



Pelton's Water-Wheel

Vermilion Township

1907 State Rd.
Vermilion, OH 44089
Phone: 440-967-3251
Fax: 440-967-8843
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Zoning Resolution Preamble

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

THEREFORE BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF VERMILION TOWNSHIP, 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 Vermilion 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 commissions thereof shall be subject to this resolution except and only to the extent expressly exempted by law.

VERMILION TOWNSHIP
ERIE COUNTY

RESOLUTION NO. 32-10

PASSED APRIL 7, 2010

A RESOLUTION APPROVING CHANGES TO THE VERMILION TOWNSHIP ZONING
RESOLUTION.

The Vermilion Township Board of Trustees, Erie County, Ohio met at a public hearing on the 7th day of April, 2010 at the township offices located at 1907 SR 60, Vermilion, Ohio with the following members present:

Mr. Ronald Dickel	Present
Mr. Christopher Decker	Present
Mr. Charlie Trinter	Present

Mr. C. Trinter introduced the following resolution and moved for its adoption:

To change the Vermilion Township Zoning Resolution, specifically the following:

1.) On page 137, under 2. DEFINITIONS, Clear Fall Zone, the definition of Clear Fall Zone shall read:

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

2.) On page 138, under 3.b. GENERAL, Setbacks, Setbacks shall read:

"b. Setbacks: the following shall apply in regard to setbacks: Any turbine erected on a parcel of land shall establish a "clear fall zone" from all neighboring property lines and right-of-ways. The clear fall zone shall not be less than one hundred (100) percent of the maximum turbine height as measured on a radius from the base of the turbine tower. A turbine shall be erected and placed in such a manner that, if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located."

Mr. C. Decker seconded the motion and the roll being called upon for its adoption resulted as follows:

Mr. Dickel	Yea
Mr. Decker	Yea
Mr. Trinter	Yea

THAT, this Board hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of the board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

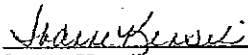
Adopted this 7th day of April, 2010

APR 28 2010

FISCAL OFFICER CERTIFICATION

I, Joanne Kensik, the undersigned fiscal officer of Vermilion Township, Erie County, Ohio, certify that the foregoing Resolution No. 32-01 is taken and copied from the record of proceedings of Vermilion Township and it has been compared by me with the resolution on the record and is a true copy.

Date 4/9/10



Joanne Kensik
Vermilion Township
Board of Trustees



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Zoning Permits Required For:

1. Erection of any building or structure in Vermilion Township
 - a. Living space
 - b. Attached garage
 - c. Basements
 - d. Structural alterations
 1. Porch roof
 2. Addition of windows, but not replacement
 3. Patio enclosures
 4. Dormers or garage conversion to living space
 5. Interior renovations of over 30% of living space
 - e. Sheds, pole barns, accessory buildings
 - f. Portable buildings (storage buildings on skids)
2. Fences
3. Signs
4. In-ground swimming pools
5. Driveways (permits for curb cuts for driveways are secured from the Township Road Superintendent, Stanley Road).
6. Agriculture: Buildings constructed for the primary purpose of agriculture are required to have a permit.
There is no fee for this type of structure.
7. Parking lots, commercial and industrial
8. Occupancy permit for commercial and industrial buildings
9. 4-H projects

For zoning permits and further information contact:

VERMILION TOWNSHIP ZONING INSPECTOR
VERMILION TOWNSHIP OFFICES
1907 STATE RD.
VERMILION, OHIO 44089
440-967-6841



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Zoning Resolution Article 1

GENERAL PROVISIONS

1.0 Title

This resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Vermilion," 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 resolution, the most restrictive, or that imposing the higher standards, shall govern.

1.2 Separability

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

1.3 Repeal of Conflicting Resolutions

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

1.4 Effective Date

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

1.5 Incorporation of Maps

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

1.6 Incorporation and Alteration of the Official Zoning Map

The official zoning map shall be identified by the signature of the Township Trustees and Township Clerk and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 10 of Resolution No. _____ of the Township of Vermilion, together with the date of the adoption of this resolution.

If, in accordance with the provisions of this resolution, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Board of Trustees. No amendment to this resolution which involves a matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

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

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

1.7 Replacement of Official Zoning Map

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

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



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Zoning Resolution 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. This Board of Township Trustees, in accordance with a Comprehensive Plan and by this resolution, hereby regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts and other open spaces; the density of population; the uses of buildings and other structures, including tents, cabins and trailer coaches; and the uses of land other purposes in the unincorporated territory of the Township and for such purposes may divide all or any for such purpose hereby divides the entire unincorporated territory of this township into districts and zones as hereinafter described.

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 Vermilion Township, 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 Vermilion Township.

2.2 The Board of Township Trustees may allow the construction of Township government buildings in any district, provided conditions of Article 25 (Off Street Parking and Loading) are met.



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Zoning Resolution Article 3

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

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 entity.
- 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.

Definitions

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

3.7 Accessory Buildings:

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

3.8 Accessory Use:

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

Accessory uses shall also include:

- 1. Residential accommodations for servants, caretakers or night watchmen in any use district.
- 2. Swimming pools, tennis courts and other personal recreational facilities.
- 3. Off-street loading and parking facilities and the storage of goods used, produced or offered for sale which shall be accessory uses in commercial or industrial districts only and subject to all regulations of the district where located.
- 4. Garage or other casual sales of personal property shall be considered an accessory use so long as they are limited to no more than two times a year and for no longer than three days each time.
- 5. The storage in residential districts of trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for nonresidents of the premises whether or not a fee is charged, shall not be deemed an accessory use. All such items shall be stored no closer to the street than the minimum front yard setback requirements of the district.
- 6. Accessory use shall include the keeping of dogs, cats or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- 7. The sale of fruits and vegetables grown on the premises where sold.
- 8. Any activity which is the subject of any advertising including, but not limited to newspaper, magazine, radio, television, poster, billboard, handbills, direct mailing, yearbooks, telephone directory or other publications shall not be deemed to be an accessory use in a residential district.

3.9 Adult Business Definitions

1. Adult Business - Includes an adult bookstore, adult cabaret, adult motion picture theater, adult oriented business and massage establishments.

2. Adult Bookstore - Means an establishment which utilizes fifteen (15%) more of its retail selling area for the purpose of retail sales or rentals; or for the purpose of display by coin or token operated devices; or electronically, electrically or mechanically controlled still or

motion picture machines, projectors, or other image producing devices or both; books, magazines, other periodicals, films, tapes, cassettes, or compact discs which are distinguished by their emphasis on adult materials.

3. **Adult Cabaret** - Means a nightclub, bar, restaurant, supper club, lounge, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

4. **Adult Material** - Means material that is distinguished or characterized by its sexually oriented material that is harmful to juveniles or obscene.

5. **Adult Motion Picture Theater** - Means an enclosed or open air motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material.

Adult Oriented Business - Means an establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

3.10 Adult Daycare

A facility to provide less than twenty-four (24) hour care for adults eighteen years of age or older, including recreation, meals, entertainment, and personal care service.

1. Owner shall have at least minimum LPN training.
2. A maximum of four clients.
3. Shall have adequate sanitary facilities.
4. Provisions for handicapped.
5. Adequate safety provisions.
6. Carry sufficient liability insurance.
7. Food service meets Health Department standards.
8. Provision for recreation.

3.11 Agriculture: Is the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treatment or storing of produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. A use shall be classified as agricultural only if it is the principal or main use of the land.

3.12 Airport: Any runway, land area or other facility designed or used whether 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.

3.13 Alley: See Thoroughfare.

3.14 Alterations: Is any structural change, additions, or modifications 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."

3.15 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.

3.16 Apartment House: Is a multi-family building for three or more families, living independently of each together, with cooking and toilet facilities in each dwelling unit.

3.17 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.

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

3.19 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 7½ feet (2235 mm) above the attic floor is not more than 1/3 the area of the floor next below.

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

3.21 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, over-all painting and undercoating of automobiles.

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

Automotive Wrecking is to dismantle or disassemble used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

3.23 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.

3.24 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.

3.25 Bed and Breakfast Homestay: Is 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.

3.26 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.

3.27 Boarding House (Rooming House): Is a building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals 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.

- 3.28 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.
- 3.29 Building:** Any structure, whether temporary or permanent, having a roof and used or built for the shelter of persons, animals, chattels, or property of any kind. This 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. (Adopted 11/15/97)
- 3.30 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.
- 3.31 Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 3.32 Building, Line:** Is a line defining the minimum front, side and rear yard requirements.
- 3.33 Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 3.34 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 objectional influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.
- 3.35 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.
- 3.36 Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.
- 3.37 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.
- 3.38 Business, Services:** Any profit making activity which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in homes and businesses.
- 3.39 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.
- 3.40 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.
- 3.41 Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- 3.42 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:
- 3.43 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.
- 3.44 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 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.
- 3.45 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.
- 3.46 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.
- 3.47 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.
- 3.48 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.
- 3.49 Comprehensive Development Plan:** A plan or any portion thereof, adopted by the Planning Commission and the legislative authority of the Township of Vermilion showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established the goals, objectives and policies of the community.
- 3.50 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.
- 3.51 Conditional Use Permit:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
- 3.52 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.

- 3.53 Corner Lot:** (see lot types).
- 3.54 Cul-de-sac:** (see thoroughfare).
- 3.55 Dead-end Street:** (see thoroughfare).
- 3.56 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.
- 3.57 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.
- 3.58 District:** A part, zone, or geographic area within the township within certain zoning or development regulations apply.
- 3.59 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.
- 3.60 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.
- 3.61 Dwelling, Single Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
- 3.62 Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other.
- 3.63 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.
- 3.64 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.
- 3.65 Easements:** Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.
- 3.66 Elderly, Household:** Not more than three persons, related or unrelated, who occupy a single dwelling unit of whom one person is elderly.
- 3.67 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, day care, therapy, personal care, nursing facilities, recreational facilities and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall include convalescent homes, nursing homes, group residential facilities, or homes for the aged.
- 3.68 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.
- 3.69 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.
- 3.70 Factory-Built Housing:** Factory-built housing mean 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 on constructed under the authority of 42 United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and with wheels or axles. Manufactured homes must comply with the following minimum standards:
 - a) **Exterior Siding.** Exterior siding shall be made of non-reflective and 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 inches and no greater than thirty inches.
 - d) **Roofing Material.** All roofing material shall consist of the following categories: wood, shingle, concrete tile or any other material that the township deems. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport.
 - e) **Minimum Floor Area.** The minimum floor area for every dwelling located on a lot in an R Zoning District, which is not a part of a mobile home subdivision, shall be 1,000 square feet, excluding the area of garage or carport.
 - f) **Minimum Width.** The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.
 - g) **Foundations.** All manufactured homes shall be placed on a permanent foundation that meet 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.
- 3.71 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 1 Type B group residential facilities.
- 3.72 Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and watershed projects.
- 3.73 Feedlot:** A relatively small, confined land area for fattening or temporarily holding cattle for shipment.
- 3.74 Fireworks:** Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers, or other devices or

like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of 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.

3.75 Flood Plain: The land, including the flood fringe and the floodway, subject to inundation by the regional flood.

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

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

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

3.79 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.

3.80 Floor Area of a Non-Residential Building (to be used in calculating parking requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

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

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

3.83 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.

3.84 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.

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

3.86 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 or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.

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

3.88 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.

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

3.90 Homes for the Aging: Means a home that provides both of the following:

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

3.91 Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging 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.

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

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

3.94 Junk Building, Junk Shops, Junk Yards: Any land, property, structure, building or combination of the same, on which junk is stored or processed.

3.95 Kennel: Any lot or premises on which four 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.

3.96 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.

3.97 Location Map: (see vicinity map).

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

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of lots or portions of lots of record under common ownership.

3.99 Lot Coverage: The ratio of enclosed ground floor area of all building on a lot to the horizontally projected area of the lot, expressed as a percentage.

3.100 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.

3.101 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.

3.102 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 rear most 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.

3.103 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.

3.104 Lot Types: Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

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

3.105 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.

3.106 Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

3.107 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.

3.108 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.

3.109 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 traffic and no nuisances.

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

3.111 Mobile Home: Any non-self propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highway 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.

3.112 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 or intended for use as a part of the facilities of such park.

3.113 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.

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

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

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

3.117 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.

3.118 Performance Bond, Surety Bond, or Financial Guarantee: An agreement by an individual, corporation or insurance or surety company or an irrevocable bank letter of credit which guarantees to the county payment of construction costs in the event of the default by a developer or other principle obligator.

3.119 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.

3.119(a) – Planning Commission: the Erie Regional Planning Commission

3.120 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.

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

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

3.123 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.

3.124 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 of which are dedicated, whether improved or not.

3.125 Rest Home: Means a home that provides either of the following:

- a) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment or, in the case of a rest home component of a home for the aging, accommodations to three or more individuals and supervision and personal care services for at least three of those individuals.
- b) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment and supervision of special diets or the administration of medication to at least one of those individuals.

3.126 Quasi-public Use: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

3.127 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 providing such accommodations.

3.128 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.

3.129 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.

3.130 Roadside Stand: A structure designed or used for the display of sale of agricultural and related products.

3.131 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 area, viaducts and bridges.

3.132 Satellite Signal Receiver: "Dish-type Satellite Signal-Receiver Antenna," "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) which 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.

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

3.134 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).

3.135 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.

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

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

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

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

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

3.140 Stable: Is any building, structure or portion thereof which is used for the shelter or care of horses, or other similar animals, either permanently or transient.

3.141 Stand: Is a structure for the display and sale of products with no space for customers within the structure itself.

3.142 Story: That part of a building between the surface of a floor and the ceiling immediately above. (see Basement).

Story, Half: Is a space under a sloping roof which has the line of intersection of a roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished for the use. A half story containing independent apartment or living quarters is considered as a full story.

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most floor is the distance from the top surface of the floor to the top surface of the ceiling joists.

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

3.144 Subdivision:

1. The division of any parcel of land shown as a unit or as contiguous units on last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

- a. A division or partition of land into parcels of more than five acres not involving any new streets or easements of access;
- b. The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;
- c. If the planning authority adopts a rule in accordance with Section 711.133 of the Revised Code that exempts from division (A) of this Section any parcel of land That is four acres or more, parcels in the size range delineated in that rule.

2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any public or private street or streets, except private streets serving industrial structures; or involving the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

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

3.146 Swimming Pool: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

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

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

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

3.148 Through Lot: (see Lot Types)

Tourist Camp: Is any lot, piece or parcel of ground where two or more camp cottage, tents, camping or travel trailers, house trailers or mobile homes used as living or sleeping quarters are or may be located, said camp being operated for or without compensation.

Tourist Home: Is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.
Trailer and Trailer Courts: See Mobile Home and Mobile Home Court.

3.149 Transportation, Director of: The Director of the Ohio Department of Transportation.

3.149(a) – Township Trustees: the Board of Vermilion Township Trustees

3.150 Use: Is the purpose, or activity, for which land or a building or structure is arranged, designed, or intended, or for which it is occupied, or may be occupied or maintained.

