

101 – DEFINITIONS

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “Building” shall include the word “Structure”, the word “road” shall include the word “street” and the word “shall” is mandatory and not directory.

ACCESSORY USE: Accessory use or building is a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

ACREAGE TRANSFER: A piece of land that is transferred between adjacent owners or a lot that is over five acres and is divided into another lot.

ADMINISTRATIVE, PROFESSIONAL, BUSINESS AND NON-PROFIT GENERAL OFFICES: The use of offices and related spaces for such professional services as are provided by lawyers, architects, engineers, insurance, real estate, interior design, graphic design, travel agents and similar professions.

ADULT DAY CARE FACILITY: An establishment that during any part of the normal business day provides supervised educational, recreational, and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.

AGRI-BUSINESS: An agriculturally related business that would normally be classified as retail or commercial. Such uses include and are in conformance with uses indicated in Ohio Revised Code (ORC) 519.01. Viticulture, vinting and selling of wine and farm markets are administered by the ORC and shall not be classified as Agri-Business.

AGRICULTURE: Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

AGRICULTURAL SALES AND SERVICE: A use primarily engaged in the sale or rental of farm tools and implements (excluding large implements such as but not limited to tractors and combines), feed, grain, tack, animal care products and farm supplies.

AGRICULTURAL SUPPORT SERVICES: A use or facility that primarily supports agriculture, farming or nursery operations. These uses would include but are not limited to cold storage facilities, grain elevators, or loading docks.

ALLEY: A way which affords only a secondary means of access to property abutting thereon.

ANIMAL BOARDING/KENNELS: Any lot or premises on which four or more domesticated animals of the same type or species more than four months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment for such animals.

ANTIQUÉ STORES: Any building used for the sale of any old and authentic objects of personal property which has a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any clothing article which was made, manufactured or fabricated twenty or more years earlier and because of the public demand has attained value in a recognized commercial market which is in excess of its original value. This does not include the sale of any used vehicles or thrift stores.

APARTMENT: A room or suite of rooms intended, designed, or used as a residence by a single family.

APARTMENT HOTEL: A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments and in which may be furnished services ordinarily furnished by hotels, such as drugstore, barber shop, cigar and newsstands, when such uses are located entirely within the building with no entrance from the street and having no signs on display visible from the outside of the building indicating the existence of such use.

APARTMENT HOUSE: See Dwelling, Multiple

ASSEMBLY, MANUFACTURING: The fitting together of parts to make a new product.

AUTOMATED TELLER MACHINE (ATM), EXTERIOR: An automated device that performs banking at a location remotely from a controlling financial institution and is not accessory to any other use.

AUTOMOTIVE RENTAL: The use of any building, land area or other premises for the rental of automobiles, vans, and/or single axle trucks or trailers. The minor care of vehicles may also be included as an accessory use.

AUTOMOTIVE REPAIR: A building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crank case pan; repairs to radiators requiring the removal thereof; or similar activities.

AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): A building, or part of a building which is used for the routine maintenance and service, and the making of repairs to motor vehicles including instant oil changes, except that repairs described as major repairs in "Automotive Repair" shall not be permitted. Retail sale of lubricants and motor vehicle accessories may also be included as an accessory use.

BASEMENT: A story having part, but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purpose shall not be counted as a story.

BED AND BREAKFAST: A private owner-occupied dwelling in which rooms are rented to guests with one (1) meal; breakfast, served daily, and the entire service; food and lodging are to be included in one (1) stated price.

BOARDING HOUSE: A building other than a hotel where for compensation and by arrangements, meals, or lodging and meals are provided for three (3) or more persons but not exceeding twenty (20) persons.

BOARD OF APPEALS: The Township Zoning Board of Appeals.

BUILDING: Any structure, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

BUILDING, HEIGHT OF: Accessory Structures - The vertical distance from the established/existing grade at the front of the building to the highest point of the ridge of the roof. Dwelling/Main Structures - The vertical distance from the finished grade at the front of the building to the highest point of the ridge of the roof.

BUSINESS SERVICES INCLUDING MAILING AND COPY CENTERS: Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by individuals, offices, professionals, and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing, copying and mailing centers, computer related services or temporary labor services.

CAR WASH: A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower or other mechanical devices and/or which may employ hand labor.

CATERING AND FOOD PREPARATION: A service providing meals, refreshments or beverages for private or public events to be consumed off site or to be sold directly from vehicles off site.

CELLAR: That portion of a building between floor and ceiling which is wholly or partly below grade and having more than one-half (1/2) of its height below grade.

CHILD DAY CARE CENTER: Any place other than a family day care home in which child day care is provided. Child day care administers 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 other than a child's own home. Child day care centers may be operated in conjunction with a business, school or religious facility, or as an independent land use.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution, that has been granted tax exempt status, which people regularly attend to participate in or hold religious services, worship, meetings and other activities. The term “church” shall not have a secular connotation and shall include buildings in which the religious services of any denomination are held.

CIVIC, SOCIAL, OR FRATERNAL ORGANIZATIONS: A group of people formally organized for a common interest, usually cultural, religious, or service, with regular meetings and formal written membership requirements.

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

CLUB: Buildings and facilities, owned or operated by a corporation, association, person or persons, for a civic, social, educational, or recreational purpose, to which membership is required for participation and which are not primarily open to the public.

CLUB, NOT-FOR-PROFIT: Buildings and facilities that are owned or operated by a not-for-profit corporation or association that is registered with the State of Ohio, and is for a civic, social, educational, or recreational purpose for which membership is required for participation and which are not primarily open to the public.

COMMUNITY CENTER: A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain.

COMPUTER RELATED SERVICES: A business primarily developing computer software and repairing computer systems on site or off site. Excludes data centers.

CONDITIONAL USE: A specific use provided for in the zoning resolution which is not otherwise permitted in any zoning district but which may be permitted by the Zoning Board of Appeals under conditions set forth in the Zoning Resolution in accordance with Section 519.14 of the Ohio Revised Code.

CONDOMINIUM: Commercial/Industrial Condominium - Individually owned commercial or industrial use unit located in a multi-unit structure or on land in common and operated by an association of owners whereby the owner has a recordable deed enabling him to sell, mortgage, transfer, exchange or otherwise convey ownership thereof. Residential Condominium - Individually owned dwelling unit located in a multi-unit structure or on land in common and operated by an association of owners whereby the owner has a recordable deed enabling him to sell, mortgage, transfer, exchange or other wise convey ownership thereof.

CONSTRUCTION EQUIPMENT RENTAL: Establishments primarily engaged in the rental of tools, tractors, construction equipment, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment.

CONSTRUCTION EQUIPMENT SALES: Establishments primarily engaged in the sales of tools, tractors, construction equipment, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment.

CUL-DE-SAC- Permanent: A minor street that one end of which connects with another street and the other end of which terminates in a vehicular turnaround. The construction of the street must conform to the rules regulations, and standard specifications for road improvements in accordance with R.C. 711.10.

CUL-DE-SAC-Temporary: A minor street that one end of which connects with another street and the other end of which 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. The construction of the street conforms to the rules, regulations, and standard specifications for road improvements in accordance with R.C. 711.101.

DATA CENTER: A facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

DISTRICT: Any section of Madison Township for which the zoning regulations govern the use of building and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DONATION BOX: An unattended container, receptacle, or similar devices used for soliciting and collecting donations of clothing, books, school supplies, or other personal property. Donation boxes are for non-profit organizations that are listed as 501 C 3 by the United States IRS.

DONATION BOX in CONJUNCTION with a FACILITY: An unattended container, receptacle, or similar devices used for soliciting and collecting donations of clothing, books, school supplies, or other personal property adjacent to a retail facility, training center, or similar facility. Donation boxes are for non-profit organizations that are listed as 501 C 3 by the United States IRS.

DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly between an employee of the business and the customer while the customer is located within a motor vehicle during the business transaction. The term “drive-thru” shall also include “drive-up” and “drive-in”.

DRY CLEANING: A business which launders or dry cleans fabrics, textiles, wearable apparel or other articles that are dropped off on the premises directly by the customers or pick up by employees but the laundering or cleaning is done off site.

DWELLING: Any building or portion thereof, which is designed for or used for residential purposes.

DWELLING, SINGLE FAMILY: A building designed for or occupied exclusively by one (1) family.

DWELLING, TWO FAMILY: A building designed for or occupied exclusively by two (2) families.

DWELLING, MULTIPLE: A building designed for or occupied exclusively by three (3) or more families.

EFFICIENCY: An apartment with a bath, some type of kitchen facility and a common living/bedroom area.

FABRICATION: The alteration of manufactured product by hand or mechanical means. The original use of the product will not change.

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

FINANCIAL INSTITUTION: Those institutions engaged in receiving, exchanging, lending and safeguarding monies.

FRONTAGE:

1. All the contiguous property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street. Said frontage shall be maintained and not diminished from the right of way to the minimum building setback line.
2. Frontage pertaining to individual lots will be the amount of contiguous property between two permanent parcel boundary lines abutting a dedicated and accepted road. If the street is dead-ended, then all contiguous property between the permanent parcel boundary line and the dead-end of the street shall be defined as frontage. Said frontage shall be maintained and not diminished from the right of way to the minimum required building setback line.

FUNERAL SERVICES: A building or part thereof used for human or pet funeral services and which may include: space for embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, and other related uses.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold but no motor-driven vehicles are equipped, repaired, hired or sold.

GARDEN OR NURSERY RETAIL SALES (NON-WHOLESALE): Land, building, structure, or combination thereof used for the storage, and display of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

GAS STATIONS: Any establishment that supplies motor fuel, oil, and propane at retail to the customer, and may include facilities for the sale of other retail products, minor accessories, and services for motor vehicles.

GENERAL BUILDING CONTRACTORS: An individual or company engaged in the construction or remodeling of buildings. Such establishments include areas for office use, fabricating shops and/or interior storage areas. This definition includes, but is not limited to, builders or general contractors specializing in HVAC, painting, plumbing, electrical, or roofing.

GOVERNMENTAL FACILITY: A building or structure owned, operated, or occupied by any level of government for the purpose of providing a governmental service to the public.

GRADE:

(A) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(B) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(C) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

HIGHER EDUCATION, TRADE EDUCATION: College, technical college or university offering courses of instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors.

HIGHWAY, MAJOR: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

HISTORICAL VENUE: A historical building or parcel of land that has historical significance, and is recognized by one or more of the following: the National Register of Historic Places, registered with Ohio History Connection (formerly the Ohio Historical Society), with an "Ohio Historical Marker," registered with the Lake County History Center as a "Lake County Heritage Home," or recognized by the Madison Historical Society as having historical significance in Madison Township, and being more than sixty-five (65) years old.

HOME IMPROVEMENT, RETAIL: A store that primarily sells a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies and the rental of tools as accessory uses.

HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

(A) It is any occupation or activity carried on by a member of the immediate family.

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit including all storage and reception areas shall be used in the conduct of the home occupation.

(C) There shall be no change of the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet in area, non-illuminated.

(D) No traffic shall be generated by such home occupation with greater volume than would normally be expected in a residential neighborhood, any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.

(E) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

HOSPITAL: An institution providing health care services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and other similar facilities.

HOTEL/MOTEL: A building with a minimum of nine (9) rooms in which lodging is provided and offered to the public for compensation at a daily rate, and which may include facilities for meetings, banquet rooms, restaurants and recreational facilities as incidental uses.

INDOOR COMMERCIAL RECREATION: An establishment engaged in providing activities for the general public by means of games or sports for a fee including but, not limited to, bowling alleys, space for competition such as indoor basketball courts, and indoor soccer fields.

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

JUNK MOTOR VEHICLES: A motor vehicle that meets all of the following criteria:

1. Three (3) model years old, or older
2. Apparently inoperable;
3. Extensively damaged, including, but not limited to, any of the following: missing tires, engine, or transmission.

A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three (3) criteria.

KENNEL, COMMERCIAL: Any use or premise whereby one or both of the following services are offered for a fee for domesticated animals: where boarding or minor medical treatment is offered or provided.

LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.

LAUNDROMAT: An establishment providing home type washing, drying, or rinsing machines for hire to be used by customers on the premises.

LIBRARY/MUSEUM: A room or building for exhibiting, or an institution in charge of a collection of books, digital media, and artistic, historical, or scientific objects.

LIVE ENTERTAINMENT: Scheduled performances during which the performer(s) and audience are physically present at the time of the performance. Performances may include: theatrical productions, concerts, karaoke, literature readings, dancing, comedy, magicians, or DJ's.

LIVERY, HORSE: The agricultural use of feeding, caring, and stabling of horses for a fee.

LIVERY, VEHICLE: The keeping of vehicles for hire. This shall include taxies, limousines, and ambulance services.

LOADING SPACE: A space near the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

LODGING HOUSE: A building other than a hotel, boarding house or motel, where lodging for three (3) or more persons, not exceeding six (6) persons, is provided for compensation pursuant to previous arrangements.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in the Resolution, including one (1) main building together with the accessory building, the open spaces, and parking spaces required by this Resolution and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder or Auditor of Lake County.

LOT SPLIT: A new lot that is five acres or smaller and it meets all the zoning requirements and is being divided out of another parcel.

LOT, MINIMUM AREA OF: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LUMBER AND BUILDING MATERIAL DEALER: An establishment for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MANUFACTURED HOME: Is a non-self-propelled vehicle transportable in one or more sections which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structures exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

MANUFACTURED HOME LOT: A parcel of land designated for the exclusive use of the occupants of a single manufactured home also termed manufactured home space.

MANUFACTURED HOME PARK: Means an area of land upon which three (3) or more occupied manufactured homes are harbored either free of charge or for revenue purposes, and shall include any buildings, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park.

MANUFACTURING, HEAVY: The initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly. Such operations are primarily major and extensive in character; require large sites, open storage and service area, having potential to produce noise, dust, glare, odors or vibration.

MANUFACTURING, LIGHT: The manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of products. Such operations are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor, or dust. Operation and storage occur primarily within enclosed structures and generate minimal industrial traffic or nuisances.

MARIJUANA: All parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type, the resin extracted from a part of a plant of that type, and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. Marijuana does not include hemp or a hemp product.

MEDICAL AND DENTAL OFFICE: An establishment where healthy, sick, ailing, infirm, or injured persons are seen by appointment for wellness checkups, examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel and where patients are not lodged overnight.

MEDICAL MARIJUANA: Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

MEDICAL MARIJUANA CULTIVATOR: An entity that has been issued a certificate of operation by the Ohio Department of Commerce and the Ohio Board of Pharmacy to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code. A facility shall mean a building, structure, or premises used for the cultivation or storage of medical marijuana, that is physically separate and off-site from a medical marijuana retail dispensary or medical marijuana processing/manufacturing facility.

MEDICAL MARIJUANA ENTITY: A state licensed medical marijuana cultivator, processor, retail dispensary, or testing laboratory.

MEDICAL MARIJUANA PROCESSOR: A licensed medical marijuana entity that has been issued a certificate of operation by the Ohio Department of Commerce and the Ohio Board of Pharmacy to manufacture medical marijuana products per Chapter 3796 of the Ohio Revised Code. The processing of medical marijuana obtained from a medical marijuana cultivator into a form that may be dispensed, delivered, or sold to one or more licensed medical marijuana retail dispensaries. Processing includes, but is not limited to, drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.

MEDICAL MARIJUANA RETAIL DISPENSARY: An entity licensed pursuant to sections 3796.04 and 3796.10 of the Ohio Revised Code, and any rules promulgated thereunder, to sell medical marijuana to qualifying patients and caregivers. A facility where medical marijuana, medical marijuana products, or devices for the use of medical marijuana or medical marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical marijuana products as part of a retail sale.

MEETING/BANQUET FACILITY: A building or group of rooms which are rented by individuals or groups to accommodate private functions including but not limited to, banquet, weddings, anniversaries and other similar functions. Such use may or may not include: 1) kitchen facilities for the preparation of catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public, and 3) outdoor gardens or reception facilities.

MEMBERSHIP SPORTS/FITNESS CLUB: An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools, locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro shop and training facilities.

MICROBREWERY (ACCESSORY USE): A subordinate use to a Winery and the Viticulture of the property. This use brews beer, ale, etc. from materials grown on-site and off-site and may have an on-site tasting room and retail space to sell the products. As an accessory use, it shall not exceed fifty percent (50%) of the total production of wine.

MICRODISTILLERY (ACCESSORY USE): A subordinate use to a Winery and the Viticulture of the property. This use distills from materials grown on-site and off-site and may have an on-site tasting room and retail space to sell the products. As an accessory use, it shall not exceed fifty percent (50%) of the total production of wine.

MODEL HOME: A structure designed and constructed as a dwelling unit, but used for display as a sample to denote type of dwelling which can be duplicated. Model Homes are of two (2) types, Class A or Class B (Section 132).

MOTOR COURT OR MOTEL: A building or group of buildings used for the temporary residence of motorists or travelers.

MOTOR VEHICLE DEALER, (NEW/PRE-OWNED): An establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used or pre-owned motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. See also “New Motor Vehicle”.

NEW MOTOR VEHICLE: A motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacture, distributor or dealer to an ultimate purchaser.

NON-CONFORMING USE: A building, structure, sign or use of land existing at the time of enactment of this Resolution which does not conform to the regulations of the district or zone in which it is situated.

OTHER PROFESSIONAL OFFICE: Establishments providing direct services to consumers or clients, such as but not limited to title insurance, real estate, web design, or nonprofits.

OUTDOOR DINING: A designated area adjacent to a dining establishment to be used for the purpose of food and drink consumption, including table service.

OUTDOOR STORAGE: A storage area that shall be an Accessory Use to and located on the same property as a Self-Storage Facility, where outdoor spaces are leased or rented for the storing of personal property, such as boats, rv’s, and campers. The Outdoor Storage area shall not be visible from the road and shall not create any adverse impacts on adjacent properties.

PARKING AREA: That area which is set aside for the parking of motor vehicles on any premises and must conform to the off-street parking regulation of the district in which it is located.

PARKING SPACE: A portion within a parking area which is designed for the parking and placement of one (1) motor vehicle.

PERSON: Means an individual, firm, partnership, corporation, company or association.

PERSONAL PROPERTY SALE: All general sales, open to the public, conducted from or on land that is residentially used for the purpose of disposing of personal property, including, but not limited to all sales entitled “garage”, “yard”, “estate”, or “moving”.

PERSONAL SERVICES: Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barbershop, salons, dry cleaners, photography studios or similar activities.

PLACE: An open unoccupied space or public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

POLICE AND FIRE SERVICES: A governmentally owned and operated facility established to provide police, fire, or EMS services to the surrounding area.

PRINTING: Commercial printing operation involving a process that is considered printing, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic and screen process printing.

PUBLISHING: Activity of preparing and producing material for publication: the trade, profession or activity of preparing and producing material in printed or electronic form for distribution to the public.

RECREATIONAL VEHICLE: Means a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses properly licensed.

RENTAL SERVICES INCLUDING ELECTRONIC/FURNITURE AND PARTY SUPPLIES: An establishment offering electronics, appliances, furniture, party supplies and similar goods and equipment on a rental or rent-to-own basis.

RESEARCH AND DEVELOPMENT LAB: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be produced on a prototype basis as necessary for testing, evaluation, and test marketing.

RESIDENTIAL FLOOR AREA: The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding porches and spaces used for a garage or carport.

RESTAURANT (COUNTER SERVICE): A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.

RESTAURANT (TABLE SERVICE): A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.

