

ZONING REGULATIONS

OF

LEROY TOWNSHIP

Adopted November 1949

Lake County, Ohio

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# **ZONING RESOLUTION**

(Amended July 1, 1991, effective August 1, 1991)

A resolution providing for the zoning of the unincorporated area of Leroy Township by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, the use of lands, and for such purposes dividing the unincorporated area of the Township into zones or districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

WHEREAS, The Board of Trustees of Leroy Township deems it in the interest of the public health, safety, morals, comfort and general welfare of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Leroy Township:

## **ZONING RESOLUTION OF LEROY TOWNSHIP**

### **LAKE COUNTY, OHIO**

#### **SECTION 1. PURPOSE**

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate, but economical, provisions of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this Township finds it necessary and advisable to 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, set back 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 use of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the Township into districts or zones.

## **Section 2**

### **DEFINITIONS**

(Amended 07/01/1991, Effective 08/01/1991)  
(Revised Effective 11/16/1995)  
(Revised Effective 12/01/2004)  
(Effective 07/06/2005), (Revised Effective 07/06/2006)  
(Revised Effective 01/29/2009), (Revised Effective 5/12/2010)

- 2.01 INTERPRETATION OF TERMS OR WORDS: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:
1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
  2. The present tense includes the future tense, the singular number included the plural, and the plural number includes the singular.
  3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
  4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
  5. The word “lot” includes the words “plot” or “parcel.”

**ACCESSORY USE (OR STRUCTURE):** Accessory use means a use, object or structure constructed or installed on, above or below the surface of a parcel, which is located on the same lot as a principal use, object or structure and which is subordinate to or serves the principal use, object or structure.

**AGRICULTURE:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a stockyard or feed yard.

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

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# **DEFINITIONS**

**ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**ASSISTED LIVING HOME:** A residential home in which the owners and/or staff, for a fee, provide family-type housing, supervision, assistance and companionship for eight (8) or fewer retired, frail, elderly, adult residents requiring such services. These adult residents shall be individuals who are in need of assistance with Activities of Daily Living (ADL) and who cannot provide sufficient self-care due to age, physical limitation or frailty, and whose limited function does not require ongoing medical management or nursing supervision.

**AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTOMOTIVE WRECKING:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

**BED AND BREAKFAST RESIDENCE:** An owner-occupied single family dwelling with one to four guest rooms for hire. (Effective 7/9/03)

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

1. **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.
2. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.
3. **BASEMENT:** A space with a floor level four (4) feet or more below the adjoining ground, but having more than one-half (1/2) its clear height below the adjoining ground.

**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.

**BUSINESS, OFFICE TYPE:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses.



## **Section 2**

# **DEFINITIONS**

**BUSINESS SERVICES:** Any profit making activity, which renders services primarily to other commercial or manufacturing enterprises, or which services and repairs appliances and machines used in homes and businesses.

**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.

**CABIN:** A cabin is a building or structure for temporary sleeping which may contain heating facilities but no culinary or sanitary facilities and is not a cottage. (Effective 12/1/04)

**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.

**CHILD DAY CARE:** Administering to the needs of infants, toddlers, preschool 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 (24) hour day in a place or residence other than the child's own home and caring for more than six (6) said person

**CHURCH OR PLACE OF WORSHIP:** A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship. (Effective 12/1/04)

**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.

**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.

**COLLECTOR'S VEHICLE:** Any motor vehicle or agricultural tractor or traction engine that is of special interest that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or operated, but not as the owner's principal means of transportation. (Effective 7/6/06)

**COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit making activity which is generally related to the entertainment field such as, but not limited to, motion pictures theatres, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**COMMON DRIVES:** A driveway shared by adjacent property owners and privately

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owned and maintained. (Effective 5/12/10)

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies of the community

**CONDITIONAL USE:** A use permitted within a zoning district other than a principally permitted use, requiring a Conditional Use Permit and approval of the Board of Zoning Appeals.

**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.

**CONDOMINIUM:** A building or group of buildings in which units are individually owned in fee simple, but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

**COTTAGE:** A building or structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for temporary occupancy during vacation periods and not for permanent occupancy. (Effective 12/1/04)

**CUL-DE-SAC BULB LOT:** A lot with frontage on the terminus vehicular turnaround, or bulb, of a permanent cul-de-sac. (Effective 5/12/10)

**CUL-DE-SAC PERMANENT:** A minor street, one end of which connects with another street and the other end terminates in a vehicular turnaround. (Effective 5/12/10)

**CUL-DE-SAC TEMPORARY:** A minor street, one end of which connects with another street and the other end terminates in a vehicular turnaround. This type of street has the ability to be extended and the cul-de-sac removed when future development occurs. (Effective 5/12/10)

**DAMAGED OR DISEASED TREES:** means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a water course or on to a building or structure.

**DANGEROUS PETS:** Dangerous Pets refers to any wild animal, reptile, bird, fish, or

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insect, which is trained, restrained, confined, which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

dB –(DECIBELS): Means a unit of measure (abbreviated dB) used to compare sound intensities and subsequently electrical or electronic power outputs. (Effective 5/12/10)

DECOMMISSIONING PLAN: A submitted written plan describing that all properties will be restored to their original state before the project was started after the project is no longer used or in useable condition (Effective 5/12/10)

DESIGNATED WATERCOURSE: means a river or stream within the township that is in conformity with the criteria set forth in these regulations.

DEVELOPMENTALLY DISABLED: Defined as meeting a severe chronic disability that is characterized and is attributable to mental or physical impairment or a combination of mental and physical impairments. (Effective 12/1/04)

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

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

DWELLING, SINGLE FAMILY: A building consisting of a single dwelling unit only separates from other dwelling units by open space.

DWELLING, TWO FAMILY/DUPLEX: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. (Effective 7/9/03)

ENCLOSED STRUCTURE: A building enclosed by a permanent roof and exterior walls or party walls pierced only by windows and doors.

FAA: Federal Aviation Administration is an agency of the United States Department of Transportation with the authority to regulate and oversee all aspects including safety of civil aviation in the United States. (Effective 5/12/10)

FAMILY: Any number of individuals living together in a dwelling unit as a single housekeeping unit, including domestic employees. (Effective 12/1/98)

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); means the agency with overall responsibility for administering the National Flood Insurance Program.

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

**FINISHED GRADE:** (1) The final elevation of the ground surface after development (2) the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure. (Effective 12/1/04)

**FLAG LOT:** A lot utilizing a strip of land to provide access to or legal frontage on a dedicated road right-of-way, but where the majority of the area of the lot is situated immediately behind one or more lots relative to the right-of-way to which the flag lot has access or frontage. The pole portion or flag stem of such lot is not considered a building site. (Effective 5/12/10)

**FLOOD PLAIN:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**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.

**FLOOR AREA OF A RESIDENTIAL BUILDING (LIVING QUARTERS):** The floor space of a residential building, excluding basements, porches, utility rooms, garages, breezeway, terraces, or attics.

**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, fitting rooms and similar areas.

**FRONTAGE:** Width of contiguous land between property lines abutting upon a dedicated and accepted road or a private road as defined in the county subdivision regulations to a specified depth. On a corner lot, the frontage is measured along the road the building primarily faces. Frontage does not include the end of a dead end street.

**FUGITIVE DUST:** Airborne dust particles generated through manufacturing processes or the operation of machinery when such particles travel beyond the property where such dust is generated. (Effective 12/1/98)

**GARAGE, PRIVATE:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, boats, and recreational vehicles of the occupants of the premises.

**GARAGE, SERVICE STATION:** Buildings and premises where gasoline, oil, grease,

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batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts.
2. Tire servicing and repair, but not recapping or regrooving.
3. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors and the like.
4. Radiator cleaning and flushing.
5. Radiator welding and repair.
6. Greasing and lubrication
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors and fuel injection systems.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessories and incidental to principal operations. (Effective 10/3/05)
12. Provision of road maps and other informational material to customers and provision of restroom facilities.
13. Warranty maintenance and safety inspections.

**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.

**HOME OCCUPATION:** An occupation conducted for gain in a dwelling by members of one family residing in the dwelling, provided that the use is clearly secondary to the use of the dwelling and does not change the external character of the dwelling as a private residence. (Effective 12/1/04)

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**HOSPITAL:** A full service health facility and staffed to provide a wide range of services including diagnosis, surgery, treatment, therapy, and rehabilitation on both outpatient and in-residence basis. (Effective 12/01/2004)

**IMPERVIOUS COVER;** means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

**INTRA-PROJECT POWER LINES:** Means all power and transmission lines leading to and or away from any wind tower and or solar panels. (Effective 5/12/10)

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** A lot with or without buildings where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, paper, rags, cordage, barrels, machinery, inoperable vehicles, etc., are sold, bought, exchanged, baled, packed, sorted, stored, disassembled or handled.

1. **Junk Vehicle:** A junk motor vehicle means a motor vehicle that meets all of the following criteria:
  1. Three model years old, or older.
  2. Apparently inoperable.
  3. Extensive damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. (Revised effective 7/06/06)

2. **Inoperable Vehicle:** Means any motor vehicle, car, truck, motor home, camper, trailer, or equipment that has missing wheels, tires, motors, transmissions or drivelines or major body parts. Vehicle must be in compliance with State of Ohio Motor Vehicle Laws.

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

**LAND DEVELOPMENT ACTIVITY;** means any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

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

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

**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, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. Frontage shall not be construed as land facing the end of a dead end street. (Effective 12/1/98)

**LOT, MINIMUM AREA OF:** The area of a lot is computed inclusive of no more than half of the road or street right-of-way when the lot owner holds title to the same. (Revised 7/06/06)

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

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

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

**MANUFACTURED HOME PARK:** A lot upon which two (2) or more manufactured

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homes are located for residential use, free either 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.

**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 area, 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.

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

**MANUFACTURING, EXTRACTIVE:** Any mining, quarry, excavation processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**MINI STORAGE:** Compartmented or bayed buildings where one or more compartments or bays are rented to individuals or businesses for the storage of personal or business goods.

**MIXED USE BUILDING:** (Effective July 6, 2005)

1. A building containing a mixed use.
2. A building in a Commercial District used partly for residential use and partly for community facility or commercial use.

**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 to permit its being used as a conveyance upon public streets and highways and exceeding a gross weight limit of four thousand five hundred (4500)

pounds and an overall length of thirty (30) feet and in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

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

**NONCONFORMITIES:** Lots, uses of land, structures and uses of structures and land in



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

**NURSING HOME:** An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of persons convalescing from illness or incapacitation, excluding homes or similar institutions for persons suffering from acute chronic alcoholism or drug dependency, or persons who are mentally incapacitated from causes other than senility or who regularly require restraint. Effective August 17, 2000.

**OHIO ENVIRONMENTAL PROTECTION AGENCY;** means the governmental agency referred to herein as the Ohio EPA.

**ONE HUNDRED YEAR FLOODPLAIN;** means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of the township.

**OPEN SPACES:** An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features: water areas, swimming pools, and tennis courts, any other recreational facilities the Zoning Commission deems permissive. Streets, parking areas, structures for habilitation and the like shall not be included.

**ORDINARY HIGH WATER MARK;** means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

**PARKING SPACES, OFF-STREET:** For the purposes 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.

**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.

**PRIMARY HEADWATER HABITAT (CLASS III)'** means streams found to have native fauna adapted to cool-cold perennial flowing water characterized by a community of vertebrates (either cold water adapted species of headwater fish and/or obligate aquatic species of salamanders from the lungless family Plethodontidae), and/or a diverse

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### **DEFINITIONS**

community of benthic macroinvertebrates including cool water taxa, with larval life stages resident in the stream continuously on an annual basis.

**PRIMARY HEADWATER STREAM;** is a surface water of the state, as defined in Ohio Administrative Code 3745-1-02, having a defined bed and bank, with either continuous or periodical flowing water, with watershed area less than or equal to one square mile (1 sq. mi., 259 ha), and maximum depth of water pools equal to or less than 40 cm.

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

**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 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, communication, public water and sewage services.

**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.

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

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

**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.

**RECREATIONAL VEHICLE:** Means a vehicular portable structure that is designed for the sole purpose of recreational travel (Effective 12/1/04)

1. "Travel Trailer" means a non-self-propelled recreational vehicle and

## **Section 2**

### **DEFINITIONS**

includes a tent type foldout camping trailer, and designed to be used as a temporary dwelling for travel, recreational and vacation uses.

2. "Motor Home" means a self-propelled recreational vehicle designed to be used as a temporary dwelling for travel, recreational and vacation use.
3. "Truck Camper" means a non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers, which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
4. "Boats" and "Boat Trailers" shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
5. Snowmobiles and trailers used to transport them, personal watercraft devices and trailers used to transport them, and all terrain vehicles (ATV's) and trailers used to transport them.

**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, or vibration shall be detected outside of said building.

**RESIDENTIAL FACILITIES:** Means a home or facility in which mental or physical impaired person (developmentally disabled) are housed, except the home of a relative or legal guardian. (Effective 12/1/04)

**RESIDENTIAL SITE PLAN:** A drawing to appropriate scale disclosing all proposed uses, existing rights-of-way and all lot dimensions, front, side, rear and riparian setbacks, also dimensions and square footage of all existing and proposed structures. (Effective 5/12/10)

**RESTAURANT:** A building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for offsite consumption may be provided.

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

**RIPARIAN AREA;** means naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood

## **Section 2**

### **DEFINITIONS**

size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations.

**RIPARIAN SETBACK;** means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.

**ROADSIDE STAND:** A temporary structure designed or used for the display or sale of agricultural and related products.

**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 or structure may be located above ground, except as provided in said code. (See Yard)

**SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes no 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.

**SILVICULTURE;** means art, science and practice of establishing, tending and reproducing forest stands of desired characteristics based on knowledge of species characteristics and environmental requirements.”

**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 so 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 reflecting or phosphorescent light.

**SIGN, LIGHTING DEVICE:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on or in a sign.

**SIGN, PROJECTING:** Any sign which projects from the exterior of a building.

**SITE DEVELOPMENT PLAN:** A drawing(s) in compliance with all requirements of section 30 of this resolution. (Effective 5/12/10)

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# **DEFINITIONS**

**SMALL WIND FARM:** Means wind turbines and associated with single interconnection to the electrical grid and / or designed for, or capable of, operation at an aggregate capacity of less than five megawatts. (Effective 5/12/10)

**SMALL WIND ENERGY SYSTEM:** Means a single-towered wind energy system that:

1. Is used to generate electricity
2. Has a rated nameplate capacity of 50 kilowatts or less
3. Has a total height of 150 feet or less

(Effective 5/12/10)

**SOIL AND WATER CONSERVATION DISTRICT (SWCD);** means the Lake County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.

**SOIL DISTURBING ACTIVITY;** means clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

**SOLAR ENERGY COMMERCIAL OPERATIONS:** Means solar energy systems whose main purpose is to generate energy for sale back into the energy grid systems, rather than being consumed on site. (Effective 5/12/10)

**SOLAR PANEL:** A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for generation of electricity or transfer of stored heat. (Effective 5/12/10)

**STORY:** That part of a building between the surface of a floor and the ceiling immediately above. (See basement).

**STREAM BANK;** The sides of a channel that hold or carry water.

**STREAM BANK STABILIZATION;** Any constructed facility, structure or device that protects the stream bank from the erosive forces of moving water.

**STREAM BED;** The channel through which a natural stream of water runs or used to run.

**STREAM CROSSING;** A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles or place for utilities to cross the stream.

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

## **Section 2**

### **DEFINITIONS**

**STRUCTURAL STORM WATER MANAGEMENT PRACTICE:** Any constructed facility, structure or device that provides storage, conveyance and/or treatment of Storm water runoff.

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

**SWIMMING POOL:** A pool, pond, lake or open tank containing at least three (3) feet of water at any point and maintained by the owner or manager, designed or intended to be used for swimming purposes. Ponds used in conjunction with agriculture are exempt.

1. **Private Pool:** Exclusively used without paying an additional charge for admission by the resident(s) and guest(s) of a household, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use. (Effective 12/7/05)
2. **Community Pool:** Operated with a charge for admission; a primary use.

**THOROUGHFARE, STREET OR ROAD:** The full width between property line bounding every public right-of-way 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 (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street.

## **Section 2**

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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.)

**TRUCK STOP AND/OR TRAVEL PLAZA:** Any building, premises or land in which or upon which a business service or industry involving the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews. (Effective July 6, 2005)

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

**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 or practical difficulty.

**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 treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

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

**WASTE WATER TREATMENT PLANT (WWTP);** means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

**WATERCOURSE;** means any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing.

**WATERSHED;** means total drainage area contributing runoff to a single point.

**WATER TREATMENT PLANT;** Facility that uses physical and chemical processes for making water suitable for human consumption and other purposes.

**WETLAND;** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in

## Section 2

# DEFINITIONS

saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 C.F.R. 232, as amended).