1. Use, Accessory: See "Accessory Building" or "Use".
2. Use, Conditional: Is a use which is permitted in a district or zone, only if a certificate therefore is expressly authorized by the BOARD OF ZONING APPEALS in accordance with the provisions of this Resolution.
3. Use, Principal Permitted: Is a use which is permitted outright in a district for which a Zoning Certificate may be issued by the Zoning Inspector in accordance with the provisions of this Resolution.
4. Use, Seasonal: Is the occupation of any building, or structure, or activity for a period not to exceed more than six (6) months of any one calendar year.

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

3.152 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 recuperations. It may also include boarding that is incidental to the primary activity.

3.153 Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision to use 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.

3.154 Walkway: A public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

3.155 Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three 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.

3.156 Zoning Inspector: The Zoning Inspector is the person designated by the Board of Vermilion Township Trustees to administer and enforce the Vermilion Township Zoning Resolution.

3.157 Zoning Permit: A document issued by the Vermilion Township Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

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Pelton's Water-Wheel

Vermilion Township

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Zoning Resolution Article 4

ADMINISTRATION

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 offices and bodies within the township:

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

4.2 Zoning Inspector

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

4.3 Responsibilities of Zoning Inspector

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

1. Enforce the provisions of this resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the official zoning district map.
3. Issue zoning permits and certificates of occupancy as provided by this resolution and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he 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.

4.4 Township Zoning Commission

The Board of Township Trustees of any township proceeding under Sections 519.01 to 519.99, inclusive, of the Revised Code shall create and establish a Township Zoning Commission. The Commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or Regional Planning Commission, the board may appoint qualified members of such commission. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the board, upon written charges and after a copy of the

charges have been served upon the member so charged at least ten days prior to the hearing, either personally, by certified mail, or by leaving such copy at his usual place of residence. The members shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term. The Board of Vermilion Township Trustees may also appoint one (1) or two (2) alternate members to take the place of absent members.

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

The Township Zoning Commission shall submit a plan, including both text and maps representing the recommendations of the Zoning Commission, for the carrying out by the Board of Township Trustees for the powers, purposes and provisions set forth in Section 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 actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such other compensation, or both, as the board may approve and provide. No Township Trustee shall be employed by the Zoning Commission of his 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.

The Zoning Commission may request the Erie Regional Planning Commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps for the unincorporated area of the township or any portion of the same.

4.6 Amendments to Zoning Resolution; Procedure; Referendum

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

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty 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 published 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 names in the proposed amendment and the proposed zoning classification of such property;
5. The time and place where the motion, resolution of 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 published 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 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 names in the proposed amendment and 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 recommendation of the Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty 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 35401.38 of the Revised Code.

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

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

4.7 Ratification of Amendments to Township Zoning Plan

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

4.8 Township Board of Zoning Appeals; Compensation and Expenses

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

The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical and other assistants as it deems necessary. The Board of Trustees may also appoint one (1) or two (2) members to take the place of absent members.

4.9 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

- a. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Sections 519.01 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 the Zoning Resolution;
- d. Revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division d) of this section and of his 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 as ought to be made and to that end has all powers of the officer from whom the appeal is taken.

4.10 Rules, Organization and 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 proceeding 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 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 notices 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. At the time of the hearing, any person may appear in person or by attorney.

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

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the board only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution, the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law and of establishing a schedule of fees and charges as stated in Section 1351 of this resolution. Nothing in this resolution shall be interpreted to prevent any official of the township from appealing a decision of the board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten days of the board's written decision.

4.12 Board of Township Trustees

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

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

4.13 Schedule of Fees

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

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Pelton's Water-Wheel

Vermilion Township

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Zoning Resolution Article 5

5.0 General

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

5.1 Zoning Permits Required

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

5.2 Contents of Application for Zoning Permit

The application for zoning permit shall be made in writing and signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or 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, when required by Zoning Inspector;
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 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 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove of application. If approved, said permit must be picked up and paid for within thirty days after approval or the permit shall be voided and written notice shall be given to the person(s) affected. If the application is disapproved, written notice shall be given within ten days, stating the reason(s) for the disapproval to the person(s) affected.
(EFFECTIVE 07/03/98)

5.4 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three hundred feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred 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 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 been completed within one year from the date of issuance thereof, said permits shall expire; it shall be revoked by the Zoning Inspector and written notice thereof shall be given to the person(s) 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 at the current fee schedule.
(EFFECTIVE 01/29/00)

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 this resolution.

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

Zoning permits are issued on the basis of plans and application approved by the Zoning Inspector authorized for only the use and arrangement set forth in such approved plans 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 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 determine 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 persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered on record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

5.14 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 (\$100.00) 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 resource provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.



Pelton's Water-Wheel

Vermilion Township

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Zoning Resolution Article 6

NONCONFORMING USES

6.0 Purpose

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

6.1 Incompatibility of Nonconformities

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

6.2 Completion of Nonconforming Structures

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has 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 own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

6.4 Permits for Nonconforming Uses in Property Owners or Leaseholders Associations

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a permit 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 permit shall specify the reason why the use is a nonconforming use and the extent that dimensional requirements are nonconforming. When a nonconforming lot or use is located in any of the property owners or leaseholder association in Vermilion Township, applicant for zoning permits must present documentary evidence of the approval of the application by the trustees of that association.

6.5 Substitution of Nonconforming Uses

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

6.6 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.

6.7 Nonconforming Lots of Record

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record as separate lots at the times of passage or amendment of this resolution, the lots or parts of lots with buildings, may be sold separately.

6.8 Nonconforming Structures or Uses

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

1. The Board of Zoning Appeals is hereby authorized to grant a variance from the literal provisions of this resolution that does not meet the minimum requirements of the district in which the lot is located, or is not a lawful use within the district, such structure or use may be continued as long as it remains otherwise lawful.
 - a. The restoration, reconstruction, extension or substitution of the nonconforming use or structure will not be contrary to the public interest.
 - b. Where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship.
 - c. There must exist special circumstances or conditions fully described by the applicant and which are such that strict application of the provisions of this resolution would deprive the applicant of reasonable use of the structure of land. Mere loss in value shall not justify an approval by the Zoning Board of Appeals; there must be deprivation of beneficial use of the structure or land.
 - d. The lot area shall be adequate to accommodate the required off-street parking for the structure as restored, reconstructed, extended or substituted. The design, location and surface of the parking area shall be provided so as to reduce congestion, promote safety and to reduce the impact on the existing neighborhood.
 - e. No nonconforming use shall be permitted to restore, reconstruct, extend or substitute if it will result in a greater detriment to surrounding properties.
 - f. No nonconforming use may be expanded beyond the property limits as existing at the time this resolution was adopted or amended to make the use or structure nonconforming.
 - g. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than sixty (60) percent of the replacement costs at time of destruction.
 - h. The replacement of one mobile home with another mobile home shall not be considered reconstruction or restoration under this provision.
 - i. If any nonconforming use is discontinued or abandoned for more than two years (except when government action impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.

6.9 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 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 become 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.



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Zoning Resolution Article 7

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

7.0 General

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

7.1 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty 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 by the Board of Appeals, if it concludes that strict enforcement of the resolution would result in unnecessary hardships in the case of use variances for the applicant and that by granting the variance, the spirit of the resolution will be observed, public safety and welfare secured, substantial justice done and that the variance will not be contrary to the public interest. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship in the case of a use variance or practical difficulties in the case of an area variance.

7.4 Application and Standards for Variances

Except as otherwise permitted in this resolution, no variance in the strict application of the provisions of this resolution shall be granted by the Board of Zoning Appeals, unless the board 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 expressly excluded from 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 the greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - e. The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.

f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.

g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures or buildings in the same district.

7.5 Additional Conditions and Safeguards

The board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, 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 by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information required of notices published in newspapers as specified in Section 7.7.

7.9 Action by Board of Zoning Appeals

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

7.10 Terms 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.



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Zoning Resolution Article 8

AMENDMENT

8.1 General

Whenever the public necessity, convenience, general welfare for 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 lessees of property within the area proposed to be changed or affected by said amendment.

8.3 Contents of Application for Zoning Map Amendment

Application for amendments to the official zoning map adopted as part of this resolution by Article 10 shall contain at least the following information:

1. The name, address and phone number of applicant;
2. A statement of the reason(s) for the proposed amendment;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
8. A list of all property owners and their mailing addresses who are within, contiguous to or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten 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 (1) owner or lessee 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 (1) owner or lessees, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

8.7 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.

(2) Before any zoning amendment is approved changing any parcel to a residential district from any other non-residential district, a consideration for potential noise intrusion from surrounding areas shall be addressed. In doing so, the board may issue other noise reduction guidelines, thus protecting residents of outside nuisances.

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 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, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and 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

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

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

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

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

8.12 Notice of Property Owners by Zoning Commission

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

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

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

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

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

8.15 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 8.14, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees is required.

8.16 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 voters cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect. © 2023 Vermilion Township, All Rights Reserved - Developed by Sterling PC Maintenance Solutions



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Zoning Resolution Article 9

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

9.0 Purpose

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

9.1 Contents of Conditional Use Permit Application

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

1. Name, address and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing use 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 contained in Section 9.2.

9.2 General Standards for All Conditional Uses

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

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

9.3 Public Hearing

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

9.4 Notice of Public Hearing

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

9.5 Notice to Parties of Interest

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

9.6 Action by the Board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in Section 9.30, the board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 9.7. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the board for approval.

2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.

3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the board, the applicant may seek relief through the Court of Common Pleas.

9.7 Supplementary Condition and Safeguards

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

- a. The location, width, radius and number of driveways entering onto any public street;
- b. The requirement and barriers be established to prevent access to a public street at any other location than established driveways;
- c. A limitation upon access to certain public streets where there are more than one public street abutting the property;
- d. Limitations upon the use of required setbacks for the parking of motor vehicles, storage or display of goods for sale or use, or the location of dumpsters;
- e. Limitations on the intensity and location of lighting and requirements that lighting be shielded from adjoining properties;
- f. Requirements that surface water be detailed, channelized or otherwise carried from the property to public storm sewers so as to avoid injury to adjoining properties;
- g. Requirements that culverts be installed parallel to the road under any proposed driveway so as not to interfere with the existing flow of surface water. The size of the culvert shall be determined based upon accepted engineering standards.

9.8 Expiration of Conditional Use Permit

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

9.9 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.



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Zoning Resolution Article 10

ZONING DISTRICTS AND BOUNDARIES INTERPRETATION

10.0 Purpose

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

10.1 Establishment of Districts

ZONING DISTRICTS

The unincorporated portions of Vermilion Township are hereby divided into districts or zones as shown on the zoning map which accompanies this resolution. They are as follows:

Agricultural	A
Rural Residential/Single Family	R-R
Single Family Serviced Residential	R-1; R-A; R-1B
Two Family Residential District	R-2
Multi-Family Residential District	R-3
Local Commercial	C-1
General Commercial	C-2
Light Industrial	I-1
Mineral Aggregate	MG
Planned Unit Development	PUD
Floodplain, Floodway and Wetland	FF & W

10.2 Zoning District Map

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

10.3 Zoning Map Legend

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

10.4 Identification of Official Zoning Map

The official zoning map shall be properly identified by the signature of Township Trustees, as attested by the Township Clerk and bearing the official seal. The map shall be maintained by the Zoning 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 of a reproducible document and copies shall be made available to the public upon request and upon payment of a fee as established by resolution.

10.5 Identification 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 of 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 dimension shall be determined by the use of the scale shown on the official zoning map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
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.



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Zoning Resolution Article 11

AGRICULTURAL/RURAL RESIDENTIAL SINGLE FAMILY (A/R-R)

11.0 Purpose

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

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

11.1 Principal Permitted Uses

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

1. Agriculture uses on five acres or more. (Not including required one (1) acre for residence)
2. Single family dwelling, both farm and non-farm related (minimum one acre lot - 43,560 sq. ft.).
3. Accessory uses and buildings incidental to above principal uses.
4. Publicly owned and operated libraries, parks and recreation facilities.
5. Type B and family day care home.
6. In all residential districts within the township, no person shall keep more than three dogs, cats or other non-agricultural family pets, except new born animals for a period of sixty days after birth.
7. Public stables and riding academies of at least ten (10) acres in size.

Roadside Stands

1. Fifty percent of the revenue must come from produce raised on farms owned or operated by the market operator.
2. Any structure used to display goods shall be less than two hundred fifty (250) square feet in size.
3. Structure shall be set back at least fifty (50) feet from any side or rear property line.
4. Structure shall be set back at least twenty (20) feet from the street right-of-way.
5. All signs shall be attached to the structure and shall not exceed five (5) square feet in total area.
6. Off street parking must be provided to all employees and customers.

11.2 Conditionally Permitted Uses

The following uses may be permitted by the Township Board of Appeals subject to the granting of a conditional use permit pursuant to Article 9.

1. Cemeteries and other facilities incidental thereto, subject to the following conditions:
 - A) Any new cemetery shall be located on a site containing not less than (20) twenty acres.
 - B) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
 - C) All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
2. Nursery Schools, Day Care Nurseries and Child Care Centers, subject to the following conditions:
 - A) For each child cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5000) square feet and shall be screened from any adjoining lot in any residential district
 - B) Said use shall not be permitted in the interior of any residential block and shall have minimum side and rear yards of one hundred (100) feet.
3. Churches and other facilities normally incidental thereto, subject to the following conditions:
 - A) The lot area shall be adequate to accommodate the required off-street parking requirements of the church, as specified in Article 24, Required Parking
 - B) The church building and parking lot shall be set back from any adjacent residential property lines a minimum of fifty (50) feet.
 - C) Parking shall not be permitted within fifty (50) feet of any side or rear