RETAIL ESTABLISHMENT, SMALL: An establishment 10,000 square feet or smaller that is engaged in the selling of goods within an enclosed building to the consumer, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.

RETAIL ESTABLISHMENT, LARGE: An establishment over 10,000 square feet that is engaged in the selling of goods within an enclosed building to the consumer, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.

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

ROOMING HOUSE: See lodging house.

SATELLITE DISH ANTENNA: Also referred to as “Earth Stations” or “Ground Stations” shall mean a signal receiving device (antenna, dish antenna, or dish type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

SELF-STORAGE FACILITY: A controlled-access and fenced facility that provides secured self-storage units of varying sizes within one (1) or more completely enclosed buildings/structures, leased or rented for varying periods of time, in which a renter customarily stores and removes personal property on a self-service basis.

SERVICE BUILDING: Means a building housing manager’s office, laundry facilities, maintenance equipment, toilet facilities for employees, and emergency sanitary accommodations.

SERVICE STATION: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any fuels, oils, or accessories, including lubrication and repairs of motor vehicles. Body or fender repair or spray painting prohibited.

SET-BACK: A line established parallel with and measured from the right-of-way defining the limits of a front yard.

SHOOTING RANGE: The use of land for archery and/or the discharge of firearms for the purpose of target practice, skeet or trap shooting or law enforcement training.

SIGN: Any outdoor announcement, declaration, device, demonstration, or insignia used for direction, information, identification or to advertise or promote any business, product, activity, service or any interests.

(A) **ANIMATED SIGN:** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alter in appearance in a manner that is not permitted by these regulations.

(B) **BALLOON SIGN:** A lighter-than-air gas filled balloon, tethered in a fixed location, that is used to attract attention to a business or that has a sign with a message on its surface or a sign attached in some manner to the balloon. Balloon Signs are not permitted for business advertising purposes.

(C) **BANNER SIGN:** A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to cardboard, cloth and/or plastic.

(D) **BUSINESS SIGN:** A sign which identifies a building or directs attention to a business, product, activity or service, manufactured, sold or offered upon the premises as the primary use(s) where such sign is located.

(E) **INCIDENTAL SIGN:** A name plate or sign relative to the lot, or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent or lease.

(F) **LANDMARKING AND SYMBOLIC STRUCTURES:** A sign which conveys information or attracts attention by its architectural or sculptural character and not by alphabetic or numeric characters.

(G) **POLITICAL SIGN:** A sign administered as a Temporary Yard Sign.

(H) **POLITICAL ACTION SIGN:** A sign administered as a Temporary Yard Sign.

(I) **PROJECTING SIGN:** A sign suspended from or supported by a building, structure, or column and projecting out there from, more than eighteen (18) inches.

(J) **SIGN FACING:** The surface of this sign upon, against, or through which the message of the sign is exhibited.

(K) **SIGN STRUCTURE:** The supports, uprights, bracing and frame work for the sign. In the case of a sign structure consisting of two (2) or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

(L) **SIGN SURFACE:** The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display.

(M) **TEMPORARY PORTABLE ADVERTISING SIGN:** A sign, including banners, that are mounted or suspended on wheels, runners, casters, parked trailers, parked licensed and operable vehicles, or other mobile or portable devices.

(N) **TEMPORARY YARD SIGN:** A sign constructed of cloth, canvas, vinyl, paper/cardboard, plywood, plastic or other lightweight material that is neither permanently installed in the ground nor permanently affixed to a building or to a structure that is permanently installed in the ground. The term “Temporary Yard Sign” includes, but is not limited to, A-frame signs, lawn signs, banners, and window signs. The term “Temporary Yard Sign” does not include flags, pennants, balloon signs, streamers, animated signs, and signs that have moving parts intended to attract attention or motorized signs that move.

(O) **VIEWING DISTANCE:** The continuous distance along the centerline of a public road along which the full face of a sign can be viewed.

SIMILAR USE: A use not specifically listed in Table 114.3, which shall require a Conditional Use Permit, approved by the Board of Zoning Appeals, and shall also require a Site Development Plan Review by the Zoning Commission.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) MANUAL of 1987: The manual used for the purpose of defining, describing and distinguishing the various uses within each section of the Zoning Resolution.

STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

STREET: The entire width between the boundary lines of every way dedicated for and open to the use of the public as a thoroughfare for purposes of vehicular travel, which affords the principal means of access to abutting property. A minor street is defined as a street primarily for providing access to residential or other property.

STREET LINE: A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURAL ALTERATION: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams, or girders.

STUDIOS FOR INSTRUCTION: A building or a portion of a building that is used or intended to be used for nonacademic group instructional purposes including, but not limited to, art, crafts, dance, and other wellness activities.

SWIMMING POOL: An accessory structure used for recreational purposes, intended for the purpose of containing water, having a minimal depth of 3 feet, or a minimum surface area of 75 square feet or a minimum of 10 feet in diameter for circular pools.

THRIFT STORE: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment.

TASTING ROOM: A room attached to a winery that allows patrons to consume wine, beer, and other alcoholic beverages produced on site.

TOURIST HOME: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

TOWNSHIP ZONING INSPECTOR: The legally designated township enforcing officer (or his authorized representative).

TRAILER: Any vehicle, or part thereof, without motive power initially designed or used for carrying property or person, wholly on its own structure and for being drawn by a motor vehicle, excepting house trailers and travel trailers.

UNITED STATES POSTAL SERVICE: A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

URGENT CARE/MEDICAL CLINIC: A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical service.

USABLE FLOOR SPACE: The area dedicated to patrons, excluding hallways and bathrooms.

UTILITY AND COMMUNICATION SERVICE: A facility that provides for proper service of data, electricity, gas, steam, telephone, cable, water, sewer, telegraphy, or Internet.

UTILITY SHED: A detached portable or permanent structure designed and constructed for the storage of seasonal tools and implements normally found necessary in conjunction with the care and upkeep of properties surrounding a dwelling.

VETERINARY SERVICES, SMALL: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured small animals, including but not limited to cats, dogs, and other pets, 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.

VETERINARY SERVICES, LARGE: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured large animals, including but not limited to horses, cattle, llamas/alpacas, and other livestock, 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.

VITICULTURE: The agriculture practice of growing grape vines and grapes. This includes making and selling of wine (as per Ohio Revised Code 519.21(A)) and the production of other grape-related products including, but not limited to, jam, jelly, vinegar, oil and juice.

WAREHOUSE: A building or use engaged in the storage of goods, or the storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

WAREHOUSING (Accessory): The storage of a raw material, in-process or finished product and/or necessary equipment or material as an accessory use, in relation to the primary activity of a manufacturing establishment.

WHOLESALE BUSINESS: An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WINERY: An Agri-business establishment in which the main use of the property is primarily for vinting and selling wine, and is located on land any part of which is used for Viticulture. The Viticulture operation must be a working vineyard producing juice, and having a minimum of one (1) acre of grapes. The grapes are to be grown on the winery property, or on land immediately adjacent to the winery to permit the accessory and incidental uses of a winery as referenced in Section 104.1.7, 105.1.7, 122.2.10 and 122.5.6 of the Madison Township Zoning Resolution.

WORK/LIVE UNIT: An existing building used jointly for commercial and residential purposes, where the residential use of the space is secondary or accessory to the primary use as a place of work.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines. For the purpose of calculating front yard area, the measurements shall be taken at the minimum horizontal distance between the street or place line and the main building, other than the projections of uncovered steps or handicap ramps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR: A yard extending across the rear of a lot. For the purpose of calculating rear yard area, the measurements shall be taken at the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps or handicap ramps. On all lots, the rear yard shall be to the rear of the front yard.

YARD, SIDE: A yard between the main building or any projection thereof and the side line of the lot from the required front yard to the required rear yard. For the purpose of calculating side yard area, the measurements shall be taken from the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof, other than uncovered steps or handicap ramps.

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.

114 – COMMERCIAL AND MANUFACTURING REGULATIONS

114.1 PURPOSE STATEMENTS:

114.1.1 P-1 PROFESSIONAL DISTRICT: P-1, Professional District is intended to create a zoning district for the Township where the focus is on office uses and smaller, non-intrusive retail and commercial uses that have or maintain hours and operations similar to office uses. Uses in this district shall be compatible with surrounding residential uses in order to minimize impacts on the surrounding neighborhoods and are intended to be limited in scale. This district may also intend to serve as a transitional district between single-family residential districts and other commercial and manufacturing districts.

114.1.2 B-1 NEIGHBORHOOD BUSINESS DISTRICT: B-1, Neighborhood Business District is intended to provide for retail and service businesses serving the daily needs of Township residents for goods and services. B-1 Districts are intended to be strategically located to provide accessibility to Township residents. Uses in this District shall be compatible with surrounding residential uses in order to minimize impacts on the surrounding neighborhoods and are intended to be limited in scale.

114.1.3 B-2 REGIONAL BUSINESS DISTRICT: B-2, Regional Business District is intended to provide for retail and service businesses serving the needs of Township residents and residents from neighboring communities. B-2 Regional Business District is intended to provide an environment for a wide range of business enterprises and promote a mix of commercial uses that provide goods and services for both the Township and surrounding areas.

114.1.4 B-3 WHOLESALE AND TRADE COMMERCIAL DISTRICT: B-3, Wholesale and Trade Commercial District is intended to provide a district that offers a variety of general commercial, services, trade business, warehousing and wholesale uses. This district is intended to accommodate businesses in the community that cannot be practically provided for in the other business districts.

114.1.5 M-1 LIGHT MANUFACTURING DISTRICT: M-1, Light Manufacturing District is intended to provide a district that accommodates the development of light manufacturing enterprises, assembly which shall operate in a clean and quiet manner.

114.2 USE REGULATIONS:

114.2.1 A use listed in Section 114.3 shall be permitted by right as a permitted use in a district when denoted by the letter “P”, provided that all the requirements of Section 126, Site Plan Review, and other applicable requirements of this Zoning Resolution and other Township resolutions have been met.

114.2.1.1 Work/Live Unit: In order to encourage greater utilization of existing residential structures in the P-1, B-1 or B-2 Commercial Zoning Districts and to promote the economic well-being of the Township, existing structures may be used in

accordance with a commercial development plan per Section 126, and shall comply with the following requirements:

As used in this Resolution, a "work/live unit" means an existing structure that combines a commercial activity permitted in Table 114.3 with an accessory residential living space for the owner of the commercial business and that person's household.

Only existing structures shall be permitted to be occupied as a Work/Live Unit.

Within each Work/Live Unit, there shall be separate amenities for the residential area.

114.2.2 A use listed in Section 114.3 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements and procedures of Section 142, Conditional Use Permits, and Section 126, Site Plan Review, of the Zoning Resolution have been met.

114.2.3 A use listed in Section 114.3 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Zoning Resolution.

114.2.4 A "Similar Use" requires a Conditional Use Permit (See Section 142.4.5.28) approved by the Board of Zoning Appeals and shall also require a Site Development Plan Review by the Zoning Commission.

114.3 PERMITTED USE TABLE

Planning Area	P-1	B-1	B-2	B-3	M-1
Office and Professional Services					
Insurance, Tax & Financial, Related Services	P	P	P	P	
Computer Related Services	P	P	P	P	
Other Professional Office	P	P	P	P	
Medical /Dental Office	P	P	P	P	
General Office	P	P	P	P	
Government Office	P	P	P	P	P
Research and Development Labs				P	P
Urgent Care			P	P	

Planning Area	P-1	B-1	B-2	B-3	M-1
Retail and Personal Services					
Grocery, Food Markets		P	P		
Liquor, Beverage		P	P		
Small Retail Stores (<10,000 SF)		P	P	P	P
Large Retail Stores (>10,000 SF)			P	P	P
Medical Marijuana Retail Dispensary			C	C	C
Antique and Thrift Stores		P	P	P	P
Restaurant, Sit Down		P	P		
Restaurant, Counter		C	P		
Outside Dining		C	C		
Personal Services	P	P	P		
Bank, Financial Institutions		P	P		
Animal Boarding				P	P
Animal Grooming	C	C	P	P	P
Veterinary Services, Small	C	C	C	P	P
Funeral Services	P	P	P		
Garden, Nursery Retail		P			P
Hotels/Motels		C	P		
Laundromats		P	P		
Dry Cleaning			P		
Home Improvement, Retail			P		P
General Repair Shops, except Auto		P	P	P	P
Child Day Care Center	C	P	C	C	
Adult Day Care Center	C	P	C	P	

Planning Area	P-1	B-1	B-2	B-3	M-1
Business Services					
Business Services including mailing & copying services		P	P	P	P
Automotive & Transportation					
Gas Stations			P	P	P
Carwash			P	P	P
Auto Rental/Leasing		P	P	P	P
Equipment Rental/Leasing			P	P	P
Livery, Auto			C	P	P
Motor Vehicle Sales, New			C	C	P
Motor Vehicle Sales, Pre-Owned			C	C	C
Automotive Services			P	P	P
Automotive Repair				P	P
Motor Vehicle Salvage Facility					C
Manufacturing/Distribution/Processing/Assembly					
Manufacturing, Light				P	P
Assembly				P	P
Fabrication				P	P
Medical Marijuana Cultivator			C	C	C
Medical Marijuana Processor			C	C	C
Warehousing				P	P
Trade Business Services					
Publishing/Printing				P	P
Catering and Misc. Food Preparation				P	P
Landscaping Services			C	P	P
Lumber and Building Material Dealers				P	P
Wholesale Business				P	P

Planning Area	P-1	B-1	B-2	B-3	M-1
General Building and Trade Contractors				P	P
Construction (Light and Heavy)				P	P
Construction Equipment Rental				P	P
Water Well Drilling				P	P
Agriculture Related					
Agricultural Sales and Service			P	P	P
Agricultural Support Services				P	P
Large Animal Veterinary Services				P	P
Community Facilities/Recreation/Other					
Utility and Communication Facilities				P	P
Libraries	P	P	P		
Recreational Facilities/Clubs			P	P	
Civic, Social, and Fraternal Organizations		C	P	C	P
U.S. Postal Service	P	P	P	P	P
Museums, Community Centers	P	P	P		
Meeting/Banquet Facility			P	P	
Government Facilities			P	P	P
Higher Education, Trade Education		P	P	P	P
Entertainment/Commercial Recreation					
Studio for Instruction	C	C	P		
Indoor Commercial Recreation		C	P	P	
Other					
Surface extraction of sand, gravel or other earth materials		C	C	C	C
Adult Oriented Businesses					P
Residential Care Facility, Nursing Home and Home for the Aging	C	C	P	P	
Hospital		C	P	P	

Planning Area	P-1	B-1	B-2	B-3	M-1
Multiple Dwelling Use for Senior Citizen Residents Only			C	C	
Planned Unit Development	C				
Self-Storage Facility			P	P	P
Similar Use	C	C	C	C	C
Work/Live Unit	P	P	P		
<u>Accessory Uses</u>					
Warehousing				P	P
Outdoor Storage (Accessory To Self-Storage Facility)			P	P	P
Drive Thru Window with a permitted use		C	C	C	C
Exterior Bank ATM		C	P		

114.4 LOT, YARD AND BUILDING REQUIREMENTS: The minimum lot and building requirements for uses in the commercial and industrial districts set forth in Section 114 are specified in Table 114.4.

114.4.1 Minimum Lot Area. The area of the lot shall not be less than the dimensions set forth in Table 114.4.

114.4.2 Minimum Lot Frontage/Width. The minimum lot frontage shall be the same as the minimum lot width, except for lots fronting on cul-de-sacs as set forth in Table 114.4.

114.4.3 Minimum Lot Width for Corner Lots. Corner lots shall have the same minimum lot width required for both street frontages.

114.4.4 Building Setbacks and Yard Clearances. All buildings and structures shall be located on a lot so as not to obstruct or otherwise encroach upon the minimum front, side and rear yard setback or clearance requirements established in Table 114.4, measured from the appropriate lot line. For corner lots, the minimum front building setback shall be required for both street frontages.

114.4.5 Building Separation. When more than one building is located on a lot, the separation between buildings shall not be less than the minimum distance set forth in Table 114.4, and shall further comply with the applicable requirements set forth in the Ohio Building and Fire Codes.

114.4.6 Maximum Impervious Surface.

114.4.6.1 The impervious surface on a lot shall comply with the maximum percentage of the total lot area set forth in Table 114.4.

114.4.6.2 The percentage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of storm water by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

114.4.7 Building Height. The height of principal and accessory building shall not exceed the maximum heights established in Table 114.4. Church spires, belfries, clock towers, wireless towers, scenery lofts or other mechanical appurtenances may exceed these height restrictions when erected upon and as an integral part of such building.

114.4.7.1 Roof mechanicals: All mechanical appurtenances on the roof top and all visible equipment mounted on the side of a building shall be shielded from public view and adjoining developments. The shielding shall be integrated into the architecture of the building in terms of massing, materials and details. The shielding for the mechanical appurtenances on the roof shall be part of the roof form.

Table 114.4

District	<i>P-1</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>M-1</i>
Min. Finished Floor Area	900 sf.	900 sf.	900 sf.	900 sf.	None*
Max Building Height (Principal)	35 ft.	35 ft.	45 ft.	45 ft.	45 ft. **
Max Building Height (Accessory)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Min. depth of front yard	50 ft.	50 ft.	60 ft.	60 ft.	75 ft.
Sum of side yard setback	30 ft.	30 ft.	45 ft.	45 ft.	50 ft.
Min. side yard either side	20 ft./10 ft.	20 ft./10 ft.	20 ft.	20 ft.	20 ft.
Min. side yard (adj. residential district)	20 ft.	20 ft.	40 ft.	40 ft.	40 ft.
Rear yard setback	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear yard (adj. to residential district)	20 ft.	20 ft.	50 ft.	50 ft.	50 ft.
Min. lot area	17,500 sf.	20,000 sf.	20,000 sf.	1 acre	1 acre
Min. lot frontage	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Min. distance between buildings	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Impervious Surface	70%	70%	70%	70%	70%
<p>* Lot must be able to provide for all requirements of the zoning resolution, including, but not limited to parking, landscaping, riparian setbacks, etc.</p> <p>** No rear setback is required for buildings 35 feet in height or smaller. Any building above 35 feet in height is required to provide a setback of one foot for every one foot above 35 feet in height.</p> <p>NOTE: Lot size, frontage, height and setback modifications and exceptions are listed in Section 125.</p>					

114.5 ACCESSORY USE REQUIREMENTS: Accessory uses, buildings and structures permitted in commercial and industrial districts set forth in Section 114 shall comply with the following regulations:

114.5.1 Accessory Buildings: Accessory buildings with a floor area of 1,500 square feet or less shall conform to all lot and yard requirements for principal buildings of the corresponding zoning district and be subject to the approval of the Zoning Inspector. Accessory buildings with a floor area greater than 1,500 square feet shall conform to all lot and yard regulations and site plan review and approval requirements of the zoning district in which the parcel or lot is located.

114.5.2 Trash Receptacles: All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in a completely enclosed container. Such building, container or dumpster shall comply with the following:

114.5.2.1 All commercial compactors, storage bins, refuse containers, utilities and mechanical equipment shall be contained wholly within enclosed buildings, or enclosed by three solid walls and one gated wall of such nature and height (2 ft. height exceeding enclosed containers) as to conceal completely all operations thereof from grade level.

114.5.2.2 Gates and doors shall be kept closed at all times and only opened when containers are being used or emptied or serviced.

114.5.2.3 All receptacle areas shall be designed and constructed with screening as an integral part of the associated building architecture and using the building massing, materials, and architectural details to unite screening structure with the building when property abuts a residential property.