WETLANDS, CATEGORY 1; means a low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

WETLANDS, CATEGORY 2; means a medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

WETLANDS, CATEGORY 3; means a high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA

WIND ENERGY SYSTEM: Means equipment that converts and then stores or transfers energy from the wind into forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower transformer, vane, wire, inverter, batteries, guy wires or other component used in the system. (Effective 5/12/10)

WIND TOWER: Means the monopole, freestanding, or guyed structure that supports a wind generator. (Effective 5/12/10)

WIND TOWER TOTAL HEIGHT: Means the vertical distance from finished grade to the tip of the wind generator blade at its highest point. (Effective 5/12/10)

WIND TURBINE: Means the parts of the wind energy system including the blades and associated mechanical and electrical conversion components mounted on the top of the tower. (Effective 5/12/10)

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

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



## **Section 2**

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

### SECTION 3 – DISTRICTS

(Amended July 1, 1991, effective August 1, 1991)

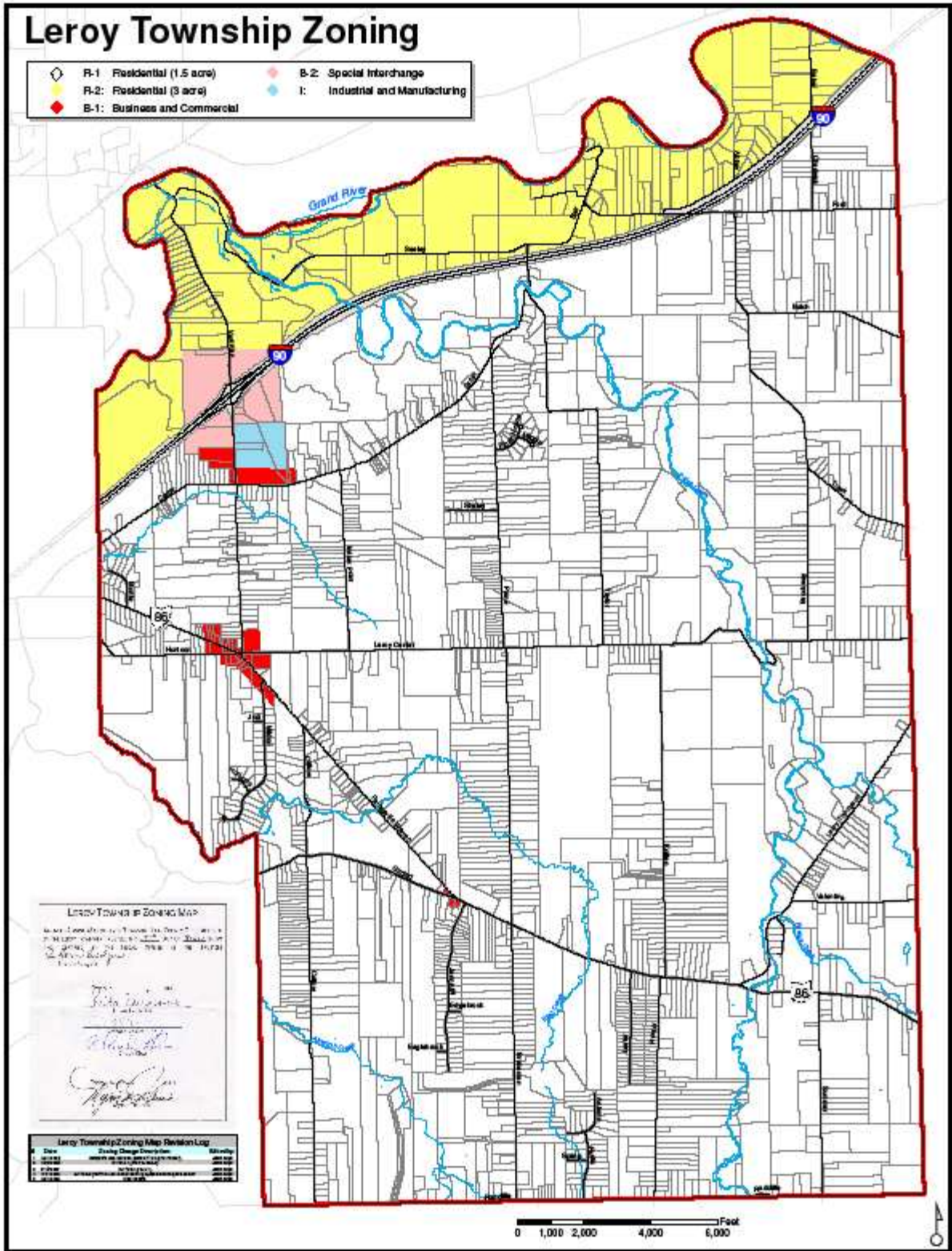
(Revised effective 12/29/2010)

For the purposes of carrying out the provisions of this Resolution, the unincorporated area of the Township is hereby divided into the following districts:

1. Residential, which shall be designated as “R-1” district.
2. Rural Residential, which shall be designated as “R-2” district.
3. Business and Commercial, which shall be designated as “B-1” district.
4. Special Interchange District, which shall be designated as “B-2” district.
5. Industrial and Manufacturing, which shall be designated as “I” district.

The districts as shown on the map hereto attached are hereby established and said map is made a part of this resolution. No building or premises shall be used and no building shall be erected or altered except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION 3 MAP (12/29/10)



## SECTION 4 – AGRICULTURE

(Adopted November 1949)  
Revised effective 12/29/2010

- 4.01 Land in any district may be used for agricultural purposes.
- 4.02 A Zoning certificate shall be required for the construction of buildings used for agricultural purposes when such use is incidental to the use of the land on which such building(s) are located, however no fee will be collected on such building(s), but shall conform to the regulations contained in this Resolution and ORC.519.21. All setback guidelines shall be required as contained in this resolution. If a change in use on agriculture building(s) or structure(s) is done a fee will be assessed for the change in use and permit.
- 4.03.1 For the purpose of this Resolution, “agriculture” as used in section 519.02 to 519.25 of the Ohio Revised Code, “agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with but are secondary to, such husbandry or production.

## SECTION 5 - ENFORCEMENT

(Amended July 20, 1992, Effective August 20, 1992) (Effective 10/3/02)

5.1 It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this Resolution or any amendment thereto.

5.2 Any person, firm or corporation violating this Resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

5.3 It shall be the duty of the Zoning Inspector or any authorized assistant thereof, hereafter appointed by the Board of Township Trustees, to enforce this Resolution. Fire inspection as to conformance of all fire codes shall be performed by the Leroy Fire Dept.

5.4 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 or a member of the Board of Township Trustees who, in turn, shall inform the Zoning Inspector of such complaint. The Zoning Inspector shall record properly such complaint, investigate timely and take action thereon as is provided for in this Resolution.

5.5 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of this Resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

5.6 The Board of Township Trustees shall by resolution establish a schedule of fees and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use permits and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and included as a appendix to this Resolution. The schedule of fees may be altered or amended only by proper motion and majority vote of the Board of Township Trustees. Until all applicable fees and expenses have been paid in full, no action shall be taken on any application or appeal.

**SECTION 6 - INTERPRETATION**  
(Amended July 20, 1992, effective August 20, 1992)

6.1 In interpretation and application, the provisions of this Resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

6.2 Nothing herein shall repeal, abrogate, annul or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

6.3 Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Resolution

6.4 Each section, sub-section, provision, requirement, regulation or restriction established by this Resolution or any amendment thereto, is hereby declared to be independent. Should any section, subsection, provision, requirement, regulation or restriction 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.

SECTION 7 – GENERAL REQUIREMENTS  
(Amended July 20, 1992, effective August 20, 1992)  
(Revised effective July 17, 1996)(effective July 6, 2005) (effective 7/18/2007)

- 7.1 RIGHTS-OF-WAY: All streets, roads and railroad rights-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such street, road or railroad right-of-way.
- 7.2 PUBLIC UTILITIES AND RAILROADS: This Resolution shall not apply to public utilities or railroads except as set forth in Sections 14.12, 15 and 16 governing construction of any tower owned or used by a public utility for the provision of cellular telephone communications service in any district zoned for residential use.
- 7.3 NON-RESTRICTED HEIGHT: There shall be no restriction of the height of church spires, belfries, clocktowers, radio and television towers, flag poles, water and fire towers, chimneys, smokestacks, stage towers or scenery lofts, elevator bulkheads or other mechanical appurtenances where erected upon and as an integral part of a building. For purposes of this Resolution, satellite dish antennas are not considered as radio or television towers.
- 7.4 CONFORMATION TO USE DISTRICT: No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purposes other than is permitted in the use district in which the building or land is located.
- 7.5 NO DUPLICATE CALCULATION OF OPEN SPACE: Space attributed to one building or structure which has been used to calculate side yard, rear yard, front yard or any other open space requirement shall not, by reason of change of ownership or otherwise, be used to calculate side yard, rear yard, front or any other open space requirement of or for any other building or structure.
- 7.6 MOVING OR REMOVAL OF BUILDING OR DIVISION OF LAND: In the event conveyance is made of a part of a premises, and as a result of same, any building or structure located upon said premises remaining of the premises conveyed violates the requirements of this Resolution or is less in conformity with this Resolution than before such conveyance, then said building or structure shall be moved or altered in a manner as to make it, and the premises conveyed with it, conform to this Resolution. Or if the same cannot be done, said building or structure shall be removed entirely from said premises. No division of premises and conveyance of part thereof shall be made if such conveyance is of a building or structure surrounded by part of such premises and as a result of said division such conveyed premises and the building or structure thereon violates this Resolution either for the first time or to a greater extent than did said building or structure and the undivided original premises.
- 7.7 CONFORMITY REQUIRED: In the event two (2) or more buildings or structures are located on a single parcel which will be divided in such a way as to create two (2) or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure conformity of

each of the resulting subdivisions thereof to the provisions of this Resolution; further provided, that if the parcel is not so divided, any buildings or structures upon said subdivision of said subdivided parcel shall be removed, or moved to such location on the said subdivided parcel as to conform to the provisions of this Resolution, unless there is first secured from the Board of Zoning Appeals, on appeal thereto, permission to make such division under the variance powers possessed by said Board.

7.8 CORNER LOT SETBACK LINE: The front setback line on a corner lot shall be in accordance with the road or street on which the building faces. The side yard clearance from the side street shall in no event be less than fifty (50) feet from the right-of-way sideline of the road or eighty (80) feet from the center of the traveled portion of the road, whichever is greater. ( Effective 7/18/07)

7.9 No building shall be erected unless the same fronts, and has access to, a duly dedicated, accepted road or street, unless the road, at the time this Resolution becomes effective, is an established private road or a subsequent extension thereof.

7.10 Recreational vehicles shall not be deemed to constitute a dwelling, or a part of a dwelling, and shall not be used for residential purposes in any district.

7.11 WASTE MATERIALS: Waste materials shall not be discharged onto or into the ground or onto or into a body of water or stream unless treated or controlled so the solid substances shall not exceed the amount permitted and shall be in compliance with any regulations by the current federal, state, county, or controlling agencies. (Effective July 6, 2005)



SECTION 8 – NONCONFORMING USES  
(Amended July 20, 1992, EFFECTIVE August 20, 1992)  
(Effective 12/1/98)

8.1 The lawful use of any land, building or structure as existing and lawful at the time of adoption of this Resolution or any amendment thereto, may be continued, although such use does not conform to this Resolution or any amendment. If such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land, building or structure shall be in conformity with this Resolution.

8.2 Any building or structure arranged, intended or designed for a specific non-conforming use, construction of which upon the site has been started at the time of passage of this Resolution, but not completed may be completed and put to such nonconforming use, providing it is done within one (1) year after this Resolution takes effect.

8.3 Any building or structure, existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may, upon securing a zoning certificate therefore, be reconstructed and restored as previously existing providing the same is done within two (2) years from the date of said destruction, and such nonconforming use recommenced promptly thereafter.

8.4 A non-conforming use of land, which may be continued under the provisions of this Section, shall not be extended or expanded more than ten percent (10%) over that ground area devoted to such use which existed at the time such use became nonconforming.

8.5 A building or structure devoted to a nonconforming use at the time this Resolution takes effect shall not be altered or enlarged so as to extend said nonconforming use more than ten percent (10%) in main floor area. No building or structure devoted to a non-conforming use shall be altered so as to violate to a greater degree the requirements of this Resolution relating to location on the premises, placement of accessory buildings, parking, drives, play yards or any other provisions of this Resolution.

8.6 Any expansion of a nonconforming use shall only be undertaken or made after a zoning certificate shall have been first obtained.

8.7 Where a parcel or lot was separately owned, or was a lot of a subdivision duly recorded, and at the time of the original enactment of this Resolution or any amendment thereto was smaller than required herein but is, at the time of application for a zoning certificate, the same size or larger than it was when this Resolution became effective, and the applicant is not the owner of adjacent premises which when combined with said parcel or lot would result in a lot of minimum size, a single family dwelling may be erected upon such parcel or lot and the minimum side yard clearance shall be reduced proportionately, based upon the width of such parcel or lot in relation to a lot of minimum size under the requirements of this Resolution.

8.8 Any person or corporation claiming the right of operation or use as a pre-existing non-conforming use as described in this Resolution shall make and preserve reasonable records and

this Resolution or any amendments thereto.

8.9 A Zoning Certificate shall be required of all lawful nonconforming uses of land or buildings created by adoption of this Resolution or otherwise. Application for such Zoning Certificate for a nonconforming use shall be filed with the Zoning Inspector within one (1) year of the effective date of this section by the owner or lessee of the building or land occupied by such nonconforming use. It shall be the duty of the Zoning Inspector to issue a zoning certificate for a lawful nonconforming use, but failure to apply for such Certificate for a nonconforming use or refusal of the Zoning Inspector to issue a Zoning Certificate for such nonconforming use shall be evidence that such nonconforming use was either unlawful or did not lawfully exist at the effective date of this section. (Effective 12/1/98)

## SECTION 9 – PROHIBITED USES

(Amended March 16, 1998) (Effective July 6, 2005) (Revised Effective 7/06/06)  
(Revised Effective 03/16/09)

The following uses shall be deemed to constitute a nuisance and shall be prohibited in any R, B, or I districts:

- 9.1 Commercial amusement park.
- 9.2 Commercial aviation field.
- 9.3 Brewery.
- 9.4 Metallic powder works.
- 9.5 Bulk petroleum station with tanks above ground.
- 9.6 Chemical plant.
- 9.7 Crematory.
- 9.8 Distilling of bones, fat, glue, or gelatin.
- 9.9 Manufacturing or storage of explosives, gunpowder, or fireworks.
- 9.10 Dumping, storage, burying, reducing, disposing of or burning of garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of the premises, unless done at a place provided by the Township Trustees for such purposes.
- 9.11 Junk yards, automotive graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes unless licensed under authority of R.C. 4737.05 to 4737.12. (Effective 03/16/09)
- 9.12 Junk motor vehicles of any type, inoperable vehicles, portions thereof and other debris and unlicensed collectors' vehicles, as defined herein, that are left unattended or stored, collected, accumulated or otherwise left unattended on for more than fourteen (14) days, and are not enclosed in a building or garage are prohibited. Nothing in sub-section 9.12 shall be construed as limited the Board of Township Trustee's right to institute additional remedies or proceedings to remove, store, dispose of or enforce the law relative to junk motor vehicles, or unlicensed collectors' vehicles. (Effective 03/16/09)
- 9.13 Outdoor theater, racetrack, and kennels.
- 9.14 Trailer parks, overnight cabins, trailer coaches, on or off wheels, for residence purposes, provided, however, that camping, travel or sports trailers may be kept at a residential property if the owner of such vehicle resides on said property in a permanent residence.
- 9.15 Basements, wholly or partially below the grade of the lot upon which they are located, which are being used for dwelling purposes, temporary or permanent.

- 9.16 Storage, piling or accumulated of building materials on a vacant lot unless a zoning certificate has been issued for construction on said lot involving the use of such material.
- 9.17 Commercial slaughter houses.
- 9.18 Dumping, storage, burying, reducing, disposing of, or burning of the contents removed from any septic system and/or tank, toxic waste, hazardous chemical waste and radioactive waste.
- 9.19 Mini storage buildings.
- 9.20 Dangerous pets.
- 9.21 Truck Stop and/or Travel Plaza: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews. (Effective July 6, 2005)

SECTION 10 – TOWNSHIP ZONING COMMISSION  
AND  
AMENDMENTS TO THE ZONING RESOLUTION  
(Amended July 20, 1992, effective August 20, 1992)

10.1 There is hereby created and established a Township Zoning Commission. The Commission shall be composed of five (5) members who shall reside in the unincorporated area of the Township and who shall be appointed by the Board of Township Trustees. The terms of the members shall be of such length and so arranged that the term of one (1) member shall expire each year. 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 of Trustees in accordance with the provisions of the Ohio Revised Code. Vacancies in the Township Zoning Commission shall be filled by the Board of Trustees and shall be for the unexpired term.

10.2 The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine, but not less than once per calendar quarter. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be public record and shall be immediately filed in the office of the Township Zoning Commission.

10.3 For purposes of this Township Resolution, the Township Zoning Commission shall have the duties as prescribed by the Ohio Revised Code Chapter 519 and any successors thereto.

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

10.5 Amendments to the Township Zoning Resolution shall be initiated in accordance with Chapter 519 of the Ohio Revised Code and any successors thereto. All procedures for notice and hearings for amendments to the Zoning Resolution shall be as set forth and in accordance with Chapter 519 of the Ohio Revised Code and any successors thereto.

10.6 Applications for amendments to the official Zoning Map adopted as part of this Resolution shall contain at least the following information:

1. Name, address and phone number of applicant.
2. Proposed amending resolution.
3. Present land use.

4. Present zoning district.
5. Proposed land use.
6. Proposed land use zoning district.
7. A vicinity map showing property lines, structures, thoroughfares and existing and proposed zoning.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across from the street from the parcel or parcels proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels as listed on the tax duplicate are to be rezoned.
9. A fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees, and made a part of this Resolution, shall be required at the time of application and is not refundable (Effective 12/7/05)

10.7 Application for amendments proposing to amend, supplement, change or repeal portions of this Resolution other than the official Zoning Map shall include:

1. Name, address and phone number of applicant.
2. Proposed amending resolution.
3. A fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees and made a part of this Resolution shall be required at the time of application and is not refundable. (Effective 12/7/05)

10.8 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 or application shall be transmitted to the Zoning Commission.

10.9 After the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee, 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 County Planning Commission in accordance with Section 519.12 of the Ohio Revised Code. The County Planning Commission shall recommend the approval or denial of the proposed amendment or

supplement or the approval with some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

10.10 The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment in accordance with Section 519.12 of the Ohio Revised Code.

10.11 Notice of such hearing shall be given by the Township Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township area in accordance with the Ohio Revised Code. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

10.12 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 Township Zoning Commission, by first class mail, in accordance with the Ohio Revised Code, 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. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment or supplement. The notice shall contain the same information as required of notices published in the newspaper as specified.

10.13 The Township Zoning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Board of Township Trustees.

10.14 Upon receipt of the recommendation of the Township Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township area, in accordance with the Ohio Revised Code.

10.15 After the required public hearing, in accordance with the Ohio Revised Code, the Board of Township Trustees shall either adopt or deny the recommendation of the Township Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board of Trustees shall be required.

10.16 Such amendment or supplement adopted by the Board of Township Trustees shall become effective in accordance with the Ohio Revised Code, unless 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 general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area, for approval or rejection, at the next primary or general election.

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



SECTION 11 – BOARD OF ZONING APPEALS  
(Amended July 20, 1992, effective August 20, 1992)

11.1 There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. Members of the Board of Zoning Appeals shall be compensated as provided by the Board of Township Trustees at a regularly scheduled meeting.

11.2 The Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision on determination made by an administrative official in the enforcement of the zoning laws or of this Resolution or any amendments thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To grant conditional use permits for the use of land, buildings or other structures, if such certificates for specific uses are provided for in this Resolution.
4. To revoke an authorized variance or conditional use permit granted for the extraction of minerals if any condition of the variance or condition of the certificate is violated.

11.3 In exercising the above-mentioned powers, such Board may, in conformity with the provisions of law and this Resolution and amendments thereto, by a favorable vote of three (3) or more members, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

11.4 The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this Zoning Reolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which

shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

11.5 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 made after the decision, in accordance with the Ohio Revised Code, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

11.6 The Township Board of Zoning Appeals shall hold a hearing on any appeal, in accordance with applicable provisions of the Ohio Revised Code. The Township Board of Zoning Appeals may approve or disapprove the appeal. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this County in the grounds that such decision was unreasonable or unlawful.