- property line where feasible. (Effective 9/19/09)
- D) A cemetery could be an accessory use in conjunction with a church, but must meet the standards of Article 11.3 section 1.
4. Private recreational areas and institutional or community recreation centers, subject to provisions of Article 9.
5. Golf courses and driving ranges, subject to the following conditions:
- All buildings and structures shall be at least thirty (30) feet from all property lines.
 - A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green in conjunction with the range.
 - All drives and parking areas shall be surfaced with a hard, durable materials and properly drained.
 - All lights shall be directed away from site boundary lines.
 - Fences, plantings or sufficient area shall be provided to ensure the safety and protection of persons on all adjacent land.
 - One non-flashing sign, not to exceed sixty (60) square feet in area, may be provided at the major entrance.
 - All driving directions shall be away from any street or highway.
6. Type A Family Day Care Home, subject to the following conditions:
- Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, refer to Article 22.11.
 - 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 resident character of the neighborhood. The outgoing vehicles during high volume periods shall provide a safe drop-off point for children that not impeded other traffic.
 - One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
7. Bed and Breakfast Homestays, subject to the following conditions:
- A bed and breakfast homestay may have up to three guest rooms and be a private owner-occupied residence. The bed and breakfast homestay must be subordinate and incidental to the main residential use of the building.
 - No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
 - All floors above grade shall have direct means of escape to the ground level.
 - One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
 - All parking areas shall be set back a minimum of twenty-five (25) feet from the property lines.
 - One sign shall be permitted not exceeding two (2) square feet in area and three and one-half (3 1/2) feet above ground.
 - Length of stay shall not exceed fourteen (14) days.
8. Home Occupations and Home Offices , subject to the following conditions:
- No person other than members of a family residing on the premises shall be engaged in such occupation or home office.
 - The use of the dwelling unit for home occupations or home offices shall be clearly incidental and subordinate to 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 conducting of the home occupation or home office.
 - 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 or home office other than one sign, not exceeding two (2) square feet in area, non-illuminated.
 - Home offices will only be for family practicing any of the professions, including accountant, architect, artist, engineer, lawyer, physician, real estate, insurance, financial planner and stockbroker.
 - If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation or home office shall be met off the street and other than in a required front yard.
 - No equipment or process shall be used in such home occupation or home office which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of the lot, if or office is conducted in a single-family residence.
9. Funeral Home
- The building shall be designed so as to conform with the architectural character of the neighborhood. (Effective 9/19/09)
 - 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.
10. Home Sale of Antiques, Ceramic and Woodcrafts.
11. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations.
- The area shall be sufficient to meet the Federal Aviation Administration requirements for the class of airport proposed.
 - There is no existing obstruction such as towers, chimneys other tall structures, or which would fall within the approach zone to any of the proposed airport runways or landing strips.
 - There is sufficient distance between the end of each usable landing strip and the 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 buildings, hangars or other structures shall be at least 100 feet from any street or lot line.
 - E) Off-street parking as required in a commercial district Article 24 section 24.9.
 - F) The application for authorization of an airport shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of the owners of abutting properties; proposed layout of the runways, landing strips or other areas, taxi strips, aprons, roads, parking areas, hangars, buildings and other structures, trees and overhead wires falling within the airport approach zone and less than 500 feet distance from the boundary lines of the airport, other pertinent data such as topography and grading plan, drainage, water and sewage, etc.
12. Private parks, country clubs, gun clubs, golf courses and golf driving ranges.
 - A) All buildings and structures shall be at least thirty (30) feet from all property lines.
 - B) All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
 - C) All lights shall be directed away from site boundary lines.
 - D) Fences, plantings or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
 13. Publicly-owned and operated libraries, parks and recreation facilities.
 - 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.
 14. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education on sites of not less than ten (10) acres, subject to the following:
 - A) No school shall be located nearer than one hundred (100) feet to any adjacent residentially zoned property.
 - B) Every school property shall be surrounded by a minimum of five (5) foot high chain link fencing along the side and rear property lines.
 15. Colleges, universities and other 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.
 16. RV Trailer Parks or Campgrounds
 RV Trailer Parks or Campgrounds shall comply with the requirements of the Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code and subject to the following:
 - A) Travel trailer parks must be a minimum of ten (10) acres in size.
 - B) Sewer, water, fuel, electrical and telephone installation and connections shall be done in accordance with plans approved by the appropriate agency or utility. Underground sewer, water and electrical connections must be supplied for each unit.
 - C) All streets and roadways shall be hard-surfaced and parking shall be prohibited on all streets and roadways. Main roadways will be a minimum of twenty-four (24) feet in width.
 - D) Outdoor areas used for display shall be provided within a permanent, durable, dust-less surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the Erie County Engineer's Storm Water Management Rules, Regulations and Erosion Control.
 - E) No trailer lot shall have direct access to a public thoroughfare.
 - F) No business of any kind shall be conducted in any trailer.
 - G) All repairs shall be conducted within a wholly enclosed building.
 - H) Fence and/or greenbelts may be required by the Board of Zoning Appeals.
 - I) All exterior lighting shall be sufficient to provide security and discourage vandalism in the adjacent residential districts.
 - J) All signs shall conform to the sign regulations as stated in Article 25.
 - K) The Township Board of Zoning Appeals shall approve the plans for any travel trailer park prior to issuance of a zoning certificate.
 17. Cellular Telephone Communications Service
 Telecommunications towers shall be a conditionally permitted use in this district and subject to the following conditions provided they are evoked in accordance with R.C. 519.211(B). The Board of Zoning Appeals shall determine upon application and hearing that in addition to the conditions which are applied generally to conditionally permitted uses that all of the following provisions have been met.
 - A) The base of such tower shall be surrounded by a fence eight (8) feet in height with a locked gate and located as close as is practical to the tower.
 - B) The base of said tower and any accessory buildings shall be inside of the fence and shielded by a greenbelt of living plant material well maintained and replanted as necessary in order to provide year around obstruction from the public view.
 - C) No lights shall be permitted on the tower except those specifically required by state or federal law or regulations.
 - D) The site shall be a minimum of the height of the tower from the nearest parcel of land used for residential purposes.
 - E) The minimum setback line between the base of the tower and all adjacent properties shall be the height of the tower.
 - F) Underground wiring shall be required.
 - G) No employees shall be permitted at the tower site on a regular basis.
 - H) If the tower is abandoned, it shall be removed within ninety (90) days of its last date of operation.
 - I) Appropriate building and electrical permits will be obtained and all construction shall be in accordance with the appropriate building and electrical codes.
 - J) The applicant shall demonstrate that all intrusive alternatives and locations,

including leasing space, on the existing towers are not feasible for its operation.

11.3 Farm Dwellings Not Considered Incidental to Agriculture

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

11.4 Agricultural Uses Regulated (O.R.C. 519.21)

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

1. On lots greater than one acre, but not greater than five acres, buildings and structures incidental to the use of land to agricultural purposes shall meet the requirements of AGR; all agricultural buildings and structures shall be located in the rear of any dwelling, shall not be located in any required side yard; and shall not be located within one-hundred (100) feet of any property line.
2. On lots of five acres or less, but greater than one acre, if at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property tax or the tax on manufactured homes; dairying animals, and poultry husbandry is limited as follows:
 - A. Not more than two of the following may be raised or kept on lots of at least four acres: cow, buffalo, camel, llama, horse, goat, sheep, emu, ostriches or swine. One of these animals shall not be kept on lots of less than three acres.
 - B. For the purpose of this section, "fowl" shall mean chickens, geese, ducks, turkeys, pheasants or pigeons. Fowl shall not be kept on lots of less than five (5) acres and shall be caged in such a way that neighbors shall not be disturbed.
 - C. Colonies of bees shall not be located on lots of less than twenty thousand (20,000) square feet. A minimum of one thousand (1,000) square feet shall be required for each additional colony. Bee colonies shall not be located within one hundred (100) feet of any property line or within fifty (50) feet of a dwelling.
 - D. Dog kennels shall not be located on lots of less than five (5) acres and shall be licensed by the Erie County Dog Warden. Kennels shall not be located within one hundred twenty-five (125) feet of any property line. Noise buffers shall conform to the regulations set forth in Fencing Walls and Protective Barriers in this resolution.
 - E. The keeping of fur bearing animals, including but not limited to, mink, chinchillas, rabbits, foxes and the like; the raising of laboratory animals, such as mice, rats, monkeys, and the like; other exotic animals or reptiles shall not be permitted.
 - F. All animals and fowl shall be housed and fenced or caged so they cannot run at large. All food supplies shall be kept in rodent proof containers.
 - G. All health and sanitation requirements of the State of Ohio and Erie County shall be followed.

11.5 Agricultural Uses Which Become Non-Conforming

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

11.6 Development Standards

- a. Minimum Area: 1 acre (43,560 sq. ft.).
- b. Minimum Frontage: 125 feet.
- c. Minimum Front Yard Setback: 50 feet.
- d. Minimum Side Yard Setback: 10 feet.
- e. Minimum Rear Yard Setback: 25 feet.
- f. Minimum Floor Area: 1000 sq. feet for one story; 1200 sq feet for two stories.
- g. Maximum Height: 35 feet.
- h. Minimum Setback for Corner Lots: One-half the required front yard setback.
- i. Setback on Cul-de-sacs: Refer to Section 22.20.

11.7 Required Parking

As specified in Article 24.

11.8 Signs

As specified in Article 25.

11.9 Supplementary District Regulations

As specified in Article 22.

11.10 Special Regulations

As specified in Article 23.

11.11 Accessory Structures

1. Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this resolution applicable to the main building.
2. Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
3. A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard setback of ten(10) feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard setback shall be twenty (20) feet.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet to street or alley.

4. An accessory building shall be a minimum distance of ten (10) feet from any main building.
5. No accessory structure shall be used for human habitation.
6. No accessory structure shall be used for commercial or industrial purposes.
7. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
8. Accessory structures must be subordinate in area to the principal use.
9. The maximum height of any accessory structure shall be twenty (20) feet.

Private swimming pools, refer to Section 23.5.

Effective 9/19/09



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Zoning Resolution Article 13

SINGLE FAMILY SERVICED RESIDENTIAL (R-1) (R-1A) (R-1B)

13.0 Purpose

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

13.1 Principal Permitted Uses

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

1. Single family dwellings.
2. Publicly owned and operated schools, libraries, parks, parkways and recreation facilities.
3. Type B family day care home.
4. Accessory uses customarily incidental to the above permitted uses.
5. Raising of two horses and/or livestock must be on at least five acres.

13.2 Conditionally Permitted Uses

1. Home Occupations or Home Offices, subject to the following conditions:

- a. No person other than members of a family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated.
- d. Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
- e. If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.

2. Bed and Breakfast Homestays, subject to the following conditions:

- A) A bed and breakfast homestay may have between one and three Guest rooms and be a private owner-occupied residence. The bed and Breakfast homestay must be subordinate and incidental to the main Residential use of the building..
- B) No modifications to the external appearance of the building (except Fire escapes) which would alter its residential character, shall be Permitted.
- C) All floors above grade shall have direct means of escape to the ground Level.
- D) One off-street parking space shall be provided for each room available For rent, in addiion to those required for the dwelling unit.
- E) All parking areas shall be set back a minimum of twenty-five (25) feet

- From the property lines.
- F) One sign shall be permitted not exceeding two (2) square feet in area
And three and one-half (3 ½) feet above ground.
Length of stay shall not exceed fourteen (14) days.

13.3 Development Standards

a. Development Standard	R-1	R-1A	R-1B
b. Minimum Lot Area Without Sewer & Water	1 acre	1 acre	1 acre
c. Minimum Lot Area With Sewer & Water	20,000 Sq. ft.	11,250 sq. ft.	9,000 sq. ft.
d. Minimum Lot Frontage Without Sewer & Water	100 ft.	75 ft.	60 ft.
e. Minimum Lot Frontage With Sewer & Water	80 ft.	75 ft.	60 ft.
f. Minimum Front Yard Setback	35 ft.	35 ft.	35 ft.
g. Minimum Side Yard Setback	10 ft. both sides Total 20 ft.	5 ft. one side 15 ft.	5 ft. one side 15 ft.
h. Minimum Rear Yard Setback	25 ft.	25 ft.	25 ft.
i. Minimum Floor Area : one story two story	1000sq. ft. 1200 sq. ft.	1000 sq. ft.	1000 sq. ft.
j. Minimum Setback for corner lots:	Half the required front yard setback.		
k. Maximum building height:	35 feet		
l. Setback on cul-de-sac:	Refer to Section 22.20		

13.4 Required Parking

As specified in Article 24.

13.5 Signs

As specified in Article 25.

13.6 Supplementary District Regulations

As specified in Article 22.

Special Regulations

As specified in Article 23.

13.8 Accessory Structures

1. No accessory structure shall exceed the square footage on the first floor of the main dwelling.
2. Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
3. A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of ten (10) feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.
 - b. In no case shall an accessory structure be located closer than 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. No accessory structure shall be used for human habitation.
6. No accessory structure shall be used for commercial or industrial purposes.
7. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
8. Accessory structures must be subordinate in area to the principal use.
9. The maximum height of any accessory structure shall be twenty (20) feet.
10. No more than two accessory buildings on less than one acre.
11. Private swimming pools, refer to Section 23.5.



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Zoning Resolution Article 14

TWO FAMILY RESIDENTIAL DISTRICT (R-2)

14.0 Purpose

The R-2 district is designed to provide for a one and two family residential environment.

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-A, R-IB 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 Occupations or Home Offices, subject to the following conditions:

- a. No person other than members of a family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the residential floor area of the dwelling unit shall be used in conducting the home occupation.
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area , non-illuminated.
- d. Home offices will only be accessory offices for members practicing any of the professions, including accountant, architect, artist, engineer, lawyer and physician.
- e. If the home is in any residential zoning district, no traffic shall be generated by such home occupation or home office in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.

14.3 Development Standards

- | | |
|--|---------|
| a. Minimum Lot Area
Without Sewer & Water | 2 acres |
| b. Minimum Lot Area
With Sewer & Water | 1 acre |
| c. Minimum Lot Frontage
Without Sewer & Water | 200 ft |
| d. Minimum Lot Frontage
With Sewer & Water | 150 ft |
| e. Minimum Front Yard Setback | 50 ft |
| f. Minimum Side Yard Setback | 10 ft |

- g. Minimum Rear Yard Setback 50 ft
- h. Minimum Floor Area 1000 square feet per dwelling
- i. Minimum Setback for corner lots: Half the required front yard setback.
- j. Maximum building height: 35 feet
- k. Setback on cul-de-sac: Refer to Section 22.20

14.4 Required Parking

As specified in Article 24.

14.5 Signs

As specified in Article 25

Supplementary District Regulations

As specified in Article 22.

Special Regulations

As specified in Article 23.

14.8 Accessory Structure

1. Except as otherwise provided herein, no accessory buildings or structures, or use shall be erected or carried on in the required front yard.
2. A detached private garage or other accessory structure may be erected and used in the interior side or rear yard
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of ten (10) feet shall be maintained, unless the structure is 1,500 square feet or greater than the minimum side yard and rear yard shall be twenty (20) feet.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet to any street line or alley.
3. An accessory building shall be a minimum distance of ten (10) feet from any main building.
4. No accessory structure shall be used for human habitation.
5. No accessory structure shall be used for commercial or industrial purposes.
6. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
7. Accessory structures must be subordinate in area to the principal use.
8. The maximum height of any accessory structure shall be twenty (20) feet.
9. Private swimming pools, refer to Section 23.5.



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Zoning Resolution Article 15

MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

15.0 Statement of Purpose

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

15.1 Principal Permitted Uses

In the 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 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 area for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a said thoroughfare.
 - c. In the event one or more boundaries of the proposed site lies opposite or contiguous to 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 stories or less. For buildings above two 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 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 Provision."
3. Housing for the elderly shall be on a site of more than five (5) acres in area and may provide for the following:
 - a. Cottage type dwellings and/or apartment type dwelling units.
 - b. Common services containing, but not limited to, central dining rooms, recreational rooms, central 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.
4. Convalescent and/or nursing home, not to exceed a height of two 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 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 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 Conditionally Permitted Uses

The following uses may be permitted by the Vermilion Township Board of Zoning Appeals pursuant to Article 9:

1. Group Residential Facilities: Class I Type A and B
Class II Type A and B

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. 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 required special off-street parking.
4. Such facilities shall comply with the district regulations applicable to other properties in the district in which they are located.
5. No such facility may be located within six hundred (600) feet of another such facility.
6. No signs shall be erected by such facility for 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 reasonable accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighboring residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall prove documentation indicating the need for the facility the specific clientele it will serve and the location and type of similar facilities operated by the applicant.