114.5.2.4 Loading, unloading, opening, closing, or operation of trash containers shall not take place in such a manner as to cause a noise disturbance across a residential real property boundary between the hours of 7:00 p.m. and 6:00 a.m. The actual pick-up time/haul away for trash containers and commercial trash/waste containers shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m., including delivery and loading operations.

114.5.3 Fences and Walls: Fences and walls may be erected in compliance with the requirements set forth in Section 133 of the Zoning Resolution.

114.5.4 Signs: Signs shall conform to the regulations specified in Section 128 of the Zoning Resolution.

114.5.5 Other Permitted Accessory Uses: In addition to the accessory uses set forth in Section 114.3, the following items shall be considered permitted accessory structures within the commercial and industrial districts set forth in Section 114. The following structures do not require a zoning permit, but shall not be located on a lot where they will impair vehicular or pedestrian traffic movement or visibility both on and off the property.

114.5.5.1 Mailboxes or newspaper tubes

114.5.5.2 Flag poles

114.5.5.3 Public phone facilities

114.5.6 Stand Alone Donation Box: Donation Boxes are a permitted accessory use within all commercial districts provided they are placed at a governmental or non-profit agency.

114.5.6.1 Prior to delivery and installation of any donation box, an applicant shall file a permit for accessory use.

114.5.6.2 Only two (2) boxes per lot.

114.5.6.3 An applicant must have approval of the property owner prior to installing donation boxes. The operator has to provide documentation that the property owner is aware and approves the installation of the donation box.

114.5.6.4 Donation boxes shall be no longer than 96 cubic feet (4' X 4' X 6').

114.5.6.5 Donation boxes shall be located on concrete, asphalt pavement or hard surface approved by the Zoning Inspector.

114.5.6.6 Each donation box shall be limited to four (4) square feet of signage. These signs will be for a place for the name of the 501 C 3 to be shown with contact information, including a telephone number for the 501 C 3. No third-party signs shall be allowed on the donation box.

114.5.6.7 The operator is responsible for maintaining the donation box. They are responsible to be ensuring the donation box does not become a safety hazard. This includes ensuring the structure is sound and not a danger of having material from the box or of the box of not being contained. The operator is also responsible for making sure the donation box does not overflow and if it overflows, they are responsible for removing those items.

114.5.7 Donation Boxes in Conjunction with a Facility:

114.5.7.1 Prior to delivery and installation of any donation box, an applicant shall file a permit for accessory use.

114.5.7.2 Only one (1) box per lot.

114.5.7.3 An applicant must have approval of the property owner prior to installing donation boxes. The operator has to provide documentation that the property owner is aware and approves the installation of the donation box.

114.5.7.4 Donation boxes shall be no longer than 30 yard dumpster (6' high X 7' wide X 20' long).

114.5.7.5 Donation boxes shall be located on concrete, asphalt pavement or hard surface approved by the Zoning Inspector. It shall be adjacent to the facility.

114.5.7.6 Each donation box shall be limited to four (4) square feet of signage. These signs will be for a place for the name of the 501 C 3 to be shown with contact information, including a telephone number for the 501 C 3. No third-party signs shall be allowed on the donation box.

114.5.7.7 The operator is responsible for maintaining the donation box. They are responsible to be ensuring the donation box does not become a safety hazard. This includes ensuring the structure is sound and not a danger of having material from the box or of the box of not being contained. The operator is also responsible for making sure the donation box does not overflow and if it overflows, they are responsible for removing those items.

142 - BOARD OF ZONING APPEALS/CONDITIONAL USE PERMITS

142.1 ORGANIZATION AND PROCEDURE:

142.1.1 MEMBERSHIP: There is hereby created a Township Board of Zoning Appeals of five (5) members and two (2) alternates, 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 will expire each year. The term of the alternates shall be one (1) year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. Compensation may be changed by the Township Trustees but not more than once in each calendar year.

142.1.2 HEARINGS, RULES, ETC.: The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a President, Vice-President, and Secretary. The Board shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.

The Board shall hear the intervention of any owner or property adjacent to, in the rear of, across the street from a lot as to which the granting of any zoning permit is pending or has been granted, and shall also hear any other parties in interest.

142.1.3 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 Trustees and shall be a public record.

142.1.4 WITNESSES, OATHS, ETC.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

142.1.5 A hearing by the Board of Appeals which requires investigation, inspection, legal advertisement, postage and other expenses shall require a fee as established by the Township Trustees. Such fee shall be paid in full before any action is taken on the appeal.

142.2 APPEALS:

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

142.2.2 All written materials, text, drawings, maps or any other information which the applicant or the Board of Zoning Appeals considers pertinent to an Appeal or Conditional Use Request shall be received by the Zoning Inspector no later than thirty (30) calendar days prior to the hearing date as established by the Board at their annual organizational meeting. Failure to produce such information by the date specified may result in a continuance of the hearing until such information is received.

142.2.3 An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

142.2.4 The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give at least ten (10) days notice thereof to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before date of such hearing, and decide the appeal within a reasonable time after it is submitted. The number of days notice shall conform to the latest revisions of the Ohio Revised Code.

142.3 POWERS AND DUTIES: The Board of Zoning Appeals shall have the following powers and it shall be its duty:

142.3.1 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.

142.3.2 In hearing and deciding appeals, the Board shall have the power to GRANT AN EXCEPTION in the following instances:

142.3.2.1 Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

142.3.2.2 Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of the fair market value where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly. Permitted also under Section 137.5.

142.3.2.3 Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.

142.3.2.4 Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling and in conformance with the special parking provision of Section 127.3.

142.3.3 The Board shall have the authority to grant the following VARIATIONS:

142.3.3.1 Permit a variation in yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.

142.3.3.2 Authorize upon appeal whenever a property owner can show that a strict application of the terms of this Resolution relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship - such variations of the strict application of the terms of this Resolution as are in harmony with its general purpose and intent; but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable or unusual hardship or difficulty so great as to warrant a variation from the zoning plan as established by this Resolution, and at the same time, the surrounding property will be properly protected.

142.3.4 In considering all appeals and all proposed exceptions to this Resolution, the Board shall before making any exceptions or variations from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonable increase the congestion in public streets, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of Madison Township.

142.3.5 It will be the duty of each member to have knowledge of the parcel in question, including location and particular difficulties of the parcel, prior to the Board of Zoning Appeal hearing date.

142.3.6 POWERS AND DUTIES OF ALTERNATES:

142.3.6.1 In the absence of a member, an alternate shall have the same powers and duties listed in 142.3.

142.3.6.2 If an alternate starts a case, he shall be required to finish the case. If the case is continued to the next meeting, the alternate is required to continue the case and not be replaced by the regular member.

142.4 CONDITIONAL USE AND CONDITIONAL USE PERMITS:

142.4.1 A conditional use is a specific use of land, buildings, or other structures that is not normally allowed within a zoning district, but which may be permitted by the Board of Zoning Appeals, subject to conditions established by the Board in accordance with the authority granted to them by this resolution and under Section 519.14 of the Ohio Revised Code.

142.4.2 A Conditional Use Permit is a transferable permit granted by the Board of Zoning Appeals and issued by the Zoning Inspector for the use of land, buildings, and other structures not otherwise permitted in a zoning district under conditions and stipulations set forth in this Zoning Resolution. If ownership of land or business changes, the new owner must attend a BZA Public Meeting to acknowledge ownership and agree to the current conditions of the CUP.

142.4.2.1 In its consideration of an application for a conditional use permit, the Board of Appeals shall be governed by the rules of procedure prescribed in Sections 142.1 and 142.2 of this Resolution.

142.4.2.2 Before authorization of any conditional use, a public hearing shall be held in the relation thereto before the Board of Zoning Appeals, notice and publication of the time and place for which shall conform to the procedure prescribed in Sections 142.1 and 142.2.

142.4.2.3 Upon the approval of a Conditional Use by the Board of Zoning Appeals all newly proposed residential or commercial developments, their site plans and structures will require a "Site Development Plan Review" be filed with the Zoning Inspector in conformance with Section 126. Once a "Site Development Plan Review" is approved by the Zoning Commission, the Township Zoning Inspector can then issue the appropriate Zoning Certificates. Residential developments approved as a Conditional Use PUD that fall under subdivision regulations adopted by Lake County under ORC 711.10 are exempt from filing a site plan.

142.4.3 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT: An application for a conditional use permit shall be filed with the Board of Zoning Appeals by the owner (s) of the property for which such conditional use is proposed. The application fee for a conditional use permit will be established by the Township Trustees. At a minimum, the application shall contain the following:

142.4.3.1 Name, address, and telephone number of the applicant (s).

142.4.3.2 Name, address and telephone number of all persons or entities having any ownership interest in the property.

142.4.3.3 Written approval and consent of all such owners, including but not limited to, all individuals in joint ownership, all individuals in a partnership, and a corporate resolution for a corporation.

142.4.3.4 Legal description of property and the name of the owner (s) of record.

142.4.3.5 Description of existing use.

142.4.3.6 Zoning district.

142.4.3.7 Description of proposed conditional use.

142.4.3.8 If the request includes or requires physical changes to the site or building(s), a plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access, and on-site traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require.

142.4.3.9 A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.

142.4.4 CRITERIA APPLICABLE TO CONDITIONAL USES: In addition to the requirements for specific conditional uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use against the following criteria:

142.4.4.1 Development features, including new or existing buildings, open space use, ingress and egress for vehicles, safety equipment, pedestrians, site drainage, utilities, pavement typical sections for streets, drives, and service roads, lighting, and the overall general impact of these features on the adjacent properties and public facilities.

142.4.4.2 Where the proposed use will have vehicular approaches to the property which are so designed as to create a hazard to pedestrians or vehicular traffic, except as approved by the Board of Zoning Appeals.

142.4.4.3 Economic impact on existing public facilities and services.

142.4.4.4 Any use that will generate noise levels in excess of the maximum of the sound pressure levels as outlined in the following chart:

MAXIMUM PERMITTED SOUND PRESSURE LEVEL

Octave Band Sound (Cycles per Second)	Pressure Level (In Scales A Decibels)
20-75	79
75-150	74
150-300	66
300-600	59
600-1,200	53
1,200-2,400	47

2,400-4,800	41
Above 4,800	39

All noise levels to be measured from the closest surrounding residence or business which might be affected by adverse noise conditions.

142.4.4.5 OTHER REQUIREMENTS: In addition to the requirements contained in this section, any proposed conditional use shall otherwise comply with all the regulations set forth in this resolution for the district in which such regulations conflict with the requirements of this section, the more restrictive requirements shall apply.

142.4.5 CONDITIONAL USE PERMITS - SPECIFIC REQUIREMENTS:

142.4.5.1 AMUSEMENT PARKS - (Repealed by the Trustees on 2/23/16)

142.4.5.2 COMMUNICATION AND BROADCASTING TOWER OR STATION, OTHER THAN A TELECOMMUNICATION TOWER AS DEFINED IN SECTION 124, IN DISTRICTS OTHER THAN M-1, LIGHT INDUSTRIAL TELECOMMUNICATION TOWERS ARE DEFINED AND REGULATED IN SECTION 124.

142.4.5.2.1 All signs used in conjunction with or to advertise the tower structure shall conform to the sign regulations of Section 128, however, sign size shall be based on the amount of leased property width used in conjunction with the tower, tower structure, or accessory uses, not the amount of entire property frontage.

142.4.5.2.2 All towers shall be placed so as not to create a safety hazard to surrounding properties and/or structures. A debris fall area shall be required for each tower proposed. The debris fall area shall be an area under lease/ownership of the tower applicant so as to contain the tower structure and all components of the tower structure on site should it fall.

142.4.5.2.3 All towers, tower structures and accessory uses of the tower and their structures shall be located at least forty (40) feet from all property boundary lines and street right-of-way lines. Towers, tower structures and accessory use locations shall be indicated on an appropriately scaled site plan. An estimated debris fall area shall be indicated on the site map for each structure proposed.

142.4.5.2.4 All towers, tower structures, and accessory uses, shall be placed and maintained in conformance with all local, state and federal requirements/acts of legislation not specified herein.

142.4.5.2.5 A fence being a minimum of 6 feet in height shall be required to surround the perimeter of the property or the portion of the property contracted for use, on which the towers, tower structures, and any accessory uses of the towers are located.

142.4.5.2.6 As part of the written application and supporting documentation and information, the applicant shall submit each proposed light fixture including its location on site and its foot candle intensity and a summary of any possible impact on adjacent neighbors.

142.4.5.2.7 Approved zoning certificates issued for the construction of towers, tower structures, and accessory uses can be revoked and declared invalid if violations are found and not remedied within thirty (30) days of the dated written notification of violation.

142.4.5.3 LANDMARKS OR SYMBOLIC STRUCTURES

142.4.5.3.1 Yard and set back requirements shall not be reduced below a ten (10) foot minimum.

142.4.5.3.2 No structure or planting shall be placed in such a way as to obstruct the vision or movement of vehicles or pedestrian traffic.

142.4.5.3.3 The developer or owner shall provide for the maintenance of the landmark or symbolic structure or its removal if it becomes a hazard or non-repairable.

142.4.5.4 MULTIPLE DWELLING USE FOR SENIOR CITIZEN RESIDENTS ONLY

142.4.5.4.1 Shall be located within a B-2 or B-3 District.

142.4.5.4.2 Must have a minimum five (5) acre site requirement with no more than fifteen (15) units per acre.

142.4.5.4.3 The following shall be the minimum floor area requirements:

Efficiency - 415 sq. ft. One bedroom - 540 sq. ft. Two bedroom - 800 sq. ft.

142.4.5.4.4 All buildings and structures shall be located at least twenty five (25) feet from each property line and fifty (50) feet from street right-of-way lines, with a minimum frontage requirement of eighty five (85) feet.

142.4.5.4.5 All signs shall conform to the sign regulations of Section 128.

142.4.5.4.6 The height of the building or buildings shall not exceed two and one half (2 ½) stories or thirty-five (35) feet. Fifty (50) feet of unobstructed area shall be required between buildings.

142.4.5.4.7 One (1) off-street parking space per unit shall be provided within seventy-five (75) feet of the designated unit entrance, each parking square shall contain not less than two hundred (200) square feet in area exclusive of access drives and walks.

142.4.5.4.8 Senior Citizen Developments provide a range of unit configurations. At least one (1), but no more than fifty percent (50%) of the total units in a Senior Citizen Complex shall include two (2) bedroom units.

142.4.5.5 MOTOR VEHICLE SALVAGE FACILITY - SIC 5015 & 5093 AND DEAD AUTO STORAGE - SIC 4226

142.4.5.5.1 Shall be defined as any site, location, or premise on which are kept two (2) or more unlicensed and/or inoperable motor vehicles, whether or not retained for commercial purposes; any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. This section does not include garbage dumps and sanitary landfills.

142.4.5.5.2 Shall be located only within an M-1 District.

142.4.5.5.3 Shall be located no closer than one thousand (1,000) feet from a federal, state or county highway.

142.4.5.5.4 Shall be located no closer than one thousand (1,000) feet from a township road, and one hundred (100) feet from all adjacent property lines. There shall be no egress or ingress on to a township road for any salvage facility.

142.4.5.5.5 Shall be so located that the view thereof from a road, highway, or adjacent property line is obscured by a natural year round green screen and a fence not less than six (6) feet.

142.4.5.5.6 The minimum total land area permitted for junk yards, including all setback requirements, is twenty (20) acres.

142.4.5.5.7 There shall be no storage of vehicles or materials outside of fence.

142.4.5.5.8 Motor vehicle salvage facilities shall conform to all state regulations under Revised Code Section 4737.01 4737.00 inclusive.

142.4.5.6 PUBLIC FACILITY AREAS:

142.4.5.6.1 The following listed uses may be permitted conditional uses in all districts, other than M-1:

	<u>SIC Codes</u>
Churches	866X
Museums & Art Galleries	8412
Arboretums, Botanical, & Zoological Gardnes	8422
Educational Services	82XX
Places for Public Assembly	
Community Buildings	
Cemeteries & Mausoleums	
Group Homes	8361
Rooming & Boarding Houses, within existing structures built prior to January 1st, 1996	7021

142.4.5.6.2 Parking requirements, see Section 127

142.4.5.6.3 All signs shall conform to the regulations of the district in which they are located and all applicable requirements of Section 128.

142.4.5.6.4 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.6.5 Noise levels shall not exceed the decibel levels as set forth in Section 142.4.4.7.

142.4.5.6.6 The area or parcel of land for a permitted public facility shall not be less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

142.4.5.6.7 **SIDE AND REAR YARD SETBACK REGULATIONS:** The side and rear yards for each public facility building shall not be less than the criteria set forth in the following schedule when adjacent to any residential property lines:

	<u>SIDE YARDS</u>	<u>REAR YARDS</u>
Churches	50	50
Museums & Art Galleries	50	50
Education Services	50	50

Places of Public Assembly	50	50
Community Buildings	50	50
Arboretums, Botanical & Zoological Gardens	50	50

142.4.5.7 PLANNED UNIT DEVELOPMENT AREA

142.4.5.7.1 PURPOSE: It is desirable that an amendment to the Zoning Resolution be established which will permit the application of modern planning techniques in the development of residential areas providing a variety of housing types along with suitable and appropriate limited commercial development.

This zoning amendment is designed to promote high standards of external appearance of buildings and grounds; to preserve and extend the charm and beauty existent in and inherent to the semi-rural, residential character of Madison Township; to promote the economic and social advantages resulting from an orderly planned use of large parcels of land while protecting and retaining the present favorable environmental balance.

142.4.5.7.2 PLANNED UNIT DEVELOPMENT AREA: A preplanned community within Madison Township containing various housing and compatible commercial uses, as permitted within this Zoning Resolution, constructed according to a predetermined and approved plan, and providing for the clustering of housing to preserve common open space for scenic beauty and recreation for the use of all residents and owners in the Planned Unit Development. Land must be kept as a complete development and cannot be subdivided. Maintenance of land will be the responsibility of the owner.

142.4.5.7.2.1 Upon Review and Approval of a Planned Unit Development Area by the Board of Zoning Appeals, final site plan approval must be granted by the Zoning Commission, per Section 126 and in conformance with Section 141.5.4, and the requirements of Section 142.4.2.3 of this Zoning Resolution

142.4.5.7.3 PUD SITE REQUIREMENTS:

142.4.5.7.3.1 Land can be owned, leased or controlled by either a single person, corporation, private or a group of individuals.

142.4.5.7.3.2 Shall be located only within an R-1, R-2, R-3, R-4, or P-1 District.

142.4.5.7.3.3 Must have a minimum fifteen (15) acre site requirement with no more than fifteen (15) units per acre for senior citizen

developments and nine (9) units per acre for any other development. Single family detached dwelling units shall have a density not to exceed three (3) dwellings per acre.

142.4.5.7.3.4 The following shall be the minimum floor area requirements for multi-family developments:

142.4.5.7.3.5 SENIOR CITIZEN DEVELOPMENT:

Efficiency - 425 sq. ft.	One bedroom - 600 sq. ft.
Two bedroom - 800 sq. ft.	Three bedroom - 1,000 sq. ft.

142.4.5.7.3.6 OTHER DEVELOPMENTS:

Efficiency - 600 sq. ft.	One bedroom - 750 sq. ft.
Two bedroom or more - 900 sq. ft.	

142.4.5.7.3.7 Floor area requirements do not include hallways, entrance ways, laundry areas, or other space used jointly for the occupants.