11.7 An application to the Board of Zoning Appeals shall be accompanied by a fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees.

SECTION 12 – ZONING INSPECTOR  
(Amended July 20, 1992, effective August 20, 1992)

12.1 The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector shall be appointed by and serve at the pleasure of the Board of Township Trustees yearly and shall receive such compensation as the Board of Township Trustees shall provide.

12.2 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 of Zoning Appeals only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.

12.3 The Township Zoning Inspector shall:

1. Upon application, issue Zoning Certificates in appropriate cases where there has been compliance with the provisions of this Resolution.
2. Keep records of all applications for Zoning Certificates and Conditional Use Permits and the action taken thereon. He shall also maintain a record of all Zoning Certificates and Conditional Use Permits and copies shall be furnished upon request to any person.
3. Upon finding that any of the provisions of this Resolution are being violated, notify the person responsible for such violation, ordering the action necessary to correct such violation.
4. Order discontinuance of illegal uses of land, buildings or structures.
5. Order removal of illegal buildings or structures or illegal additions or structural alterations.
6. Order discontinuances of any illegal work being done.
7. Take any other authorized action by this Resolution to ensure compliance with or to prevent violation of this Resolution.

12.4 The Zoning Inspector may recommend to the Board of Zoning Appeals suitable conditions to be incorporated in Conditional Use Permits.

12.5 The Zoning Inspector may enter upon lands and inspect buildings or structures inside and out to ascertain compliance with the provisions of this Resolution. No person shall interfere with the actions of the Zoning Inspector in the proper performance of his duties. The Zoning Inspector shall at all times when performing his duties, carry on his person a letter signed by the Township Clerk certifying him by name as the Zoning Inspector and reciting this Section. Such letter of authority and appointment shall be shown upon demand. It shall be the duty of all law enforcement officers to assist the Zoning Inspector in performance of his duties.

SECTION 13 – ZONING CERTIFICATE  
(Amended July 20, 1992, effective August 20, 1992) (Revised effective 4/6/06)

13.1 A Zoning Certificate shall be required for any of the following except as herein provided:

1. Construction or structural alteration of any building including accessory buildings or structures.
2. Change of the use of land, buildings or structures to a use of a different classification.
3. The expansion or extension of a non-conforming use.
4. Any change of a non-conforming use to a different use whether conforming or non-conforming.

13.2 A Zoning Certificate shall be obtained before any construction, alteration, use or change of use as specified in this Section shall take place. Failure to obtain a valid Zoning Certificate before starting any construction, alteration, use or change of use as specified in this Section shall result in a fee being assessed for twice the amount as would have been required if the Zoning Certificate had been issued prior to starting of activity.

13.3 No Zoning Certificate shall be required for the use of any land for agricultural purposes or for the use, construction or structural alteration of any building or structure incident thereto.

13.4 No Zoning Certificate shall be required for a temporary removable structure as part of a construction project, nor for the construction of roads, sewers, service lines, pipe lines or driveways.

13.5 Application for a Zoning Certificate for the construction of a new building or structure, or for the alteration of an existing building or structure, shall be made prior to the application for a building permit. Said Zoning Certificate shall be issued by the Zoning Inspector after a Site Development Plan Review, per Section 30. The Zoning Inspector shall approve or disapprove the application within (10) days of the receipt. This shall be in conformance with the provisions of this resolution. (Effective 4/6/06)

:

1. The completion date of each phase of a development done in stages shall be stated on the application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for said stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.

13.6 Application for a Zoning Certificate for the use of vacant land or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector prior to the initiation of any work or action on said request. Said Zoning Certificate shall be issued within the time limits set by the Ohio Revised Code, and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall expire one (1) year after issuance unless the work or action has been substantially begun and thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificate with the following exceptions:

1. The completion date of each phase of a development done in stages shall be stated on the Application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for said stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.

13.7 An applicant for a Zoning Certificate shall file an Application for a Zoning Certificate on a form which is provided by the Township setting forth, among other things:

1. The dimensions of any proposed building or structure;
2. The use to which any building, structure or land is proposed to be put.

13.8 An Application for Zoning Certificate shall be accompanied by and have as a part thereof a plot plan showing, among other things:

1. Location of proposed building or structure;
2. Location of adjacent building, structures or roads;
3. Setbacks and side yard clearances for current and proposed buildings and structures.

13.9 Each Application for a Zoning Certificate shall be accompanied by a fee in accordance with a fee schedule adopted by the Board of Township Trustees and amended from time to time.

13.10 The Zoning Inspector may refuse to issue a Zoning Certificate in the event the applicant fails to supply information reasonably required of him.

1. A Zoning Certificate shall be revocable if, among other things, the actual use, construction or alteration does not conform to the terms of the application and the Zoning Certificate issued thereon.
2. If the Zoning Certificate applied for shall be refused, the fee shall be non-refundable.

SECTION 14 – CONDITIONAL USE PERMIT  
(Amended July 20, 1992, effective August 20, 1992)  
(Effective 12/7/05) (revised effective 4/6/06)

14.1 PURPOSE. It is recognized that an increasing number of new kinds of land uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to locations, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under this amendment shall follow the procedures and requirements set forth in the following sections.

14.2 CONTENTS OF APPLICATION OF CONDITIONAL USE PERMIT: An application for a Conditional Use Permit shall be filed with the Secretary of the Board of Zoning Appeals on a form provided by the Zoning Inspector by at least one owner or lessee or their duly authorized agents of property of which such conditional use is proposed. At a minimum, the application shall contain the following information.

1. Name, address and telephone number of the applicant.
2. Legal description of the property and the name(s) of the owner(s) of record.
3. Description of existing use.
4. Zoning District.
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 area(s), traffic access and internal traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility of the proposed use to the Comprehensive Plan.

14.3 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES: In addition to the specific requirements for conditionally permitted uses, the Board of Zoning Appeals 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. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Comprehensive Plan and/or Zoning Resolution.
2. 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.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.
5. 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.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous to the general welfare of the community.
7. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
8. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.

#### 14.4 PROCEDURE

1. Upon receipt of the application and fee by the Secretary of the Board of Zoning Appeals, a public hearing shall be scheduled and held in accordance with the Ohio Revised Code. (Effective 4/6/06)
2. Notice shall be given by the Secretary of the Board of Zoning Appeals to the applicants and owners of all contiguous property in accordance with the Ohio Revised Code. (Effective 4/6/06)
3. Notice of the hearing for all interested parties shall be published in one (1) or more newspapers of general circulation in the County in accordance with the Ohio Revised Code.
4. Upon the hearing, any person may appear in person or be represented by an attorney. The manner in which the hearing is conducted shall be in accordance with the rules and procedures adopted by the Board of Zoning Appeals.

14.5 ISSUANCE OF PERMIT: In the event the decision of the Board of Zoning Appeals is favorable to the applicant, a Conditional Use Permit shall be issued which clearly states all the conditions and covenants to which said permit is subject. The permit shall be signed by the Chair of the Board of Zoning appeals. A copy of the permit shall be conveyed to the applicant, the Township Fire Chief, the Township Zoning Inspector, the Township Board of Trustees and the Township Zoning Commission. (Effective 4/6/06)

14.6 FEE:

1. The party applying to the Board of Zoning Appeals shall deposit with the Zoning Inspector a fee in accordance with a fee schedule adopted by the Board of Township Trustees. Said fee is to cover expenses of notice and transmission of papers incident to application for a Conditional Use Permit. If a verbatim record is desired by the applicant, he shall furnish a court reporter and bear the expense of typing said report.

2. A fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees may be required as one of the conditions of a Conditional Use Permit.

14.7 ENFORCEMENT: The Leroy Township Zoning Inspector shall enforce compliance with all conditions as set forth in the permit.

14.8 REVOCATION: The Zoning Inspector, upon recommendation of the Chief of the Leroy Township Fire Department and the Lake County Sheriff shall suspend Conditional Use Permits for the applicant's failure to conform to any of the conditions of its issuance or for failure to comply with any applicable sections of this Resolution.

14.9 PENALTY: Whosoever violates the provisions of this section shall, in addition to other remedies as provided by law, be subject to the penalties as provided in Section 5 of this Resolution.

14.10 PERMIT RENEWAL: As one of the conditions of the issuance of a Conditional Use Permit, the Board of Zoning Appeals shall require a renewal application on a form prescribed by the Board of Township Trustees, to be filed with said Board of Zoning Appeals by the applicant no less than once every five (5) years and no more than once a year. The Permit shall be renewed by the Board of Zoning Appeals without public hearing, unless the Board of Zoning Appeals has reasonable grounds to believe that the applicant has not complied with the conditions upon which the Permit was issued, or there has been a change of conditions that make the intended use compatible with the observance of, and conformity to, this Resolution.



14.11 ACCESSORY BUILDING: A Conditional Use Permit shall be required for an accessory building to be used for the following purpose in an R district:

1. Equipment storage where the actual work is not performed at the building site, but all materials and equipment are stored on the premises in an accessory building .  
Such use shall be subject to the following conditions set out below and to the general standards applicable to all conditional uses set out in this Section.
2. Parking of vehicles required for this use shall be landscaped to maintain residential appearance of the site. All loading and unloading and parking areas shall be subject to and follow Section 25 Parking and Section 26 Screening and Landscaping.
3. Fire inspection as to conformance of all fire codes shall be performed annually by the Leroy Township Fire Department.
4. No equipment or process shall be generated by the accessory building which creates noise, vibration, glare, odors, or any electrical interference which is offensive or detectable to the normal sense of any person off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

Signs: No signs will be permitted in conjunction with an accessory building use.

Fee: A fee or fees in accordance with a fee schedule adopted by the Leroy Twp. Trustee is required.

14.12 RESIDENTIAL DEVELOPMENTALLY DISABLED: A Conditional Use Permit shall be required for residential facilities for the following purpose in an R district:

Residential facilities for the developmentally disabled.

Such use shall be subject to the following conditions set out below and to the general standards applicable to all conditional uses set out in this Section.

- A. Number of Occupants: No residential facility for the developmentally disabled shall house more than eight (8) occupants.
- B. Minimum Lot Width: No lot on which is located or erected a residential facility for the developmentally disabled shall have a frontage on a public road right-of-way of less than two hundred (200) feet.
- C. Set-back Building Lines: No residential facility for the developmentally disabled shall be erected within fifty (50) feet of the right-of-way sideline for any road or street. If there is no established right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the

traveled portion of the road. In any such space there shall be no parking facilities, parking space or storage of materials or equipment of any kind. (Effective 12/7/05)

- D. Side Yards: Any residential facility for the developmentally disabled shall have a side yard clearance of not less than twenty-five (25) feet.
- E. Rear Yards: Any residential facility for the developmentally disabled shall have a rear yard clearance of not less than forty (40) feet.
- F. Maximum Height of Buildings: No residential facility for the developmentally disabled shall be in excess of thirty five (35) feet in height as measured from finished grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, radio and television tower, chimney, water tower, elevator bulkhead, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building. (Effective 12/7/05)
- G. Minimum Size: The minimum total floor space of living area for each person living in any residential facility for the developmentally disabled shall not be less than five hundred (500) square feet per inhabitant.
- H. Parking Facilities: All residential facilities for the developmentally disabled shall provide, without charge, usable adjacent parking spaces off the road or street, outside of the public road right-of-way and outside the area between the building set-back line and the public road right-of-way, together with means of ingress and egress thereto of an area of not less than two hundred (200) square feet for each occupant of the residence.

14.13 CONDITIONAL USE PERMIT FOR CHILD DAY CARE CENTERS: Child Day Care Centers shall be a permitted use in all Districts when granted a Conditional Use Permit subject to this Section 14 and provided such centers shall retain the character and intent of the District in which they are located.

14.13.1 REQUIREMENTS:

1. Lot size: Minimum of five (5) acres.
2. Frontage: Minimum of five hundred (500) feet.
3. Set backs, side yard clearances, maximum height of buildings: Must comply with all requirements for residential facilities.
3. Parking: One (1) parking space per staff member shall be provided.

Parking spaces off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area on the first floor. No parking space shall be permitted inside the building set-back area.

A loading and unloading zone shall be provided outside of all parking spaces so as not to restrict the flow of traffic.

5. Screening and Landscaping: see Section 26.

#### 14.13.2 RESIDENTIAL FLOOR AREA:

1. No living quarters or 24 hour occupancy to be permitted.
2. Kitchen Facilities: Separate from all classroom areas and to be regulated by Lake County Health Department, if provided.

#### 14.13.3 SAFETY/INSPECTION:

1. Child Day Care Centers shall comply with the requirements of the National Fire Prevention Code and any amendments thereto and all other applicable safety codes. In addition, fire extinguishers, emergency lighting, exit way signs and other safety devices may be required as a condition of the issuance of a Conditional Use Permit. Smoke alarms in each room and hallway shall be required as a condition of the issuance of a Conditional Use Permit.
2. Inspection, for the purpose of fire safety, shall be conducted by the Leroy Township Fire Department prior to occupancy by residents and shall be conducted a minimum of two (2) times per year thereafter.
3. A floor plan designating present location of exits and evacuation route shall be posted in each room in a conspicuous place.
4. An electronic fire, smoke, and carbon monoxide monitoring alert/call system, centrally monitored, shall be available at all times.
5. A driveway at least twelve (12) feet in width shall be required to provide access to the Child Day Care Center. The location and arrangement of the driveway are subject to prior approval by the Leroy Township Fire Department.
6. Owners shall display proof of such inspection and compliance in a conspicuous place and shall provide copies of such proof to the Leroy Township Zoning Inspector prior to

the issuance of the Occupancy Permit and after each subsequent inspection.

7. All signs shall conform to zoning regulations permitting signs in R-1 Districts.

14.14 CONDITIONAL USE PERMIT FOR ASSISTED LIVING HOMES. Assisted Living Homes shall be a permitted use in an R District (Residential) when granted a Conditional Use Permit subject to Section 14 and provided such home shall retain the character and intent of the R-1 zoning district.

#### 14.14.1 ASSISTED LIVING HOME (DEFINITION)

An Assisted Living Home is defined as a residential home in which the owners and/or staff, for a fee, provide family-type housing, supervision, assistance and companionship for eight (8) or fewer retired, frail, elderly, adult residents requiring such services. These adult residents shall be individuals who are in need of assistance with Activities of Daily Living (ADL) and who cannot provide sufficient self care due to age, physical limitation or frailty, and whose limited function does not require on-going medical management or nursing supervision.

#### 14.14.2 REQUIREMENTS

1. Lot Size: Minimum of five (5) acres
2. Frontage: Minimum of five hundred (500) feet.
3. Setbacks, side yard clearances, maximum height of buildings: Must comply with all requirements for residential facilities for the developmentally disabled contained in the Residential zoning district.
4. Parking: Two (2) parking spaces per resident and one (1) parking space per staff member per shift shall be provided. All parking spaces must be off the road or street, outside of the road right-of-way and outside of any firelane and/or driveway. Not less than two hundred (200) square feet of area shall be required for each such parking space.

#### 14.14.3 RESIDENTIAL FLOOR AREA

1. Bedrooms:
  - a. Single person occupancy: A minimum of one hundred fifty (150) square feet.
  - b. Two person occupancy: A minimum of two hundred twenty (220) square feet.
  - c. A minimum of ten (10) square feet of closet space within the bedroom area shall be provided for each resident and shall not be included in the bedroom square foot requirements.

2. Common Living Area: Two hundred fifty (250) square feet exclusive of halls and stairways.

3. Kitchen or Food Preparation Area: One hundred fifty (150) square feet exclusive of pantry. In the event that the number of residents of an Assisted Living Home exceeds five (5), then the requirement for the Kitchen or Food Preparation Area shall be those required for commercial kitchens as contained in the Regulations promulgated by the Lake County Health Department.

4. Bedroom: Minimum of one (1) full bath and two (2) one-half (1/2) baths.

5. Storage: Each residence shall have a minimum of one hundred (100) cubic feet of storage accessible to residents and staff.

#### 14.14.4 SAFETY/INSPECTION

1. Assisted Living Homes shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes. In addition, fire extinguishers, emergency lighting, exit way signs and other safety devices may be required as a condition of the issuance of a Conditional Use Permit. Smoke alarms in each room and hallway shall be required as a condition of the issuance of a Conditional Use Permit.

2. Inspection, for the purpose of fire safety, shall be conducted by the Leroy Township Fire Department prior to occupancy by residents and shall be conducted a minimum of one (1) time per year thereafter.

3. A driveway at least twelve (12) feet in width shall be required to provide access to the Assisted Living Home. The location and arrangement of the driveway are subject to prior approval by the Leroy Township Fire Department.

4. Owners shall display proof of such inspection and compliance in a conspicuous place and shall provide copies of such proof to the Zoning Inspector prior to the issuance of the Occupancy Permit and after each subsequent inspection.

5. A floor plan designating present location of exits and evacuation route shall be posted in each room in a conspicuous place.

6. An electronic monitoring alert/call system, centrally monitored, shall be available in each bedroom and bathroom to enable residents to obtain assistance when needed.

7. All signs shall conform to zoning regulations permitting signs in R-1 Districts.

8. Alcohol or chemically dependent individuals/adults are prohibited in an Assisted Living Home.

14.15 CABLE TELEVISION: See Section 24

14.16 CONDITIONAL USE PERMIT FOR ADULT ORIENTED BUSINESS: The following shall require the issuance of a Conditional Use Permit by the Board of Zoning Appeals:  
The use, construction, location, of property for the operation of an adult oriented business.

14.16.1 ADULT ORIENTED BUSINESS: In a B-1 district only, an adult oriented business shall be permitted in a B District when granted as a Conditional Use Permit as provided under this Section. The purpose of this Section is to regulate adult oriented business in order to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of adult oriented business within the Township. The provisions of this section have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, neither is the intent nor effect of this Section to restrict or deny access of adults to adult oriented materials protected under the First Amendment, or to deny access by distributors of adult oriented entertainment to their intended market.

14.16.2 GENERAL REQUIREMENTS:

1. Adult oriented business shall comply with the district regulations applicable to all properties within the district they are located.
2. No adult oriented business shall be located within one thousand (1,000) linear feet of another adult oriented business.
3. No adult oriented business shall be located within one thousand (1,000) linear feet of any religious institution, public or private school, or public park, or playground, or any child day care facility. (Effective 07/06/06)
4. No adult oriented business shall be located within five hundred (500) linear feet of any R-1 or R-8 Residential District nor within five hundred (500) linear feet of any residential district in a political subdivision abutting a Township boundary.