15.3 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 22, Section 22.19.

15.4 Yard Requirements for Multi-Family Dwellings

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

15.5 Screening

Screening or buffering in compliance with the provisions of Article 22, Section 22.18

15.6 Lot, Yard and Area and Building Requirements

Minimum Lot Area: 1½ acres
 Minimum Lot Frontage: 200 feet
 Minimum Front Yard Setback: 50 feet
 Minimum Side Yard: 15 feet
 Minimum Rear Yard: 50 feet
 Maximum Net Density: 6 units/acre
 Maximum Height: 40 feet

15.7 Required Parking

As specified in Article 24.

15.8 Signs

As specified in Article 25.

Supplementary District Regulations

As specified in Article 22.

Special Regulations

As specified in Article 23.

15.11 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 structure shall be a minimum distance of ten (10) feet from any main building.
4. No accessory structure shall be used for commercial or industrial purposes.
5. Private swimming pools, refer to Section 23.5.
6. No accessory structure shall be used for human habitation.

15.12 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 or yards and buildable area.

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 or more residents will be suitable 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.



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Zoning Resolution Article 16

LOCAL COMMERCIAL DISTRICT (C-1)

16.0 Statement of Purpose

The C-1 district is intended for retail business and service uses which are needed to service 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 provisions in Section 16.4.
2. Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
3. Laundry or dry cleaning customer outlets, coin-operated laundromat and self serve dry cleaning center. Dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.
4. Professional offices of doctor, 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.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

16.3 Prohibited Uses

1. Adult businesses or sexually oriented businesses.
2. Junk yards

16.4 Conditionally Permitted Uses

The following use may be permitted by the Township Board of Zoning Appeals.

1. Planned Shopping Center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site of three to five acres; six to fifteen stores; and a floor area of 10,000 to 50,000 square feet; and which further satisfies the following development standards.
 - a. A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - b. No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - c. A 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 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 22.19.
2. Adult Daycare - A facility to provide less than twenty-four (24) hour care for adults eighteen years of age or older, including recreation, meals, entertainment, and personal care service.
 1. Owner shall have at least minimum LPN training.
 2. A maximum of four clients.
 3. Shall have adequate sanitary facilities.
 4. Provisions for handicapped.
 5. Adequate safety provisions.
 6. Carry sufficient liability insurance.

7. Food service meets Health Department standards.
 8. Provision for recreation.
3. Child Day Care Center
 - 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 of 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.
 4. Nursery Schools, Day Nurseries and Child Care Centers (not including dormitories) providing that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less 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 a minimum side and rear yards of one hundred (100) feet.
 5. Residential use in conjunction with commercial use provided the following conditions are met.
 - a. One dwelling unit may be permitted in conjunction with a commercial use.
 - b. Off-street parking must be provided for the dwelling unit in accordance with Section 24.9.
 - c. The dwelling unit must be a minimum of 900 square feet in floor area.
 - d. The dwelling unit, if attached to the commercial use must meet setback requirements as the commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the "R-1" District with a minimum of 1,000 square feet floor area for a one-story dwelling and 1,200 square feet floor area for a two-story dwelling.
 6. Car Wash

Any automatic or manually operated facility used to accommodate the laundering 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 sanitary sewers and municipal water facilities shall be utilized.
- b. For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
- c. All structures housing washing apparatuses shall be set back fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one (1) street frontage shall be reduced to fifty (50) feet and the setback on the other street frontage shall be reduced to eighty (80) feet.

16.5 Site and Landscape Plan Review

For all uses permitted in C-1 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 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 district 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 22, Section 22.19.

16.6 Screening/Buffering

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

Screening or buffering must also be in compliance with the provisions of Article 22.18.

16.7 Development Standards

Minimum Area: 1 acre
 Minimum Frontage: 100 feet
 Minimum Front Yard: 50 feet
 Minimum Side Yard: 20 feet
 Minimum Rear Yard: 40 feet
 Minimum Setback for Corner Lots: One-half (½) the required front yard setback
 Maximum Height: 35 feet
 Maximum Coverage: 40 percent

Knox-Box Rapid Entry System installed.

Sidewalks: Pedestrian concrete sidewalks six (6) feet wide, the width of the frontage, located behind road-right-of-way or as designated by the Zoning Inspector.

16.8 Required Parking

As specified in Article 24.

16.9 Signs

As specified in Article 25.

16.10 Supplementary District Regulations

As specified in Article 22.

16.11 Special Regulations

As specified in Article 23

16.12 Accessory Structures

1. Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to the main building.
2. Except as otherwise provided herein, no accessory structure or use shall be erected or carried on in the required front yard.
3. A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of thirty (30) feet shall be maintained.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet of any street line or alley.
 - c. Accessory structure shall not exceed 2,500 square feet.
4. An accessory building shall be a minimum distance of fifty (50) feet from any main building.
5. No accessory structure shall be used for human habitation.
6. Accessory structures must be subordinate in area to the principal use.
7. The maximum height of any accessory structure shall be thirty-five (35) feet.



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Zoning Resolution Article 17

GENERAL COMMERCIAL DISTRICT (C-2)

17.0 Statement of Purpose

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

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

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 18.
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.
3. All retail business establishments conducted within a completely enclosed building except those listed separately as conditional uses in this district.
4. Wholesale business establishments and wholesale distribution centers conducted within a completely enclosed building.
5. Dormitories, fraternities, clubs, lodges, social or recreational buildings.
6. Sales establishments, such as for real estate and insurance conducted within a completely enclosed building, except those listed separately as conditional uses in this district.
7. Repair shops conducted within a completely enclosed building except those listed separately as conditional uses in this district.
8. Public buildings and uses.
9. Business schools and colleges or private trade schools operated for profit.
10. Commercial or technical school or training centers.
11. Offices.
12. Restaurants or other places serving food and beverages.
13. Data processing centers.
14. Banks.
15. Research and development facilities.
16. Merchandise service shops.
17. Specialized commercial uses including plumbing, electrical and building supply shops.
18. Theaters, assembly halls, concert halls, or similar places of assembly, conducted completely within an enclosed building.
19. Hotels and motels.
20. Accessory structures and uses customarily incidental to the above permitted uses.

17.2 Prohibited Uses

1. Adult businesses or sexually oriented businesses.
2. Junk yards.

17.3 Conditionally Permitted Uses

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

1. 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 no existing 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 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 100 feet from any street or lot line.
- e. Adequate space for off-street parking for at least 50 vehicles shall be provided. If, in the opinion of the Board of Zoning Appeals, off-street parking space for more than 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 lines; dimensions; names of the owners of abutting properties; proposed layout of the runways, landing strips or other areas, taxi strips, aprons, roads, parking areas, hangars, buildings and other structures, trees and overhead wires falling within the airport approach zone and less than 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 or the proposed airport shall be reviewed by the Regional Planning Commission. It shall make a recommendation to the Board of Zoning Appeals which shall include the compatibility of the proposed airport with the master plan for the township and the potential detrimental affects upon the surrounding properties and proposals to eliminate or reduce them.

2. Automobile Service and Fuel Stations.

- a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- b. The minimum lot area shall be twenty thousand (20,000) square feet, with minimum lot sides of one hundred fifty (150) feet each, and so arranged that ample space is available for motor vehicles which are required to wait for service.
- c. Automobile service stations shall not be located within five hundred (500) feet of any school.
- d. All lighting shall be shielded from adjacent residential districts.

3. Automotive dealership , Automobile sales or rental of new automobiles or trailers , used automobiles permitted only as part of a new automobile dealership.

- a. All repairs shall be conducted within a wholly enclosed building.
- b. Outdoor areas used for display shall be provided with a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
- c. Point of ingress and egress to the lot shall be located at least fifty (50) feet from the right-away of the intersection of any two (2) streets.
- d. All lighting shall be shielded from adjacent residential districts.

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

- a. Public sanitary sewers and municipal water facilities shall be utilized.
- b. For drive-through car washes, an escape lane shall be provided as an alternate exit route. Each washing bay shall be provided a stacking lane, as determined by the Board of Zoning Appeals.
- c. All structures housing washing apparatuses shall be setback fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided,

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

5. Recreation vehicles sales and service, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment peculiar to the above; motor vehicles sales and service; and farm implement sales and service, subject to the following conditions:
 - a. All repairs shall be conducted within a wholly enclosed building.
 - b. Outdoor areas used for display shall be provided with a permanent, durable and dust-less surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - c. Point of ingress and egress to the lot shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - d. All lighting shall be shielded from adjacent residential districts.
6. Any business of a drive-in nature or so called open front store or open air business, subject to the following conditions:
 - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Ingress and egress points shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A completely opaque wall at least six (6) feet high shall be provided when a butting or adjacent to any residential district.
7. Open air commercial amusements, including but not limited to miniature golf courses, batting cages, and mini race car or go-cart tracts, subject to the following conditions:
 - a. Such uses shall not have an adverse impact on surrounding properties.
 - b. Such uses shall be appropriately screened from adjacent properties with landscaping, a wall or wood privacy fencing so as to reduce potential noise, glare and vehicular and pedestrian traffic congestion.
8. Veterinary hospitals or clinics, subject to the following conditions:
 - a. All activities must be conducted within a totally enclosed building.
 - b. All abutting property must be non-residentially zoned.
 - c. Sanitation practices shall be adequate to ensure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
 - d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
 - e. Veterinary hospitals or clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels. Building plans submitted for building permit application for veterinary hospitals or clinics shall include a certificate by a registered architect or acoustical engineer that the building will meet these requirements. Existing buildings that are to be used as veterinary hospitals or clinics shall also be certified by a registered architect or acoustical engineer as complying with the requirements.
9. Indoor recreational uses such as bowling alleys, billiard halls, indoor archery ranges, or indoor skating rinks, arcades, haunted houses, haunted house theaters, indoor go cart tracks or similar forms of indoor recreations shall be located one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district, subject to the following conditions:
 - a. All activities shall be conducted within a wholly enclosed building.
 - b. Point of ingress and egress to the lot shall be located at least fifty (50) feet from right-of-way of the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. Screenings and plantings to buffer any adjacent residential areas are required.
 - e. Protection of abutting properties and Township amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapor, dust odors, glare, storm water runoff, hazardous materials, etc.
10. Mini-storage buildings, subject to the following conditions:
 - a. No lot shall be less than two (2) acres in size.
 - b. The lot shall abut and gain direct access to a local non-residential, collector, or arterial street as specified in the Major Thoroughfare Plan.
 - c. Storm-water management shall be incorporated into the site plan for a mini-storage building so that storm-water run-off from the site will not increase as a

result of the proposed development. The facility shall be designed to control the storm-water run-off from at least a 25-year return frequency storm as certified by a professional engineer.

- d. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
- e. All outdoor lighting shall be shielded to direct light and glare only onto the mini-storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaped and focused away from all adjoining property.
- f. Building setbacks shall be as follows:
 - Front Yard Setback: Not less than 25 feet on which parking and internal drives are prohibited.
 - Side Yard Setback: Not less than 12.5 feet on which all parking and internal drives are prohibited.
 - Rear Yard Setback: Not less than 12.5 feet on which all parking and internal drives are prohibited.
- g. The storage facility shall be enclosed by a six (6) foot high, completely opaque fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris and light and wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be setback six (6) feet from the side property lines and rear property line. When a rear yard setback is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line.
- h. Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low-medium-and high-profile shrubs, together with suitable groundcover such as native grasses, bark ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plan growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.
- i. Parking shall be provided at a ratio of one space for each two thousand (2,000) square feet of gross building area, plus two (2) spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the Township.
- j. Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves).
- k. Signs shall be limited to one ground sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulations of Article 25.
- l. No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provided such a manager shall be grounds for revocation of the conditional use permit.
- m. The sale of any item from or at a mini-storage building is specifically prohibited. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
- n. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components if prohibited within any structure on a tract of land designated as a residential storage warehouse.
- o. Any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning resolution.
- p. Human habitation of mini-storage units is prohibited.

11. Fireworks.

Any business handling fireworks must meet the following provisions:

- a. Any use permitted herein shall be developed only on sites of at least ten (10) acres in area.
- b. No building or other use of land, except landscaped passive areas shall be situated within two hundred (200) feet off any property line.
- c. A permit has been obtained from the appropriate Vermilion Township Fire Department Official as described in P2800.2 of the Vermilion Township Fire Code.

12. Golf courses and driving ranges, subject to the following conditions:

- a. All buildings and structures shall be at least thirty (30) feet from all property lines.
- b. A minimum of two (2) off-street parking spaces shall be provided for each driving tee and putting green. Additional spaces shall be furnished for other uses in conjunction with the range.
- c. All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
- d. All lights shall be directed away from site boundary lines.
- e. Fences, plantings or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
- f. All driving directions shall be away from any street or highway.

13. Planned shopping centers, subject to the following conditions:

- a. A planned shopping center when used in this context is a commercial development which as been designed, developed and operated as a unit and can satisfy the following criteria; a site exceeding ten (10) acres; at least twenty (20) stores and a floor area of at least fifty thousand (50,000) square feet.
- b. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
- c. No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary except that such buildings may be situated within twenty (20) feet of a non-residential district boundary.
- d. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
- e. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
- f. Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
- g. The maximum grade of off-street parking shall be three percent (3%).
- h. A site plan must be submitted subject to the provisions of 22.19.

14. Residential use in conjunction with commercial use provided the following conditions are met:

- a. One dwelling unit may be permitted in conjunction with a commercial use.
- b. The permitted dwelling unit may only be occupied by the owner/operator of the commercial use.
- c. Off-street parking must be provided for the dwelling unit in accordance with Section 24.9 of this code.
- d. The dwelling unit must be a minimum of 450 square feet in floor area.
- e. The dwelling unit, if attached to the commercial use, must meet the same setback requirement as the commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the "R-1B" District.

15. Outside display and storage of goods and merchandise.

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

16. 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 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 percent (20%) 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 residential purposes.

17. Cellular Telephone Communications Service

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

- a. The base of such tower shall be surrounded by a fence eight (8) feet in height with a locked gate and located as close as is practical to the tower.
- b. The base of said tower and any accessory buildings shall be inside of the fence and shielded by a greenbelt of living plant material well maintained and replanted as necessary in order to provide year around obstruction from the public view.
- c. No lights shall be permitted on the tower except those specifically required by state or federal law or regulations.
- d. The site shall be a minimum of the height of the tower from the nearest parcel of land used for residential purposes.
- e. The minimum setback line between the base of the tower and all adjacent properties shall be the height of the tower.

17.4 Development Standards

Minimum Lot Area	1 acre
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	40 feet
Minimum Setback for Corner Lots	Half the required front yard setback
Maximum Height	70 feet Buildings above two stories or 40 feet shall have sprinkler systems in accordance with Township Fire Code.

Knox-Box Rapid Entry System installed.

Sidewalks: Pedestrian concrete sidewalks six (6) feet wide, the width of the frontage, located behind road-right-of-way or as designated by the Zoning Inspector.