142.4.5.7.3.8 Efficiency units shall comprise no more than twenty percent (20%) of the units in any development.

142.4.5.7.3.9 All buildings and structures shall be located at least twenty-five (25) feet from each property line with a front yard set back of fifty (50) feet.

142.4.5.7.3.10 Must have a minimum property frontage requirement of eighty-five (85) feet.

142.4.5.7.3.11 All signs shall conform to the sign regulations of Section 128.1.1 thru 128.1.9, excluding Section 128.1.8.

142.4.5.7.3.12 The height of the buildings shall not exceed two and one half (2 1/2) stories or thirty-five (35) feet.

142.4.5.7.3.13 One off-street parking space per unit shall be provided within seventy-five (75) feet of the designated unit entrance; each parking square shall contain not less than two hundred (200) square feet in area exclusive of access drives and walks. A second parking space per unit shall be required somewhere in the development.

142.4.5.7.3.14 A site to be used for P.U.D. area shall be serviced by central sanitary sewer and water.

142.4.5.7.3.15 Senior citizen developments must have a minimum of ten (10) percent open area.

142.4.5.7.3.16 In any other development ten percent (10%) of land must be preserved for recreation. To be counted in this ten percent (10%), an area must contain a minimum of ten thousand (10,000) square feet with an average dimension of not less than one hundred (100) feet and no dimension less than fifty (50) feet.

The above recreation area shall not be allowed include unusable land - land not beneficial to residential use due to location or character such as swamps, drainage ditches, ravines, dense woods, and swales, and utility strips when their presence renders land unusable for residential use. Also included in above, will be parking areas, driveways, streets, etc.

142.4.5.7.4 PERMITTED USES: Within a P.U.D. area, the following uses are permitted subject to the area, size, density, and other provisions set forth in the resolution:

142.4.5.7.4.1 Single family dwelling (Must meet floor area requirements for zoning district in which the P.U.D. is located.)

142.4.5.7.4.2 Two family dwelling.

142.4.5.7.4.3 Multiple dwelling.

142.4.5.7.4.4 Nursing or convalescent home

142.4.5.7.4.5 Hospital

142.4.5.7.5 A conditional use may be granted for commercial uses ONLY WITHIN THE COMMON AREAS OF SENIOR CITIZEN P.U.D. DEVELOPMENTS. These commercial uses shall conform to the same regulations as commercial uses in B-1 and B-2 Districts.

142.4.5.7.5.1 No external signs for businesses shall be permitted.

142.4.5.7.5.2 The Commercial uses allowed in the common areas of the P.U.D. shall not exceed eight percent (8%) of the gross acreage of the P.U.D.

142.4.5.7.5.3 The following commercial uses for senior citizen P.U.D.s shall not be permitted to have any frontage on a public or dedicated roadway. The purpose of the following uses are to benefit the residents living within the P.U.D. complex:

- | | | |
|--------------|--------------------|------------------|
| Antique Shop | Art Gallery | Art Supply Store |
| Bank | Barber/Beauty Shop | Boutique |

Card & Book Store	Convenience Food Stores	Dining Facilities
Drug Stores	Dry Cleaners	Exercise & Physical Therapy Rooms
Florist	Garden Shop	Gift Shop
Gourmet Shop	Ice Cream Parlor	Libraries
Medical Equipment Supplies	Medical Offices	Pharmacy or Health Food Store
Shoe Store	Sports Shop	Walking Paths

142.4.5.7.5.4 Off street parking for commercial uses in a P.U.D. shall conform to the off street parking requirements of Section 127.

142.4.5.8 ANIMAL GROOMING: Animal Grooming Service shall be conditionally permitted in P-1 Professional Districts and B-1 Neighborhood Business Districts and comply with the following:

142.4.5.8.1 There shall be no outside runs associated with the grooming service.

142.4.5.8.2 There is no boarding of animals. This shall include day care of animals.

142.4.5.8.3 Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

142.4.5.9 CHILD DAY CARE CENTER: A child day care center shall be permitted in a P-1 Professional, B-2 Regional Business, and B-3 Wholesale and Trade Commercial Districts, for seven (7) or more children, when granted a Conditional Use Permit as provided in Section 142 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties.

142.4.5.9.1 General Requirements:

142.4.5.9.1.1 The proposed child day care center shall secure a license to operate in accordance with Chapter 5104 of the Ohio Revised Code. Evidence of such license shall be presented to the Board of Zoning Appeals.

142.4.5.9.2 Safety/Inspections:

142.4.5.9.2.1 Child Day Care Centers 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.

142.4.5.9.2.2 For the purpose of safety, the Madison Fire District shall conduct an inspection prior to the initial operation of the child day care center and semiannually thereafter, or as deemed necessary by the Madison Fire District Chief. All child day care centers may also be subject to inspection by the State Fire Marshall's Office.

142.4.5.9.2.3 Where applicable, a food service license shall be obtained.

142.4.5.9.2.4 Owners shall display proof of such licenses, inspection and compliance in a conspicuous place.

142.4.5.9.2.5 A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous places within the child day care center.

142.4.5.9.3 Signs: All signs shall conform to the requirements of Sections 128 of this Zoning Resolution.

142.4.5.9.4 Parking shall comply with the requirements of 127 of the Zoning Resolution, as applicable.

142.4.5.9.5 The location and design of the facility shall provide for the protection of the children from the traffic, noise, and other hazards of the area and/or the arterial street location.

142.4.5.9.6 The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property.

142.4.5.9.7 All outdoor activity areas shall be adequately enclosed by a fence at a height approved by the Board of Zoning Appeals. An entry gate shall be securely fastened. Such fences shall comply with all other applicable fence requirements set forth in Section 133 of this Zoning Resolution.

142.4.5.9.8 When child day care centers are conditionally permitted as an accessory use, the building setback and lot requirements for the main or principal permitted use of the property shall prevail, but remain in compliance with all other applicable requirements of this Section.

142.4.5.10 CIVIC, SOCIAL, and FRATERNAL ORGANIZATIONS: Shall be conditionally permitted in B-1 Neighborhood Business Districts and B-3 Wholesale and Trade Commercial Districts, and comply with the following:

142.4.5.10.1 Clubs, lodges, and other social meeting places shall have direct ingress and egress from a US or State Highway or a County Road as shown on the Lake County Engineer's Map.

142.4.5.10.2 The setback shall be doubled when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.10.3 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

142.4.5.11 COMMERCIAL INDOOR RECREATION: Shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.11.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.11.2 If located at the corner of two collectors or arterial roads, then there shall be one egress/ingress located on each road unless the road connects to residential uses.

142.4.5.11.3 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

142.4.5.12 DRIVE-THRU FACILITIES: Drive-thru lanes and all pertinent structures associated with a drive-thru facility including, but not limited, to ATMs, speakers, windows, transaction sites, pneumatic tubes, lighting, cameras and overhangs shall be conditionally permitted in B-1 Neighborhood Business Districts, B-2 Regional Business Districts, B-3 Wholesale and Trade Commercial Districts, and M-1 Light Manufacturing Districts and comply with the following:

142.4.5.12.1 Shall only be permitted as accessory use for the main uses of buildings and land as specified within the particular zoning classification or district.

142.4.5.12.2 All pertinent structures shall conform to all building setbacks as provided in the particular zoning classification or district in which it is to be located.

142.4.5.12.3 Unless specified elsewhere, a minimum of ten (10) waiting spaces shall be provided. If there is more than one transaction site, then a minimum of five (5) waiting spaces per transaction site shall be provided.

142.4.5.12.4 Automatic car wash facilities shall provide a minimum of ten (10) waiting spaces, five (5) spaces if there are two stalls or three (3) spaces if there are three or more automatic car wash stalls.

142.4.5.12.5 Self-serve car wash facilities shall provide a minimum of three (3) waiting spaces per stall.

142.4.5.12.6 Drive-thru facilities shall comply with the parking setback requirements set forth in Section 25. When such use abuts a residential district, landscaping and screening shall be provided in compliance with Section 26.

142.4.5.12.7 Any lighting provided for a drive-thru facility shall comply with the lighting requirements set forth in these regulations.

142.4.5.12.8 Any speakers provided for a drive-thru facility should be set at a volume so as not to disturb abutting properties.

142.4.5.12.9 Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.

142.4.5.12.10 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses and on road traffic, and to ensure compatibility with normal vehicular activity in the district.

142.4.5.12.11 Access drives shall be two hundred (200) feet from an intersection; one access drive per street frontage shall be permitted; and interconnecting circulation aisles between parcels shall be provided when practicable.

142.4.5.12.12 Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

142.4.5.12.13 Stacking areas for drive-through facilities shall not be the sole or primary site egress route.

142.4.5.12.14 Stacking areas shall not utilize parking or aisles required for access to parking.

142.4.5.13 HOSPITAL: Hospitals shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.13.1 Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street.

142.4.5.13.2 Access drives shall be located no less than 100 feet from an intersection.

142.4.5.13.3 Accessory uses, such as a pharmacy, gift shop, cafeteria and similar customarily-related uses shall be allowed when conducted and entered from within the principal building.

142.4.5.14 HOTEL/MOTEL: Hotel/Motels shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.14.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.14.2 If located at the corner of two roads that are classified as either a collector or an arterial road, then there shall be one egress/ingress located on each road unless the road connects to residential uses.

142.4.5.14.3 If the building is substantially altered, then use will need to apply for a conditional use.

142.4.5.15 LANDSCAPING SERVICES: Landscaping Services shall be conditionally permitted in B-2 Regional Business Districts and comply with the following:

142.4.5.15.1 All equipment stored outdoors must be on hard surfaces and these will be considered parking areas and follow the regulations in the parking section.

142.4.5.15.2 Areas devoted to storage of bulk landscape materials shall comply with building setback requirements and not located in areas intended for parking, traffic circulation or pedestrian access.

142.4.5.15.3 All chemicals stored on site shall be stored in accordance with standards and a list of all chemicals stored on the site shall be given to the Fire Department.

142.4.5.16 LIVERY, AUTO: Livery shall be conditionally permitted in B-2 Regional Business Districts and comply with the following:

142.4.5.16.1 Vehicle areas shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

142.4.5.16.2 The outdoor overnight parking shall be in a parking lot.

142.4.5.16.3 Additional screening may be required by the Board of Zoning Appeals, if necessary, to adequately screen from adjoining districts or public streets.

142.4.5.16.4 No maintenance or repair of vehicles shall be performed on site. Vehicles may be cleaned on site.

142.4.5.17 MOTOR VEHICLE SALES (NEW), INCLUDING RECREATIONAL, HEAVY EQUIPMENT, MOTORCYCLE AND ATV SALES: Motor vehicle dealers (new), including recreational and motorcycle dealers shall be conditionally permitted in the B-2 Regional Business Districts and B-3 Wholesale and Trade Commercial Districts and comply with the following:

142.4.5.17.1 The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section 127.

142.4.5.17.2 All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.

142.4.5.17.3 The sale of pre-owned or used motor vehicles, including the display, offering for sale and dealing of pre-owned or used vehicles shall only be permitted as an accessory use to a new motor vehicle dealer, and such sale at retail, display, offering for sale and dealing of pre-owned or used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of the new motor vehicle dealer.

142.4.5.18 MOTOR VEHICLE SALES (PRE-OWNED), INCLUDING RECREATIONAL, HEAVY EQUIPMENT, MOTORCYCLE AND ATV SALES: Motor vehicle dealers (pre-owned), including recreational and motorcycle dealers shall be conditionally permitted in the B-2, B-3, and M-1 Zoning Districts and comply with the following:

142.4.5.18.1 The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section 127.

142.4.5.18.2 All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.

142.4.5.19 OUTSIDE DINING: Outside Dining shall be conditionally permitted in B-1, Neighborhood Business District and B-2, Regional Business Zoning Districts and comply with the following:

142.4.5.19.1 All outdoor dining areas shall be contiguous to the principal building.

142.4.5.19.2 No outdoor dining areas shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.

142.4.5.19.3 No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Section 128.

142.4.5.19.4 The outdoor seating area shall be used in conjunction with, and under the same management and exclusive control of, the restaurant located on the same property.

142.4.5.19.5 The outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.

142.4.5.19.6 The outdoor seating area shall not interfere with the public right-of-way.

142.4.5.19.7 The proposed use shall not generate excessive noise beyond the premises. Speakers used in connection with outside dining areas should be set at a volume so as not to disturb abutting properties. In order to minimize any effects of the above, the Board of Zoning Appeals may impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district.

142.4.5.19.8 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

142.4.5.20 RESIDENTIAL CARE FACILITY, NURSING HOME, HOME FOR THE AGING, OR HOSPICE CARE FACILITY: (as defined in the Ohio Revised Code) shall be permitted in B-1 Neighborhood Business Districts when granted as a Conditional Use and subject to the following conditions:

142.4.5.20.1 Land Requirements: Facility shall be located on a parcel of land of at least 3 acres in area and having at least 100 feet of frontage on the right-of-way sideline of a dedicated road.

142.4.5.20.2 Total Gross Floor Area: A facility shall thirty percent (30%) of the total lot area.

142.4.5.20.3 Setbacks from Public Right-of-Way: No building or portion of a building shall be located closer than Fifty (50) feet.

142.4.5.20.4 Setbacks from Adjoining Property Lines: No building or portion of a building shall be located closer than thirty (30) feet from an adjoining property line, except when abutting any residential district, in which case no building shall be closer than fifty (50) feet to an abutting property line.

142.4.5.20.5 Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.

142.4.5.20.6 All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.

142.4.5.20.7 All refuse areas shall be enclosed.

142.4.5.20.8 All signs shall conform to the zoning requirements for the district in which they are located in accordance with Section 128 of this Resolution.

142.4.5.20.9 Parking:

142.4.5.20.9.1 Parking Setbacks:

142.4.5.20.9.1.1 No parking area shall be located closer than ten (10) feet to an abutting side property line and twenty-five (25) feet from the rear property line, except when abutting any residential district in which case no parking area shall be closer than fifty (50) feet to an abutting property line.

142.4.5.20.9.1.2 No parking area shall be closer than twenty-five (25) feet to any public road right-of-way sideline.

142.4.5.20.9.2 Parking spaces shall be provided in accordance with Section 127 of this Resolution.

142.4.5.20.9.3 Parking areas shall also be screened from abutting properties in accordance with the applicable Landscaping and Screening Requirements set forth in Section 127 of this Resolution.

142.4.5.20.9.4 Parking areas shall be in accordance with Section 127 of this Resolution unless specifically addressed in this Section.

142.4.5.20.10 No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.

142.4.5.20.11 If not specifically addressed in this Section, all buildings shall conform in all others ways to the requirements of the zoning district in which they are located.

142.4.5.20.12 Landscaping and Buffering: A residential care facility, nursing home, home for the aging, or hospice care facility shall provide landscaping in accordance with the Landscaping and Screening Requirements set forth in Section 126 of the Zoning Resolution.

142.4.5.20.13 Safety/Inspection:

142.4.5.20.13.1 A Residential Care Facility, Nursing Home, Home for the Aging or Hospice Care Facility shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes.

142.4.5.20.13.2 Inspection, for the purpose of fire safety, shall be conducted by the Madison Fire District prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one (1) time per year thereafter.

142.4.5.20.13.3 Owners shall display proof of such inspection and compliance in a conspicuous place.

142.4.5.20.13.4 Facilities for emotionally disturbed, alcohol or chemically dependent individuals/adults are prohibited.

142.4.5.21 RESTAURANT, COUNTER: Restaurant, counter shall be conditionally permitted in the B-1, Neighborhood Business, Zoning District and comply with the following:

142.4.5.21.1 All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.

142.4.5.21.2 The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the development will have minimal impact on traffic in adjacent residential districts.

142.4.5.22 STUDIO FOR INSTRUCTION: A Studio for Instruction shall be conditionally permitted in P-1, Professional Districts and B-1, Neighborhood Business Districts and comply with the following:

142.4.5.22.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.22.2 If located at the corner of two roads that are classified as either a collector or an arterial road egress/ingress located on each road unless the road connects to residential uses.

142.4.5.22.3 The studio shall be required to show that they can provide additional parking for open houses or student shows.

142.4.5.23 VETERINARY SERVICE: Veterinary Service shall be conditionally permitted in B-1, General Business Districts and B-2, Regional Business District in compliance with the following:

142.4.5.23.1 There shall be no outside runs associated with the veterinary office.

142.4.5.23.2 The boarding of animals shall be restricted to inside, short-term, overnight lodging only as necessary for animals receiving medical attention.

142.4.5.23.3 Odor and noise shall be controlled to ensure that animals do not create a nuisance.

142.4.5.23.4 No animals shall be buried on the premises and there shall be no cremation of animals on site.

142.4.5.24 BED AND BREAKFAST: A Bed and Breakfast shall be a private owner-occupied dwelling and shall be conditionally permitted in A-1 Agricultural Districts, A-R Agricultural Residential Districts, R-1 Suburban Residence Districts, R-2 Single Family Districts, and S-1 Green Area Districts and comply with the following:

142.4.5.24.1 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a Site Inspection prior to the issuance of the CUP.

142.4.5.24.2 Site Plans and Floor Plans must be stamped by an Ohio licensed surveyor and/or architect.

142.4.5.24.3 Must obtain Permits/Approvals from all other agencies and associations claiming jurisdiction, including registering with the Lake County Hotel/Motel Tax Department.

142.4.5.24.4 The minimum square footage requirement for a single family dwelling is 1,500 square feet.

142.4.5.24.5 The total number of guests does not exceed sixteen (16).

142.4.5.24.6 The total number of guest bedrooms does not exceed six (6).

142.4.5.24.7 The minimum guest room size is one hundred and twenty (120) square feet.

142.4.5.24.8 Bathroom(s) Requirements: One (1) full bathroom, (containing a sink, toilet, and a shower or bathtub), for the owner and one (1) full bathroom for every two (2) guest rooms.

142.4.5.24.9 There shall be one (1) working smoke detector in each guest room and two (2) means of egress directly to the exterior.

142.4.5.24.10 Parking Requirements: One (1) parking space per guest room, plus two (2) owner parking spaces, plus one (1) parking space for every employee on maximum shift. On-Street parking is not permitted and all parking spaces shall be located as to not create a negative impact on adjacent properties.

142.4.5.24.11 Sign Requirements: A sign shall be Non-Illuminated, and a maximum of three (3) square foot in size and shall conform to the requirements in Section 128 - Signs.

142.4.5.24.12 The length of stay must be NO LONGER than thirteen (13) consecutive days, and NO MORE than forty-five (45) days per calendar year.

142.4.5.25 SHOOTING RANGE: A Shooting Range may be permitted as a Conditional Use under specific conditions only in A-1 Agricultural, A-R Agricultural-Residential and S-1 (Recreational) Green Area Zoning Districts that are located south of U.S. RT. 20 (North Ridge Rd.). Shooting Ranges can only be an accessory use in conjunction with a Club, Not for Profit, as defined in Section 101.

142.4.5.25.1 A property used for a Shooting Range must have a minimum of 20 acres.

142.4.5.25.2 A Shooting Range must be located a minimum of 100 feet from all property lines. No fully automatic weapons will be permitted. No ammunition fifty (50) caliber or greater, tracer, armor piercing or steel core will be permitted at the Shooting Range at any time. No exploding targets will be permitted.

142.4.5.25.3 A Shooting Range must comply with all National Rifle Association (NRA) Operational Rules & Standards as well as with all state and local firearms laws.