14.16.3 SAFETY/INSPECTIONS:

1. Adult oriented business shall comply with the requirements of the Council of American Building Officials (CABO) Code, the National Fire Prevention Association (NFPA) Code and all other applicable safety codes.
2. For the purposes of safety, the Leroy Township Fire Department shall conduct an inspection prior to the operation of an adult oriented business, and semiannually thereafter, or as deemed necessary by the Leroy Township Fire Chief.

14.16.4 SIGNS: All signs related to an adult oriented business shall conform to the requirements of Section 23.

14.16.5 PARKING: One parking space shall be provided for each seventy-five (75) feet of gross floor area.

14.16.6 CONDITIONAL USE PERMIT RENEWAL: The holder of a Conditional Use Permit for an adult oriented business shall apply to the Board of Zoning Appeals for the renewal of the permit every one (1) year.

1. The application for renewal shall be filed within thirty (30) days of the expiration of the one (1) year period.
2. Upon receipt of the application for renewal, the Board of Zoning Appeals shall conduct a public hearing after giving notice in a newspaper of general circulation in the Township one (1) time at least ten (10) days prior to the hearing.
3. Any person shall be permitted to speak at the hearing.
4. The Conditional Use Permit shall be renewed if the Board of Zoning Appeals determines that the holder has substantially complied with the terms of the Conditional Use Permit and the requirements of this Section.
5. Within fifteen (15) days from the date of the public hearing the Board of Zoning Appeals shall advise the holder of the permit in writing of its decision. In the event the permit is not renewed, the Board of Zoning Appeals shall state its reasons for the non-renewal.
6. The Conditional Use Permit issued under this Section shall be personal to the holder and is non-transferable. Any change of ownership of the business shall require the issuance of a new Conditional Use Permit under this Section.
7. The holder shall pay a renewal fee as set forth by the Leroy Township Trustees.

14.16.7 DEFINITIONS:

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin operated, slug operated or credit card operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" or "specific anatomical areas".

**ADULT BOOKSTORE/ADULT VIDEO STORE:** A commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specific sexual activities" or "specific anatomical areas", or
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specific sexual activities".

**ADULT CABARET:** A nightclub, bar, restaurant or similar commercial establishment which features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of "specific anatomical areas" or by "specific sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specific sexual activities" or "specific anatomical areas".

**ADULT MOTEL:** A hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specific sexual activities" or "specific anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the exposure of "specific sexual activities" or "specific anatomical areas".

**ADULT ORIENTED BUSINESS:** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**ADULT THEATER:** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specific sexual



activities" or "specific anatomical areas".

**ESCORT:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**ESTABLISHMENT:** Includes any of the following:

1. The opening or commencement of any adult oriented business as a new business;
2. The conversion of an existing business, whether or not an adult oriented business, to an adult oriented business;
3. The addition of any existing business to any other existing adult oriented business; or
4. The relocation of any adult oriented business.

**LICENSEE:** A person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application for a Conditional Use Permit

**NUDE MODEL STUDIO:** Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed, videographed, videotaped, or similarly depicted by other persons who pay money or any other form of consideration.

**NUDITY/STATE OF NUDITY:**

1. The appearance of human bare buttocks, anus, male genitals, female genitals, or female breasts; or
2. A state of dress which fails to opaquely cover human buttocks, anus, male genitals, female genitals, or the entire female breasts.

**PERSON:** An individual, proprietorship, partnership, corporation, association, or other legal entity.

**RESIDENTIAL DISTRICT:** A single-family/duplex, planned unit development.

**RESIDENTIAL USE:** A single-family/duplex.

**SEMI-NUDE:** A state of dress in which clothing covers no more than the genitals, pubic region, and entire female breast, as well as portions of the body covered by supporting straps or devices.

**SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons, and/or persons of the same sex, when one or more of the persons is in a state of nudity or semi-nude.

**SPECIFIC ANATOMICAL AREA:** Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the aureole; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIC SEXUAL ACTIVITIES:** Shall include any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated;
4. Excretory functions as part of, or in connection with, any of the activities set forth in (1) to (3) above.

14.17 CONDITIONAL USE PERMIT FOR TELECOMMUNICATION TOWER  
(Effective 10/3/02)

Telecommunication Towers, structures and co-location platform.

1. Construction of a Telecommunication Tower, structure or a collocation platform shall require a permit by the Zoning Board of Appeals.

## 14.18 CONDITIONAL USE FOR BED AND BREAKFAST RESIDENCE

(Effective 7/9/03)

(Revised effective 3/21/05)

14.18.1 A Bed and Breakfast Residence is an owner-occupied single-family dwelling with one-to-four guest rooms for hire in said dwelling.

14.18.2 Maximum length of stay by each guest shall be not more than fifteen consecutive days nor more than sixty days per calendar year.

14.18.3 One off-street parking space per guest room plus two for the owner are required, located to the side or rear of the dwelling with screening. Space for service deliveries and refuse collection shall be provided with screening as provided in this resolution.

14.18.4 All signs shall conform to the requirements of Section 23, Signs, of this Leroy Township Zoning Resolution. (Effective 3/21/05)

14.18.5 The only meal to be provided to guests shall be breakfast and to be served only to guests taking lodging at the residence.

14.18.6 No residence shall be used for Bed and Breakfast purposes unless there are at least two exits to the outdoors from such premises. Each room utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional thirty square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using the Bed and Breakfast residence.

14.18.7 Each owner shall keep a guest log book that must include the names and dates of all persons staying at the Bed and Breakfast residence. Such guest log book shall be available for inspection by the Zoning Inspector during normal business hours.

14.18.8 It shall be unlawful for any person(s) to operate a Bed and Breakfast Residence without first filing an application for and obtaining a Conditional Use Permit from the Board of Zoning Appeals. Any holder of a Conditional Use Permit issued under this section shall apply to the Board of Zoning Appeals for the renewal of the permit once the first year and once every five (5) years thereafter. The application for renewal shall be filed at least thirty (30) days prior to the expiration of the permit. The fee for the Conditional Use Permit and yearly renewal permit shall be set by the Board of Trustees. (Effective 3/21/05)

14.18.9 Applicants for a permit to operate a Bed and Breakfast Residence shall submit a floor plan of the single-family dwelling unit, along with the application provided and required fee, illustrating that the proposed operation will comply with all provisions of the Zoning Resolution, Lake County Building Code, Lake County Health Department, and Leroy Township Fire Department, whether specified herein or not.

14.18.10 Upon approval of the application by the Board of Zoning Appeals, the Zoning Inspector shall issue the permit within ten days.

14.18.11 All Conditional Use Permits granted are subject to Section 5, Enforcement, of this Leroy Township Zoning Resolution. Non-compliance with any of the conditions of Conditional Use Permit and/or Section 5 of this Leroy Township Zoning Resolution will result in non-renewal of the Conditional Use Permit. (Effective 3/21/05)

# SECTION 15

## RESIDENTIAL R-1

Amended October 3, 1994, Effective November 3, 1994

Revised effective November 16, 1995, Revised effective 12/1/04, Revised effective 7/06/06,  
Revised effective 7/18/07, Revised effective 9/03/09, Revised effective 5/12/10

**15.01 PURPOSE:** In accordance with the Comprehensive Plan, the Residential zone is intended to provide for agricultural, residential and undeveloped open space land uses while considering the unique physical and environmental characteristics of the area. Efforts to preserve and enhance riparian corridors, wetlands, mature wood lots, agricultural activities and scenic corridors during future growth are encouraged.

**15.02 PERMITTED USES:** The following uses and no other shall be deemed Residential, R-1, uses and permitted in all R-1 districts:

1. Single-family dwelling for residential purpose and buildings accessory thereto, but excluding the use of tents, cabins, cottages and trailer coaches (recreational vehicle) for residential purposes except as hereinafter permitted.
2. Community center, fire station, township hall, township or church cemetery and public parks.

**15.03 CONDITIONALLY PERMITTED USES:** The following uses shall be permitted upon issuance of a Conditional Use Permit in accordance with Section 14 of this resolution.

1. School, university, public library, public museum, public and private golf courses, and private parks.
2. Church, hospital, and nursing home, provided that such church, hospital, and nursing home shall have a lot area of not less than five (5) acres and a frontage not less than five hundred (500) feet.
3. Residential care facilities for the developmental disabled, residential care facilities, nursing homes, and home for the aging in accordance with ORC 3721.01 (A).
4. Child day care facilities.
5. Assisted living home.
6. Cable television and telecommunication tower with a Conditional Use Permit as specified in Section 14 and 24 of this resolution.
7. Bed and breakfast residences.
8. Mining or surface extraction of gravel or other earth material in accordance with ORC 519.141.

## **SECTION 15**

### **RESIDENTIAL R-1**

**15.04 ACCESSORY USES:** The following accessory uses, clearly incidental and secondary to the primary use of the land in an R-1 district shall be limited to the following:

- 1. Home occupations:** Any person may maintain an office or carry on a customary home occupation in a dwelling used as a private residence, provided such use fully complies with the following requirements:
  - A.** The occupation or activity is carried on by a member(s) of the immediate family living in that dwelling.
  - B.** The use of the dwelling or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used for any purpose in the home occupation including the accessory building. Extensions or modifications of said dwelling to accommodate a home occupation is permitted provided the subsequent use remains within the twenty-five percent (25%) floor area usage requirement.
  - C.** No change shall be made in the character of the building or premises and no visible evidence of the conduct of such home occupation shall be permitted. One (1) sign, as specified in Section 23 of this Resolution, shall be permitted.
  - D.** No equipment or process shall be used in a home occupation which creates noise, vibrations, glare, fumes, odors or electrical interference which is offensive or detectable to the normal sense of a person off the lot. In the case of electrical interference, no equipment or process shall be used which visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
  - E.** Home occupations shall include the sale of services or goods produced in the dwelling including but not limited to: dressmaking and alterations, preserving, home cooking, physicians, dentists, architects, attorneys at law, insurance sales, child care, beauty parlors, barber shops, or others as may comply with this section as determined by the Zoning Board of Appeals.
  - F.** A Zoning Certificate shall be required for all lawful home occupations as provided in Section 13 of this Resolution. The application for such Zoning Certificate for a home occupation shall be filed with the Zoning Inspector prior to the commencement of said occupation. Any home occupation in existence at the time of the effective date of this Section shall secure a Zoning Certificate within one-hundred twenty (120) days of the effective date of this Section.
- 2. Swimming pools:** As provided for in Section 19 of this Zoning Resolution.

## **SECTION 15**

### **RESIDENTIAL R-1**

3. **Roadside stands:** any person may maintain a roadside stand consisting of removable structures used solely for the display and sale of products in accordance with ORC 519.21 (C) provided such stands are at least twenty-five (25) feet back from the traveled portion of the road and provided that adequate facilities are maintained in conjunction therewith for off the road parking of customer vehicles.
4. **Storage** of household equipment, tools, and vehicles for use as private transportation. Storage of more than five (5) vehicles shall be in an approved accessory use building.
5. **The storage** of not more than two (2) licensed recreational vehicles, as defined in Section 4501.01Q of the Ohio Revised Code, shall be behind the building setback line.
6. **Small Wind Farm** as defined by ORC 519.213 and Section 33 of LeRoy Township Zoning Resolutions. (Revised effective 5/12/10)
7. **Solar Panel or Arrays** as defined in Section 33. (Revised effective 5/12/10)

#### **15.05 ACCESSORY BUILDINGS:**

1. Accessory buildings shall not be constructed on vacant lots.
2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include, but not be limited to:
  - A. Private garages.
  - B. Storage barns and sheds.
  - C. Equipment storage where the actual work is not performed at the building site, but all materials and equipment are stored on the premises in an accessory building. A Conditional Use Permit shall be required, as specified in Section 14 of this Zoning Resolution, for such an accessory use to be permitted.
3. In no event shall an accessory building be used as living quarters or for any use in violation of this Zoning Resolution.
4. The total square footage of all accessory buildings on any lot of two (2) acres or less or any lot in a platted subdivision shall not exceed two thousand (2,000) square feet in any combination. A maximum of two (2) accessory buildings per lot of two (2) acres or less is permitted.
5. All accessory buildings shall be a minimum of twenty (20) feet from any main

## **SECTION 15**

### **RESIDENTIAL R-1**

building or existing residence. Minimum side yard clearance shall be twenty (20) feet, except on corner lots where the side line clearance on the side of the lot abutting the side street shall be no less than fifty (50) feet from the road right-of-way sideline of the road or eighty (80) feet from the traveled portion of the road, whichever is greater.

Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this Section.

Provided, however that on lots lawfully with one hundred (100) feet frontage or less, the minimum side yard clearance on each side shall be fifteen (15) feet.

#### **1. Personal Property Sales**

- A.** The number of personal property sales allowed per residence per calendar year, which use shall not constitute a commercial use, is three (3).
- B.** Each such personal property sale shall not last more than five (5) consecutive days.
- C.** All personal property sale signs must be removed immediately after the sale and shall be subject to Section 23.01.11.



# SECTION 15 RESIDENTIAL R-1

## 15.06 DEVELOPMENT STANDARDS:

Table 15.1	R-1	R-2
Development Standards	Residential	Rural Residential
<b>Lot Requirements</b>		
<b>Minimum Lot Size (1)</b>	1.5 acre	3 acre
<b>Minimum Lot Frontage/lot width</b>	150'	200'
<b>Cul-de-sac bulb lot frontage (2)</b>	75'	75'
<b>Rear or flag lot (2)</b>	60'	60'
<b>Minimum front yard setback/depth (3)</b>	50'	100'
<b>Minimum side yard setback (each side) (4)</b>	20'	20'
<b>Minimum rear yard</b>	20'	20'
<b>Building Specifications</b>		
<b>Height (5)</b>	35'	35'
<b>Minimum Square footage (6)</b>		
<b>Single floor dwelling</b>	1,400 sq. ft.	1,400 sq. ft.
<b>Two floor dwelling</b>	1,600 sq. ft.	1,600 sq. ft.
<b>Notes</b>		
<p>(1) For flag or rear lots, the lot area computation shall include all property from the point the minimum lot width specified is met. Land located in the "flag pole" portion of the lot shall not be included in the computation.</p> <p>(2) Lot shall have minimum lot width at building setback as required</p> <p>(3) Front building setback line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. Setback measured from the road right-of-way line.</p> <p>(4) On corner lots, side yard clearance shall be no less than fifty (50) feet from the right-of-way sideline of the road or eighty (80) feet from the center of the traveled portion of the road, whichever is greater.</p> <p>(5) Does not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, silo, barn, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building.</p>		

## **SECTION 15 RESIDENTIAL R-1**

(6) Minimum square footage of dwelling unit does not include basement, porches, garages, breezeways, terraces or attics.

### **15.07 LOTS ESTABLISHED PRIOR TO ZONING:** - See section 8.7

1. On lots lawfully platted with one hundred (100) feet frontage or less (excluding flag lots) the minimum side yard clearance of the dwelling shall be fifteen (15) feet.
2. On lots lawfully platted with development standards below the minimum set forth in Section 15.06, the minimum front yard setback may be reduced proportionately based on the depth of such parcel in relation to a lot of minimum size under the requirements of this resolution. In no such instance shall the front yard setback be less than fifty (50) feet.

### **15.08 SITE CONSIDERATIONS:**

1. Environmental variables include soil type, riparian corridors, and steep slopes shall be given due consideration during the planning, construction, reconstruction or modification of structures or land improvements.
2. Conformance to Section 31, Natural Resource Protection.
3. New ingress and egress points onto public right-of-ways are subject to review by the Ohio Department of Transportation (ODOT), Leroy Township or Lake County Engineer, where applicable.

### **15.09 FUTURE SPACE HOLDER**

### **15.10 SCREENING AND LANDSCAPING:** - See Section 26

### **15.11 PARKING:** - See Section 25

## **SECTION 16**

### **RURAL RESIDENTIAL R-2**

Effective 9/27/07, Revised effective 9/03/09, Revised effective 5/12/10

**16.01 PURPOSE:** In accordance with the Comprehensive Plan, the Rural Residential zone is intended to provide for agricultural, residential and undeveloped open space land uses while considering the unique physical and environmental characteristics of the area. Efforts to preserve and enhance riparian corridors, wetlands, mature wood lots, agricultural activities and scenic corridors during future growth are encouraged.

**16.02 PERMITTED USES:** The following uses and no other shall be deemed Rural Residential, R-2, uses and permitted in all R-2 districts:

1. Single-family dwelling for residential purpose and buildings accessory thereto, but excluding the use of tents, cabins cottages and trailer coaches (recreational vehicle) for residential purposes except as hereinafter permitted.
2. Community center, fire station, township hall, township or church cemetery and public parks.

**16.03 CONDITIONALLY PERMITTED USES:** The following uses shall be permitted upon issuance of a Conditional Use Permit in accordance with Section 14 of this resolution.

1. School, university, public library, public museum, public and private golf courses, and private parks.
2. Church, hospital, and nursing home, provided that such church, hospital, and nursing home shall have a lot area of not less than five (5) acres and a frontage not less than five hundred (500) feet.
3. Residential care facilities for the developmental disabled, residential care facilities, nursing homes, and home for the aging in accordance with ORC 3721.01 (A).
4. Child day care facilities.
5. Assisted living home.
6. Cable television and telecommunication tower with a Conditional Use Permit as specified in Section 14 and 24 of this resolution.
7. Bed and breakfast residences.
8. Mining or surface extraction of gravel or other earth material in accordance with ORC 519.141.

## **SECTION 16**

### **RURAL RESIDENTIAL R-2**

**16.04 ACCESSORY USES:** The following accessory uses, clearly incidental and secondary to the primary use of the land in an R-2 district shall be limited to the following:

- 1. Home occupations:** any person may maintain an office or carry on a customary home occupation in a dwelling used as a private residence, provided such use fully complies with the following requirements:
  - A.** The occupation or activity is carried on by a member(s) of the immediate family living in that dwelling.
  - B.** The use of the dwelling or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used for any purpose in the home occupation including the accessory building. Extensions or modifications of said dwelling to accommodate a home occupation is permitted provided the subsequent use remains within the twenty-five percent (25%) floor area usage requirement.
  - C.** No change shall be made in the character of the building or premises and no visible evidence of the conduct of such home occupation shall be permitted. One (1) sign, as specified in Section 23 of this Resolution, shall be permitted.
  - D.** No equipment or process shall be used in a home occupation which creates noise, vibrations, glare, fumes, odors or electrical interference which is offensive or detectable to the normal sense of a person off the lot. In the case of electrical interference, no equipment or process shall be used which visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
  - E.** Home occupations shall include the sale of services or goods produced in the dwelling including but not limited to: dressmaking and alterations, preserving, home cooking, physicians, dentists, architects, attorneys at law, insurance sales, child care, beauty parlors, barber shops, or others as may comply with this section as determined by the Zoning Board of Appeals.
  - F.** A Zoning Certificate shall be required for all lawful home occupations as provided in Section 13 of this Resolution. The application for such Zoning Certificate for a home occupation shall be filed with the Zoning Inspector prior to the commencement of said occupation. Any home occupation in existence at the time of the effective date of this Section shall secure a Zoning Certificate within one-hundred twenty (120) days of the effective date of this Section.
- 2. Swimming pools:** as provided for in Section 19 of this Zoning Resolution.