17.5 Site and Landscape Plan Review

For uses permitted in the C-2 district, a site plan shall be submitted to the Township 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 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 22, Section 22.19.

17.6 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. A minimum of a one hundred (100) foot buffer shall be provided adjacent to residential districts.

Screening or buffering must also be in compliance with the provisions of Article 22.18.

17.7 Required Parking

As specified in Article 24.

17.8 Signs

As specified in Article 25.

17.9 Supplementary District Regulations

As specified in Article 22.

17.10 Special Regulations

As specified in Article 23

17.11 Accessory Structures

1. Where the accessory structure is attached to a main building it shall be subject to and must conform to all regulations of this resolution applicable to the main building.
2. Except as otherwise provided herein, no accessory structure or use shall be erected or carried on in the required front yard.
3. A detached private garage or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of thirty (30) feet shall be maintained.
 - b. In no case shall an accessory structure be closer than twenty (20) feet to any street line or alley.
4. An accessory building shall be a minimum distance of fifty (50) feet from any main building(s).
5. No accessory structure shall be used for human habitation.
6. Accessory structures must be subordinate in area to the principal use.

7. The maximum height of any accessory structure shall be thirty-five (35) feet

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Zoning Resolution Article 18

INDUSTRIAL (I-1)

18.0 Statement of Purpose

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

18.1 Principal Permitted Uses

1. Light and medium industrial uses including manufacturing, processing, automobile truck assembly and manufacturing.
2. Metal stamping.
3. Processing or 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.
11. Contractor's 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.
21. All uses permitted in the C-2 district, except residential units are prohibited.

18.2 Specifically Prohibited Use

Auto wrecking, junk or storage of salvage material such as paper, lumber, metals and rubber is prohibited in any I-1 district.

18.3 Conditionally Permitted Uses.

The following uses may be permitted by the Township Board of Zoning Appeals pursuant to Article 9.

1. Asphalt plants, ready-mix concrete plants, and similar related uses subject to the following:
 - a. Such aggregate uses shall be adequately buffered to protect adjacent land uses and shall meet the industrial pollution control standards and any other standards of the authorities having jurisdiction.
 - b. Production of the principal product or operation of accessory plants shall not be permitted less than two hundred (200) feet from a residential district.
2. Billboards, one billboard per lot shall be permitted subject to the following criteria:
 - a. No billboard shall be 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.

3. Adult Cabarets, Adult Businesses or sexually oriented businesses;
 - a. "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 1. Persons who appear in a state of nudity; or
 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
 3. Film, motion pictures, video cassettes, slides, other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area."
 - b. "Adult business or sexually oriented businesses" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.
4. All conditionally permitted uses in the C-1 (Local Commercial District) and the C-2 (General Commercial District)

18.4 Site and Landscape Plan Review

For all uses permitted in the I-1 district, a site plan shall be submitted to the Township 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 22.19. 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 22, Section 22.19.

18.5 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 22.18. A minimum of a one hundred fifty (150) foot buffer shall be provided adjacent to residential districts.

18.6 Development Standards

Minimum Area: 2 acres
 Minimum Lot Frontage: 200 feet
 Minimum Front Yard Setback: 60 feet
 Minimum Rear Yard Setback: 50 feet
 Minimum Side Yard Setback: 20 feet
 Minimum Setback on Corner Lot: 50 feet
 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 district.

18.7 Required Parking

As specified in Article 24.

18.8 Signs

As specified in Article 25

18.9 Supplementary District Regulations

As specified in Article 22.

18.10 Special Regulations

As specified in Article 23.

18.11 Accessory Structure

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 percent of the total lot area.
6. Minimum of thirty (30) feet between accessory structure or the main structure.



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Zoning Resolution Article 19

MINERAL AGGREGATE DISTRICT (MA)

19.0 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 the quarrying district in appropriate areas for the removal of natural resources; and
2. To protect adjacent residential areas by establishing yards and buffer areas at the boundaries; and
3. To regulate the noise, vibration, dust, explosions and other objectional 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 aggregates shall mean top soil, subsoil, sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals; and
- (b) Borrow pits refer to extraction areas used to supply mineral aggregates on a temporary basis for uses in public projects and operated by public authorities or their agents.

19.1 Principal Permitted Uses

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

19.2 Conditionally Permitted Uses

Conditional uses may be permitted by the Township Board of Appeals pursuant to 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.

19.3 Performance Standards

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

1. Noise
 - a. All blasting and quarrying operations (except loading) shall be limited between the hours of 7 o'clock a.m. and 7 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 (224.03-7) 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 or 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 chemical and equipment services 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 vibration in excess of that permitted by applicable federal and state law.
- b. Blasting shall be done in accordance with the applicable laws of the state of Ohio and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
- c. When the blasting area is within one thousand (1,000) feet of an existing residential structure the maximum hours of blasting operation shall be 7:00 a.m. to 7:00 p.m.
8. Slope Stability
- a. The sides of excavation sites 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.
 - b. 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, measure 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, fertilizer, lime or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.
- 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 measure 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 and plant each soil bank to control soil erosion and sedimentation wherever substantial damage to adjoining property might occur.

19.4 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;
- f) Engineering plans showing the proposed drainage system;
- g) Proposed entrances, exits and routes to be used by gravel trucks;
- h) To the extent possible, plans showing the ultimate area of aggregate extraction, progressive and ultimate road plan, any water diversion or storage facilities, location of stockpiles for stripping and products, tree screening and berming, progressing and ultimate rehabilitation and where possible, intended use and ownership of the land after aggregate extraction has ceased;
- i) The extent of adjacent property holdings intended for future mineral aggregate extraction;
- j) Additional information such as hydrology, wildlife, vegetation or soil studies which may be required due to special concerns related to a specific site; and any other information as deemed necessary by the township.

19.5 Site and Landscape Plan Review

For all uses permitted in the MA 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 22.19. The board may require certain modifications in terms of the location of building, 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 22.19 (E) must be submitted with the site plan. A site plan must be submitted in accordance with the provisions of Article 22.

19.6 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 22, Section 22.18.

19.7 Developing Standards

1. Every main or accessory structure 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 or public road right-of-way.
3. Minimum Lot Area: 10 acres
4. Minimum Lot Frontage: 300 feet
5. Minimum Front Yard Setback: 75 feet
6. Minimum Rear Yard Setback: 75 feet
7. Minimum Side Yard Setback: 75 feet
8. Maximum Height: 75 feet

19.8 Required Parking

As specified in Article 24.

19.9 Signs

As specified in Article 25

Supplementary District Regulations

As specified in Article 22.

Special Regulations

As specified in Article 23.

19.12 Accessory Structures

1. No accessory structure shall be located between the street line and any setback line established by this by-law.
2. No accessory structure shall be located in any side yard required by this resolution.
3. No accessory structure shall be located within seventy-five (75) feet of any lot line, except that two adjoining property owners may erect accessory structures with a common party wall.



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Zoning Resolution Article 20

PLANNED UNIT DEVELOPMENT REGULATIONS

20.1 Planned Unit Development Regulations

Article 20 of this resolution shall apply to the location and maintenance of Planned Unit Development as herein defined.

20.2 Statement of Purpose

It is the responsibility of these sections to promote the public health, safety and welfare by providing for the regulation of planned unit 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, 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.

20.3 Definition

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

20.4 Interpretation

Whenever the requirements of Article 20 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.

20.5 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 elections of the property owner.

20.6 Uses Permitted in a PUD District

Residential, commercial, manufacturing public and quasi public uses may be separate or combined in PUD districts, provided that the proposed 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.

20.7 Disposition of Open Space

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

The Township Zoning Commission in conjunction with the Township Trustees may require land to the amount of three percent (3%) of the land included in the Planned Unit Development be conveyed to the township for park purposes. In lieu of the conveyance for park purposes, the commission may in conjunction with the Township Trustees, require the subdivider to pay cash in lieu of land to be used for improvements to parkland in the immediate area. The terms and amount of payment shall be determined in negotiation between the subdivider and the Township Trustees.

20.8 Utility Requirements

Underground utilities, including telephone, cable television and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.

20.9 Special PUD Lot Requirements

The lot requirements for Planned Unit Development approved by the commission, may vary from requirements of the districts included in this Zoning Resolution.

20.10 Arrangement of Commercial/Manufacturing Uses

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

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

20.11 Procedures for Approval of Planned Unit Development Districts

Planned Unit Development districts shall be approved in accordance with the procedure in Section 20.11 to 20.24. The designation of major PUD will be considered a change of zoning and must meet all the applicable provisions of the Zoning Resolution.

20.12 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.

20.13 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. The filing of a preliminary development plan under this section shall constitute the election by the property owner to submit the property described in the plan to provisions of this chapter and shall constitute an application for rezoning the property to the Planned Unit Development (PUD) district. All plans prepared and submitted must be prepared by a registered engineer, surveyor or architect. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address and phone number of applicant;
 2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
 3. Legal description of property;
 4. Present use(s);
 5. Present zoning district;
 6. Identification of any area within a floodplain;
 7. A vicinity map at a scale approved by the 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"=20' showing topography at ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the commission may deem necessary; general location of buildings;
 9. Proposed schedule for the development of the site;
 10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years;
 11. A fee as established by resolution passed by the Township Trustees;
 12. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question.
 13. Verification by at least one owner of property that all information in the application is true and correct to the best of his/her knowledge.

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.

20.14 Criteria for Commission Recommendation

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

1. The proposed development can be initiated within two 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 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 the concerns noted above can be addressed.
 11. The PUD will encourage development as close as possible to existing settlements to keep the cost of providing service down.
 12. The PUD will provide adequate access for emergency vehicles and for those persons providing emergency services.

13. The PUD will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.

14. The design of the PUD will encourage the use of the existing road system presently maintained by the authority having jurisdiction to minimize the additional maintenance expense of new development and to ensure that new development is adequately served by the transportation network.

15. The PUD will be consistent with the intent and purposes of this resolution.

20.15 Development Policies

1. Density

a. The maximum density for a proposed residential development shall be based on site specific review, but shall be based on the compatibility with adjacent uses;

b. Where increased densities are located adjacent to existing buildings, the building setback should be increased to minimize any adverse impact of the proposed development.

2. Height Criteria

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

20.16 Site Design

Statement of Policy. The township hereby finds that it is in the public interest for all sites within the community to be designed, arranged and developed in safe, efficient functions and uses and improvements should reflect the natural capabilities and limitations of the adjacent property. The various structures, use areas, functions and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular interrelationship. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both within and without.

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

2. **Privacy:** It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.

3. **Aesthetics:** It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally. The degree of existing character of the site and the basic nature of the proposed uses.

4. **Vistas:** It is encouraged that the site be developed in such a way so as to preserve or enhance vistas, particularly those seen from public places.

20.17 Placement of Structures

1. **Clear Vision Area.** No structure or foliage shall extend into a clear vision area between the height of three feet and seven feet measured from the top of the curb, or where no curb exists, from the established street centerline grade. The clear vision areas shall be as follows.

a. **Intersection of driveways and public rights-of-way:** A triangle having two sides ten (10) feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.

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

2. Placement of Structures

a. **Adverse effects.** No structure shall be placed in such a way so as to adversely affect adjacent 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 to public rights-of-way. Snow storage easements shall be dedicated where appropriate.

20.18 Amendment Procedure

Upon receipt of a preliminary development plan which complies with the provisions of this chapter, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the filing of such plan. 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 plan 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 plan 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 plan is an amendment to the Zoning Resolution;
 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed plan 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 plan and a statement that it is proposed to be rezoned to Planned Unit Development district (PUD);
 5. The time and place where the plan 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 plan 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 plan;
2. A statement indicating that the plan is an amendment to the Zoning Resolution;
3. The time and place where the text and map of the proposed plan 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 filing of such plan, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Erie Regional Planning Commission.

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

The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed plan, or the approval of some modification thereof and submit such recommendation together with such application, 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 plan, 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 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 plan and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 4. The present zoning classification of property named in the proposed plan and a statement that it is proposed to be rezoned to the Planned Unit Development district (PUD);
 5. The time and place where the plan 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 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 plan is an amendment to the Zoning Resolution;
3. The time and place where the text and maps of the proposed plan 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 modifications 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 approval of the plan 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 plan 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 plan furnishing the name by which the plan is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

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

No plan 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 plan. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

20.19 Submission of Final Development Plan

After approval of the preliminary development plan in accordance with Section 22.18, 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. Eight (8) 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.

20.20 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 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 years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearing of the property lines; area in acres; topography, and existing features of the development site, including major wooded acres, structures, streets, easements, utility lines and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.

3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvement, whenever the applicant proposed any exception from standard zoning district requirements or other resolutions governing development.

4. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvement; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to the county standards and approved by the County Engineer and the County Sanitary Engineer.

5. Site plan, showing building(s), various functional use areas, circulation and their relationship.

6. Preliminary building plans.

7. Landscaping plans.

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

9. A fee as established by this resolution.

20.21 Active By Township Trustee

The Trustees shall either approve, approve with supplementary conditions, or disapprove the final plan as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the 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.

20.22 Supplementary Conditions and Safeguards

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

20.23 Expiration and Extension of Approval Period

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

20.24 Changes in the Planned Unit Development

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

1. Major Changes. Changes which alter the concept or intent of the Planned Unit Development including increases in the density, changes in location and types of non-residential land use, increases in the height of buildings, reductions or proposed open space, more than a fifteen 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 Inspector may approve changes in the Planned Unit Development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes are defined as any changes not defined as a major change.



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Zoning Resolution Article 21

FLOODPLAIN, FLOODWAY AND WETLAND OVERLAY DISTRICT (F.F. & W.)

21.0 Statement of Purpose

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

21.1 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 times the width of the stream at the top of the bank or twenty feet on each side, whichever is greater.

21.2 Artificial Obstructions Within Floodplain

1. No artificial obstruction may be located within any floodway, except as provided in Section 23.2 and with issuance of a floodplain permit from the Erie Regional Planning Commission.
2. For purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

21.3 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.

21.4 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 a floodway. With respect to mobile home parks that are nonconforming because they are located within a floodway, mobile homes may be replaced in such parks only if they comply with the provisions of 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 buildings or improvement is elevated to or above the base flood level.

1) Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
 2) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one-half inch bolts, six feet on center with a minimum of two per side shall be required. If over the top ties are used, a minimum of two ties with a force adequate to secure the building is required.

4. No new residential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or 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 building and the walls below the base flood level are substantially impermeable to the passage of water.

5. For purposes of the section "substantial improvement" means for a building constructed prior to the effective date of this chapter, any repair, reconstruction or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the structure either (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 or 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 improvement 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 provisions of this section, no mobile home may be located or relocated within that portion of the floodplain outside of the floodway, unless the following criteria are met:

- a) Ground anchors for the tie downs are provided.
- b) The following tie down requirements are met:

(i) Over the top ties are required at each of the four corners of the mobile home with one additional tie per side at intermediate locations, for mobile homes less than fifty feet long. Two additional ties per side are required for mobile homes more than fifty feet long.

- (ii) Frame ties are required in conjunction with each over the top tie.
- (iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds.

c) Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is at or above the base flood level.