142.4.5.25.4 A Shooting Range must be in compliance with Ohio Revised Code sections 1533.84 and 1533.85.

142.4.5.25.5 The hours of operation for a Shooting Range may be from 8a.m. to 10p.m.

142.4.5.25.6 Only club members or their guest can use a Shooting Range. The Shooting Range will not be for use of the general public or for a pre-established fee.

142.4.5.25.7 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.25.8 Earthen mounds and backstops built around the Shooting Range must comply with all requirements of the National Rifle Association Operational Rules & Standards.

142.4.5.25.9 Off-Street parking shall be in accordance with the requirements of Section 127.5.3.

142.4.5.26 ADULT DAY CARE CENTER: An Adult Day Care Center shall be permitted as a Conditional Use in the P-1 Professional, and B-2 Regional Business Districts, for seven (7) or more adults, when granted a Conditional Use Permit as provided in Section 142 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties and comply with the following:

142.4.5.26.1 Hours of operation must be within the parameters of seven (7) days a week and between the hours of 6:00am and 8:00pm

142.4.5.27 HISTORICAL VENUE: Shall be conditionally permitted in any district within the Township, except M-1, M-3 or R-5, and must comply with the following:

142.4.5.27.1 To be considered a Historical Venue, a historical building or parcel of land must have historical significance, and be recognized by one or more of the following: the National Register of Historic Places, registered with Ohio History Connection (formerly the Ohio Historical Society), with an "Ohio Historical Marker," registered with the Lake County History Center as "Lake County Heritage Home," or recognized by the Madison Historical Society as having historical significance in Madison Township, and being more than sixty-five (65) years old.

142.4.5.27.2 A Historical Venue shall be permitted to engage in providing various activities for the general public, including but not limited to, banquet facilities, community/meeting rooms, fund raisers, charitable events, public & private tours, souvenir shop, television or movie productions, and displays or exhibitions of objects of historical, cultural and/or educational value.

142.4.5.27.3 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.27.4 A Historical Venue must obtain permits/approvals from all appropriate governmental agencies with regulatory jurisdiction, including, but not limited to, Madison Fire District, Lake County Building Department, Lake County General Health District, and/or Ohio EPA. **All permits and approvals must be obtained prior to the Board of Zoning Appeals final approval of a Conditional Use for a Historical Venue.**

142.4.5.27.5 Special requirements and conditions may also be established by the Board of Zoning Appeals to avoid a potential adverse impact on surrounding properties.

142.4.5.27.6 The area or parcel of land for a permitted Historical Venue shall not be less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and to maintain the character of the neighborhood.

142.4.5.27.7 Signage for a Historical Venue shall not be lighted internally, and cannot exceed thirty-two (32) square feet in area, nor be more than ten (10) feet in height.

142.4.5.27.8 Parking shall comply with the Off- Street Parking requirements of Section 127 of the Zoning Resolution, as applicable to the intended uses.

142.4.5.28 SIMILAR USE: A Similar Use shall be conditionally permitted in any business district and shall require the following:

142.4.5.28.1 An application for a Conditional Use Permit must be submitted in writing and must include a synopsis of the organizational structure of the business entity, including ownership and form of the entity, along with a discussion of all business activities proposed to be conducted on the specified premises. Business activities will include a listing of goods and services to be provided, a delineation between wholesale and/or retail orientation, projected employment statistics, hours of operation, types of equipment and supplies which will be stored and used on the premises, both indoor and outdoor, a discussion of the proposed use's impact upon local traffic, including on-site circulation and parking, a discussion of access for fire and safety forces and an informal discussion of plans for signage. A site plan indicating the general layout of the site including dimensions and measurements should be provided with the written petition.

142.4.5.28.2 Any similar use must ensure that all exterior lighting shall be directed toward the interior of the parcel so as to minimize light emission onto neighboring properties.

142.4.5.28.3 If not specifically addressed in this Section, all buildings and uses shall conform in all other ways to the requirements of the zoning district in which they are located.

142.4.5.28.4 Any Similar Use that is granted a Conditional Use Permit is required to have a Site Development Plan Review by the Zoning Commission.

142.4.5.29 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES: Shall be conditionally permitted only in B-2 Regional Business, B-3 Wholesale and Trade Commercial, and M-1 Light Manufacturing Zoning Districts and must comply with the following:

142.4.5.29.1 All applicable requirements of Ohio Revised Code 3796 “Medical Marijuana Control Program” must be adhered to by any Medical Marijuana Cultivator, Processor, or Retail Dispensary licensed and locating in Madison Township.

142.4.5.29.2 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a site inspection prior to the issuance of any CUP for a Medical Marijuana Cultivator, Processor, or Retail Dispensary. The appropriate license issued by the Ohio Department of Commerce and the State Board of Pharmacy must be presented to the Zoning Inspector prior to the CUP Hearing.

142.4.5.29.3 No Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be located any closer than five hundred (500) feet to any of the following facilities: schools, churches, public libraries, public playgrounds, public parks, or public recreations centers. The distance is to be measured parcel to parcel, from the closest boundary line of the proposed parcel for a Medical Marijuana Cultivator, Processor, or Retail Dispensary to the closest boundary line of the parcel that contains a school, church, public library, public playground, public park, or public recreation center.

142.4.5.29.4 A facility engaged in cultivation or processing of Medical Marijuana shall be located no closer than one thousand (1,000) feet to any R-1, R-2, or R-4 residential zoning district.

142.4.5.29.5 A Medical Marijuana Retail Dispensary shall only operate between the hours of 8:00 AM and 9:00 PM, Monday thru Saturday. A one square-foot sign shall be placed on the entry door of the dispensary to state hours of operation.

142.4.5.29.6 A Medical Marijuana Retail Dispensary shall be prohibited from engaging in any other retail use, excluding the sale or delivery of products intended for the administration of Medical Marijuana as identified in Chapter 3796 of the Ohio Revised Code.

142.4.5.29.7 A Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be permitted one free standing business identification sign, with a sign face area not to exceed forty (40) square feet in area. The maximum height of the sign shall not exceed fifteen (15) feet. One sign

mounted to the front face of the building, not exceeding twenty (20) square feet in area shall also be permitted. No merchandise or pictures of the products on the premises of a Medical Marijuana Retail Dispensary shall be displayed on signs, in window areas, or any area where they can be viewed from the sidewalk or street in front of the building. No sign or building shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, symbol, or any other means.

In multi-business or commercial shopping plazas, all signs must be mounted on the same sign support structure. When utilizing a multi-tenant property, the size of the medical marijuana business sign shall not be more than twenty-five percent (25%) of the largest sign and can not exceed forty (40) square feet.

142.4.5.29.8 Window areas of a Medical Marijuana Retail Dispensary shall not be covered or made opaque in any way.

142.4.5.29.9 A Medical Marijuana Cultivator or Processor shall have no visible outdoor storage of equipment used in the cultivation or processing of medical marijuana. All chemicals stored on site shall be stored in accordance with industry standards and a list of all chemicals stored on site shall be given to the Madison Fire District.

142.4.5.29.10 A Medical Marijuana Cultivator Facility must be enclosed around the entire perimeter of the property used for the cultivation of medical marijuana by a chain link fence no less than six (6) feet in height.

142.4.5.29.11 Parking shall comply with the Off-Street Parking requirements in Section 127 of this Zoning Resolution. Parking for a Medical Marijuana Retail Dispensary shall be in compliance with Section 127.5.5, Retail and Service Uses parking requirements. Parking for a Medical Marijuana Cultivator or Processor shall be in compliance with Section 127.5.6, Manufacturing/Warehousing parking requirements.

142.5 TEMPORARY BUILDINGS: Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

142.6 RAILROADS AND UTILITIES: Except as otherwise provided in division (B) or (C) of the Ohio Revised Code, Section 519.211 the regulations of this Resolution shall not apply to structures of railroads and utilities, whether publicly or privately owned, or to the use of land by any public utility or railroad, for the operation of its business.

142.7 TRAILERS USED AS STORAGE UNITS: These regulations were created so as to promote permanent structural growth in the Township; to avoid the extended use of temporary units by established businesses, and to provide a temporary economical relief from expensive storage facilities to promote new business growth in Madison Township.

142.7.1 Trailers used as storage units shall be permitted only in B-1, B-2, B-3 and M-1 districts.

142.7.2 A non-renewable permit per business owner may be granted for a period not greater than two (2) years.

142.7.3 The location of the trailer(s) must comply with the set back regulations of the district.

142.7.4 Shall be so located that the view thereof from a road, highway or adjacent property line is obscured by buildings, fences, shrubbery or other approved means.

142.7.5 No more than one (1) trailer shall be placed on any lot.

142.7.6 Trailers shall be utilized solely for storage and shall not be accessible to the general public.

142.7.7 A trailer shall be considered a storage unit if any of the following conditions are met:

142.7.7.1 The trailer does not have a current license.

142.7.7.2 The trailer has not been moved off the lot in 30 days.

142.7.7.3 The trailer is visibly inoperable.

142 - BOARD OF ZONING APPEALS/CONDITIONAL USE PERMITS

142.1 ORGANIZATION AND PROCEDURE:

142.1.1 MEMBERSHIP: There is hereby created a Township Board of Zoning Appeals of five (5) members and two (2) alternates, 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 will expire each year. The term of the alternates shall be one (1) year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. Compensation may be changed by the Township Trustees but not more than once in each calendar year.

142.1.2 HEARINGS, RULES, ETC.: The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a President, Vice-President, and Secretary. The Board shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.

The Board shall hear the intervention of any owner or property adjacent to, in the rear of, across the street from a lot as to which the granting of any zoning permit is pending or has been granted, and shall also hear any other parties in interest.

142.1.3 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 Trustees and shall be a public record.

142.1.4 WITNESSES, OATHS, ETC.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

142.1.5 A hearing by the Board of Appeals which requires investigation, inspection, legal advertisement, postage and other expenses shall require a fee as established by the Township Trustees. Such fee shall be paid in full before any action is taken on the appeal.

142.2 APPEALS:

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

142.2.2 All written materials, text, drawings, maps or any other information which the applicant or the Board of Zoning Appeals considers pertinent to an Appeal or Conditional Use Request shall be received by the Zoning Inspector no later than thirty (30) calendar days prior to the hearing date as established by the Board at their annual organizational meeting. Failure to produce such information by the date specified may result in a continuance of the hearing until such information is received.

142.2.3 An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

142.2.4 The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give at least ten (10) days notice thereof to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before date of such hearing, and decide the appeal within a reasonable time after it is submitted. The number of days notice shall conform to the latest revisions of the Ohio Revised Code.

142.3 POWERS AND DUTIES: The Board of Zoning Appeals shall have the following powers and it shall be its duty:

142.3.1 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.

142.3.2 In hearing and deciding appeals, the Board shall have the power to GRANT AN EXCEPTION in the following instances:

142.3.2.1 Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

142.3.2.2 Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of the fair market value where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly. Permitted also under Section 137.5.

142.3.2.3 Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.

142.3.2.4 Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling and in conformance with the special parking provision of Section 127.3.

142.3.3 The Board shall have the authority to grant the following VARIATIONS:

142.3.3.1 Permit a variation in yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.

142.3.3.2 Authorize upon appeal whenever a property owner can show that a strict application of the terms of this Resolution relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship - such variations of the strict application of the terms of this Resolution as are in harmony with its general purpose and intent; but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable or unusual hardship or difficulty so great as to warrant a variation from the zoning plan as established by this Resolution, and at the same time, the surrounding property will be properly protected.

142.3.4 In considering all appeals and all proposed exceptions to this Resolution, the Board shall before making any exceptions or variations from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonable increase the congestion in public streets, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of Madison Township.

142.3.5 It will be the duty of each member to have knowledge of the parcel in question, including location and particular difficulties of the parcel, prior to the Board of Zoning Appeal hearing date.

142.3.6 POWERS AND DUTIES OF ALTERNATES:

142.3.6.1 In the absence of a member, an alternate shall have the same powers and duties listed in 142.3.

142.3.6.2 If an alternate starts a case, he shall be required to finish the case. If the case is continued to the next meeting, the alternate is required to continue the case and not be replaced by the regular member.

142.4 CONDITIONAL USE AND CONDITIONAL USE PERMITS:

142.4.1 A conditional use is a specific use of land, buildings, or other structures that is not normally allowed within a zoning district, but which may be permitted by the Board of Zoning Appeals, subject to conditions established by the Board in accordance with the authority granted to them by this resolution and under Section 519.14 of the Ohio Revised Code.

142.4.2 A Conditional Use Permit is a transferable permit granted by the Board of Zoning Appeals and issued by the Zoning Inspector for the use of land, buildings, and other structures not otherwise permitted in a zoning district under conditions and stipulations set forth in this Zoning Resolution. If ownership of land or business changes, the new owner must attend a BZA Public Meeting to acknowledge ownership and agree to the current conditions of the CUP.

142.4.2.1 In its consideration of an application for a conditional use permit, the Board of Appeals shall be governed by the rules of procedure prescribed in Sections 142.1 and 142.2 of this Resolution.

142.4.2.2 Before authorization of any conditional use, a public hearing shall be held in the relation thereto before the Board of Zoning Appeals, notice and publication of the time and place for which shall conform to the procedure prescribed in Sections 142.1 and 142.2.

142.4.2.3 Upon the approval of a Conditional Use by the Board of Zoning Appeals all newly proposed residential or commercial developments, their site plans and structures will require a "Site Development Plan Review" be filed with the Zoning Inspector in conformance with Section 126. Once a "Site Development Plan Review" is approved by the Zoning Commission, the Township Zoning Inspector can then issue the appropriate Zoning Certificates. Residential developments approved as a Conditional Use PUD that fall under subdivision regulations adopted by Lake County under ORC 711.10 are exempt from filing a site plan.

142.4.3 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT: An application for a conditional use permit shall be filed with the Board of Zoning Appeals by the owner (s) of the property for which such conditional use is proposed. The application fee for a conditional use permit will be established by the Township Trustees. At a minimum, the application shall contain the following:

142.4.3.1 Name, address, and telephone number of the applicant (s).

142.4.3.2 Name, address and telephone number of all persons or entities having any ownership interest in the property.

142.4.3.3 Written approval and consent of all such owners, including but not limited to, all individuals in joint ownership, all individuals in a partnership, and a corporate resolution for a corporation.

142.4.3.4 Legal description of property and the name of the owner (s) of record.

142.4.3.5 Description of existing use.

142.4.3.6 Zoning district.

142.4.3.7 Description of proposed conditional use.

142.4.3.8 If the request includes or requires physical changes to the site or building(s), a plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access, and on-site traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require.

142.4.3.9 A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.

142.4.4 CRITERIA APPLICABLE TO CONDITIONAL USES: In addition to the requirements for specific conditional uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use against the following criteria:

142.4.4.1 Development features, including new or existing buildings, open space use, ingress and egress for vehicles, safety equipment, pedestrians, site drainage, utilities, pavement typical sections for streets, drives, and service roads, lighting, and the overall general impact of these features on the adjacent properties and public facilities.

142.4.4.2 Where the proposed use will have vehicular approaches to the property which are so designed as to create a hazard to pedestrians or vehicular traffic, except as approved by the Board of Zoning Appeals.

142.4.4.3 Economic impact on existing public facilities and services.

142.4.4.4 Any use that will generate noise levels in excess of the maximum of the sound pressure levels as outlined in the following chart:

MAXIMUM PERMITTED SOUND PRESSURE LEVEL

Octave Band Sound (Cycles per Second)	Pressure Level (In Scales A Decibels)
20-75	79
75-150	74
150-300	66
300-600	59
600-1,200	53
1,200-2,400	47

2,400-4,800	41
Above 4,800	39

All noise levels to be measured from the closest surrounding residence or business which might be affected by adverse noise conditions.

142.4.4.5 OTHER REQUIREMENTS: In addition to the requirements contained in this section, any proposed conditional use shall otherwise comply with all the regulations set forth in this resolution for the district in which such regulations conflict with the requirements of this section, the more restrictive requirements shall apply.

142.4.5 CONDITIONAL USE PERMITS - SPECIFIC REQUIREMENTS:

142.4.5.1 AMUSEMENT PARKS - (Repealed by the Trustees on 2/23/16)

142.4.5.2 COMMUNICATION AND BROADCASTING TOWER OR STATION, OTHER THAN A TELECOMMUNICATION TOWER AS DEFINED IN SECTION 124, IN DISTRICTS OTHER THAN M-1, LIGHT INDUSTRIAL TELECOMMUNICATION TOWERS ARE DEFINED AND REGULATED IN SECTION 124.

142.4.5.2.1 All signs used in conjunction with or to advertise the tower structure shall conform to the sign regulations of Section 128, however, sign size shall be based on the amount of leased property width used in conjunction with the tower, tower structure, or accessory uses, not the amount of entire property frontage.

142.4.5.2.2 All towers shall be placed so as not to create a safety hazard to surrounding properties and/or structures. A debris fall area shall be required for each tower proposed. The debris fall area shall be an area under lease/ownership of the tower applicant so as to contain the tower structure and all components of the tower structure on site should it fall.

142.4.5.2.3 All towers, tower structures and accessory uses of the tower and their structures shall be located at least forty (40) feet from all property boundary lines and street right-of-way lines. Towers, tower structures and accessory use locations shall be indicated on an appropriately scaled site plan. An estimated debris fall area shall be indicated on the site map for each structure proposed.

142.4.5.2.4 All towers, tower structures, and accessory uses, shall be placed and maintained in conformance with all local, state and federal requirements/acts of legislation not specified herein.

142.4.5.2.5 A fence being a minimum of 6 feet in height shall be required to surround the perimeter of the property or the portion of the property contracted for use, on which the towers, tower structures, and any accessory uses of the towers are located.

142.4.5.2.6 As part of the written application and supporting documentation and information, the applicant shall submit each proposed light fixture including its location on site and its foot candle intensity and a summary of any possible impact on adjacent neighbors.

142.4.5.2.7 Approved zoning certificates issued for the construction of towers, tower structures, and accessory uses can be revoked and declared invalid if violations are found and not remedied within thirty (30) days of the dated written notification of violation.

142.4.5.3 LANDMARKS OR SYMBOLIC STRUCTURES

142.4.5.3.1 Yard and set back requirements shall not be reduced below a ten (10) foot minimum.

142.4.5.3.2 No structure or planting shall be placed in such a way as to obstruct the vision or movement of vehicles or pedestrian traffic.

142.4.5.3.3 The developer or owner shall provide for the maintenance of the landmark or symbolic structure or its removal if it becomes a hazard or non-repairable.

142.4.5.4 MULTIPLE DWELLING USE FOR SENIOR CITIZEN RESIDENTS ONLY

142.4.5.4.1 Shall be located within a B-2 or B-3 District.

142.4.5.4.2 Must have a minimum five (5) acre site requirement with no more than fifteen (15) units per acre.

142.4.5.4.3 The following shall be the minimum floor area requirements:

Efficiency - 415 sq. ft. One bedroom - 540 sq. ft. Two bedroom - 800 sq. ft.

142.4.5.4.4 All buildings and structures shall be located at least twenty five (25) feet from each property line and fifty (50) feet from street right-of-way lines, with a minimum frontage requirement of eighty five (85) feet.

142.4.5.4.5 All signs shall conform to the sign regulations of Section 128.

142.4.5.4.6 The height of the building or buildings shall not exceed two and one half (2 ½) stories or thirty-five (35) feet. Fifty (50) feet of unobstructed area shall be required between buildings.

142.4.5.4.7 One (1) off-street parking space per unit shall be provided within seventy-five (75) feet of the designated unit entrance, each parking square shall contain not less than two hundred (200) square feet in area exclusive of access drives and walks.