## **SECTION 16**

### **RURAL RESIDENTIAL R-2**

- 3. Roadside stands:** any person may maintain a roadside stand consisting of removable structures used solely for the display and sale of products in accordance with ORC 519.21 (C) provided such stands are at least twenty-five (25) feet back from the traveled portion of the road and provided that adequate facilities are maintained in conjunction therewith for off the road parking of customer vehicles.
- 4. Storage** of household equipment, tools, and vehicles for use as private transportation. Storage of more than five (5) vehicles shall be in an approved accessory use building.
- 5. The storage** of not more than two (2) licensed recreational vehicles, as defined in Section 4501.01Q of the Ohio Revised Code, shall be behind the building setback line.
- 6. Small Wind Farm** as defined by ORC 519.213 and Section 33 of the LeRoy Township Zoning Resolution.
- 7. Solar Panel or Arrays** as defined in Section 33.

#### **16.05 ACCESSORY BUILDINGS:**

1. Accessory buildings shall not be constructed on vacant lots.
2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include, but not be limited to:
  - A. Private garages.
  - B. Storage barns and sheds.
  - C. Equipment storage where the actual work is not performed at the building site, but all materials and equipment are stored on the premises in an accessory building. A Conditional Use Permit shall be required, as specified in Section 14 of this Zoning Resolution, for such an accessory use to be permitted.
3. In no event shall an accessory building be used as living quarters or for any use in violation of this Zoning Resolution.
4. The total square footage of all accessory buildings on any lot of two (2) acres or less or any lot in a platted subdivision shall not exceed two thousand (2,000) square feet in any combination. A maximum of two (2) accessory buildings per lot of two (2) acres or less is permitted.
5. All accessory buildings shall be a minimum of twenty (20) feet from any main building or existing residence. Minimum side yard clearance shall be twenty (20)

## **SECTION 16**

### **RURAL RESIDENTIAL R-2**

feet, except on corner lots where the side line clearance on the side of the lot abutting the side street shall be no less than fifty (50) feet from the road right-of-way sideline of the road or eighty (80) feet from the traveled portion of the road, whichever is greater.

Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this Section.

Provided, however that on lots lawfully with one hundred (100) feet frontage or less, the minimum side yard clearance on each side shall be fifteen (15) feet.

#### **1. Personal Property Sales:**

- A.** The number of personal property sales allowed per residence per calendar year, which use shall not constitute a commercial use, is three (3).
- B.** Each such personal property sale shall not last more than five (5) consecutive days.
- C.** All personal property sale signs must be removed immediately after the sale and shall be subject to Section 23.01.11.

## SECTION 16 RURAL RESIDENTIAL R-2

### 16.06 DEVELOPMENT STANDARDS:

Table 16.1	R-1	R-2
Development Standards	Residential	Rural Residential
<b>Lot Requirements</b>		
<b>Minimum Lot Size (1)</b>	1.5 acre	3 acre
<b>Minimum Lot Frontage/lot width</b>	150'	200'
<b>Cul-de-sac bulb lot frontage (2)</b>	75'	75'
<b>Rear or flag lot (2)</b>	60'	60'
<b>Minimum front yard setback/depth (3)</b>	50'	100'
<b>Minimum side yard setback (each side) (4)</b>	20'	20'
<b>Minimum rear yard</b>	20'	20'
<b>Building Specifications</b>		
<b>Height (5)</b>	35'	35'
<b>Minimum Square footage (6)</b>		
<b>Single floor dwelling</b>	1,400 sq. ft.	1,400 sq. ft.
<b>Two floor dwelling</b>	1,600 sq. ft.	1,600 sq. ft.
<b>Notes</b>		
<p>(1) For flag or rear lots, the lot area computation shall include all property from the point the minimum lot width specified is met. Land located in the "flag pole" portion of the lot shall not be included in the computation.</p> <p>(2) Lot shall have minimum lot width at building setback as required</p> <p>(3) Front building setback line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. Setback measured from the road right-of-way line.</p> <p>(4) On corner lots, side yard clearance shall be no less than fifty (50) feet from the right-of-way sideline of the road or eighty (80) feet from the center of the traveled portion of the road, whichever is greater.</p> <p>(5) Does not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, silo, barn, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building.</p>		

## **SECTION 16**

### **RURAL RESIDENTIAL R-2**

(6) Minimum square footage of dwelling unit does not include basement, porches, garages, breezeways, terraces or attics.

#### **16.07 LOTS ESTABLISHED PRIOR TO ZONING** - See section 8.7

1. On lots lawfully platted with one hundred (100) feet frontage or less (excluding flag lots) the minimum side yard clearance of the dwelling shall be fifteen (15) feet.
2. On lots lawfully platted with development standards below the minimum set forth in Section 16.06, the minimum front yard setback may be reduced proportionately based on the depth of such parcel in relation to a lot of minimum size under the requirements of this resolution. In no such instance shall the front yard setback be less than fifty (50) feet.

#### **16.08 SITE CONSIDERATIONS:**

1. Environmental variables include soil type, riparian corridors, and steep slopes shall be given due consideration during the planning, construction, reconstruction or modification of structures or land improvements.
2. Conformance to Section 31, Natural Resource Protection.
3. New ingress and egress points onto public right-of-ways are subject to review by the Ohio Department of Transportation (ODOT), Leroy Township or Lake County Engineer, where applicable.

#### **16.09 FUTURE SPACE HOLDER**

#### **16.10 SCREENING AND LANDSCAPING:** - See Section 26

#### **16.11 PARKING:** - See Section 25



## **SECTION 17**

### **BUSINESS B-1**

(Amended October 3, 1994, effective November 3, 1994),  
Revised effective July 17, 1996, Revised effective 3/21/05,  
Revised effective 4/6/06, Revised effective 7/06/06

17.01 The following uses and no other shall be deemed Class B uses and permitted:

1. Any use permitted in an R district shall be permitted in a B district except single or two family dwellings for residence purpose and buildings accessory thereto. (Effective 7/06/06)
2. Hotel, motel, living quarters over business establishments, restaurants, lunchrooms, garages. (Effective 3/21/05)
3. Retail store or shop, repair shop, beauty parlor, mercantile establishment, bank, office or office building studio.
4. Veterinary hospital.
5. Lodge hall.
6. Gasoline filling and service station providing storage tanks are underground.
7. Indoor theater, bowling alley, dance hall, skating rink, riding academy with saddle horses.
8. Job printing, newspaper printing plant.
9. Builders supply, ice storage and sales, plumbing and heating supply.
10. Dairy, locker plant.
11. Adult oriented business with a conditional use permit as specified under Section 14 of this Resolution.  
Any above use shall be permitted only providing such use is not injurious, dangerous or offensive by reason of emissions of odor, dust, smoke, gas, noise, fumes, flame or vibration.

17.02 All B-1 uses shall comply with all requirements set forth in section 15.03 through 15.12.

17.03 In the B District, there shall be a minimum side and rear yard clearance of sixty (60) feet on each side of any structure where any such structure in a B District is adjacent to an R District or any residential use. (Effective 3/21/05)

17.04 Parking Facilities- as provided in section 25 of this Resolution.

17.05 Site development plan review and approval per Section 30 required. (Effective 4/6/06)

SECTION 18 – I DISTRICT – INDUSTRIAL AND MANUFACTURING  
(Amended October 3, 1994, effective November 3, 1994)  
(Revised effective 3/21/05) (Revised Effective 4/6/06)

18.01 PERMITTED USES. The following uses and no other shall be deemed Class I uses and be permitted in all I Districts:

1. Any use permitted in a B district except residential. (Effective 3/21/05)
2. Administrative offices  
Laboratories and research facilities  
Sales & service of construction equipment, farm machines, recreational vehicles and other large equipment  
Dry cleaning, carpet cleanings, towel supply  
Wholesale establishments, including greenhouses  
Vehicle and equipment repair services, including motor and auto body repair and appliance repair  
Printing & Publishing  
Warehouse/distribution facility  
Food & drink preparation, production & storage  
Fabrication and assembly operations  
Machine shop  
Public utility substation  
Public safety facility, public road maintenance facility  
Transmission tower & related facilities  
Indoor recreational facility  
Veterinarian office, animal hospital, kennel

18.02 REQUIREMENTS. All “I” uses shall comply with all requirements set forth in Sections 15.03 through 15.12

Minimum lot area: one and one-half acre

Minimum lot width: one hundred fifty feet

Minimum landscaped open space: ten feet wide for required frontage width

Minimum front yard depth: sixty feet

Minimum side/rear yard abutting nonresidential district: fifteen feet

Minimum side/rear yard abutting residential district: sixty feet

Minimum yard from parking or storage onsite to nonresidential district: five feet

Minimum yard from parking or storage onsite to residential district: forty feet

Maximum height of principal or accessory use: thirty-five feet

Waste Materials: Waste material shall not be discharged onto or into the ground or onto or into a body of water or stream unless treated or controlled so the solid substances shall not exceed the amount permitted and shall be in compliance with any regulations by the current federal, state, county or controlling agencies. (Effective 3/21/05)

Waste Receptacles: All solid, liquid, or gas waste products resulting from any permitted principal, conditional, or accessory use shall be disposed of off site, stored in buildings or completely enclosed in containers and shall be in compliance according to all regulations of current federal, state, county, local or any controlling agencies. (Effective 3/21/05)

Truck Loading Docks: Truck loading docks shall be recessed, open or enclosed sufficiently to prohibit any part of a truck from extending past the front of the building.

Off Street Parking Minimum Requirement

One space per 800 square feet of general industrial building use.

One space per 250 square feet of office/administrative or laboratory building use.

(Effective 3/21/05)

### 18.03 PERFORMANCE STANDARDS

1. All uses allowed in the Industrial District shall conform to the performance standards in this section. The purpose of such standards is to permit potential industrial nuisances to be measured, factually and objectively, to ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination, and to protect industries from arbitrary exclusion or persecution based solely on nuisance production,

A. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat imperceptible from any point along the property line.

B. Vibration. Industrial operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Transportation facilities or temporary construction are excluded from this restriction.

C. Light. Exterior lighting, except for overhead street lighting and warning, emergency, or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area. The installation or erection of any lighting which may be confused with warning signals, emergency signals, or traffic signals shall be prohibited.

D. Smoke emissions

a. No person shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density to obscure an observer's vision to a degree in excess of 20 percent opacity.

b. Emissions from fireplaces used for non-commercial or recreational purposes shall be exempt.

c. This section shall not apply to emissions during the buildup or a new fire, cleaning of fires, soot blowing, start-up, any process modification or adjustment or occasional cleaning of control equipment, the shade or appearance of which is not darker than an equivalent opacity so as to obscure an observer's view to a degree not greater than forty (40) percent for a period or periods aggregating no more than three (30) minutes in any one (1) hour.

d. This section does not apply to fugitive dust

E. Odor emissions. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source to result in noxious odors to produce a public nuisance or hazard beyond the lot lines of the source.

F. Particle emission. No particles of fly ash shall exceed two-tenths (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.

G. Hazardous materials. If the proposed users or tenants of the project are known to use and/or store hazardous materials (including hazardous wastes) on-site, the project shall be designed to comply with all fire and building codes for the hazardous materials used and adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.

H. Electromagnetic interference. No use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with radio, telephone, or television reception from off the premises where the activity is conducted.

I. Noise. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured accordingly to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound-level meter. Impulsive type noises shall be subject to the prescribed performance standards, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured; for the purpose of this Resolution shall be those noises which cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

18.04 SCREENING AND LANDSCAPING

See also Section 26 of this Resolution: The more stringent requirements shall apply.

18.05 PARKING FACILITIES

See also Section 25 of this Resolution, the more stringent requirements shall apply.

18.06 SITE DEVELOPMENT PLAN REVIEW

Site Development Plan Review and approval per Section 30 required. (Effective 4/6/06)

SECTION 19 – SWIMMING POOLS  
(Amended May 17, 1993, effective June 17, 1993)  
(Revised effective 12/1/04)

19.01 A Zoning Certificate shall be required for a private manufactured swimming pool. Such swimming pool, as regulated herein, shall be any pool, or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point three (3) feet or greater. No such swimming pool shall be allowed in any "R" district except as an accessory use and unless it complies with the following:

1. The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
2. It may not be located, including any walks or paved areas or accessory structures adjacent thereof, closer than twenty (20) feet to any property line of the property on which it is located. (Effective 12/1/04)
3. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties, the wall or fence shall be a minimum of four (4) feet in height. Where such swimming pool, including walks or paved areas or accessory structures adjacent thereto, is located closer than fifty (50) feet to any property line, such swimming pool shall be screened from sight by a wall or compact hedge on the side adjacent to such property line not less than five (5) feet in height maintained in good condition.
4. For an above ground pool four (4) feet or more above ground, which is equipped with an adequate safety lock, fencing as stated in Paragraph 3 shall not be required.
5. A fee for the Zoning Certificate, in accordance with a fee schedule adopted by the Board of Township Trustees, shall be required at the time of application.

SECTION 20 – CONSTRUCTION ON PRIVATE DRIVEWAYS  
(Amended May 17, 1993, effective June 17, 1993)

20.01 Only single-family dwellings may be constructed on private driveways in an R-1 District and only upon the following terms and conditions:

1. Only one (1) single-family dwelling may be constructed on each R-1 lot served by any private driveway.
2. Only one (1) R-1 lot may be served by each private driveway.
3. Any private driveway which serves an R-1 lot shall be a minimum of sixty (60) feet wide along its entire length from its intersection with a public road to its intersection with the lot.
4. The R-1 lot shall be a minimum of one and one-half (1-1/2) acres in size exclusive of the private driveway. No part of the private driveway shall be included to calculate the minimum lot size.
5. The R-1 lot shall be a single tax parcel, which parcel shall include the private driveway. No private driveway shall be obtained by easement.
6. The R-1 lot shall have a minimum width of one-hundred fifty (150) feet at the building set back line.
7. The single-family dwelling shall be constructed on the R-1 lot not less than fifty (50) feet from any property line.
8. The dwelling and accessory structures on the R-1 lot shall conform in all respects to the other requirements of the Leroy Township Zoning Resolution
9. The driveway shall have a durable surface, a minimum ten (10) feet in width, allowing for the access of emergency vehicles.

For the purpose of this section:

1. Private driveway is any portion or strip of land which provides access to abutting property and which is not dedicated or intended for use by the general public.

SECTION 21 - FENCES  
(Amended May 17, 1993, effective June 17, 1993)  
Revised effective July 17, 1996

21.01 GENERAL WELFARE. No fences shall be permitted to be erected or maintained in any front, rear, or side yard which would be contrary or detrimental to the public health, safety, convenience, comfort, prosperity or general welfare of Leroy Township.

All fence posts and supporting rails should be exposed to the owner's property side. The manufactured fence side should face the adjoining property.

21.02 FRONT YARDS AND PORTIONS OF SIDE YARDS. In the front yard and/or that part of any side yard which abuts a street, no fence shall be erected

1. Between the right-of-way of any street and the building set-back line of any lot:

2. Which exceeds the height of forty-eight (48) inches above the grade along which the fence is erected:

3. Except decorative fences generally referred to as "split rail" or "post and rail" or "ornamental iron" fences:

4. No rail, which is herein defined to be for the purpose of the interpretation of this sub-section, shall mean a horizontal structure erected as a component part of a fence, shall be constructed nearer to any other rail than six (6) inches unless said rail criss-cross. No more than four (4) rails not to exceed eight (8) inches in width, shall be constructed between adjacent posts. No post, which is hereby defined to be and for the purpose of the interpretation of this sub-section, shall be construed to be a vertical structure erected as a component part of a fence, shall be constructed nearer to any other post than four (4) feet.

5. An "ornamental iron" fence may be constructed, provided it meets the requirements of paragraphs "1" and "2" of this section. An "ornamental iron" fence shall not be subject to the "rail and post" restrictions contained in the preceding Section 4, provided, however, the design is such that, in the opinion of the Zoning Inspector, it will not obstruct the view of pedestrian or vehicular traffic or obstruct the view to the detriment of the public safety.

6. Nothing in this Section shall be interpreted to allow "picket fences" within front yards and that portion of side yards which abut a street, said "picket fences" being specifically forbidden and prohibited within front yards and that portion of side yards which abut a street.

7. No vegetation which will obstruct the view of pedestrians or vehicular traffic or obstruct the view to the detriment of general public safety shall be planted or allowed to grow along any fence permitted by this Section.



- 21.03 REAR YARD AND PORTIONS OF SIDE YARDS NOT ABUTTING STREET. Fences are permitted in the rear yard and those portions of the side yard which do not abut a street and may be a type to enclose all or part of the rear and side yard and shall be limited to no more than six (6) feet in height.
- 21.04 ALTERATIONS. Except for repainting, no fence shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Section.
- 21.05 ZONING CERTIFICATE. Unless specifically exempted elsewhere in this Resolution each person, firm, corporation, or agents thereof before erecting any fence, or before commencement of any work in connection therewith, shall first obtain a Zoning Certificate from the Zoning Inspector of the Township. Each applicant for such Zoning Certificate shall file with the Zoning Inspector an application accompanied by a detailed drawing or drawings and such descriptive matter as shall clearly state where the fence shall be erected.
- 21.06 ZONING CERTIFICATE FEE. For each original permit for the erection or construction of a new fence, the applicant shall pay to the Zoning Inspector of Leroy Township a fee in accordance with the fee schedule adopted by the Leroy Township Trustees.

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SECTION 22 – OIL AND GAS WELL REGULATIONS  
(Amended May 17, 1993, effective June 17, 1993)

- 22.01 The purpose of this Section is to insure that any operation incidental to exploration, production, or storage of gas and/or oil takes place in a manner not endangering public health, safety, and welfare and is consistent with zoning and land use regulation in Leroy Township. In the event of conflict between these regulations and Ohio Revised Code Chapter 1509, The Ohio Administrative Code, or applicable Federal regulations, the most stringent regulations shall apply.
- 22.02 Prior to drilling, the driller shall, by certified mail, return receipt requested, notify all landowners any portion of whose land falls within one thousand (1000) feet of the location of the actual drill site, and shall request permission from said owners to locate and test all existing water wells, on the landowners' property, even though the water well is more than one thousand (1000) feet from the proposed drill site. Water samples shall be collected in accordance with procedures approved by the Lake County Health Department. Testing shall consist of a chemical analysis and shall be certified by the Lake County Health Department, and the results of the test shall be submitted to the Zoning Inspector prior to the commencement of operations on the property. All tests shall be conducted at the driller's expense.
- 22.03 Not less than seven (7) days prior to any drilling operation, the driller shall file and deposit with the Zoning Inspector five (5) copies of:
1. A plat, drawn to scale, showing the location of:
    - A. Ingress and egress points.
    - B. The well.
    - C. All known wells within three thousand (3000) feet.
    - D. Storage tanks.
    - E. Separators.
    - F. Power shutoffs.
    - G. Transmission lines.
    - H. Oil flow shutoffs.
    - I. Permanent and temporary pits.
    - J. Access roads.
    - K. All dikes and swales for erosion control and spill prevention.