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.

21.5 Site and Landscaping Plan Review

For all development in the floodplain 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 22.

21.6 Reference to Floodplain Permit

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

21.7 Wetlands

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

21.8 Permits Required

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

21.9 Wetland Zone Mapping

This section allows for the incorporation of wetland maps into the Zoning Resolution. Although all wetland 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.



Pelton's Water-Wheel

Vermilion Township

1907 State Rd.
Vermilion, OH 44089
Phone: 440-967-3251
Fax: 440-967-8843
Office Hours: M-Th 9:00am - 1:00pm
Closed on Fridays



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Zoning Resolution Article 22

SUPPLEMENTARY DISTRICT REGULATIONS

22.0 General

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict.

22.1 Conversions of Dwellings to More Than One Unit

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

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

22.2 Principal Building Per Lot

No more than one principal building or structure may be constructed upon any one residential lot for the purposes of this resolution. Rear dwelling shall be prohibited and shall be considered nonconforming uses subject to the requirements of Article 6 of this resolution.

22.3 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 other space less than the minimum required by this resolution.

22.4 Construction in Easements

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

22.5 Prohibited Uses for Mobile Homes

Individual mobile homes shall be prohibited in all districts. A permit may be issued by the Zoning Inspector for a period not to exceed one year to a construction company for the use of a trailer as a field office.

The Zoning Inspector may also issue a temporary permit for a mobile home in the event the principal residence is severely damaged by fire, flood or natural calamity. He shall check frequently to see that repairs are being made.

22.6 Parking and Storage of Vehicles and Trailers

Commercial tractors and trucks, commercial vans and trucks over 26,000 GVW, buses, semi-trailers, shall not be parked or stored on any property within a residential zoning district, except those commercial vehicles conveying the necessary tools, materials and equipment to a premise where labor using such tools, materials and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. No automotive vehicles or trailers, disabled or inoperable, shall be parked or stored on any residential property other than in a completely enclosed building.
(EFFECTIVE 08/19/00)

A maximum of one boat or one unoccupied vehicle may be stored in the rear yard or side yard of any residentially zoned property if it has a current license, meets the requirements of this resolution for accessory structures and is screened according to the requirements of this resolution.

This does not apply to vehicles with "farm licenses" or farm equipment.

22.7 Required Refuse Collection Areas

The refuse collection areas provided by all commercial, industrial and multi-family residential uses for the collection of trash, garbage and other refuse shall be enclosed on three 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.

22.8 Junk

The accumulation or storage of junk, junk vehicles, operable or inoperable, with or without parts removed, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags or other discarded objects or debris defined in the Ohio Revised Code shall be prohibited, outside an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents.

(EFFECTIVE 01/29/00)

22.9 Supplemental Yard and Height Regulations

In addition to the regulations specified in other sections of this resolution, Section 22.9 to 22.14 inclusive shall be used for clarification and interpretation.

22.10 Setback Requirements for Buildings on Corner Lots

The minimum required width of a side yard abutting a street shall be one-half (½) the minimum required front yard depth for the district. Parking within this side yard is prohibited.

22.11 Fences, Walls and Other Effective Barriers

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

1. GENERAL

a. A zoning certificate is required for the erection, construction or alteration of any fence, wall, mound or other type of protective barrier which shall conform to the requirements of the zoning districts wherein they are required because of land use development and to the requirements of this section.

b. No fence, wall, structure, mound of 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 intersections of the street lines or the case of a round property corner, from the intersection of the street property lines extended.

c. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height. Shade trees would be permitted where all branches are not less than eight (8) feet above the road level.

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

a. Fences, walls and planting must be set back at least eight (8) feet from the road right-of-way; two (2) feet from sidewalks.

Applicants should request the Zoning Inspector to designate road right-of-way when obtaining permits.

b. Fences and walls may be permitted along the lines of a side yard to a height of not more than four (4) feet above grade and along the lines of the rear yard to a height of not more than six (6) feet above grade, provided that any fence shall be of uniform design, painted and/or otherwise well maintained.

c. Plantings, fences and walls in front yards: No fence, wall or hedge shall rise over four (4) feet in height on any required front yard and shall be of uniform design, painted and/or otherwise well maintained. No fence, wall or hedge planting shall interfere with visibility from a driveway. The Zoning Inspector is hereby empowered to cause all such obstruction to be removed in the interest of public safety.

d. Driveway or Security gates must be set back at least eight (8) feet from the road right-of-way; two (2) feet from sidewalks. Gates must be at least twelve (12) feet in width with a maximum height of six (6) feet above grade. Fencing on either side of gate may reach a height of six (6) feet above grade with a maximum width of eight (8) feet each side, provided that any fence or gate shall be of uniform design, painted and/or otherwise well maintained.

e. Livestock fences in a residential district front yard shall be at the required fifty (50) foot set-back.

f. Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or wall, the more restrictive provision shall apply.

g. All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other and other signs so that visibility is not obstructed at intersections or drives. Fences shall be clear of all writing and graffiti.

h. No mounds of dirt (privacy mounds) in a residential district shall be more than five (5) feet in height, and must have a ten (10) foot minimum set back from all right-of-ways. All privacy mounds must be covered with plantings (grass or ground cover) as soon as the growing season permits

i. 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.

j. 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 the total area and shall be set back at least five (5) feet from road right-of-way; two (2) feet from sidewalks and inside all property lines.

k. In-ground swimming pools shall be provided with a protective fence four (4) feet in height, the entry shall be provided by means of a controlled gate.

l. Above-ground swimming pools are not required to be fenced, but must have controlled entrances and removable or "swing-up" steps.

3. FENCES IN COMMERCIAL DISTRICTS

a. Fences in commercially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction and uniform design, painted and/or otherwise well maintained.

b. Fences in commercially zoned districts shall be set back at least twenty-five (25) feet from the road right-of-way (see a, paragraph 2).

c. The use of barbed wire on fences in commercially zoned districts shall require approval of the Zoning Board of Appeals and the following conditions shall be met:

1. Barbed wire may be used on security fencing but shall be limited to three strands.
2. Barbed wire shall not project beyond the property line.
3. Barbed wire shall not be used less than eight (8) feet from grade.

4. FENCES IN INDUSTRIAL DISTRICTS

a. Fences in industrially zoned districts shall be limited to a height of eight (8) feet and be of sturdy construction, of uniform design and painted or otherwise well maintained.

b. Fences in industrially zoned districts shall be set a least twenty-five (25) feet from the road right-of-way (see a, paragraph 2) and adjacent side and rear property lines.

c. Barbed wire may be used on security fencing in industrial districts, subject to the following regulations:

1. Barbed wire shall be limited to three strands.
2. Barbed wire shall not project beyond the property line.
3. Barbed wire shall not be used less than six (6) feet from grade.

5. FENCES IN AGRICULTURAL DISTRICTS

a. There are no restrictions on barbed wire fencing for agricultural purposes.

22.12 Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one building for the purposes 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 an individual lot.

22.13 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.

22.14 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.

22.15 Objectionable, Noxious or Dangerous Uses

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable or which may otherwise adversely affect surrounding areas 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 would disturb a person of ordinary sensitivity due to volume, frequency, beat or time of day or night;
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.

22.16 Enforcement Provisions

Any occupancy, use, conditions or circumstances existing in violation of Section 22.15 of this resolution shall constitute a violation of this resolution and be subject to the enforcement procedures contained in Article 5.

22.17 Temporary Uses

The following regulations are necessary to govern certain uses which are of non-permanent nature. For such uses requiring temporary zoning permits, at least seven 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 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 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 offices, mobile homes, travel trailers and equipment and storage facilities required in conjunction with construction activity may be permitted in any district for a period of one year, except that one six month extension may be granted if construction is seventy-five (75) percent completed before the issuance of the temporary use permit. Such uses shall be removed immediately upon completion of construction or upon expiration of the zoning permit, whichever occurs first. *(EFFECTIVE 12/15/97)*

3. Temporary sales and services may be permitted within parking area within any commercial district. A zoning permit valid for a period not to exceed four consecutive days shall only be issued three times within any twelve month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than twenty-five percent of the required parking area and minimum of twenty-five 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 two such sales within any twelve month period upon the property at which he or they reside for a period not to exceed three 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 times within any twelve month period and shall not exceed a period of three consecutive days, so long as the provisions of this resolution pertaining to signs and parking are observed.

5. Non-residents (visitors) in trailers or recreational vehicles are permitted to live in these vehicles for a maximum of thirty days per year provided the vehicle is located in the side or rear yard areas and shall meet the minimum rear and side yard setback requirements as well as satisfactory sanitary requirements for the district in which they are located.

22.18 Screening/Buffering

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

1. Screening shall be provided for one 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 (5) 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.
- b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five (5) 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 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.

22.19 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, required modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a. The balancing of landowner's rights and 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 Inspector. Site plan review shall also be required for the resumption of any use discontinued for more than two 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

- 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. Three copies of the application for site plan review shall be filed with the Zoning Inspector. A copy of the site plan shall be submitted to the clerk to be kept on file.
2. The Zoning Inspector within thirty days after determining that the application is complete, shall approve or disapprove the site plan;
 - 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. If site plan is not approved, applicant may require review by the Board of Zoning Appeals who may approve the site plan subject to any conditions, modifications and restrictions;
 - d. Zoning permit to be issued thirty days after site plan approval.

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 Inspector 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 two hundred (200) 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 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 uses 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, 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 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.

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

11. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
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 Inspector may require a detailed traffic study for large developments 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;

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 plans when required by the Zoning Board of Appeals.

F. Standards for Review

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

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 operations 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 give 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.

22.20 Setback on Cul-de-sacs

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

22.21 Access

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

22.22 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 road or streets which abut the property:

- a) The location, width, radius and number of all driveways entering into any public 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.

22.23 Stormwater Regulation

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

Noncommercial keeping of Livestock

In any platted subdivision within this township approved under R.C. 711.05, 711.09 or 711.10 or any other area consisting of fifteen or more lots approved under

R.C.711.131 that are contiguous to one another and adjacent to one side of a dedicated public road and the balance of which are adjacent to another and adjacent to the opposite side of the same dedicated road (1) the keeping of traditional farm animals or poultry on lots of one acre or less shall be prohibited; (2) the keeping on lots of more than one acre but less than five acres when at least thirty-five percent of the lots within the subdivision are developed with at least one building, structure or improvement subject to real estate taxes shall be prohibited.

- b. In all residential districts within the township no person shall keep more than three dogs, cats or other non-agricultural family pets, except newborn animals for a period of sixty days after birth.
- c. No person shall keep within this township exotic or dangerous animals including but not limited to lions, tigers, leopards, cheetahs, panthers, cougars, mountain lions, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- d. Lots greater than 5 acres will be regulated by Section 519.21, Division B, Ohio Revised Code.

22.25 Wind Turbines

1. PURPOSE

The purpose of this section is to preserve and protect the public health and safety and to promote the orderly land use and development of Vermilion Township by the implementation of standards and procedures for the installation of wind turbines.

1. DEFINITIONS:

For purposes of regulation of residential, commercial and individual use of wind turbine generators.

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

Applicant: The person or entity filing an application for a permit under this article.

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

Clear Fall Zone: Means an area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at; the purpose being that if the turbine should fall or otherwise become damaged, the failing structure will be confined to the primary parcel. (Effective 5/7/10)

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

Decibel: a unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

Manufacturer's Recommendations: The specific recommendations made by the manufacturer of the wind turbine unit.

Monopole: a wind turbine tower that is a freestanding design without guy wires or lattice supports.

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

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

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

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

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

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

Wind Turbine Tower Height: Maximum height shall be considered the total height of the turbine system from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.

All wind turbines of any type or description shall conform to the following requirements:

3. **GENERAL:** Wind turbines shall be a *permitted use* in all districts under the following requirements:

1. **Height:** The maximum height of any turbine shall be one hundred (100) feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine blades. Maximum height shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower.
2. **Setbacks:** The following shall apply in regard to setbacks: Any turbine erected on a parcel of land shall establish a "clear fall zone" from all neighboring property lines and right-of-ways. The clear fall zone shall be not less than 100 percent of the maximum turbine height as measured on a radius from the base of the turbine tower. A turbine shall be erected and placed in such a manner that, if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located. (Effective 5/7/10)
3. **Construction Requirements:** Wind turbines must have a freestanding monopole design with no lattice supports or guy wires.
1. **Aesthetics:** The following provisions shall be applied to the aesthetics issue of wind turbines: The turbine including prop blades, turbine cowling and tower shall be painted or coated white, gray or sky blue. Logos or other identification markers, other than those of the manufacturer shall not be permitted anywhere on the turbine.
1. **Maintenance:** Wind turbines must be maintained in good working order. The maintenance records must be kept and available for inspection. Manufacturer's records for preventative maintenance shall apply. Turbines that become inoperable for more than one (1) year must be removed by the owner within sixty (60) days of issuance of zoning violation. Removal includes removal of all apparatus, supports and/or other hardware associated with the existing turbine.
1. **Noise Level:** The noise level of the turbine shall not exceed sixty (60) decibels (i.e. a person talking in a normal tone of voice) at the nearest neighboring property line. This information shall be included in the required engineering report and shall be obtained from the manufacturer of the wind turbine. If there is a complaint about noise, the wind turbine owner is required to submit within 30 days a current decibel reading report signed by an authorized source. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.
1. **Capacity:** The wind powered turbine generator shall have a capacity not to exceed 100 kilowatts and shall service only the site or power grid for which it is built.

4. PERMITS

A. A zoning permit and a building permit are required for the erection and construction of any wind turbine which shall conform to the requirements of the zoning districts wherein they are required because of land use development and the requirements of this section.

B. Applicant shall then provide the Township Zoning Inspector with the following items and/or information when applying for the permit:

1. Location of all public and private airports in relation to the location of the turbine, as well as any FAA restrictions that may be applicable to the turbine installation.
2. An engineering report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth of the unit's concrete mounting pad.
 - c. Manufacturer's decibel rating for the proposed turbine unit.
 - d. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices.
 - e. Data specifying the kilowatt size and generating capacity of the proposed unit.
 - f. Applicant shall provide the zoning inspector with a stamped inspection form that certifies that the tower will be installed according to sound engineering practices.
1. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways and neighboring properties.
2. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the required engineering report.
3. Color of the unit as well as the location and size of the manufacturer's identifying logos shall be included in the plan.
4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit application.

Effective 7/3/09

22.26 Outdoor Wood Furnaces (Referred to as outdoor wood boilers or outdoor wood hydronic heaters)

1. DEFINITIONS

- a. **Outdoor wood furnace** – Solid fuel burning hot water furnace that is a freestanding unit situated outside the envelope of the structure to be heated.

- b. Chimney – Any flu or flues that carry off exhaust from an outdoor wood furnace firebox or burn chamber.
- c. Manufacturer’s Recommendations – the specific recommendations made by the manufacturer of the outdoor wood furnace unit.