142.4.5.4.8 Senior Citizen Developments provide a range of unit configurations. At least one (1), but no more than fifty percent (50%) of the total units in a Senior Citizen Complex shall include two (2) bedroom units.

142.4.5.5 MOTOR VEHICLE SALVAGE FACILITY - SIC 5015 & 5093 AND DEAD AUTO STORAGE - SIC 4226

142.4.5.5.1 Shall be defined as any site, location, or premise on which are kept two (2) or more unlicensed and/or inoperable motor vehicles, whether or not retained for commercial purposes; any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. This section does not include garbage dumps and sanitary landfills.

142.4.5.5.2 Shall be located only within an M-1 District.

142.4.5.5.3 Shall be located no closer than one thousand (1,000) feet from a federal, state or county highway.

142.4.5.5.4 Shall be located no closer than one thousand (1,000) feet from a township road, and one hundred (100) feet from all adjacent property lines. There shall be no egress or ingress on to a township road for any salvage facility.

142.4.5.5.5 Shall be so located that the view thereof from a road, highway, or adjacent property line is obscured by a natural year round green screen and a fence not less than six (6) feet.

142.4.5.5.6 The minimum total land area permitted for junk yards, including all setback requirements, is twenty (20) acres.

142.4.5.5.7 There shall be no storage of vehicles or materials outside of fence.

142.4.5.5.8 Motor vehicle salvage facilities shall conform to all state regulations under Revised Code Section 4737.01 4737.00 inclusive.

142.4.5.6 PUBLIC FACILITY AREAS:

142.4.5.6.1 The following listed uses may be permitted conditional uses in all districts, other than M-1:

	<u>SIC Codes</u>
Churches	866X
Museums & Art Galleries	8412
Arboretums, Botanical, & Zoological Gardnes	8422
Educational Services	82XX
Places for Public Assembly	
Community Buildings	
Cemeteries & Mausoleums	
Group Homes	8361
Rooming & Boarding Houses, within existing structures built prior to January 1st, 1996	7021

142.4.5.6.2 Parking requirements, see Section 127

142.4.5.6.3 All signs shall conform to the regulations of the district in which they are located and all applicable requirements of Section 128.

142.4.5.6.4 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.6.5 Noise levels shall not exceed the decibel levels as set forth in Section 142.4.4.7.

142.4.5.6.6 The area or parcel of land for a permitted public facility shall not be less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

142.4.5.6.7 **SIDE AND REAR YARD SETBACK REGULATIONS:** The side and rear yards for each public facility building shall not be less than the criteria set forth in the following schedule when adjacent to any residential property lines:

	<u>SIDE YARDS</u>	<u>REAR YARDS</u>
Churches	50	50
Museums & Art Galleries	50	50
Education Services	50	50

Places of Public Assembly	50	50
Community Buildings	50	50
Arboretums, Botanical & Zoological Gardens	50	50

142.4.5.7 PLANNED UNIT DEVELOPMENT AREA

142.4.5.7.1 PURPOSE: It is desirable that an amendment to the Zoning Resolution be established which will permit the application of modern planning techniques in the development of residential areas providing a variety of housing types along with suitable and appropriate limited commercial development.

This zoning amendment is designed to promote high standards of external appearance of buildings and grounds; to preserve and extend the charm and beauty existent in and inherent to the semi-rural, residential character of Madison Township; to promote the economic and social advantages resulting from an orderly planned use of large parcels of land while protecting and retaining the present favorable environmental balance.

142.4.5.7.2 PLANNED UNIT DEVELOPMENT AREA: A preplanned community within Madison Township containing various housing and compatible commercial uses, as permitted within this Zoning Resolution, constructed according to a predetermined and approved plan, and providing for the clustering of housing to preserve common open space for scenic beauty and recreation for the use of all residents and owners in the Planned Unit Development. Land must be kept as a complete development and cannot be subdivided. Maintenance of land will be the responsibility of the owner.

142.4.5.7.2.1 Upon Review and Approval of a Planned Unit Development Area by the Board of Zoning Appeals, final site plan approval must be granted by the Zoning Commission, per Section 126 and in conformance with Section 141.5.4, and the requirements of Section 142.4.2.3 of this Zoning Resolution

142.4.5.7.3 PUD SITE REQUIREMENTS:

142.4.5.7.3.1 Land can be owned, leased or controlled by either a single person, corporation, private or a group of individuals.

142.4.5.7.3.2 Shall be located only within an R-1, R-2, R-3, R-4, or P-1 District.

142.4.5.7.3.3 Must have a minimum fifteen (15) acre site requirement with no more than fifteen (15) units per acre for senior citizen

developments and nine (9) units per acre for any other development. Single family detached dwelling units shall have a density not to exceed three (3) dwellings per acre.

142.4.5.7.3.4 The following shall be the minimum floor area requirements for multi-family developments:

142.4.5.7.3.5 SENIOR CITIZEN DEVELOPMENT:

Efficiency - 425 sq. ft.	One bedroom - 600 sq. ft.
Two bedroom - 800 sq. ft.	Three bedroom - 1,000 sq. ft.

142.4.5.7.3.6 OTHER DEVELOPMENTS:

Efficiency - 600 sq. ft.	One bedroom - 750 sq. ft.
Two bedroom or more - 900 sq. ft.	

142.4.5.7.3.7 Floor area requirements do not include hallways, entrance ways, laundry areas, or other space used jointly for the occupants.

142.4.5.7.3.8 Efficiency units shall comprise no more than twenty percent (20%) of the units in any development.

142.4.5.7.3.9 All buildings and structures shall be located at least twenty-five (25) feet from each property line with a front yard set back of fifty (50) feet.

142.4.5.7.3.10 Must have a minimum property frontage requirement of eighty-five (85) feet.

142.4.5.7.3.11 All signs shall conform to the sign regulations of Section 128.1.1 thru 128.1.9, excluding Section 128.1.8.

142.4.5.7.3.12 The height of the buildings shall not exceed two and one half (2 1/2) stories or thirty-five (35) feet.

142.4.5.7.3.13 One off-street parking space per unit shall be provided within seventy-five (75) feet of the designated unit entrance; each parking square shall contain not less than two hundred (200) square feet in area exclusive of access drives and walks. A second parking space per unit shall be required somewhere in the development.

142.4.5.7.3.14 A site to be used for P.U.D. area shall be serviced by central sanitary sewer and water.

142.4.5.7.3.15 Senior citizen developments must have a minimum of ten (10) percent open area.

142.4.5.7.3.16 In any other development ten percent (10%) of land must be preserved for recreation. To be counted in this ten percent (10%), an area must contain a minimum of ten thousand (10,000) square feet with an average dimension of not less than one hundred (100) feet and no dimension less than fifty (50) feet.

The above recreation area shall not be allowed include unusable land - land not beneficial to residential use due to location or character such as swamps, drainage ditches, ravines, dense woods, and swales, and utility strips when their presence renders land unusable for residential use. Also included in above, will be parking areas, driveways, streets, etc.

142.4.5.7.4 PERMITTED USES: Within a P.U.D. area, the following uses are permitted subject to the area, size, density, and other provisions set forth in the resolution:

142.4.5.7.4.1 Single family dwelling (Must meet floor area requirements for zoning district in which the P.U.D. is located.)

142.4.5.7.4.2 Two family dwelling.

142.4.5.7.4.3 Multiple dwelling.

142.4.5.7.4.4 Nursing or convalescent home

142.4.5.7.4.5 Hospital

142.4.5.7.5 A conditional use may be granted for commercial uses ONLY WITHIN THE COMMON AREAS OF SENIOR CITIZEN P.U.D. DEVELOPMENTS. These commercial uses shall conform to the same regulations as commercial uses in B-1 and B-2 Districts.

142.4.5.7.5.1 No external signs for businesses shall be permitted.

142.4.5.7.5.2 The Commercial uses allowed in the common areas of the P.U.D. shall not exceed eight percent (8%) of the gross acreage of the P.U.D.

142.4.5.7.5.3 The following commercial uses for senior citizen P.U.D.s shall not be permitted to have any frontage on a public or dedicated roadway. The purpose of the following uses are to benefit the residents living within the P.U.D. complex:

Antique Shop	Art Gallery	Art Supply Store
Bank	Barber/Beauty Shop	Boutique

Card & Book Store	Convenience Food Stores	Dining Facilities
Drug Stores	Dry Cleaners	Exercise & Physical Therapy Rooms
Florist	Garden Shop	Gift Shop
Gourmet Shop	Ice Cream Parlor	Libraries
Medical Equipment Supplies	Medical Offices	Pharmacy or Health Food Store
Shoe Store	Sports Shop	Walking Paths

142.4.5.7.5.4 Off street parking for commercial uses in a P.U.D. shall conform to the off street parking requirements of Section 127.

142.4.5.8 ANIMAL GROOMING: Animal Grooming Service shall be conditionally permitted in P-1 Professional Districts and B-1 Neighborhood Business Districts and comply with the following:

142.4.5.8.1 There shall be no outside runs associated with the grooming service.

142.4.5.8.2 There is no boarding of animals. This shall include day care of animals.

142.4.5.8.3 Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

142.4.5.9 CHILD DAY CARE CENTER: A child day care center shall be permitted in a P-1 Professional, B-2 Regional Business, and B-3 Wholesale and Trade Commercial Districts, for seven (7) or more children, when granted a Conditional Use Permit as provided in Section 142 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties.

142.4.5.9.1 General Requirements:

142.4.5.9.1.1 The proposed child day care center shall secure a license to operate in accordance with Chapter 5104 of the Ohio Revised Code. Evidence of such license shall be presented to the Board of Zoning Appeals.

142.4.5.9.2 Safety/Inspections:

142.4.5.9.2.1 Child Day Care Centers 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.

142.4.5.9.2.2 For the purpose of safety, the Madison Fire District shall conduct an inspection prior to the initial operation of the child day care center and semiannually thereafter, or as deemed necessary by the Madison Fire District Chief. All child day care centers may also be subject to inspection by the State Fire Marshall's Office.

142.4.5.9.2.3 Where applicable, a food service license shall be obtained.

142.4.5.9.2.4 Owners shall display proof of such licenses, inspection and compliance in a conspicuous place.

142.4.5.9.2.5 A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous places within the child day care center.

142.4.5.9.3 Signs: All signs shall conform to the requirements of Sections 128 of this Zoning Resolution.

142.4.5.9.4 Parking shall comply with the requirements of 127 of the Zoning Resolution, as applicable.

142.4.5.9.5 The location and design of the facility shall provide for the protection of the children from the traffic, noise, and other hazards of the area and/or the arterial street location.

142.4.5.9.6 The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property.

142.4.5.9.7 All outdoor activity areas shall be adequately enclosed by a fence at a height approved by the Board of Zoning Appeals. An entry gate shall be securely fastened. Such fences shall comply with all other applicable fence requirements set forth in Section 133 of this Zoning Resolution.

142.4.5.9.8 When child day care centers are conditionally permitted as an accessory use, the building setback and lot requirements for the main or principal permitted use of the property shall prevail, but remain in compliance with all other applicable requirements of this Section.

142.4.5.10 CIVIC, SOCIAL, and FRATERNAL ORGANIZATIONS: Shall be conditionally permitted in B-1 Neighborhood Business Districts and B-3 Wholesale and Trade Commercial Districts, and comply with the following:

142.4.5.10.1 Clubs, lodges, and other social meeting places shall have direct ingress and egress from a US or State Highway or a County Road as shown on the Lake County Engineer's Map.

142.4.5.10.2 The setback shall be doubled when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.10.3 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

142.4.5.11 COMMERCIAL INDOOR RECREATION: Shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.11.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.11.2 If located at the corner of two collectors or arterial roads, then there shall be one egress/ingress located on each road unless the road connects to residential uses.

142.4.5.11.3 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

142.4.5.12 DRIVE-THRU FACILITIES: Drive-thru lanes and all pertinent structures associated with a drive-thru facility including, but not limited, to ATMs, speakers, windows, transaction sites, pneumatic tubes, lighting, cameras and overhangs shall be conditionally permitted in B-1 Neighborhood Business Districts, B-2 Regional Business Districts, B-3 Wholesale and Trade Commercial Districts, and M-1 Light Manufacturing Districts and comply with the following:

142.4.5.12.1 Shall only be permitted as accessory use for the main uses of buildings and land as specified within the particular zoning classification or district.

142.4.5.12.2 All pertinent structures shall conform to all building setbacks as provided in the particular zoning classification or district in which it is to be located.

142.4.5.12.3 Unless specified elsewhere, a minimum of ten (10) waiting spaces shall be provided. If there is more than one transaction site, then a minimum of five (5) waiting spaces per transaction site shall be provided.

142.4.5.12.4 Automatic car wash facilities shall provide a minimum of ten (10) waiting spaces, five (5) spaces if there are two stalls or three (3) spaces if there are three or more automatic car wash stalls.

142.4.5.12.5 Self-serve car wash facilities shall provide a minimum of three (3) waiting spaces per stall.

142.4.5.12.6 Drive-thru facilities shall comply with the parking setback requirements set forth in Section 25. When such use abuts a residential district, landscaping and screening shall be provided in compliance with Section 26.

142.4.5.12.7 Any lighting provided for a drive-thru facility shall comply with the lighting requirements set forth in these regulations.

142.4.5.12.8 Any speakers provided for a drive-thru facility should be set at a volume so as not to disturb abutting properties.

142.4.5.12.9 Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.

142.4.5.12.10 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses and on road traffic, and to ensure compatibility with normal vehicular activity in the district.

142.4.5.12.11 Access drives shall be two hundred (200) feet from an intersection; one access drive per street frontage shall be permitted; and interconnecting circulation aisles between parcels shall be provided when practicable.

142.4.5.12.12 Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

142.4.5.12.13 Stacking areas for drive-through facilities shall not be the sole or primary site egress route.

142.4.5.12.14 Stacking areas shall not utilize parking or aisles required for access to parking.

142.4.5.13 HOSPITAL: Hospitals shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.13.1 Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street.

142.4.5.13.2 Access drives shall be located no less than 100 feet from an intersection.

142.4.5.13.3 Accessory uses, such as a pharmacy, gift shop, cafeteria and similar customarily-related uses shall be allowed when conducted and entered from within the principal building.

142.4.5.14 HOTEL/MOTEL: Hotel/Motels shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.14.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.14.2 If located at the corner of two roads that are classified as either a collector or an arterial road, then there shall be one egress/ingress located on each road unless the road connects to residential uses.

142.4.5.14.3 If the building is substantially altered, then use will need to apply for a conditional use.

142.4.5.15 LANDSCAPING SERVICES: Landscaping Services shall be conditionally permitted in B-2 Regional Business Districts and comply with the following:

142.4.5.15.1 All equipment stored outdoors must be on hard surfaces and these will be considered parking areas and follow the regulations in the parking section.

142.4.5.15.2 Areas devoted to storage of bulk landscape materials shall comply with building setback requirements and not located in areas intended for parking, traffic circulation or pedestrian access.

142.4.5.15.3 All chemicals stored on site shall be stored in accordance with standards and a list of all chemicals stored on the site shall be given to the Fire Department.

142.4.5.16 LIVERY, AUTO: Livery shall be conditionally permitted in B-2 Regional Business Districts and comply with the following:

142.4.5.16.1 Vehicle areas shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

142.4.5.16.2 The outdoor overnight parking shall be in a parking lot.

142.4.5.16.3 Additional screening may be required by the Board of Zoning Appeals, if necessary, to adequately screen from adjoining districts or public streets.

142.4.5.16.4 No maintenance or repair of vehicles shall be performed on site. Vehicles may be cleaned on site.

142.4.5.17 MOTOR VEHICLE SALES (NEW), INCLUDING RECREATIONAL, HEAVY EQUIPMENT, MOTORCYCLE AND ATV SALES: Motor vehicle dealers (new), including recreational and motorcycle dealers shall be conditionally permitted in the B-2 Regional Business Districts and B-3 Wholesale and Trade Commercial Districts and comply with the following:

142.4.5.17.1 The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section 127.

142.4.5.17.2 All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.

142.4.5.17.3 The sale of pre-owned or used motor vehicles, including the display, offering for sale and dealing of pre-owned or used vehicles shall only be permitted as an accessory use to a new motor vehicle dealer, and such sale at retail, display, offering for sale and dealing of pre-owned or used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of the new motor vehicle dealer.

142.4.5.18 MOTOR VEHICLE SALES (PRE-OWNED), INCLUDING RECREATIONAL, HEAVY EQUIPMENT, MOTORCYCLE AND ATV SALES: Motor vehicle dealers (pre-owned), including recreational and motorcycle dealers shall be conditionally permitted in the B-2, B-3, and M-1 Zoning Districts and comply with the following:

142.4.5.18.1 The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section 127.

142.4.5.18.2 All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.

142.4.5.19 OUTSIDE DINING: Outside Dining shall be conditionally permitted in B-1, Neighborhood Business District and B-2, Regional Business Zoning Districts and comply with the following:

142.4.5.19.1 All outdoor dining areas shall be contiguous to the principal building.

142.4.5.19.2 No outdoor dining areas shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.

142.4.5.19.3 No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Section 128.

142.4.5.19.4 The outdoor seating area shall be used in conjunction with, and under the same management and exclusive control of, the restaurant located on the same property.

142.4.5.19.5 The outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.

142.4.5.19.6 The outdoor seating area shall not interfere with the public right-of-way.

142.4.5.19.7 The proposed use shall not generate excessive noise beyond the premises. Speakers used in connection with outside dining areas should be set at a volume so as not to disturb abutting properties. In order to minimize any effects of the above, the Board of Zoning Appeals may impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district.

142.4.5.19.8 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

142.4.5.20 RESIDENTIAL CARE FACILITY, NURSING HOME, HOME FOR THE AGING, OR HOSPICE CARE FACILITY: (as defined in the Ohio Revised Code) shall be permitted in B-1 Neighborhood Business Districts when granted as a Conditional Use and subject to the following conditions:

142.4.5.20.1 Land Requirements: Facility shall be located on a parcel of land of at least 3 acres in area and having at least 100 feet of frontage on the right-of-way sideline of a dedicated road.

142.4.5.20.2 Total Gross Floor Area: A facility shall thirty percent (30%) of the total lot area.

142.4.5.20.3 Setbacks from Public Right-of-Way: No building or portion of a building shall be located closer than Fifty (50) feet.

142.4.5.20.4 Setbacks from Adjoining Property Lines: No building or portion of a building shall be located closer than thirty (30) feet from an adjoining property line, except when abutting any residential district, in which case no building shall be closer than fifty (50) feet to an abutting property line.

142.4.5.20.5 Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.

142.4.5.20.6 All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.

142.4.5.20.7 All refuse areas shall be enclosed.

142.4.5.20.8 All signs shall conform to the zoning requirements for the district in which they are located in accordance with Section 128 of this Resolution.

142.4.5.20.9 Parking:

142.4.5.20.9.1 Parking Setbacks:

142.4.5.20.9.1.1 No parking area shall be located closer than ten (10) feet to an abutting side property line and twenty-five (25) feet from the rear property line, except when abutting any residential district in which case no parking area shall be closer than fifty (50) feet to an abutting property line.

142.4.5.20.9.1.2 No parking area shall be closer than twenty-five (25) feet to any public road right-of-way sideline.

142.4.5.20.9.2 Parking spaces shall be provided in accordance with Section 127 of this Resolution.

142.4.5.20.9.3 Parking areas shall also be screened from abutting properties in accordance with the applicable Landscaping and Screening Requirements set forth in Section 127 of this Resolution.