2. A list of pertinent emergency telephone numbers.
  3. A copy of the state permit.
  4. A copy of the state-approved brine and waste disposal plan. The plan shall include a description of the method of disposal of brine, frac-water, sludge, and any other oil field wastes, the name, address and telephone number of the person, corporation or firm other than the owner disposing of the waste, the location of the disposal sites being used and the name, address and telephone number of the owner of the disposal site and proof of liability insurance carried by the person, corporation or firm disposing of the waste and a copy of the registration certificate required of brine transporters by the State of Ohio, Ohio Department of Natural Resources, Division of Oil and Gas.
  5. A copy of the Spill Prevention, Control and Countermeasure Plan (SPCC) as required by Title 40 Code of Federal Regulations, Part 112.
  6. A schedule of the proposed drilling operation.
  7. Proof of liability insurance for all operations related to drilling, production, storage and transmission of all products, by-products, and wastes.
  8. A bond in an amount set by the Township Trustees in accordance with Section 5 per well, and in the form of a bank check or money order made payable to Leroy Township to be held and disposed of as hereinafter provided. Any proceeds from any bond shall be used for repair of township roads.
- 22.04 No gas well, oil well, storage tank or separator unit shall be placed within five hundred (500) feet of any building or structure of any kind or any known source of water.
- 22.05 No equipment shall be placed within fifty (50) feet of any property line unless both properties are part of the same drilling unit. In no case shall any equipment be placed directly on the property line.
- 22.06 All permanent production facilities shall be enclosed by a chain-link fence not less than six (6) feet in height.
- 22.07 All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies.
- 22.08 All gas and oil lines shall be buried at a minimum depth of thirty (30) inches. The location of such lines shall be drawn on a map and a copy deposited with the Zoning Inspector and Township Fire Department.

- 22.09 Prior to the beginning of drilling, all access roads shall be paved with slag, gravel, crushed stone or other suitable material and shall be sufficiently wide enough to permit access by emergency vehicles in all weather. All access roads shall be clearly marked and shall have a paved turnaround of sufficient size for the largest firefighting equipment used by the Township. All access roads shall be kept in repair and maintained at all times and shall be kept plowed and free of snow to allow access by fire and safety vehicles.
1. Where access roads cross natural or man-made drainage channels, culverts shall be installed. Culverts shall be sized according to the drainage area and approved prior to the installation by the Township Road Supervisor.
- 22.10 All gates, storage tank manholes, discharge valves, fill valves, shut-off valves, and fence gates shall be locked. All locks at a given well shall utilize a master key. A master key with the well number shall be provided to the Zoning Inspector, the Fire Chief, and the Lake County Sheriff. The owner shall provide a master key for each of its wells located in the Township.
- 22.11 A sign shall be posted and maintained at the site at all times showing:
1. Access street name, number, or both.
  2. Owner.
  3. Lease name.
  4. Well number.
  5. Permit number
  6. All emergency telephone numbers.
- 22.12 All truck loading and parking areas shall be located outside of any road right-of-way.
- 22.13 All gas and oil production storage and brine storage shall be diked to prevent contamination of surface or ground water. All dikes shall be liquid tight. All diked areas shall have at least two (2) layers of lining materials, separated by a minimum two (2) inch clay layer. The layers shall be laid in opposite directions to assure their integrity. Dikes surrounding storage facilities shall have a capacity three (3) times that of the storage vessel.
- 22.14 In locations where dikes may be damaged by storm runoff, a diversionary dike or swale shall be constructed to prevent damage to the containment dikes.
- 22.15 If, during construction of any temporary or permanent pit or containment dike, a subsurface drainage system is encountered, said subsurface drainage system shall be

removed to a distance of twenty (20) feet from the pit, or containment dike, and shall be rerouted to prevent ponding.

- 22.16 If a well is located on a steep slope or in a flood plain, storage tanks only shall be used; no open storage pits shall be permitted. All tanks shall be adequately and permanently anchored to resist slippage or flotation. All tanks shall be liquid tight.
- 22.17 No person shall conduct any well drilling, production or transmission operation that contaminates or pollutes the land surface or any surface or subsurface water. No salt water (brine), sludge, frac-water or any other oil field wastes shall be deposited or discharged in the Township for any purpose. No person shall vary or change the waste disposal plan or method initially submitted without prior approval of the Zoning Inspector. The owner shall maintain a record at the drill site of the name, address and telephone number of the person, corporation or firm disposing of the waste, the location of the disposal sites being used, and the name, address and telephone number of the owner of the disposal site, the method of disposal being used and the date, time and license plate number of the last vehicle to have left the drill site hauling waste.
- 22.18 The owner and/or operator of all transmission lines shall provide the Zoning Inspector and Fire Chief with a plat drawn to scale of all transmission lines within one thousand (1000) feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.
- 22.19 Prior to drilling, the Leroy Township Zoning Inspector and the owner or authorized representative of the owner shall inspect and videotape all township roads in the vicinity of the drilling site and over which the owner expects to move equipment and/or vehicles. Upon the completion of drilling, any and all damage to township roads shall be assessed by the Road Supervisor and a representative of the owner and the estimated cost of repairs, if any, shall be deducted from the bond deposited with the Zoning Inspector. In the event that the bond exceeds the estimated cost of the repairs required, the remainder of the bond shall be returned to the owner.
- 22.20 The Zoning Inspector, Fire Chief and law enforcement agency in authority in the Township may inspect oil and gas wells and storage facilities at any time to insure compliance with local regulations.
- 22.21 Definitions applicable only to this section:
1. "Well" means any borehole, whether drilled or bored, within the Township, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.
  2. "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

3. "Gas" means all natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.
4. "Waste" includes: (1) physical waste, as such term is generally understood in the oil and gas industry; (2) inefficient storing of oil or gas; (3) locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; (4) other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.
5. "Owner" means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.
6. "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.
7. "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.
8. "Brine" means all saline geological formation water resulting, obtained or produced in connection with the exploration, drilling or production of oil or gas.

## **SECTION 23 - SIGNS**

(Amended October 3, 1994, effective November 3, 1994)

Revised effective July 17, 1996, revised effective 10/3/05, Revised effective 5/12/10

### **23.01 GENERAL REQUIREMENTS FOR ALL SIGNS**

1. No signs, except those erected and maintained by public agencies for the purpose of traffic control and directional information shall be erected in the road right-of-way. No sign shall be so constructed or located as to conflict with traffic control signals.
2. No sign shall have more than two (2) faces. All area limitations shall apply per face unless otherwise noted.
3. Any illuminated sign or lighting device shall employ only light emitting a beam 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 or illumination therefrom to be directed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance
4. No sign shall employ any parts or elements which rotate, revolve, oscillate, or otherwise make use of motion or sound to attract attention. Subsections C and D shall not apply to any sign performing a public service function indicating time, temperature, or public service announcements.
5. No sign or part thereof shall consist of balloons, banners, pennants, ribbons, streamers, flags, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising.
6. No sign shall be placed beyond the ends of the wall or roof surfaces upon which it is located or more than three (3) feet above the roof line of any building upon which it is located.
7. No projecting sign shall be erected or maintained from the front or face of a building a distance more than two (2) feet, including those projecting from the face of a theater, hotel, or motel marquee. Any projecting sign shall be no less than eight (8) feet above the ground.
8. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to the fire escape.
9. Limited access highways shall not be considered frontage for the purpose of locating signs except by a variance granted by the Board of Zoning Appeals.
10. No temporary sign shall be placed on the front or face of a building or on any premises except as provided for this Section.

11. No sign shall be erected, installed, displayed or placed on trees and/or utility poles

23.02 NONCONFORMING SIGNS: Any sign which is non-conforming at the time of passage of this amendment to the Zoning Resolution may be continued and expanded only in conformance with Section 8.0 of this Resolution. If any such sign is voluntarily discontinued for a period of two (2) years, any future use thereof shall be in conformity with the provisions of this Section.

23.03 MISCELLANEOUS SIGNS – ALL DISTRICTS

1. Construction Signs: One construction sign not to exceed thirty-two (32) square feet may be erected on the site of a building under construction, only while under a valid building permit. Such sign may bear the names of the future occupants, architect, engineers or contractors engaged in the construction. Said sign shall conform to the following regulations:

A. Said sign shall be located no closer to any lot line than one-half (1/2) the required building set back distance from that lot line and no closer than forty-five (45) feet to the center of the traveled portion of the road.

B. Said sign shall be removed after completion of construction, before any occupancy, and before any permanent signs are erected.

2. Entrance and Exit Signs: All parking lots may have entrance and exit signs, but all parking lots for more than sixty (60) cars with access roadways over twenty (20) feet wide shall have appropriate signs designating “entrance”, or “in”, and “exit”, or “out”, lines or drives. Such signs shall be limited to the words “entrance, in, exit, out” and may have arrows or other appropriate directional indications and be subject to the following regulations”

A. Said signs shall be limited to not more than five (5) square feet in area.

B. No Part of said signs shall be located closer than two (2) or more than ten (10) feet from the edge of the road right-of way or access roadway without regard to sideline requirements.

C. Said signs shall be limited to eight (8) feet above grade level and no sign shall occur between three (3) and six (6) feet above grade level so that a clear and unobstructed pedestrian and vehicular view shall be maintained.

3. Civic Organization Temporary Sign: Upon application to the Zoning Inspector a Zoning Certificate may be issued for a temporary sign erected by a civic organization, based within the Township. The sign shall be placed at least thirty (30) feet from the center line of the traveled portion of a State highway, County, or Township road no larger than thirty-two (32) square feet. The placing, erection, and length of life of the sign shall be subject to the approval of the Zoning Inspector. (Effective date 10/03/05)



4. Owner Identification of wind towers, building or other structures associated with the wind farm shall be no larger than four (4) square feet. The signs shall not be posted higher than six (6) feet from the finished grade. (Effective date 5/12/10)

#### 23.04 RESIDENTIAL DISTRICT SIGNS

##### 1. Identification Signs

A. Single Family and Duplex Dwelling Units shall be permitted identification signs subject to the following regulations:

- a. One (1) non-illuminated sign per dwelling unit indicating the name of the occupant or a permitted occupation or profession when use of the sign is in direct relation to the use of the premises
- b. Said sign shall be a maximum of three (3) square feet in area per face.
- c. Said sign shall be situated in the front yard and no part of said sign shall be closer than forty (40) feet to the center of the traveled portion of the road or ten (10) feet from the right-of-way line, whichever is greater.
- d. No Zoning Certificate is required.

2. Temporary Signs: Temporary signs including, but not limited to, “for sale,” “for sale by owner,” “for rent”, “open house,” “sold,” political signs, and non-illuminated temporary signs are permitted, with no Zoning Certificate required, provided:

- A. Such signs shall not be more than five (5) square feet per face in area
- B. Such signs are located at least thirty (30) feet from the center of the traveled portion of the road and outside the right-of-way limits of the road.
- C. No sign is placed on trees and/or utility poles.

##### 3. Subdivision Signs

A. Development signs may be erected identifying and advertising residential subdivision developments subject to the following regulations:

- a. Sign shall not exceed thirty-two (32) square feet in area;
- b. Sign shall be located within the subdivision;
- c. Sign shall be located not less than twenty (20) feet from the respective right-of-way line of road or side lot lines.
- d. Permits for such signs shall be for a period not exceeding one (1) year or to the completion of the development, whichever comes first.

B. Gateway Signs: Two (2) signs at any entrance to a subdivision shall be permitted, provided:

- a. The area of the sign shall not exceed twelve (12) square feet;
- b. Said signs shall be located no closer than one (1) foot from right-of-way limit of the road nor five (5) feet from any side lot line;
- c. Said signs do not exceed forty-two (42) inches in height from the established grade level;
- d. Said signs do not interfere with traffic visibility.

6. Directional Signs: May be erected not exceeding four (4) square feet in area directing the general public to places of worship, historical significance or public assembly sites subject to the following regulations:

A. Written permission of the owner of the property whereon said sign is to be erected.

B. Said sign shall be located no closer than one (1) foot from right-of-way limit of the road, nor five (5) feet from any side lot line.

C. Said sign shall not be located within the required side yard clearance.

## 23.05 NON-RESIDENTIAL DISTRICT SIGNS

1. All signs permitted in Residential Districts shall be permitted in non-residential districts.

2. On Premises Signs shall be permanent signs, which may be illuminated, shall be limited to advertising the proprietor or company, or the brand name and the goods sold or services rendered and shall conform to the following regulations:

A Wall Signs: Each business shall be permitted one (1) flat or wall business sign on the front wall only. (Front wall being that wall facing and most nearly parallel to the street line, or in the event there is no front wall, the one wall facing a parking area will be considered the front wall.) The area of all permanent business signs for any single business enterprise may be equivalent to one and one-half (1 & 1/2) square feet for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

B Identification Signs: One (1) identification wall sign not exceeding two (2) square feet in area for each door or entryway to any building or part thereof.

C Planter Type Sign: One (1) planter type sign shall be permitted providing the sign is a business sign and does not exceed thirty (30) square feet per sign face, is at no point closer to the right-of-way line or sideline than fifteen (15) feet, does not exceed twelve (12) feet in height from the established grade level, and does not interfere with traffic visibility.

3. Off-Premises Signs shall also be known as Billboards and Advertising Signs and shall not be permitted in Leroy Township.
4. Portable Signs that employ a part which flashes, rotates, revolves or otherwise makes use of motion to attract attention shall not be permitted in Leroy Township. Federal, State, and local governments are exempt from this provision.
5. Temporary Signs: Temporary signs, including, but not limited to “for sale,” “for sale by owner,” “for rent”, ”open house” “sold”, political signs, and non-illuminated temporary signs are permitted, with no Zoning Certificate required, provided:

A .Such signs shall not be more than five (5) square feet per face in area;

B. Such signs are located at least thirty (30) feet from the center of the traveled portion of the road and outside the right-of-way limits of the road.

C. No sign is placed on trees and/or utility poles.

23.06 CONFORMANCE: It shall be unlawful for any person, firm, corporation, or agents thereof to erect, hang, maintain, use or suspend any outdoor sign, except as provided for in this Resolution.

23.07 ZONING CERTIFICATE: Unless specifically exempted elsewhere in this Resolution each person, firm, corporation, or agents thereof, before erecting any outdoor sign, or before commencement of any work in connection therewith shall first obtain a Zoning

Certificate from the Zoning Inspector of the Township. Each applicant for such Zoning Certificate shall file with the Zoning Inspector an application on forms to be supplied by such Zoning Inspector, which application when required by the Inspector shall be accompanied, in duplicate, by a detailed drawing or drawings and such descriptive matter as shall clearly state where the same shall be erected, hung or suspended.

23.08 ZONING CERTIFICATE FEE: For each original permit for the erection or construction of a new sign, the applicant shall pay to the Zoning Inspector of Leroy Township a fee in accordance with the fee schedule adopted by separate resolution by the Board of Leroy Township Trustees.



SECTION 24 – CABLE TELEVISION  
(Amended October 3, 1994, effective November 3, 1994)

24.01 **CONDITIONAL USE CERTIFICATES FOR CABLE TELEVISION.** The following shall require the issuance of a Conditional Use Certificate by the Board of Zoning Appeals.

1. The location, construction and reconstruction of lines, towers and related equipment for the operation of a cable television system when said cable television system is authorized by the Federal Communication Commission.

24.02 **APPLICATION AND NOTICE OF HEARING.** An application for the Conditional Use Certificate shall be filed with the Township Board of Zoning Appeals for the use herein set forth. The application will contain the following:

1. Plot plan drawn to scale showing location of all equipment and installations.
2. A comprehensive summary of data pertaining to the proposed use.

The Township shall conduct a public hearing on the application within thirty (30) days of the receipt thereof. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Township one (1) time which shall be not less than fifteen (15) days before the date of the public hearing. Said notice shall state the time and place and purpose of said hearing.

24.03 **HEARING, PERMIT AND ENFORCEMENT.** The Board of Zoning Appeals shall conduct the public hearing, as provided in Section 14 of the Resolution, and shall make a finding of fact and order thereon within thirty (30) days of the date of the public hearing, which finding and order shall be recorded in the minutes of the Board of Zoning Appeals. In the event the order of the Board of Zoning Appeals is favorable to the applicant, a Conditional Use Certificate shall be issued by the Zoning Inspector which clearly states all of the conditions and covenants which said permit is subject. A copy of the Certificate will be signed by the Zoning Inspector and the applicant, and the applicant will consent in written form and agree to abide by all conditions imposed by the Board of Zoning Appeals.

The Township Zoning Inspector shall enforce compliance with all conditions as set forth in the Certificate.

Any Certificate holder who violates one (1) or more of the conditions of this certificate shall be subject to the penalties set forth in Section 5, the Township Zoning Inspector may apply to a court of proper jurisdiction for an order enjoining the use covered under the Certificate, or for other equitable relief.

24.04 **STANDARDS, CONDITIONAL USE CERTIFICATE.** In determining the subject matter of the application for a Conditional Use Certificate the Board of Zoning Appeals shall consider how the effect of the issuance of such certificate will subsequently serve the interest of the community and the intent and purpose of this chapter whether such proposed use will be detrimental to the use of other premises in the immediate vicinity, and

whether the premises to which such Certificate would be applied will be denied any reasonable use thereof.

In the event such Conditional Use Certificate is granted, appropriate conditions shall be provided whereby the existing character and use of other premises in the vicinity affected will be best preserved and the purpose and intent of this and the general welfare be best served.

24.05 CERTIFICATE RENEWAL. As one of the conditions of the issuance of the Conditional Use Certificate the Board of Zoning Appeals requires a renewal application on a form to be prescribed by the Board of Zoning Appeals to be filed with the Board of Zoning Appeals by the applicant no less than once every five (5) years, and no more than once a year. The certificate will be renewed by the Board of Zoning Appeals without a public hearing, unless the Board of Zoning Appeals has reasonable grounds to believe that the applicant has not complied with the conditions upon which the certificate was issued, or there has been a change of conditions that make the intended use incompatible with the observance and conformity of this Zoning Resolution.