1. PERMIT TO INSTALL

- a. No person shall install, or cause to be installed any outdoor wood furnace without first obtaining a required permit(s).
- b. The applicant shall provide a site plan depicting the location of the proposed installation on the property, including distances from existing, adjacent structures. The site plan must also show distances from the closest structures or adjacent structures to the proposed installation lot. The height of the chimneystack will be noted on the drawing.

1. INSTALLATION LOCATION

- a. Outdoor wood furnaces shall be permitted in all districts.
- b. Outdoor wood furnaces shall only be located in the rear yard.
- c. Outdoor wood furnaces shall be located 25 feet from the side lot, 25 feet from the rear lot, and a minimum of 300 feet from any residence and/or primary structure that is not served by the outdoor wood furnace.
- d. The outdoor wood furnace shall be located on the property in compliance with the manufacturing specifications for clearance to combustibles, a minimum of ten (10) feet.
- e. The outdoor wood furnace shall be no closer to the structure served than required by the manufacturing specifications.

1. CHIMNEY HEIGHTS FOR NEW AND EXISTING OUTDOOR WOOD FURNACES

- 1. The outdoor wood furnace chimney shall meet the manufacturer’s specifications for new furnaces.
- 1. If there is an existing outdoor wood furnace already installed and there is new construction of a residence not served by the outdoor wood furnace, then the owner of such outdoor wood furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the building department.

1. FUEL/WOOD

- 1. No person shall burn fuel in any outdoor wood furnaces other than the fuel recommended by the manufacturer.

Exception: Regardless of any manufacturer recommendation, the burning of trash, plastics, gasoline, naphtha, household garbage, material treated with petroleum products, particle board, railroad ties, telephone poles, pressure treated wood, leaves, paper products and cardboard, or any other material that may cause offensive or noxious odors, smoke, airborne ash or debris is prohibited.

1. MAINTENANCE OF UNIT

- 1. The exterior of any outdoor wood furnace shall be maintained and kept in good working condition in accordance with the manufacturer’s maintenance recommendations.

1. PENALTIES

- 1. Whoever violates any provision of these regulations is guilty of a minor misdemeanor.

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Effective 7/3/09



Pelton's Water-Wheel

Vermilion Township

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Zoning Resolution Article 23

SPECIAL REGULATIONS

23.0 General

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

23.1 Drug Paraphernalia Establishments as Prohibited Uses

Drug paraphernalia establishments as herein defined are and shall be prohibited uses within all districts within this township. Any person who establishes, operates or maintains a drug paraphernalia establishment, or instigates or participates in such action, shall be in violation of this section and shall be guilty of a misdemeanor of the first degree, in addition to any other penalties specified in this resolution.

23.2 Massage Establishments as Prohibited Uses

No person, firm, partnership, corporation or other entity shall operate a massage establishment within the unincorporated territory of Vermilion Township. This prohibition does not apply to the practice of any limited branch of medicine or surgery in accordance with RC4731.16 or the practice of providing a therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other health professional, certified or registered to participate in the State of Ohio.

23.3 Non-Permitted Uses

The following uses shall not be allowed in any zoning district:

1. Coaches, bus bodies, vans and street cars and railroad cars used for dwellings. Any of the aforementioned heretofore and presently used for dwelling purposes as a nonconforming use, that become unoccupied or abandoned for a period of thirty days must be torn down or otherwise removed from the premises.
2. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except as resultant from normal domestic use of the premises, unless such dumping is done at a place recommended by the Zoning Commission and provided for by the Township Trustees for such specific purpose.

23.4 Regulations of Swimming Pools as Accessory Uses

Purpose

It is the purpose of this Section 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.

23.5 Private Swimming Pools

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

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. The pool must be located in the rear yard and shall not be located closer than ten (10) 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 four (4) feet in height and it shall be maintained in good condition with a gate and lock.

23.6 Community or Club Swimming Pools

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

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the area 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 others shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than eight (8) feet in height and maintained in good condition with a gate and lock and screened from adjacent properties. The area surrounding the enclosure shall be suitable landscaped with grass, hardy shrubs and trees and maintained in good condition.
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

5. Such pool facilities shall not be operated prior to 8:00 a.m. in the morning or after 10:00 p.m. in the evening.

23.7 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 23.14 to regulate long term parking facilities constructed, operated or maintained as accessory uses, in order to promote the public health, safety and welfare.

23.8 Conditional Use Permit Required

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

23.9 Permit Requirements

In addition to complying with all other provisions of this resolution, particularly the requirements of Article 9, the application fee 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.

23.10 Regulation of Home Occupation

Purpose

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

23.11 Definition

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

23.12 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 environment of their residents are conducive to their rehabilitation.

23.13 Definition

"Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provide 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 contained six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.

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

23.14 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 required special off-street parking.
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within six hundred (600) feet of another such facility.
6. No signs shall be erected by such facility for 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 neighboring residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve and the location and type of similar facilities operated by the applicant.

23.15 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

23.16 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.

23.17 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 other than the manufactured home park district (R-MH).

23.18 Purpose

It is the purpose of this Section to promote the health, safety and welfare of the community by establishing regulations governing the site, 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.

23.19 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.

23.20 Site Requirements

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

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
2. All hitches, axles, wheels and conveyance mechanisms shall be removed from the structure.
3. The structure shall be so oriented on the site, that its long axis is parallel with the street, 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 suitable landscaped with adequate screening devices as elsewhere required.
5. The site of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
6. The site of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
7. The site shall be serviced by utilities in such manner as required by resolution.

23.21 Zoning of Factory Built Housing

Mobile homes shall not be permitted in any district unless otherwise specified in this resolution. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 23.22 shall be permitted accordingly.

23.22 Single Family Design and Appearance Standards

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

1. The structure shall be in conformance with the site requirements contained in Section 23.20.
2. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.
3. The minimum floor area for every dwelling located on a lot in any zoning district shall be one thousand (1,000) square feet for a one floor dwelling and one thousand two hundred (1,200) square feet for a two floor dwelling excluding the area for basements, porches, attached garages or utility rooms. (EFFECTIVE 5/2/03)
4. The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty (20) feet.
5. Manufactured homes must have a state certification number from the Ohio Board of Building Standards to ensure compliance with the Ohio Building Code.

23.23 No Single Family Home Conversion

Single family homes may not be converted to two family homes except in two family districts and then only if they meet the floor area requirements.



Pelton's Water-Wheel

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Zoning Resolution Article 24

OFF-STREET PARKING AND LOADING FACILITIES

24.1 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.

24.2 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, via 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.

24.3 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 single, two or three family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
 - b) For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
 - c) All parking spaces except those required for single, two or three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. **Setbacks:** The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this resolution notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. Parking lots located ten (10) feet from road right-of-way, ten (10) feet from residential side yards and rear yards and maintained as a green area.
4. **Screening:** In addition to the setback requirements specified in this resolution for off street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any residential district. Screening shall comply with the requirements of Section 22.18 of this resolution.
5. **Paving:** Areas shall be hard surfaced with hard asphalt or concrete binder.
6. **Drainage:** All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water on adjacent properties, walkways or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm drainage system. All drainage plans shall be approved by the County Engineer in conformity with the Erie County Stormwater Regulations.
7. **Barriers:** Whenever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
8. **Visibility:** Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. **Marking:** All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition.
10. **Maintenance:** Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash or other debris.
11. **Signs:** Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.

- 12. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residential district.
- 13. Speed Bumps:
 - 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.

OFF STREET PARKING AND LOADING FACILITIES

OFF-STREET PARKING DIMENSIONAL TABLE

	45°	50°	90°	Parallel
A Width of Parking Space	12'	10'	9'	9'
B Length of Parking Space	19'	19'	19'	23'
C Width of Driveway Aisle	13'	17'6"	25'	12'
D Width of Access Driveway	17'	14'	14'	14'

24.4 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:

Total Spaces in Lot Structure	Number of Designated Accessible Spaces
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

24.5 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 or more buildings or establishments, the required spaces may be located not further then 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.

24.6 Modification of Requirements

The provision 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 or an existing use.
- b. The projected generation of trips to and from the use and the average length of the stay per unit.
- c. The impact of potential parking congestion to surrounding areas.
- 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.

24.7 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 in 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 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.

24.8 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than on 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.

24.9 Schedule of Required Parking Spaces

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

RESIDENTIAL USES

Type of Use	Minimum of One Parking Space For Each	
Single family or two family dwelling	Two for each unit	
Apartments, townhouses or multi-family dwellings	Two for each unit	
Manufactured homes	Two for each unit	
	Elderly Housing Parking dwelling units	Three for every four and one per regular shift employee.

COMMERCIAL USES

Type of Use	Minimum of One Parking Space For Each	
Animal hospitals and kennels employees.	One for each four hundred (400) square feet of floor area and one for each two employees.	
Motor vehicle repair station employee.	One for each four hundred (400) square feet of floor area and one for each employee.	
Motor vehicle salesroom employee.	One for each four hundred (400) square feet of floor area and one for each employee.	
Car washing facilities	One for each employee.	
Banks, financial institutions,	One for each two hundred fifty (250) post offices and similar uses	square feet of floor area and one for each employee.
Barber and beauty shops	Three for each barber or beauty operator.	
Carryout restaurants employees.	One for each two hundred (200) square feet of floor area and one for each two employees.	
Drive-in restaurants each employee.	One for each one hundred twenty-five (125) square feet of floor area and one per employee.	
Hotel 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 hundred (200) square feet of	Two plus one additional space for equipment sales and service and each two wholesale establishments floor area over 1,000 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 (50) 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 (200) 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 (150) square feet of floor area.
Shopping centers	One parking space per two hundred (200) 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.

MANUFACTURED USES

Type of Use	Minimum of One Parking Space For Each
All types of manufacturing, storage and wholesale uses permitted in any district	One for every employee (on the largest shift for which the building manufacturing is designed) and one for each motor vehicle used in the business.
Cartage, express, parcel delivery and freight terminals	One and one-half (1½) for every one employee (on the largest shift for which the building is designed).

RECREATION AND ENTERTAINMENT USES

Type of Use	Minimum of One Parking Space For Each
Bowling Alleys	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 (100) 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 club	One for each ten persons of capacity community or one for each three persons of capacity for a restaurant.
Auditoriums, sports arenas, theaters and similar uses	One for each four seats.
Miniature golf courses	One for each hole and one for each employee
Private clubs and lodges	Two for each playing area; one for each employee; and one for each one hundred (100) square feet of other activity area.
Marina	Two spaces for every three dock slips.

INDUSTRIAL USES

Type of Use	Minimum of One Parking Space For Each
Churches and other places of religious assembly	One for each eight (8) seats in main assembly room or one for each classroom, whichever is greater.
Hospitals	One for each three (3) beds.
Sanitariums, homes for the aged, nursing homes, rest homes, similar uses	One each three (3) beds.
Medical and dental clinics	One for every one hundred (100) square feet of floor area.
Libraries, museums and art galleries	Ten and one for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.

**EDUCATIONAL INSTITUTION
(Public, Parochial or Private Use)**

Type of Use	Minimum of One Parking Space For Each
Elementary schools and kindergartens	Four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional non-teaching employee.
High schools and middle schools	One for every ten (10) 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 school and similar uses	Four for each classroom.

24.10 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 areas in accordance with the following requirements:

1. Photo pickups, restaurants, drive-thru beverage docks and other similar commercial establishments that can normally serve customer in three 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 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.

24.11 Off-Street Loading Space Requirements

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

24.12 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 clearance of not less than fourteen (14) feet.
2. Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any district provided that not more than ninety (90) percent of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any residential district nor closer than five (5) feet from any street or alley.
3. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district. Screening shall comply with the requirements of Section 22.18 of this resolution.
4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces, together with driveways, aisles and other circulation areas, shall be surfaced with an asphaltic or Portland cement binder pavement in order to provide a durable or dust free surface.
6. Drainage: All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate stormwater drainage system as approved by the Erie County Engineer in conformity with the Erie County Stormwater Regulations.
7. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.



Pelton's Water-Wheel

Vermilion Township

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Phone: 440-967-3251
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Zoning Resolution Article 25

SIGNS

25.0 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 scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or protecting 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.

25.1 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.

25.2 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.
3. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code in effect.
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Sections 25.1, 25.6, 25.10 and 25.11.
7. Banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices may be used for the purpose of advertising or attracting attention if professionally done and approved by the Zoning Inspector.
8. No sign of any classification shall be installed erected, or attached in any form, shape or manner to a fire escape.
9. All signs hung and erected shall be plainly marked with the name and telephone number of the person, form or corporation responsible for maintaining the sign.
10. Should any sign be or become unsafe or be in danger of falling or unsightly, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure

condition or remove the sign.

11. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted on any property.
12. All signs shall be so designed and supported as to carry the weight of the sign and shall comply with the local building code in effect.
13. All signs shall be secure in such a manner as to prevent significant movement due to wind.
14. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter.
15. No sign shall contain words, images or graphic illustration of an obscene or indecent nature.
16. No sign shall be attached in such manner that it may interfere with any required ventilation operations.
17. No sign shall be so located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of trespassing.
18. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors or guy wires.

25.3 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.

25.4 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.

25.5 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit

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

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Protection of wall signs shall not exceed two (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 (1) square foot of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise.

25.6 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 25.2, the setback requirements in section 25.13 to 25.17 and in addition, such other standards deemed necessary to accomplish the intent of this article as stated in Section 25.

Free Standing Signs

Free-standing, on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and any portion of sign, set-back at least (10) feet from street or road right-of-way line and not closer than twenty (20) feet to any adjoining lot line, may be erected to serve a group of business establishments. There shall be one free-standing sign for each building, regardless of the number of businesses conducted in said building. Pole signs shall have a clear distance of eight and

one-half (8 ½) feet from the ground to bottom of sign and monument signs not closer than ten (10) feet from street or road right-of-way line.

Only signs indicating principally or conditionally permitted uses of a piece of property may be permitted on the property, providing the side yard setback is consistent with the zoning district in which the sign is located and the front yard setback of the sign is not less than ten (10) feet from street or road right-of-way. Landscaping under or around sign shall be a maximum height of not greater than two and one-half (2 ½) feet and shall be permanently maintained. Signs not greater than nine (9) square feet in area, erected under this Section does not require a zoning permit.

25.8 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.

25.9 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 sign be posted on a utility pole. Political signs not exceeding sixteen (16) square feet shall be permitted for a period of not more than thirty (30) days before and five (5) days after an election. Political signs and portable signs larger than sixteen (16) square feet shall required a zoning permit before placement.

Political signs in accordance with Section 25.9 shall be permitted on each piece of property and do not require a zoning permit. Permission from property owners is required. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall be responsible for removal of such material, in accordance with this section. Any signs posted in violation of the Vermilion Township Zoning Resolution shall be removed.

25.10 Portable Signs

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operations of the business.

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

25.12 Sign Setback Requirements

Except as modified in Section 25.13 to 25.14, on premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet.

25.13 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.

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

25.14 Sight Triangle

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

a. Street to Street Intersection:

Not to be located within 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 (2½) to eight and one half (8½) 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 twenty five (25) 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.

25.15 Limitation

For the purpose of this article, outdoor advertising off-premises (billboard) signs shall be classified as a conditionally permitted use in districts zoned I-1 and I-2 or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

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

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

25.16 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.