142.4.5.20.9.4 Parking areas shall be in accordance with Section 127 of this Resolution unless specifically addressed in this Section.

142.4.5.20.10 No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.

142.4.5.20.11 If not specifically addressed in this Section, all buildings shall conform in all others ways to the requirements of the zoning district in which they are located.

142.4.5.20.12 Landscaping and Buffering: A residential care facility, nursing home, home for the aging, or hospice care facility shall provide landscaping in accordance with the Landscaping and Screening Requirements set forth in Section 126 of the Zoning Resolution.

142.4.5.20.13 Safety/Inspection:

142.4.5.20.13.1 A Residential Care Facility, Nursing Home, Home for the Aging or Hospice Care Facility shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes.

142.4.5.20.13.2 Inspection, for the purpose of fire safety, shall be conducted by the Madison Fire District prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one (1) time per year thereafter.

142.4.5.20.13.3 Owners shall display proof of such inspection and compliance in a conspicuous place.

142.4.5.20.13.4 Facilities for emotionally disturbed, alcohol or chemically dependent individuals/adults are prohibited.

142.4.5.21 RESTAURANT, COUNTER: Restaurant, counter shall be conditionally permitted in the B-1, Neighborhood Business, Zoning District and comply with the following:

142.4.5.21.1 All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.

142.4.5.21.2 The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the development will have minimal impact on traffic in adjacent residential districts.

142.4.5.22 STUDIO FOR INSTRUCTION: A Studio for Instruction shall be conditionally permitted in P-1, Professional Districts and B-1, Neighborhood Business Districts and comply with the following:

142.4.5.22.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.22.2 If located at the corner of two roads that are classified as either a collector or an arterial road egress/ingress located on each road unless the road connects to residential uses.

142.4.5.22.3 The studio shall be required to show that they can provide additional parking for open houses or student shows.

142.4.5.23 VETERINARY SERVICE: Veterinary Service shall be conditionally permitted in B-1, General Business Districts and B-2, Regional Business District in compliance with the following:

142.4.5.23.1 There shall be no outside runs associated with the veterinary office.

142.4.5.23.2 The boarding of animals shall be restricted to inside, short-term, overnight lodging only as necessary for animals receiving medical attention.

142.4.5.23.3 Odor and noise shall be controlled to ensure that animals do not create a nuisance.

142.4.5.23.4 No animals shall be buried on the premises and there shall be no cremation of animals on site.

142.4.5.24 BED AND BREAKFAST: A Bed and Breakfast shall be a private owner-occupied dwelling and shall be conditionally permitted in A-1 Agricultural Districts, A-R Agricultural Residential Districts, R-1 Suburban Residence Districts, R-2 Single Family Districts, and S-1 Green Area Districts and comply with the following:

142.4.5.24.1 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a Site Inspection prior to the issuance of the CUP.

142.4.5.24.2 Site Plans and Floor Plans must be stamped by an Ohio licensed surveyor and/or architect.

142.4.5.24.3 Must obtain Permits/Approvals from all other agencies and associations claiming jurisdiction, including registering with the Lake County Hotel/Motel Tax Department.

142.4.5.24.4 The minimum square footage requirement for a single family dwelling is 1,500 square feet.

142.4.5.24.5 The total number of guests does not exceed sixteen (16).

142.4.5.24.6 The total number of guest bedrooms does not exceed six (6).

142.4.5.24.7 The minimum guest room size is one hundred and twenty (120) square feet.

142.4.5.24.8 Bathroom(s) Requirements: One (1) full bathroom, (containing a sink, toilet, and a shower or bathtub), for the owner and one (1) full bathroom for every two (2) guest rooms.

142.4.5.24.9 There shall be one (1) working smoke detector in each guest room and two (2) means of egress directly to the exterior.

142.4.5.24.10 Parking Requirements: One (1) parking space per guest room, plus two (2) owner parking spaces, plus one (1) parking space for every employee on maximum shift. On-Street parking is not permitted and all parking spaces shall be located as to not create a negative impact on adjacent properties.

142.4.5.24.11 Sign Requirements: A sign shall be Non-Illuminated, and a maximum of three (3) square foot in size and shall conform to the requirements in Section 128 - Signs.

142.4.5.24.12 The length of stay must be NO LONGER than thirteen (13) consecutive days, and NO MORE than forty-five (45) days per calendar year.

142.4.5.25 SHOOTING RANGE: A Shooting Range may be permitted as a Conditional Use under specific conditions only in A-1 Agricultural, A-R Agricultural-Residential and S-1 (Recreational) Green Area Zoning Districts that are located south of U.S. RT. 20 (North Ridge Rd.). Shooting Ranges can only be an accessory use in conjunction with a Club, Not for Profit, as defined in Section 101.

142.4.5.25.1 A property used for a Shooting Range must have a minimum of 20 acres.

142.4.5.25.2 A Shooting Range must be located a minimum of 100 feet from all property lines. No fully automatic weapons will be permitted. No ammunition fifty (50) caliber or greater, tracer, armor piercing or steel core will be permitted at the Shooting Range at any time. No exploding targets will be permitted.

142.4.5.25.3 A Shooting Range must comply with all National Rifle Association (NRA) Operational Rules & Standards as well as with all state and local firearms laws.

142.4.5.25.4 A Shooting Range must be in compliance with Ohio Revised Code sections 1533.84 and 1533.85.

142.4.5.25.5 The hours of operation for a Shooting Range may be from 8a.m. to 10p.m.

142.4.5.25.6 Only club members or their guest can use a Shooting Range. The Shooting Range will not be for use of the general public or for a pre-established fee.

142.4.5.25.7 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.25.8 Earthen mounds and backstops built around the Shooting Range must comply with all requirements of the National Rifle Association Operational Rules & Standards.

142.4.5.25.9 Off-Street parking shall be in accordance with the requirements of Section 127.5.3.

142.4.5.26 ADULT DAY CARE CENTER: An Adult Day Care Center shall be permitted as a Conditional Use in the P-1 Professional, and B-2 Regional Business Districts, for seven (7) or more adults, when granted a Conditional Use Permit as provided in Section 142 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties and comply with the following:

142.4.5.26.1 Hours of operation must be within the parameters of seven (7) days a week and between the hours of 6:00am and 8:00pm

142.4.5.27 HISTORICAL VENUE: Shall be conditionally permitted in any district within the Township, except M-1, M-3 or R-5, and must comply with the following:

142.4.5.27.1 To be considered a Historical Venue, a historical building or parcel of land must have historical significance, and be recognized by one or more of the following: the National Register of Historic Places, registered with Ohio History Connection (formerly the Ohio Historical Society), with an "Ohio Historical Marker," registered with the Lake County History Center as "Lake County Heritage Home," or recognized by the Madison Historical Society as having historical significance in Madison Township, and being more than sixty-five (65) years old.

142.4.5.27.2 A Historical Venue shall be permitted to engage in providing various activities for the general public, including but not limited to, banquet facilities, community/meeting rooms, fund raisers, charitable events, public & private tours, souvenir shop, television or movie productions, and displays or exhibitions of objects of historical, cultural and/or educational value.

142.4.5.27.3 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.27.4 A Historical Venue must obtain permits/approvals from all appropriate governmental agencies with regulatory jurisdiction, including, but not limited to, Madison Fire District, Lake County Building Department, Lake County General Health District, and/or Ohio EPA. **All permits and approvals must be obtained prior to the Board of Zoning Appeals final approval of a Conditional Use for a Historical Venue.**

142.4.5.27.5 Special requirements and conditions may also be established by the Board of Zoning Appeals to avoid a potential adverse impact on surrounding properties.

142.4.5.27.6 The area or parcel of land for a permitted Historical Venue shall not be less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and to maintain the character of the neighborhood.

142.4.5.27.7 Signage for a Historical Venue shall not be lighted internally, and cannot exceed thirty-two (32) square feet in area, nor be more than ten (10) feet in height.

142.4.5.27.8 Parking shall comply with the Off- Street Parking requirements of Section 127 of the Zoning Resolution, as applicable to the intended uses.

142.4.5.28 SIMILAR USE: A Similar Use shall be conditionally permitted in any business district and shall require the following:

142.4.5.28.1 An application for a Conditional Use Permit must be submitted in writing and must include a synopsis of the organizational structure of the business entity, including ownership and form of the entity, along with a discussion of all business activities proposed to be conducted on the specified premises. Business activities will include a listing of goods and services to be provided, a delineation between wholesale and/or retail orientation, projected employment statistics, hours of operation, types of equipment and supplies which will be stored and used on the premises, both indoor and outdoor, a discussion of the proposed use's impact upon local traffic, including on-site circulation and parking, a discussion of access for fire and safety forces and an informal discussion of plans for signage. A site plan indicating the general layout of the site including dimensions and measurements should be provided with the written petition.

142.4.5.28.2 Any similar use must ensure that all exterior lighting shall be directed toward the interior of the parcel so as to minimize light emission onto neighboring properties.

142.4.5.28.3 If not specifically addressed in this Section, all buildings and uses shall conform in all other ways to the requirements of the zoning district in which they are located.

142.4.5.28.4 Any Similar Use that is granted a Conditional Use Permit is required to have a Site Development Plan Review by the Zoning Commission.

142.4.5.29 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES: Shall be conditionally permitted only in B-2 Regional Business, B-3 Wholesale and Trade Commercial, and M-1 Light Manufacturing Zoning Districts and must comply with the following:

142.4.5.29.1 All applicable requirements of Ohio Revised Code 3796 “Medical Marijuana Control Program” must be adhered to by any Medical Marijuana Cultivator, Processor, or Retail Dispensary licensed and locating in Madison Township.

142.4.5.29.2 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a site inspection prior to the issuance of any CUP for a Medical Marijuana Cultivator, Processor, or Retail Dispensary. The appropriate license issued by the Ohio Department of Commerce and the State Board of Pharmacy must be presented to the Zoning Inspector prior to the CUP Hearing.

142.4.5.29.3 No Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be located any closer than five hundred (500) feet to any of the following facilities: schools, churches, public libraries, public playgrounds, public parks, or public recreations centers. The distance is to be measured parcel to parcel, from the closest boundary line of the proposed parcel for a Medical Marijuana Cultivator, Processor, or Retail Dispensary to the closest boundary line of the parcel that contains a school, church, public library, public playground, public park, or public recreation center.

142.4.5.29.4 A facility engaged in cultivation or processing of Medical Marijuana shall be located no closer than one thousand (1,000) feet to any R-1, R-2, or R-4 residential zoning district.

142.4.5.29.5 A Medical Marijuana Retail Dispensary shall only operate between the hours of 8:00 AM and 9:00 PM, Monday thru Saturday. A one square-foot sign shall be placed on the entry door of the dispensary to state hours of operation.

142.4.5.29.6 A Medical Marijuana Retail Dispensary shall be prohibited from engaging in any other retail use, excluding the sale or delivery of products intended for the administration of Medical Marijuana as identified in Chapter 3796 of the Ohio Revised Code.

142.4.5.29.7 A Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be permitted one free standing business identification sign, with a sign face area not to exceed forty (40) square feet in area. The maximum height of the sign shall not exceed fifteen (15) feet. One sign

mounted to the front face of the building, not exceeding twenty (20) square feet in area shall also be permitted. No merchandise or pictures of the products on the premises of a Medical Marijuana Retail Dispensary shall be displayed on signs, in window areas, or any area where they can be viewed from the sidewalk or street in front of the building. No sign or building shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, symbol, or any other means.

In multi-business or commercial shopping plazas, all signs must be mounted on the same sign support structure. When utilizing a multi-tenant property, the size of the medical marijuana business sign shall not be more than twenty-five percent (25%) of the largest sign and can not exceed forty (40) square feet.

142.4.5.29.8 Window areas of a Medical Marijuana Retail Dispensary shall not be covered or made opaque in any way.

142.4.5.29.9 A Medical Marijuana Cultivator or Processor shall have no visible outdoor storage of equipment used in the cultivation or processing of medical marijuana. All chemicals stored on site shall be stored in accordance with industry standards and a list of all chemicals stored on site shall be given to the Madison Fire District.

142.4.5.29.10 A Medical Marijuana Cultivator Facility must be enclosed around the entire perimeter of the property used for the cultivation of medical marijuana by a chain link fence no less than six (6) feet in height.

142.4.5.29.11 Parking shall comply with the Off-Street Parking requirements in Section 127 of this Zoning Resolution. Parking for a Medical Marijuana Retail Dispensary shall be in compliance with Section 127.5.5, Retail and Service Uses parking requirements. Parking for a Medical Marijuana Cultivator or Processor shall be in compliance with Section 127.5.6, Manufacturing/Warehousing parking requirements.

142.5 TEMPORARY BUILDINGS: Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

142.6 RAILROADS AND UTILITIES: Except as otherwise provided in division (B) or (C) of the Ohio Revised Code, Section 519.211 the regulations of this Resolution shall not apply to structures of railroads and utilities, whether publicly or privately owned, or to the use of land by any public utility or railroad, for the operation of its business.

142.7 TRAILERS USED AS STORAGE UNITS: These regulations were created so as to promote permanent structural growth in the Township; to avoid the extended use of temporary units by established businesses, and to provide a temporary economical relief from expensive storage facilities to promote new business growth in Madison Township.

142.7.1 Trailers used as storage units shall be permitted only in B-1, B-2, B-3 and M-1 districts.

142.7.2 A non-renewable permit per business owner may be granted for a period not greater than two (2) years.

142.7.3 The location of the trailer(s) must comply with the set back regulations of the district.

142.7.4 Shall be so located that the view thereof from a road, highway or adjacent property line is obscured by buildings, fences, shrubbery or other approved means.

142.7.5 No more than one (1) trailer shall be placed on any lot.

142.7.6 Trailers shall be utilized solely for storage and shall not be accessible to the general public.

142.7.7 A trailer shall be considered a storage unit if any of the following conditions are met:

142.7.7.1 The trailer does not have a current license.

142.7.7.2 The trailer has not been moved off the lot in 30 days.

142.7.7.3 The trailer is visibly inoperable.

125 – LOT SIZE, FRONTAGE, HEIGHT, AND SETBACK EXCEPTIONS AND MODIFICATIONS

125.1 The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial and private aircraft at an established airport.

125.2 Public, semi-public, or public service building, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.

125.3 When forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no buildings shall project beyond the average front yard so established, provided however, that a front yard depth shall not be required to exceed Fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.

125.4 All or part of any lot involved in an acreage transfer, lot separation, lot split, or division from another lot having frontage along a road shall, after said acreage transfer, lot separation, lot split, or division from another lot, meet or exceed the minimum amount of frontage along said road required for that district.

125.5 On lots having double frontage, the required front yard shall be provided on both streets.

125.6 An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

125.7 Filling station pumps and pump islands may be located within a required yard, provided they are not less than fifteen feet from a road right of way line or adjacent property line and not less than fifty (50) feet from the boundary of any residential district.

125.8 Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.

125.9 The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.

125.10 Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Township Zoning Inspector for a distance not to exceed five (5) feet when these are so placed as to obstruct light and ventilation.

125.11 In any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:

125.11.1 Buildings or structures incident to the use of land for agricultural purposes on lots of one acre or less shall conform to the regulations set forth in this Zoning Resolution relating to minimum setback requirements for accessory structures, excluding any height requirement.

125.11.2 The Township chooses to regulate farm animals in these areas. The following shall be prohibited: Raising, breeding, dairying or maintaining farm animals/ livestock such as horses, pigs, cows, sheep, goats, and other similar livestock or fowl. Also prohibited is apiculture/bee keeping. Excluded are companion animals, chickens, a maximum of six (6), no roosters and must be contained and rabbits in hutches are allowed. Companion animal means any animal kept inside a residential dwelling and any dog or cat regardless of where it is kept. (ORC 959.131)

125.12 A port-cochere or canopy may project into a required side yard, provided every part of such port-cochere or canopy is unenclosed and not less than seven (7) feet from any side line.

125.13 For the purpose of side yard regulation, a two family dwelling or multiple dwelling shall be considered as one building occupying one lot.

125.14 An owner of a dwelling, erected prior to the effective date of this Resolution on a lot seventy-five (75) feet or less in width shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or garage purposes, provided, however, that it is not less than set forth in Section 125.15.

125.15 Where a lot of record at the time of the effective date of this Resolution is of less width, and/or lot area than the minimum lot width and area required in the district in which the lot is located, the minimum side yard may be reduced to ten (10) percent of the width, provided however, that no one side yard shall be less than five (5) feet, and one side yard must be no less than ten (10) feet.

125.16 On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided however, that the buildable width of a lot of record shall not be reduced to less than thirty two (32) feet.

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

125.18 Lots located around the perimeter of a cul-de-sac shall have a minimum frontage at the street right-of-way line of sixty (60) feet. At the required minimum front yard setback of the zoning district in which the cul-de-sac lot is located, the lot width must be greater than or equal to the district requirement for minimum lot frontage.

125.19 Occupants of land situated along the roads and highways of the Township shall remove all obstructions within the right-of-way bounds of such roads and highways which have been placed there either by themselves or their agents, or with their consent, and not under a franchise or permit legally granted. No individual, firm, corporation or other entity shall place or maintain, or allow to be placed or maintained, any post, sign or obstruction within the right-of-way or bounds of any road or highway within the Township.

145 – VIOLATIONS AND PENALTIES

145.1 Violations of this Zoning Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in various sections of this Zoning Resolution, shall constitute an Unclassified Misdemeanor.

Any person who violates this Zoning Resolution or fails to comply with any of its requirements, upon conviction or an accepted plea of no-contest, shall therefore be punished for such Unclassified Misdemeanor as provided by Ohio Revised Code Section 519.99; and in addition shall pay all costs and expenses involved in the case.

Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists with, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.

145.2 In case any building is, or is proposed to be, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used without a permit in violation of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who could be especially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance or use.

145.3 Any person, firm, or corporation violating any of the provisions of this Zoning Resolution shall be deemed guilty of an Unclassified Misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) with each day's continuance a separate offense.

The owner of any buildings or premises or part thereof where anything in violation of this Zoning Resolution shall be placed, or shall exist, any architect, builder, contractor, agent, or person employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

143 -AMENDMENTS OR SUPPLEMENTS

143.1 REQUIREMENTS FOR CHANGE: Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the Zoning Commission and the County Planning Commission, the Board of Trustees may, by resolution, change the regulations set forth in this Resolution and may change the zoning districts as established on the District Map.

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

143.3 HEARING BY ZONING COMMISSION: Upon the adoption of a motion by the Township Zoning Commission, the certification of a resolution by the Board of Township Trustees to the commission, or the filing of an application by property owners or lessees, the commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

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

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

143.3.1.1 The name of the Township Zoning Commission that will be conducting the hearing;

143.3.1.2 A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution. The legal notice shall also include a brief description of the zoning information, including the zoning districts;

143.3.1.3 A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list;

143.3.1.4 The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

143.3.1.5 The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing;

143.3.1.6 The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

143.3.1.7 A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action;

143.3.1.8 Any other information requested by the commission.

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

143.3.2.1 The name of the Township Zoning Commission that will be conducting the hearing on the proposed amendment;

143.3.2.2 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution. The legal notice shall also include a brief description of the proposed zoning text change(s) and the section number(s) of the zoning resolution to be amended;

143.3.2.3 The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing;

143.3.2.4 The name of the person responsible for giving notice of the hearing by publication;

143.3.2.5 A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action;

143.3.2.6 Any other information requested by the commission.

143.4 SUBMISSION OF PROPOSED CHANGE TO COUNTY PLANNING

COMMISSION: Within five (5) days after the adoption of the motion or the certification of the resolution or the filing of the application, the Township Zoning Commission shall transmit a copy of it together with text and map pertaining to it to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Township Zoning Commission. The recommendation shall be considered at the public hearing held by the Township Zoning Commission on the proposed amendment.