24.06 FEES. The Board of Zoning Appeals, as one of the conditions of a Conditional Use Certificate, shall require a fee to be paid to the Township according to fee schedule set by the Leroy Township Trustees for cable television.

In addition thereto, in the case of the use set forth in Section 24, the Board of Zoning Appeals may require the applicant to pay to the Township a fee not to exceed five (5) percent of the gross income received from the use permitted by the Conditional Use Certificate.

24.07 PENALTIES. Whosoever violates the provisions of this Resolution shall, in addition to other remedies as provided by law, be subject to the penalties as provided in Section 5 of this Leroy Township Zoning Resolution.

## SECTION 25 – PARKING

Effective July 1, 1991

Revised effective 3/21/05

25.01. All dwellings shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than two (2) motor vehicle per dwelling unit. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle. (Effective 3/21/05)

25.02. All Class B uses shall provide without charge usable adjacent parking space off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each two hundred (200) square feet of area of the first floor of said establishment which it serves. (Effective 3/21/05)

25.03. Every theater, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities and every church shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles for every four (4) persons to be accommodated. Such parking space shall be adjacent to and within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such persons.

25.04. All Class B and Class I uses shall provide adequate and adjacent parking space off the road or street and off the public right-of-way for vehicles delivering to, unloading, loading or taking away goods, materials, supplies, or waste in connection with said business or use. No Class B or I parking space shall be permitted inside the building setback area.

25.05. All parking facilities defined above must be adjacent to primary property.

SECTION 26 – SCREENING AND LANDSCAPING  
*Effective July 1, 1991*

1. Screening and Landscaping

A. Screening Requirements

A hedge, landscaping, landscaped earth berm, natural buffer area, or any combination thereof shall be provided to obscure certain uses or portions of a specific use which by their nature are unsightly or which by the scale or design represent the potential to negatively impact adjacent properties.

The following specific uses or features shall be screened from adjacent properties and from public view from a public street and the following shall not be allowed within the building setback line.

- (1) Dumpster and trash-handling areas
- (2) Service entrances and utility facilities
- (3) Loading docks or spaces
- (4) Outdoor storage or any material stocks, or equipment, including but not limited to motor vehicles, farm or construction equipment or other similar items.
- (5) Parking lots

B. Screening Standards

Any screening utilized to fulfill the requirements of this Section shall consist of an area no less than five (5) feet in width containing any materials as defined above to visually separate land uses, except for a fence or a wall, and shall have provisions for its maintenance. The composition of the screening material and its placement on the lot shall be at the discretion of the developer of the lot as long as the purpose and requirements of the Section are fulfilled. The following standards apply to all screening:

- (1) Maximum height at any point for a solid screening structure located along the property line: eight feet
- (2) Maximum height in any required front yard for a solid screening structure including an earth berm: six feet
- (3) The minimum height of any screening shall be that which is sufficient to visually separate uses within the subject property from adjoining properties or public streets
- (4) Height of any screening materials on a corner lot is also controlled by vehicular sight distance considerations at the street intersections.
- (5) For every fifty (50) feet of property line where screening is required, a tree, either evergreen or deciduous, of at least two (2) inches in caliper shall be planted and incorporated into the screening material.
- (6) Any earth berm used to fulfill the requirements of this Section shall be stabilized to prevent erosion and landscaped with grasses, shrubs, or other materials.



SECTION 27 – TOWERS FOR TELECOMMUNICATION,  
OTHER PURPOSES, AND STRUCTURES  
(Effective 12/1/95, Amended 10/03/02)

- 27.01 Construction of any tower owned or used by a public or private utility for the provision of personal communication system and cellular telephone communications service in this township shall be permitted as follows:
1. The utility shall comply with all provisions of Ohio Revised Code Section 519.211 and all successors thereto.
  2. No construction of a tower, structure or colocation platform may be commenced before the utility has obtained a Conditional Use Permit from the Board of Zoning Appeals in accordance with Section 14 of this Resolution.
  3. No tower may be constructed on any lot smaller than three (3) acres.
  4. No tower may be constructed within one thousand (1000) feet of any inhabited dwelling.
  5. No tower may be constructed closer to a dedicated street than the rear building line of the main building on the lot.
  6. No tower may be constructed closer to any rear lot line or side yard line than the height of the tower including appurtenances plus forty (40) feet.
  7. All towers and buildings shall be surrounded by a minimum six (6) foot high security fence.

SECTION 28 – OCCUPANCY PERMIT  
Effective 12/1/98

- 28.01 PERMIT REQUIRED. In any district it shall be unlawful to use or permit the use of any building or premises, or both or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until an Occupancy Permit shall have been issued therefore by the Zoning Inspector.
- 28.02 CONFORMANCE. Occupancy Permits shall be issued by the Zoning Inspector as hereinafter provided for after personal inspection and determination that the use of the structure and/or land conforms to the approved plans and use filed with the Zoning Inspector and upon which a Zoning Permit was issued. In addition thereto the Zoning Inspector shall obtain certification from the proper authorities that all inspections as to building requirements, sewer and utility connections, and safety requirements have been completed as required by the applicable codes.
- 28.03 COMPLIANCE. Occupancy Permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 5 of this Resolution.
- 28.04 FORM. The Occupancy Permit shall be provided by the township on a form adopted by the Township Trustees at a regularly scheduled meeting.
- 28.05 ENFORCEMENT. Failure to obtain an Occupancy Permit shall be a violation of this Resolution and is punishable under Section 5 of this Resolution.
- 28.06 FEE. The applicant shall pay to the Zoning Inspector a fee for the Occupancy Permit in accordance with the fee schedule adopted by the Leroy Township Trustees.

SECTION 29 – SPECIAL INTERCHANGE DISTRICT, B-2  
Effective March 7, 2000, Revised - 10-3-05, Revised 4/6/06

29.01 Only at interchanges at Limited Access Highways, the following uses and no others shall be classified B-2 uses and permitted:

1. Hotel, motel
2. Gasoline service station
3. Car wash
4. Offices: Administrative, professional, and business
5. Restaurant of any type
6. Auto and truck rental agency
7. Parking lots for vehicles associated with a principal use
8. Public safety and service facility
9. Retail or wholesale sales
10. Any similar use approved through the zoning procedure

29.02 Yards and Building Height

Minimum lot area: one acre per use or cluster of similar uses.

Minimum lot width: two hundred feet per use or cluster of similar uses.

Minimum landscaped open space: twenty percent of the front yard incorporating a dense vegetative planting of grass and trees or shrubs of a variety effective in winter and summer, or a minimum of twelve feet.

No building or structure underground tanks and uncovered pumps, or portions thereof shall be erected or located within sixty (60) feet of the road right of way line. (effective 7/9/03 (revised effective 4/6/06)

Side or rear yard when abutting a nonresidential district: ten feet.

Side or rear yard when abutting a residential district: sixty feet.

Parking setback required, front yard: twenty feet or abutting landscaped open space.

Parking setback required, side or rear yard abutting a residential district: fifteen feet.

Maximum building height permitted: thirty-five feet from front yard grade.

29.03 Signs

Signs shall conform to the requirements of Section 23 of this Resolution.

29.04 Parking

Parking shall conform to the requirements of Section 25 of this Resolution.

29.05 Performance Standards

Any use permitted in the B-2 district shall not be injurious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame, or vibration as required in Section 18.03 of this Resolution.

29.06 Site Development Plan Review and approved per section 30 required. (Effective 4/6/06)

SECTION 30 SITE DEVELOPMENT PLAN REVIEW  
Effective August 17, 2000

30.01 Purpose and Intent

Site plans are intended to insure proper and efficient use of land, to protect adjoining properties from adverse impacts, and to promote high quality developments. The purpose of this section is to provide specific standards and requirements for design and construction for nonresidential uses.

30.02 Site Plan Required

A site development plan is required and shall be submitted for any principal, not accessory, non-residential use or development involving new construction, reconstruction or expansion of nonresidential structures. No construction activity shall commence for any such use or project unless and until a site plan has been submitted to the Zoning Commission for review and approval, and a valid Zoning Certificate has been issued for said use of project.

30.03 Preparation

Site plans shall be prepared and certified by an architect, engineer, or land surveyor duly registered by the State of Ohio at an appropriate scale, but not less than one inch equals one hundred feet.

30.04 Information Required

Site plans shall contain the following information:

- a) The name of the owner and developer, north arrow, date, and scale;
- b) The owners, zoning classification, and present use of adjoining parcels;
- c) A boundary survey;
- d) Existing topography and proposed finished grading with a maximum contour interval of two feet;
- e) Location and dimensions of all existing public rights-of-way and of all minimum building setback lines;
- f) Locations and dimensions of all existing and proposed structures, off-street parking, fencing, screening, buffers, drives, and walkways;
- g) Provisions for adequate disposition of storm water as approved by the Lake County Engineer;
- h) All existing and proposed sanitary sewer facilities indicating pipe sizes, types, grades, invert elevations, and location of manholes;
- i) All existing and proposed water facilities including line sizes and locations, and hydrant locations;
- j) Provisions for storage and removal of solid waste;
- k) Proposed landscaping and plantings;
- l) Proposed building elevations;

- m) Location and dimensions of all access drives and travel lanes;
- n) Correspondence from the Lake County Department of Utilities that sufficient water and sanitary sewer system capacity exists to accommodate the proposed development. If an on-site sewage disposal system is proposed, correspondence from the Lake County General Health District that appropriate soils and land area for such system exist on the site.

### 30.05 Design Standards

All site plans shall conform to the following design standards:

- a) All proposed water and sanitary sewer improvements shall be designed and constructed in accordance with the standards and requirements of the Lake County Department of Utilities, the Lake County General Health District, and the Ohio Environmental Protection Agency.
- b) Development features, including buildings, parking areas, driveways, etc., shall be so located and designed as to minimize adverse impacts on adjacent properties. Maximum possible visual and auditory privacy for surrounding properties shall be provided through good design and landscaping buffers.
- c) Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography.
  - 1) Where located adjacent to residentially zoned property the required 60 foot setback area shall be maintained with natural vegetation and shall have supplemental plantings to provide visual and sound attenuation.
  - 2) Where adjacent to other nonresidentially zoned land, the maximum lot coverage by buildings, parking, drives, and other improvements shall be ninety percent (90%). The remaining ten percent (10%) of the site shall be landscaped with grass and plant material or retained in a natural state with vegetative cover.
- d) Parking and service areas shall be screened from view from adjoining residential properties. Screening of parking areas and service areas shall be provided by means of landscaping, ornamental walls, fences, or similar means.
- e) In commercial parking areas, visual relief shall be provided by means of landscaped dividers and/or islands.
- f) Drives, travel lanes, and parking areas shall be designed with limited access to public thoroughfares to provide for pedestrian and vehicular safety both in the right-of-way and on the site. On-site circulation shall provide for adequate access by emergency vehicles.

g) Storm runoff provisions shall be designed based on a minimum ten (10) year frequency design storm and the storm drainage calculations submitted with the site plan. The proposed outlet for storm drainage shall be identified and an evaluation made of its capacity to accommodate the projected flows. Where adequate capacity to handle projected flows does not exist in the existing system, or where there is no acceptable outlet, the applicant shall provide for either improvement of the receiving drainage facility or on-site detention of sufficient capacity and design to reduce post-development storm runoff to pre-development levels for all design storms of ten-year frequency or less.

### 30.06 Review Process

- a) Eight (8) copies of the site development plan shall be submitted with a completed application for a Zoning Certificate to the Zoning Inspector.
- b) The Zoning Inspector shall review site development plans for compliance with the provisions of the Zoning Resolution and this Section. The Zoning Inspector shall forward said site development plans to the Lake County Engineer and the Township Fire Chief for review and comment.
- c) After review and approval by the Zoning Inspector and Engineer, the site development plans shall be reviewed by the Zoning Commission. An approval from the Commission shall consist of three (3) affirmative votes. If approved by the Zoning Commission, the signature of the Zoning Inspector shall be placed on the site development plans and compliance with said plans shall become a condition of the Zoning Certificate which may be issued for such development.

### 30.07 Appeal of Approved Plan

The approval of the Zoning Commission and the signature of the Zoning Inspector are final and may not be appealed to the Board of Zoning Appeals and no variances therefore maybe granted by the Board of Zoning Appeals. The Site Development Plan Review process is not subject to review by, or the granting exceptions or variances by the Board of Zoning Appeals.

### 30.08 Final Plan to be Submitted

Within sixty (60) days from the final inspection/acceptance of the new construction, reconstruction, or alteration, the owner and/or engineer shall furnish an authentic set of marked up "As Built" drawings to the Leroy Township Zoning Inspector as permanent records. These "As Built" drawings shall be composed from, but not limited to, all authorized inspector's notes and shall show the installation of all underground utilities and front, side and rear setbacks relative to each structure insofar as the installation shall have differed from the approved engineer's drawings.

# **SECTION 31**

## **NATURAL RESOURCE PROTECTION**

(Effective 01/15/2009)

### **31.1- Riparian Setbacks**

#### **Section 31.1.1-Purpose and Intent**

- A. It is hereby determined that the system of headwaters, rivers, streams, wetlands and other watercourses within Leroy Township contributes to the health, safety and general welfare of the residents of Leroy Township. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback along designated watercourses and wetlands in the Township.
- B. The specific purpose and intent of this regulation is to regulate uses and developments within riparian setbacks that would impair the ability of riparian setback areas to:
1. Benefit the community by minimizing encroachment on designated watercourses and wetlands thereby minimizing the need for costly engineering solutions or other invasive measures that may be necessary to protect persons, buildings, structures, and uses as well as to reduce the damage to real property and threats to overall public health and safety within the affected watershed.
  2. Preserve and conserve the quality and free flowing condition of designated watercourses, protect groundwater recharge and ground (well) water quality in the interest of promoting and protecting public health and safety.
  3. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
  4. Assist in stabilizing the banks of designated watercourses, reduce stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
  5. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
  6. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
  7. Preserve the scenic beauty of the environment in order to maintain the character of Leroy Township, the quality of life of the residents, and the corresponding property values.

# **SECTION 31**

## **NATURAL RESOURCE PROTECTION**

### **Section 31.1.2-Applicability**

- A. The Regulations as set forth herein shall apply to all zoning districts.
- B. The Regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse or wetland, when a riparian setback, as set forth in these Regulations, is proposed to be impacted.
- C. The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, pursuant to the provisions of Section 8, Nonconforming Uses.
- D. The repair, maintenance, extension, replacement, restoration, reconstruction or substitution of a building, structure or use lawfully existing prior to the effective date of these Regulations may be continued, expanded or completed, subject to the provisions of Section 8, Nonconforming Uses.
- E. No Zoning Certificate in accordance with Section 13 of these Regulations or Conditional Use Permit in accordance with Section 14 of these Regulations shall be issued for any building, structure, or use on a lot containing, wholly or partly, a designated watercourse or wetland except in conformity with the Section 31.1 of these Regulations as set forth herein.
- F. Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this Resolution in the consideration of a Conditional Use Permit or an Appeal for a Variance by the Board of Zoning Appeals.

### **Section 31.1.3-Establishment of Riparian Setbacks**

- A. A designated watercourse, as defined in Section 2 herein, shall include:
  - 1. All watercourses within the territorial boundaries of Leroy Township designated as having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing. In determining if a watercourse shall be a designated watercourse by the Township, so as to require a riparian setback, the Leroy Township Zoning Inspector may consult with representatives of the Lake County Soil and Water Conservation District and/or State or Federal governmental officials or technical experts. Final determination shall be made by the Zoning Inspector in accordance with the rules herein.
  - 2. Any watercourse newly constructed, altered, restored, or proposed in a development or as part of an overall development plan. Such projects must show compliance with all applicable local, state, and federal requirements.



## **SECTION 31**

### **NATURAL RESOURCE PROTECTION**

- B. A riparian setback of land shall be required on all land adjacent to designated watercourses. The setback distance will be determined by the size of the watershed that the watercourse drains. Riparian setbacks on designated watercourses shall be established as follows.
1. A minimum of 120 feet on each side of all designated watercourses draining an area equal to or greater than 20 square miles.
  2. A minimum of 75 feet on each side of all designated watercourses draining an area equal to or greater than 1 square mile and up to 20 square miles.
  3. A minimum of 25 feet on each side of all designated watercourses draining an area less than 1 square mile and having a defined bed and bank as determined in these regulations.
  4. A minimum of 50 feet on each side of all designated watercourses determined to be a Class III primary headwater habitat stream.
- C. The following regulations shall apply to riparian setbacks.
1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse.
  2. Except as otherwise provided in this Regulation, riparian setbacks shall be preserved in their natural state.
  3. Where the one hundred year flood plain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year flood plain as delineated on the flood hazard boundary map(s) for the affected area provided by FEMA.
- D. Where proposed projects indicate impacts to wetlands, the wetlands shall be delineated using protocols accepted by the U.S. Army Corps of Engineers. Such delineation is a requirement of the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency (OEPA).
1. All wetlands as identified by the State of Ohio and/or US Army Corps of Engineers shall have the following setback as measured from the jurisdictional boundary:
    - a. 50 feet extending beyond the outermost boundary of a category 3 wetland.
    - b. 30 feet extending beyond the outermost boundary of a category 2 wetland.
    - c. 10 feet extending beyond the outermost boundary of a category 1 wetland.

# **SECTION 31**

## **NATURAL RESOURCE PROTECTION**

### **Section 31.1.4-Applications and Site Plan**

- A. When making an application for a Zoning Certificate or a Conditional Use Permit for a building, structure or use regulated by this resolution that impacts a designated water course or wetlands, the owner or applicant shall be responsible for identifying riparian setbacks, proposed stream crossings and stream bank stabilization as required by these Regulations. The owner or applicant shall indicate such setback distance in accordance with the Section 31.1.3 on all site plans submitted to the Zoning Inspector.
- B. The Township shall adopt a riparian setback map including any additions, amendments, or deletions to the map, as created and updated from time to time by the Lake County Soil and Water Conservation District. The riparian setback map identifies known and potential designated watercourses, and their riparian setbacks. Said map is on file at Leroy Township Hall. Due to the potential for natural and artificial changes, inaccuracies of scale and limitations on information available, all designated watercourses and setbacks may not be accurately identified on the riparian setback map.
- C. If any discrepancy is found between the riparian setback map and the on site conditions, the on site conditions shall prevail when applying the Regulations herein.
- D. The riparian setback map shall be utilized as a guide or reference document by the owner, applicant, Zoning Inspector and the Board of Zoning Appeals in determining when the riparian setback applies.
- E. The Zoning Inspector, may, in reviewing the site plan, consult with the Lake County Soil and Water Conservation District, federal or state experts or such other such expert(s) retained by the Board of Township Trustees to make infield determinations and/or classification of the required setback distance on a designated watercourse or wetland.