25.17 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, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

25.18 Violations

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessees thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Section 5.17 of this resolution. Political signs posted in violation of Section 26.9 of this resolution are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 26.9 has been given.

25.19 Aesthetic Criteria

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

- A. Color: a. Colors used shall match the background or trim

color of principal building.

- b. If more than one sign is permitted, colors on the signs shall be coordinated with each other to present a unified image.

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

25.20 Maintenance

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

25.21 Abandoned Signs

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

25.22 Dangerous or Defective Signs

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

25.23 Removal of Signs by the Zoning Inspector

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

25.24 Replacement

All replacement signs shall conform to the specifications in this Zoning Resolution and shall not be "grandfathered."



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Zoning Resolution Article 26

VERMILION TOWNSHIP ZONING ORDINANCE FOR MOBILE HOME PARKS

1. **PURPOSE:** It is the purpose of this ordinance to provide for the establishment of mobile home parks in Vermilion Township and to regulate the same together with the use of mobile homes therein. It is recognized that a well planned, maintained and conducted mobile home park can be an asset to the community.
2. **INTENT:** It is intended that this ordinance shall be supplemental to the Land Subdivision Regulations and this Zoning Resolution and that the provisions of those chapters shall govern where applicable, but be modified to permit things (changes) contemplated by this ordinance.
3. **DEFINITIONS:** When used in this ordinance, the following words or terms shall have the meaning herein ascribed to them. If not defined herein but defined in the Zoning Resolution, they shall have the meaning as used in this ordinance.
 - a) **MOBILE HOME** – Non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon public streets or highways.
 - b) **MOBILE HOME LOT** – Parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
 - c) **MOBILE HOME PARK** – Any site, lot, field or tract of land upon which three or more mobile homes are or may be parked or situated, which is, or may be laid out or subdivided into mobile home lots and includes any roadway, building, structure, vehicles or enclosure used or intended for use as a part of the facilities of such park.
 - d) **PATIO** – hard surfaced outdoor living space designed to supplement the mobile home living area.
4. **APPLICATION, MOBILE HOME PARK:** When an owner desires to establish a mobile home park, he may (shall) apply to the Zoning Commission for such purpose by submitting to it an application together with a plot plan prepared by and bearing the seal of an Ohio Registered Engineer or Architect, complete in detail and showing the following:
 - a. Location and legal description.
 - b. Entrance to and exits from the park.
 - c. Vehicular roadways, driveways and pedestrian walks.
 - d. Design, showing size and arrangements of mobile service and utility buildings.
 - e. Topography by two foot contour intervals.
 - f. Areas set aside for recreation, clothes washing and drying, storage and off-street parking.
 - g. Fencing and screen planting on the premises.
 - h. Provisions for trash and garbage removal.
 - i. Gas (natural or propane), electric and phone service connections to each space; service connections shall be underground.
 - j. Provisions for the lighting of roadways and pedestrian walks.
 - k. Water and sewer availability and distribution lines to each space.
 - l. Typical lot plan.

Design standards, so far as applicable and not modified, altered or in conflict with this ordinance, shall be in accordance with the Land Subdivision Regulations.

5. **MINIMUM AREAS:** The minimum area for a mobile home park shall be ten (10) acres and density of mobile home lots shall not be more than ten (10) to the net acre. Net acreage is defined as the acreage remaining after the deductions of areas set aside for storage, recreation, clothes drying, garbage and trash collection point, utility and service buildings, areas and spaces, roadways, driveways, walkways and off-street parking.
6. **GENERAL STANDARDS, MOBILE HOME PARK:** When an application for a mobile home park has been submitted, the Planning or Zoning Commission shall evaluate the application in accordance with the following standards:

- a. A mobile home park shall have access to adequate streets and highways with pavement not less than thirty-six (36) feet wide.
- b. Environmental factors involved shall be such that livability in a mobile home park (shall) be secure and any adverse effects to surrounding uses, or property value eliminated. In considering livability, recognition shall be given to the setting of mobile homes on lots, the availability of schools and shopping facilities and the nature of the abutting zone districts.
- c. There shall be no undue impact on the school district caused by the increased number of school children from the residential density or location of the mobile home park.
- d. A mobile home park shall not be located in an area where it would be completely surrounded by single family residences, or single family zoning districts, nor in an area where the entrance and exits would front on a single family zoning district.
- e. The mobile home park shall be so arranged that all mobile home lots and accessory buildings shall face on an interior roadway. Any lots abutting a dedicated public right-of-way shall be fenced and screening planted.
- f. A mobile home park of more than one hundred (100) mobile home lots shall have more than one entrance and exit to a public street or highway.

7. SPECIFIC REQUIREMENTS, MOBILE HOME PARK: No application for a mobile home park shall be approved by the Planning or Zoning Commission nor shall a mobile home park be permitted or maintained thereafter, unless it meets the following specific requirements:

- a. Minimum Width – Two hundred fifty (250) feet.
- b. Minimum Front Yard Setback – Twenty-five (25) feet, except where it fronts on a state highway, which shall require fifty (50) feet.
- c. Minimum Side Yard Setback – Ten (10) feet along interior lot lines; fifteen (15) feet along public side streets except if side streets is a state highway which shall require a minimum of twenty-five (25) feet.
- d. Minimum Rear Yard Setback – Fifteen (15) feet, except where the rear yard abuts a dedicated public right-of-way which shall require a minimum of twenty-five (25) feet.
- e. Entrance and exit roadways shall connect to a public street or highway and be not less than fifty (50) feet wide from front lot line to front lot line of the abutting mobile home lots and other areas. Entrance and exit roadways shall be connected into the park roadways so that the roadway system shall be continuous. Pavement at least thirty-two (32) feet wide on entrance and exit roadways, width being measured from back of curb to back of curb.
- f. There shall be no exterior television or radio antennas except a community type antenna for the use of all park residents.

8. MOBILE HOME AND MOBILE HOME LOT REQUIREMENTS: No application for a mobile home park shall be approved by the Zoning Commission, nor shall a mobile home park be permitted or maintained thereafter, unless the following specific requirements are met:

- a. Minimum Area of Mobile Home Lot – Four thousand (4,000) square feet.
- b. Minimum Area of Mobile Home – Four hundred (400) square feet.
- c. Maximum Height of Structures of Mobile Homes – Sixteen (16) feet.
- d. Maximum Height of Structure of Accessory Building – Sixteen (16) feet.
- e. Minimum Width of Mobile Home Lot at Setback One – Forty (40) feet (corner lot shall be fifty (50) feet).
- f. Minimum Length of Mobile Home Lot – One hundred (100) feet.
- g. Minimum Front Yard Setback of Lot – Twenty (20) feet (this shall mean street side of lot).
- h. Minimum Rear Yard Setback of Lot – Ten (10) feet (this shall mean opposite side of front yard).
- i. Minimum Side Yard on Entry Side of the Mobile Home – Twenty (20) feet.
- j. Minimum Side Yard Opposite the Entry Side of the Mobile Home – Five (5) feet (for the corner lot, it shall be twenty (20) feet).
- k. Mobile homes shall not be closer together than twenty-five (25) feet at side yard and twenty (20) feet at rear yard.
- l. No mobile home shall be placed closer than ten (10) feet to a private interior roadway or driveway. Each mobile home must have access to the mobile home park roadway system.

9. MOBILE HOME PARK FACILITIES BUILDING: An enclosed facilities building with a minimum of two thousand (2,000) square feet with space devoted to office, laundry, toilet and recreational must be provided in each mobile home park and no application shall be approved by the Planning or Zoning Commission and no mobile home park shall be permitted or maintained without one. For each one hundred (100) mobile homes in the park, at least nine hundred sixty (960) square feet of space shall be provided for recreation and two hundred fifty (250) square feet for each additional twenty-five (25) mobile homes or parts thereof.

10. YARD REQUIREMENTS, FACILITIES BUILDING: The following minimum yard requirements shall apply to any mobile home park facilities building:

- a. Minimum Front Yard – Fifty (50) feet.
- b. Minimum Side Yard – Twenty-five (25) feet.
- c. Minimum Rear Yard – Twenty-five (25) feet, except if abutting onto a dedicated public right-of-way, thirty-five (35) feet.

11. SPECIFIC REQUIREMENTS, MOBILE HOME LOTS: No application for a mobile home park shall be approved by the Planning or Zoning Commission, nor shall a mobile home park be permitted or maintained hereafter, unless the following minimum requirements are met as to each mobile home lot.

- a. A concrete pad, ten by forty (10 x 40) feet.

- b. Two off-street parking spaces, each ten by twenty (10 x 20) feet and hard surfaced and a hard surface driveway.
- c. The mobile home bottom shall be enclosed. Enclosure shall be with a commercially produced, fireproof material and completely enclose the mobile home from the bottom of the chassis, or frame, to the surface of the ground or concrete pad.
- d. No buildings or structures shall be added to a mobile home except a patio, an enclosed or unheated enclosed porch, or carport. The total square footage for all additional buildings or structures, exclusive of the patio, shall not exceed one hundred sixty (160) square feet, nor shall they extend more than ten (10) feet from a mobile home.

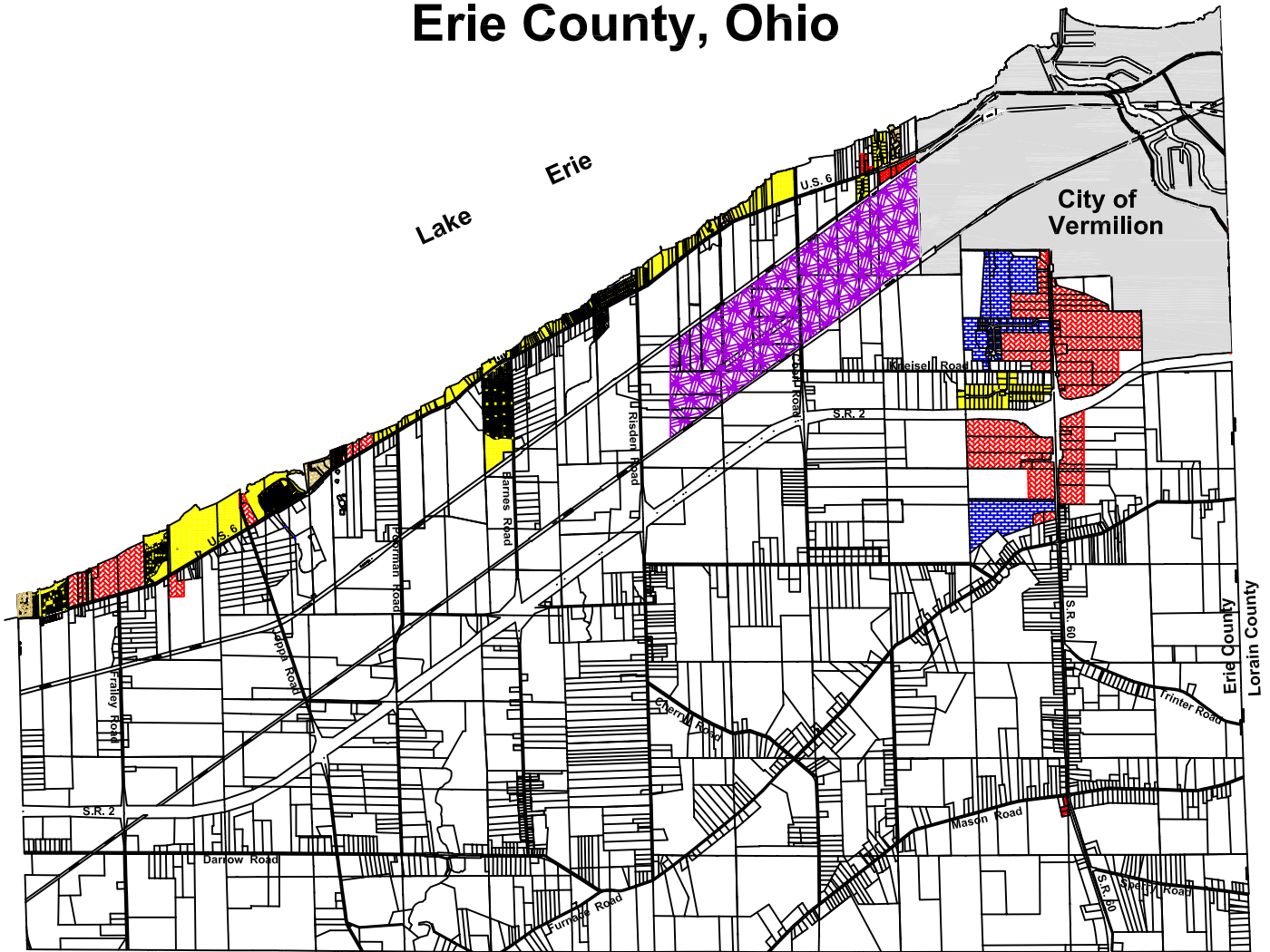
12. PERMITTED USES: No building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, except as provided herein. The following uses are permitted in a mobile home park:

- a. Mobile homes for one family dwellings, one per mobile home lot.
- b. Accessory buildings and uses incidental to and in conformance with the foregoing use.
- c. Schools, public and parochial, provided that all structures and buildings are set back not less than fifty (50) feet from side lot lines and one hundred (100) feet from front property lines.
- d. Churches and parish houses, provided the church is set back thirty (30) feet from side lot lines.
- e. Public utility substations.
- f. As an accessory use to a mobile home, home offices and occupations as permitted in single family residential districts under the Zoning Resolution may be maintained, provided not more than twenty (20) percent of the floor area of the mobile home is used for such purposes and no sign advertising the same exceeding one and one-half (1½) square feet is used.

13. SANITARY STANDARDS: No application for a mobile home park shall be approved nor shall a mobile home park be permitted or maintained thereafter, unless the sanitary standards of the Department of Health, including but not limited to the regulations relating to garbage and trash containers, racks, and rack locations, rodent and insect control, garbage and trash collection and removal, are adhered to and complied with.

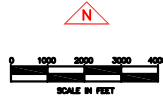
Vermilion Township Zoning

Erie County, Ohio



VERMILION TOWNSHIP ZONING DISTRICTS

	A AGRICULTURE		C-1 LOCAL COMMERCIAL
	R-R RURAL RESIDENTIAL/ SINGLE FAMILY		C-2 GENERAL COMMERCIAL
	R-1 SINGLE FAMILY SERVICE RESIDENTIAL (R-1) (R-1A) (R-1B)		I-1 LIGHT INDUSTRIAL
	R-2 TWO FAMILY RESIDENTIAL		MG MINERAL AGGREGATE
	R-3 MULTI-FAMILY RESIDENTIAL		PUD PLANNED UNIT DEVELOPMENT



Prepared by Erie County Department of Planning and Development
 This map is to be used for illustrative purposes. Refer to the original documents for accuracy. Erie County, Ohio assumes no liability or responsibility for any errors or omissions contained herein.
 Source: Vermilion Township Zoning Map
 Map Updated: October 2015
 Map Approved: November 4, 2015
 Vermilion Township Resolution No. 50-15