triplicate) showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards and refuse and service areas. Also attach a narrative statement relevant to the above requirements and also explain the economic, noise, glare and odor effects on adjoining property and the general compatibility with adjacent and other properties in the district.

Date: _____ Applicant: _____

.....
(For official use only)

Date Filed: _____, 20____

Date of Notice to Parties in Interest: _____, 20____

Date of Notice to Newspapers: _____, 20____

Date of Public Hearing: _____, 20____

SAMPLE ONLY
CONDITIONAL USE CERTIFICATE
OXFORD TOWNSHIP, ERIE COUNTY, OHIO

Certificate No. _____

Date: _____, 20____

Name of Property Owner: _____

Description of Property:

House Number: _____

Lot Number: _____

Block: _____

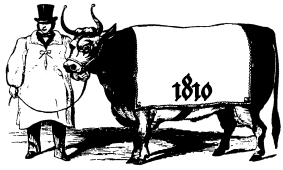
Subdivision: _____

SUBJECT USES

A conditional use certificate for the (structure) (use) is hereby (granted) (denied).

If denied, suggested action:

Zoning Inspector



XFORD TOWNSHIP

ZONING RESOLUTION

Appendix II Development Standards