### **Section 31.1.5-Permitted Buildings, Structures, and Uses Within a Riparian Setback Without a Zoning Certificate**

- A. Only the following buildings, structures, uses, and related soil disturbing activities shall be permitted within a riparian setback without a Zoning Certificate.
  - 1. Recreational Activities: Fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for non-motorized vehicles constructed of pervious materials.
  - 2. Removal of Damaged or Diseased Trees: Damaged or diseased trees and other associated debris may be removed.

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### **NATURAL RESOURCE PROTECTION**

3. **Maintenance and Repairs:** Maintenance and repair on lawfully existing buildings, structures, and uses; roads; driveways; bridges; culverts; trails; walkways; paths; wastewater treatment plants and appurtenances; water wells; water treatment plants and appurtenances; storm sewers; and on-site sewage systems.
4. **Maintenance and Cultivation of Lawns and Landscaping:** The maintenance of existing, and the cultivation of new, lawns, landscaping, shrubbery, and trees.
5. **Open Space:** Passive open space to preserve the riparian setback area in its natural state.

#### **Section 31.1.6-Permitted Buildings, Structures, and Uses Within a Riparian Setback in Accordance with Zoning Certificate.**

- A. Only the following buildings, structures, and uses may be permitted within a riparian setback in accordance with the following Regulations and such other applicable Regulations contained in this Zoning Resolution.
  1. Crossings: Crossings of designated watercourses through riparian setbacks are permitted in consultation with Lake County Soil & Water.
  2. Stream bank Stabilization Projects: Stream bank stabilization projects along designated watercourses are permitted in consultation with Lake County Soil & Water.
  3. **Signs**: Signs in accordance with Section 23 of this Zoning Resolution.
  4. **Fences and walls**: Fences and walls in accordance with Section 21 of this Zoning Resolution.
  5. **Water Supply Wells**: Water supply wells subject to the regulations enforced by the Lake County General Health District and/or the Ohio EPA.
  6. **On-site Sewage Systems and Waste Water Treatment Plants**: On-site sewage systems and wastewater treatment plants and appurtenances subject to the applicable regulations enforced by the Lake County General Health District and/or the Ohio EPA. Proof of compliance with such regulations shall be required

# **SECTION 31**

## **NATURAL RESOURCE PROTECTION**

### **Section 31.1.7-Buildings, Structures and Uses Prohibited Within a Riparian Setback**

- A. Any building, structure, use, or related soil disturbing activity not permitted under this Regulation shall be prohibited within a riparian setback. The following buildings, structures, and uses are specifically prohibited.
  - 1. Construction: There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these Regulations.
  - 2. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
  - 3. Structural Storm water Management Practices: There shall be no structural storm water management practices or related soil disturbing activities.

### **Section 31.1.8-Notice and Inspections of Riparian Setbacks**

- A. The owner shall notify the Zoning Inspector at least 10 working days prior to the initiation of any construction, land development or soil disturbing activities on a lot containing an approved site plan submitted by the owner or applicant in accordance with Section 31.1.4 herein.
- B. The Zoning Inspector and/or its agents, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these Regulations.
- C. The Zoning Inspector shall be permitted to make an on-site inspection of the delineation of riparian setbacks, prior to the initiation of any construction, land development, or soil disturbing activities, on an affected lot.

### **Section 31.1.9-Variance**

- A. In accordance with Section 11 herein, the owner or applicant may apply for a variance to the Board of Zoning Appeals.

### **Section 31.1.10-Penalty**

- A. In accordance with Section 5, Enforcement, herein, the owner or applicant may be subject to penalties for failing to comply with the terms and requirements of this Zoning Resolution.

# SECTION 32

## ARCHITECTURAL DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT

Effective 09/03/2009

**32.01 Purpose and Intent:** In accordance with Section 519.02 of the Ohio Revised Code, these Architectural Design Standards are established to create an attractive, high quality built environment for the B1 – Business & Commercial, B2 – Special Interchange, and I – Industrial zoning districts in LeRoy Township.

**32.02 Review Process:** Design Standards will be reviewed by the Zoning Commission during the Site Plan Review process, as described in Section 30.

**32.03 Building Design Elements:** Any building elevation of any structure facing a public roadway shall be considered a front side of facade for design purposes.

Styles and patterns of the development and/or buildings, signage, and accessory buildings shall be compatible with the character of the area, or within the same development, through compliance with the following design standards:

- A. Overall building design shall incorporate recesses, offsets, arches, colonnades, columns, pilasters, detailed trim, brick bands, and contrasting courses of material, cornices or porches to vary facades.
- B. All buildings and accessory structures shall utilize a consistent architectural style, distinguished by complementary variations.
- C. The side and rear portions of buildings shall be visually integrated with the front of the building through the design of roof lines and architectural features.
- D. Vending areas, trash areas, and other site accessory areas shall be integrated into the overall design of the plan. Vending machines shall be prohibited outside of the building. Trash dumpsters shall be enclosed, in accordance with Section 26 of the Zoning Resolution.

**32.04 Facade Elements:** Building walls shall be a minimum of thirty (30) feet in width. Bays shall be visually established by architectural features such as columns, ribs, pilasters, piers and/or fenestration patterns. In order to add architectural interest and variety, and avoid a single long wall with no relation to scale, the following standards shall apply:

- A. No wall that faces a street or connecting walkway shall have a blank uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following: change in plane, change in texture or masonry pattern, windows, or equivalent elements that subdivide the wall. All elements must repeat at intervals less than or equal to thirty (30) feet.

## SECTION 32

# ARCHITECTURAL DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT

- B. All sides of buildings and accessory buildings shall include materials and design characteristics that are consistent with those used on the front facade.

**32.05 Building Entrance:** Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico to provide shelter from weather elements.

Entrances shall combine different colors, textures and architectural elements to emphasize entrance points and break the monotony of large vertical surfaces.

**32.06 Building Roofs:** The continuous plane of a roof line shall be no greater than 100 feet. Roof lines can be varied with cantilevers, gables, parapets, and/or cornice lines.

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-ways. Mechanical equipment screening techniques shall incorporate the same design standards, proportionality and texture as the front facade.

**32.07 Shipping/Receiving Areas:** Shipping and Receiving areas, including loading docks, ramps, or overhead doors, must not face a public roadway.

**32.08 Building Color:** Building colors must be low-reflecting, muted and earth-toned. Roof colors shall be muted and compatible with the dominant building color.

**32.09 Lighting:** Exterior lighting of buildings and /or parking areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways. All lighting shall be directed downward onto the building, parking areas, access drives and pedestrian walkways. Up-lighting is not permitted.

- A. Building mounted light fixtures and freestanding light fixtures shall be in proportion with the building and must not exceed the building height.
- B. Light pollution control measures shall be taken to avoid negative impact of misdirected light. Businesses that use canopy lighting shall use recessed ceiling fixtures with the bottom of the lenses flush with the canopy.
- C. A fully shielded light source shall be used so that light emitted from the fixture, directly or indirectly, is projected below a horizontal plane through the lowest point of the fixture where light is emitted.
- D. Light trespass over a commercial or industrial property line when adjoining residential properties shall be limited to no more than 0.5 foot-candles at the property line and one quarter foot candle ten feet over the property line. Lighting levels are based on initial lamp lumens and 1.0 maintenance factor.

## SECTION – 33 – ALTERATIVE ENERGIES

(Adopted 4/12/2010 --Effective 5/12/2010)

### 33.01 - ALTERNATIVE ENERGIES

33.02 A permitted accessory Use Permit shall be required for any alternative energy system constructed in any district so stated in this resolution.

33.03 A site plan shall be required to be filed with an application for zoning permit for this use. A decommissioning plan will be required to be submitted.

33.04 Alternative Energy systems shall comply with the following requirements:

A. Permitted uses for all alternative energy systems:

1. Requirements for a small wind farm:

- a. A small wind farm is defined by ORC 519.213 as having an aggregate generating capacity of less than 5 megawatt (MW) capacity.
- b. Each wind tower shall be set back a distance equal to 1.1 times its total height from:
  1. Any public right-of-way
  2. Any overhead utility lines
  3. All property lines
- c. A small wind farm shall comply with Federal Aviation Administration (FAA) regulations.
- d. No part of the system, including guy wire anchors, may extend closer than twenty (20) feet to any property line and the right-of-way line.
- e. All intra-project power lines and transmission lines leading up to the project shall be underground.
- f. A small wind farm shall comply with all applicable building and electrical codes.
- g. The tower shall be designed and installed so as to prohibit climbing rungs from a level measured 10 feet from the finished grade and installed but not to exceed the manufactured specifications.
- h. Small wind energy systems shall not exceed sixty (60) dB, as measured at the closest neighboring inhabited dwelling.
- i. Signs attached to any part of the wind farm structure are prohibited, except for, appropriate warning signs; owner identification of wind towers, building or other structure associated with the farm and shall be in accordance with this resolution.
- j. Small wind farms shall not be built on vacant lots.
- k. Light standards:
  1. Light from the structure shall not trespass onto neighboring properties.

2. Requirements for Solar Panels or Arrays

- a. All ground and roof mounted solar panels shall be in accordance with all setbacks in this resolution.

- b. All solar panel installations shall comply with all applicable building, plumbing and electrical codes and shall not exceed the manufacturers' recommendations.
  - c. All intra-project power lines and transmission lines leading up to project shall be underground.
  - d. Solar panels shall not exceed above the roof line more than three (3) feet and shall not exceed the height requirement for the zoning district in which the lot is located.
  - e. Solar panels or arrays shall not be installed on vacant lots.
  - f. Signs attached to any part of the solar panels or arrays are prohibited, except for, appropriate warning signs, owners identification, building or other structure associated with the solar panels or arrays and shall be accordance with this resolution.
  - g. The number of solar panels or arrays installed shall not exceed the amount required to service the private use of subject property on which they are installed.
3. Any wind energy or solar panel system that will be interconnected with any utility companies power grid must provide evidence that utility company has been informed, approved and has meet all their service connections code requirements. Off-grid systems are exempt from this requirement.



## **SECTION 34**

### **ESTATE LOT OVERLAY RESIDENTIAL DISTRICT**

Adopted and Effective 12/29/2010

#### **34.01 PURPOSE:**

In accordance with the Comprehensive Plan, the Estate Lot Overlay Residential District is intended to provide for agricultural, residential and undeveloped open space land uses while considering the unique physical and environmental characteristics of the area. Efforts to preserve and enhance riparian corridors, wetlands, mature wood lots, agricultural activities and scenic corridors during future growth are encouraged. This district is being established in conformance with the provisions of Section 519.021(C) of the Ohio Revised Code.

#### **34.02 ESTABLISHMENT OF ESTATE LOT OVERLAY RESIDENTIAL DISTRICT:**

The following shall govern the establishment of any Estate Lot Overlay Residential District.

- A. The Estate Lot Overlay Residential District shall be in addition to and shall overlay the R-1 Residential and R-2 Rural Residential Districts.
- B. Until such time as a property owner applies for and receives approval for the development of an Estate Lot Overlay Residential District as provided here, the underlying provisions of the R-1 Residential and R-2 Rural Residential Districts shall apply.
- C. Upon final approval by the Township Trustees of an Estate Lot Overlay Residential District application and plan, a notation shall be placed on the LeRoy Township Zoning Map to reflect such approval and that the provisions of the R-1 Residential District or R-2 Rural Residential District no longer apply to land contained within the Estate Lot Overlay Residential District. Final division of land does not occur until approval by the Lake County Planning Commission.
- D. The gross area of a tract of land proposed to be developed as an Estate Lot Overlay Residential District shall be not less than eleven (11) acres.
- E. Each Estate Lot Overlay Residential District shall be developed in conformance with a development plan which has been reviewed and approved by the township in accordance with the provisions set forth in Section 34.05.

#### **34.03 PERMITTED USES:**

The following uses and no other shall be permitted in all Estate Lot Overlay Residential districts:

1. Single-family dwelling for residential purpose and buildings accessory thereto, but excluding the use of tents, cabins, cottages and trailer coaches (recreational vehicle) except as hereinafter permitted.

#### **34.04 ACCESSORY USES AND BUILDINGS:**

Accessory uses and buildings shall follow the standards set forth in Section 15.04, 15.05, 16.04 and 16.05 of existing zoning resolution.

#### **34.05 DEVELOPMENT STANDARDS:**

The following development standards are established to control the planning, development and use of land in an Estate Lot Residential Overlay District.

1. Access Parcel – A parcel shall be created with the minimum of sixty (60’) feet frontage on a public right-of-way and shall contain one common access drive and any other utilities to service the estate lots. The estate lots serviced by the common access drive shall be contiguous to the access parcel. The access parcel shall be owned by the estate lot owners, with each estate lot having an equal, undivided interest.
  - a. Maintenance – The common access drive will not be maintained by the Township or any other public entity.
  - b. Maintenance Agreement – The development plan must contain a common access drive maintenance plan to be recorded on approval and referenced in all property deeds within the Estate Lot Overlay Residential District.
  - c. Restrictions – Future extensions or interconnections of the common access driveway to a public right-of-way or other common access drive shall not be permitted.
2. Utilities – All utilities shall be located underground.
3. Density – There shall be no more than three (3) dwelling units per approved development plan.
4. Lot Size – The minimum lot size shall be no less than five (5) acres with a minimum width at the building line of no less than two-hundred (200’) feet. No portion of the access parcel shall be used in computation of minimum lot size.
5. Setbacks – The minimum setback from any public right-of-way line shall be no less than one-hundred (100’) feet and no less than fifty (50’) feet from the access parcel. A minimum setback from side and rear property lines shall be no less than twenty (20’) feet.
6. Dwelling Size – The minimum dwelling size shall be 1,400 square feet for a single floor dwelling and 1,600 square feet for a two story dwelling.
7. The maximum height of any structure shall not exceed thirty-five (35’) feet as measured from the finished elevation.

8. Identification Signs – Each Estate Lot Overlay Residential District shall be permitted one identification sign subject to the following regulations:
  - a. A sign indicating the name, if any, of the District development.
  - b. Lighting: For purposes of public safety and security the sign may be illuminated by a single light per face which does not exceed a fifty (50) watt incandescent bulb or the equivalent. Such light must be designed so that the fixture is not visible and does not affect vehicular traffic or shine onto another property.
  - c. The house numbers of each lot and the names of each property owner in the District development if desired.
  - d. Said sign shall have one face and be a maximum of thirty-two (32) square feet, or if it has two faces, be a maximum of twenty (20) square feet per face.
  - e. Said sign shall be situated in the access parcel and no part of the sign shall be closer than forty (40') feet to the center of the traveled portion of the road or ten (10') feet from the public right-of-way line, whichever is greater.

#### **34.06 APPLICATION REQUIREMENTS AND PROCEDURES:**

##### 1. Application

Property owners who wish to have their land designated as an Estate Lot Overlay Residential District shall make application for development plan approval. Applications shall be made by filing an application for approval of a development plan conforming with the requirements of this section and such filing fees as may be established by the Township Trustees with the Zoning Inspector who shall place said application on the next Zoning Commission agenda occurring at least twenty-one (21) days after the submission date.

##### 2. Development Plan

Each application for development plan review shall include eleven (11) copies of a plan for the entire Estate Lot Overlay Residential District, drawn to scale and shall include, at a minimum, the following data:

- A. The name of the development, the name of the owner or developer, north arrow, date and scale.
- B. The owners and zoning classification of parcel(s) and adjoining parcels.
- C. A boundary survey.

- D. Existing topography and proposed finished grade with a maximum two feet (2') contour interval.
- E. Proposed parcel and approximate building locations.
- F. Location of all minimum setback lines.
- G. Location, width and material of access drive.
- H. Copy of the access drive maintenance agreement language to be incorporated as a deed restriction.
- I. Written verification from the Lake County General Health District regarding the feasibility and proper Household Sewage Disposal System (HSDS).
- J. Location of signage.

### 3. Development Plan Approval

The Zoning Commission shall review each development plan for an Estate Lot Overlay Residential District and shall make a recommendation to the Township Trustees regarding same within sixty (60) days of the date at which such development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Township Trustees may attach, such conditions to the approval of a development plan as may be reasonably required for the public health and safety, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and to insure consistency with the implementation of the Township's Comprehensive Plan.

The Township Trustees shall act upon each development plan for an Estate Lot Overlay Residential District referred by the Zoning Commission within sixty (60) days of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Trustees with the consent of the applicant. The Zoning Commission and Township Trustees may obtain professional advice and assistance in reviewing final site development plans as deemed necessary and appropriate.

### 4. Final Development Plans Required

After the Board of Township Trustees approves the application for an Estate Lot Overlay Residential District and the development plan for said Estate Lot Overlay Residential District, the applicant shall submit a final site development plan, in conformance with Subsection 5 thereof.

## 5. Final Site Development Plan Requirements

Final site development plans shall be based on a previously approved development plan. A minimum of four (4) copies shall be submitted with the Zoning Inspector. Submission shall include a fee as established by the Township Trustees.

Final site development plans shall be certified by a civil engineer or land surveyor duly registered by the State of Ohio. Final Development Plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). All conditions that were added by the Township Trustees shall be addressed in this Plan.

## 6. Final Site Development Plan Approval

The Zoning Inspector shall review and act upon each final site development plan within thirty (30) days from the date of filing. The Zoning Inspector may obtain professional advice and assistance in reviewing final site development plans as he deems necessary and appropriate.

## 7. Subdivision of Land

Land may be subdivided after final site plan approval by the Township Trustees. Final subdivision of land will occur on approval of the Lake County Planning Commission.

## 8. Compliance Required

Subsequent to the approval of an Estate Lot Overlay Residential District, all building permits, zoning certificates, and all development and/or construction within the District shall be in substantial compliance with the approved final site development plan and any conditions of such approval adopted by the Township. Any departure from the approved plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the final site development plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

## 9. Amendments to Development or Final Development Plans

The owner of a property within an Estate Lot Overlay Residential District may submit plans for amendment of either the development plan or final site development plan approved for the District. The Zoning Commission and Township Trustees shall review and act upon such amended plan in conformance with the review and approval procedures set forth above.

## 10. Professional Assistance

The extent and complexity of certain applications for Estate Lot developments will require that the Zoning Commission, Township Trustees, and/or Zoning Inspector obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission, Township Trustees, and/or Zoning Inspector shall determine when such studies or expert advice are necessary to evaluate a proposed development relative to the requirements of this Section. The Zoning Commission, Township Trustees, and/or Zoning Inspector shall advise the applicant if such studies are required. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

### **34.07 NATURAL RESOURCE PROTECTION:**

1. Site development plan shall be in accordance with Section 31.

### **34.08 SCREENING AND LANDSCAPING:** See Section 26.

### **34.09 PARKING:** See Section 25.