143.5 APPROVAL OR DENIAL BY ZONING COMMISSION: The Township Zoning Commission, within thirty (30) days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the County Planning Commission on it to the Board of Township Trustees.

143.6 HEARING AND DECISION OF THE BOARD OF TRUSTEES: The Board of Township Trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one (1) publication in one (1) or more newspapers of general circulation in the township, at least ten (10) days before the date of the hearing.

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

143.6.1.1 The name of the board of township trustees that will be conducting the hearing;

143.6.1.2 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

143.6.1.3 A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list;

143.6.1.4 The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

143.6.1.5 The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the hearing;

143.6.1.6 The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

143.6.1.7 Any other information requested by the board.

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

143.6.2.1 The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

143.6.2.2 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

143.6.2.3 The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the hearing;

143.6.2.4 The name of the person responsible for giving notice of the hearing by publication;

143.6.2.5 Any other information requested by the board.

143.6.3 Within twenty (20) days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

143.7 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT: The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight (8) per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Ohio Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

143.8 PETITION FOR ZONING REFERENDUM: (if the proposal is identified by a particular name or number, or both, these should be inserted here)

A proposal to amend the zoning map or amendment to the zoning resolution of the unincorporated area of Madison Township, Lake County, Ohio, adopted(date)..... (followed by brief summary of the proposal).

To the Board of Township Trustees of Madison Township, Lake County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Madison Township, included within the Madison Township Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of Madison Township residing within the unincorporated area of the township included in the Madison Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on(date)....., pursuant to section 519.12 of the Ohio Revised Code.

Street Address, Date of Signature or R.F.D., Township Precinct, County or RFD
Signature.....

143.8.1 STATEMENT OF CIRCULATOR:

I,(name of circulator)....., declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing(number)..... signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Ohio Revised Code.

..... (Signature of circulator)
..... (Address of circulator's permanent residence in this state)
..... (City, village, or township, and zip code)

143.8.2 WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE:

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two (2) weeks after receiving a petition filed under this section, the Board of Township Trustees shall certify the petition to the Board of Elections. A petition filed under this section shall be certified to the Board of Elections not less than ninety (90) days prior to the election at which the question is to be voted upon.

The Board of Elections shall determine the sufficiency and validity of each petition certified to it by a Board of Township Trustees under this section. If the Board of Elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the date the petition is filed with the Board of Township Trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

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

143.9 RECORDING OF AMENDMENTS: Within five working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the County Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the County Planning Commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

143.10 Nothing herein contained shall require any change in the plans, construction, size or designated use of the building, structure or part thereof, for which a building permit has been granted before the enactment of this Resolution by the Board of Trustees, and the construction of which from such plans shall have been started within ninety (90) days of the date of enactment of this Resolution. If any of the above requirements shall not have been fulfilled within the time stated above or if building operations are discontinued for a period of ninety (90) days, any further construction shall be in conformity with the provisions of this Resolution.

**MADISON TOWNSHIP
ZONING RESOLUTION OF 1957
AS AMENDED**

100.1 A RESOLUTION, 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 provision 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, size and use of buildings and other structures, including tents, cabins, and trailer coaches; percentages of lot areas which may be occupied; setback building lines; size of yards, courts and other open space; and the uses of land for trade, industry, residences, recreation or other purposes and for such purposes, divides the unincorporated area of the Township into districts or zones.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MADISON TOWNSHIP,
LAKE COUNTY, STATE OF OHIO:**

That for the purpose of promoting the public health, safety, comfort, and general welfare; conserving the values of property throughout the Township; to facilitate the provision of water, sewerage, schools, and other public requirements; and lessening or avoiding congestion in public streets and highways; it is hereby provided as follows:

100.2 TITLE: This Resolution shall be known as the Zoning Resolution of 1957.

100.3 INTERPRETATION, PURPOSE, AND CONFLICT: In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. IT is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise, not in conflict with this Resolution; nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon heights of buildings, or requires larger open spaces or greater lot areas than are imposed or required by such other resolutions or agreements; the provisions of this Resolution shall control.

102 – USE DISTRICTS

For the purpose of carrying out the provisions of this Resolution, the unincorporated area of Madison Township is hereby divided into the following fifteen (15) use districts:

A-1	Agricultural District
A-R	Agricultural Residential
R-1	Suburban Residence
R-2	Single Family District
R-3	Single Family District
R-4	Multiple Dwelling District
R-5	Multiple Dwelling District - Medium High Density
P-1	Professional District
M-H	Manufactured Home District
B-1	Neighborhood Business District
B-2	Regional Business District
B-3	Wholesale and Trade Commercial District
M-1	Light Manufacturing District
M-3	Extraction of Earth Materials
S-1	Green Area District

102.1 DISTRICT MAP: The boundaries of the districts are shown upon the map, which is made a part of this Resolution, which map is designated as the ADistrict Map. The district map and all the notations, references, and other information shown thereon are a part of this Resolution and have the same force and effect as if the district map and all the notations, references, and other information shown thereon were all fully set forth or described therein, the original of which district map is properly attested and is on file with the Township Clerk and Zoning Inspector.

102.2 DISTRICT BOUNDARIES:

102.2.1 The district boundary lines on said map are intended to follow either streets or alleys or lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district; unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

102.2.2 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

103 – COMPLIANCE WITH REGULATIONS

Except as hereinafter provided:

103.1 No land shall be used except for a purpose permitted in the district in which it is located.

103.2 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

103.3 No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.

103.4 No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.

103.5 The minimum yards, parking space, open spaces, including lot area per family, required by this Resolution, for each and every building existing at the time of passage of this Resolution, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Resolution for the district in which such lot is located.

103.6 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot. An exception to the foregoing shall permit more than one (1) main building on a lot in an R-4, R-5, P-1, B-1, B-2 and B-3 districts when relating to the erection of apartments comprised of four (4) or more families each and commercial and industrial buildings in B-1, B-2, B-3, and M-1 districts.

103.7 At no time shall anyone park unlicensed and/or inoperable/junk motor vehicle(s), or any part thereof, in any district other than an M-1 District in a Motor Vehicle Salvage Facility for a period of more than fourteen (14) days, unless under cover of a permanent structure. The only exception to this section will be in the case of Service Stations/Automotive Repair Facility engaged in towing and storing vehicles pending action by responsible parties, repair garages performing repairs for vehicle owners, with a time limitation not to exceed ninety (90) days and State licensed dealers holding operable vehicles for resale. The above mentioned exceptions must perform their services on the property normally used for their business in compliance with the Madison Township Zoning Resolution and in the permitted zoning district. Any dismantling or reducing to scrap of vehicles shall take place only in a Motor Vehicle Salvage Facility as defined in section 142.4.5.5.1.

103.8 PERSONAL PROPERTY SALE:

103.8.1 There is a limit of three (3) sales at a premise during any twelve (12) month period.

103.8.2 Each sale must not exceed more than four (4) consecutive calendar days in length, and must be a minimum of thirty (30) days apart.

103.8.2.1 Individuals having a Personal Property Sale must register their sale days with the Madison Township Zoning Inspector. There will be **NO COST** to register the Personal Property Sale. However, failure to register a Personal Property Sale will be considered a zoning violation and future sales may be prohibited.

103.8.3 SIGNS:

103.8.3.1 Signs must be placed outside of the right-of-way on private property (with permission of the property owner).

103.8.3.2 One sign is allowed upon the lot where the sale is taking place and up to five (5) signs are allowed at remote locations advertising the sale.

103.8.3.3 All signs can be placed twenty-four (24) hours prior to the sale and must be removed within twenty-four (24) hours of the last day of the sale.

103.8.3.4 No Personal Property Sale sign can exceed ten (10) square feet in size.

103.8.4 PROHIBITED LOCATIONS:

103.8.4.1 Sales are prohibited on the premises of apartment buildings or complexes.

103.8.4.2 Sales are prohibited on vacant lots and abandon properties.

103.8.5 Vehicles shall not impede the passage of traffic on any road, street or cul-de-sac in the area of the premises where the sale is being conducted.

103.8.6 Churches and Non-Profit Organizations are exempt from these requirements, except for the regulations outlined in section 103.8.3 Signs.

104 – A-1 AGRICULTURAL DISTRICT REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Resolution when referred to in this section are the district regulations in the A-1 Agricultural District.

104.1 USE REGULATIONS: A building or premise shall be used only for the following purposes:

104.1.1 Single family dwellings

104.1.2 Dog kennels and veterinary establishments, but not nearer than two hundred (200) feet to any zoned residential district, or dwelling other than the dwelling of the lessee or owner of the site. This requirement applies to all standard industrial classification groups listed as permitted uses.

104.1.3 Roadside stands offering for sale only products grown on the premises from any of the above uses.

104.1.4 Outdoor agriculture advertising signs

104.1.5 Two family or multi-family occupancy except such use shall be limited to farm dwellings erected prior to the effective date of this Resolution and provided the dwelling accommodations for each family occupying such structure shall comply with the residential floor area requirements for the R-4 Multiple Dwelling District and applicable County regulations.

104.1.6 Home Occupation (See Definition Section 101)

104.1.7 Winery; Buildings and structures that are used primarily for the vinting and selling of wine and that are located on land any part of which is used for viticulture as permitted by Ohio law in conformance with Ohio Revised Code section 519.21(A). Permitted as accessory uses to a Viticulture operation would be the following: restaurant, meeting/banquet facility, outdoor dining, live entertainment, micro-brewery, micro-distillery, and retail establishment (small). The permitted accessory uses must be incidental to the Viticulture operation and not the primary use of the property. Off-Street Parking requirements will be in conformance with Section 127.5.5 (Restaurant, Table Service). Roadside signage to be in conformance with the requirements of Section 128.2.1 Business Signs.

104.1.8 Accessory buildings and uses customarily incident to any of the above uses, including home occupations and professional offices of one who lives in the main building where no nameplate is used in connection with the professional use which exceeds three (3) square feet.

104.1.9 PERMITTED USES by Standard Industrial Classification Codes except as modified by 104.1.2:

01XX	Agriculture production crops
02XX	Agriculture production livestock
07XX	Agriculture services
08XX	Forestry
09XX EXC. 092X & 097X	Fishing, hunting, and trapping
7992	<i>Public Golf Courses with Lodging House as accessory use</i>
881X	Private households

104.1.10 CONDITIONAL USE PERMITS ARE REQUIRED before a building or premise can be used for any of the following purposes:

092X	Fish hatcheries and preserves
097X	Hunting
144X	Sand and gravel mining
152X	Residential building construction
45XX	Transportation by air
8744	Facilities support services

104.1.11 CONDITIONAL USE PERMITS ARE REQUIRED before a building or premise can be used for a Bed and Breakfast, (See Section 142.4.5.24 – Bed and Breakfast).

104.2 FLOOR AREA:

1 Story	Minimum 1500 square feet finished area required The garage shall not be included when calculating the minimum square feet required.
1 1/2 Story	Minimum 850 square feet finished lower level Minimum 425 square feet finished upper level Minimum total of 1275 square feet finished area required The garage shall not be included when calculating the minimum square feet required.
Bi-Level	Minimum 850 square feet finished upper level Minimum 450 square feet finished lower level Minimum total of 1800 square feet finished area required The garage shall not be included when calculating the minimum square feet required.

2 Story

Minimum 850 square feet finished lower level
Minimum 450 square feet finished upper level
Minimum total of 1800square feet finished area required

The garage shall not be included when calculating the minimum square feet required.

104.3 LOT SIZE, FRONTAGE, HEIGHT, AND SETBACKS:

Maximum height of main building - 2 1/2 stories, 35 feet

Minimum depth of front yard - 50 feet

Minimum either side yard - 15 feet

Width of, sum of side yards - 35 feet

Minimum depth of rear yard - 40 feet

Minimum lot area per family - 20,000 square feet

Minimum lot frontage - 100 feet

In all newly platted or re-platted subdivisions the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right-of-way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right-of-way be less than 80 feet.

For lot size, frontage, height, and setback modifications and exceptions, see Section 125. For Cul-de-sac information, see Section 125.18

104.4 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

105 – A-R AGRICULTURAL - RESIDENTIAL

The regulations set forth in this section or set forth elsewhere in this Resolution when referred to in this section are the district regulations in the A-R Agricultural District.

105.1 USE REGULATIONS: A building or premise shall be used only for the following purposes:

105.1.1 Single family dwellings

105.1.2 Dog kennels and veterinary establishments, but not nearer than two hundred (200) feet to any zoned residential district, or dwelling other than the dwelling of the lessee or owner of the site. This requirement applies to all standard industrial classification groups listed as permitted uses.

105.1.3 Roadside stands offering for sale only products grown on the premises from any of the above uses.

105.1.4 Outdoor agriculture advertising signs

105.1.5 Two family or multi-family occupancy except such use shall be limited to farm dwellings erected prior to the effective date of this Resolution and provided the dwelling accommodations for each family occupying such structure shall comply with the residential floor area requirements for the R-4 Multiple Dwelling District and applicable County regulations.

105.1.6 Home Occupation: (See Definition Section 101)

105.1.7 Winery; Buildings and structures that are used primarily for the vinting and selling of wine and that are located on land any part of which is used for viticulture as permitted by Ohio law in conformance with Ohio Revised Code section 519.21(A). Permitted as accessory uses to a Viticulture operation would be the following: restaurant, meeting/banquet facility, outdoor dining, live entertainment, micro-brewery, micro-distillery, and retail establishment (small). The permitted accessory uses must be incidental to the Viticulture operation and not the primary use of the property. Off-Street Parking requirements will be in conformance with Section 127.5.5 (Restaurant, Table Service). Roadside signage to be in conformance with the requirements of Section 128.2.1 Business Signs.

105.1.8 Accessory buildings and uses customarily incident to any of the above uses, including home occupations and professional offices of one who lives in the main building where no nameplate is used in connection with the professional use which exceeds three (3) square feet.

105.1.9 PERMITTED USES by Standard Industrial Classification Codes except as modified by 105.1.2:

01XX	Agriculture production crops
02XX	Agriculture production livestock
07XX	Agriculture services
08XX	Forestry
09XX EXC. 092X & 097X	Fishing, hunting, and trapping
881X	Private households

105.1.10 CONDITIONAL USE PERMITS ARE REQUIRED before a building or premise can be used for any of the following purposes:

092X	Fish hatcheries and preserves
097X	Hunting
144X	Sand and gravel mining
152X	Residential building construction
45XX	Transportation by air
8744	Facilities support services

105.1.11 CONDITIONAL USE PERMITS ARE REQUIRED before a building or premise can be used for a Bed and Breakfast, (See Section 142.4.5.24 – Bed and Breakfast).

105.2 FLOOR AREA:

1 Story	Minimum 1500 square feet finished area required The garage shall not be included when calculating the minimum square feet required.
1 1/2 Story	Minimum 850 square feet finished lower level Minimum 425 square feet finished upper level Minimum total of 1275 square feet finished area required The garage shall not be included when calculating the minimum square feet required.
Bi-Level	Minimum 850 square feet finished upper level Minimum 450 square feet finished lower level Minimum total of 1800 square feet finished area required The garage shall not be included when calculating the minimum square feet required.

2 Story Minimum 850 square feet finished lower level
 Minimum 450 square feet finished upper level
 Minimum total of 1800 square feet finished area required

The garage shall not be included when calculating the minimum square feet required.

105.3 LOT SIZE, FRONTAGE, HEIGHT, AND SETBACKS:

Maximum height of main building – 2 1/2 stories, 35 feet

Minimum depth of front yard - 50 feet

Minimum either side yard - 40 feet

Width of, sum of side yards - 80 feet

Minimum depth of rear yard - 50 feet

Minimum lot area per family - 217,800 square feet

Minimum lot frontage - 250 feet

In all newly platted or re-platted subdivisions the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right-of-way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right-of-way be less than 205 feet.

For lot size, frontage, height, and setback modifications and exceptions, see Section 125. For Cul-de-sac information, see Section 125.18.

105.4 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

106 – R-1 SUBURBAN RESIDENTIAL DISTRICT

The regulations set forth in this section, or set forth elsewhere in this Resolution when referred to in this section, are the district regulations in the R-1 Suburban Residence District.

106.1 USE REGULATIONS: A building or premises shall be used only for the following purposes:

106.1.1 Single family dwelling

106.1.2 Permitted uses as listed in Section 104.1.9 excluding 02XX and 09XX classifications. An approved Conditional Use Permit is required for uses as listed in 02XX and 09XX classifications and for use as a Bed and Breakfast, (See Section 142.4.5.24 – Bed and Breakfast).

106.1.3 881X - Private Households

106.1.4 Home occupation (See Definition Section 101)

106.1.5 Accessory building or use, including a private garage customarily incident to the above uses, but not involving the conduct of a business.

106.1.6 Two family or multi-family occupancy, except such use shall be limited to farm dwellings erected prior to the effective date of this Resolution and provided the dwelling accommodations for each family occupying such structure shall comply with the residential floor area requirements for the R-4" Multiple Dwelling District and applicable County regulations.

106.2 FLOOR AREA:

1 Story Minimum 1500 square feet finished area required

The garage area shall not be included when calculating the minimum square feet required.

1 1/2 Story Minimum 850 square feet finished lower level
Minimum 425 square feet finished upper level
Minimum total of 1275 square feet area required

The garage area shall not be included when calculating the minimum square feet required.

Bi-Level	<p>Minimum 850 square feet finished upper level Minimum 450 square feet finished lower level Minimum total of 1800 square feet finished area required</p> <p>The garage area shall not be included when calculating the minimum square feet required.</p>
2 Story	<p>Minimum 850 square feet finished lower level Minimum 450 square feet finished upper level Minimum total of 1800 square feet finished area required</p> <p>The garage area shall not be included when calculating the minimum square feet required.</p>

106.3 LOT SIZE, FRONTAGE, HEIGHT, AND SET BACKS:

- Maximum height of main building – 2 1/2 stories, 35 feet
- Minimum depth of front yard - 50 feet
- Minimum either side yard - 15 feet
- Width of, sum of side yards - 35 feet
- Minimum depth of rear yard - 40 feet
- Minimum lot area per family - 20,000 square feet
- Minimum lot frontage - 100 feet

In all newly platted or re-platted subdivisions the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right-of-way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right-of-way be less than 80 feet.

For lot size, frontage, height, and set back modifications and exception, see Section 125. For Cul-de-sac information, see Section 125.18.

106.4 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

107 – R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

The regulations set forth in this section, or set forth elsewhere in this Resolution when referred to in this section, are the regulations in the R-2 Single family residential district.

107.1 USE REGULATIONS: The use regulations are the same as those in the R-1 Suburban Residence District.

107.1.1 Single family dwelling

107.1.2 Permitted uses as listed in Section 104.1.9 excluding SIC 02XX and SIC 09XX classifications. An approved Conditional Use Permit is required for uses as listed in SIC 02XX and SIC 09XX classifications and for use as a Bed and Breakfast, (See Section 142.4.5.24 – Bed and Breakfast).

107.1.3 SIC 881X - Private Households

107.1.4 Home occupation (See Definition Section 101)

107.1.5 Accessory building or use, including a private garage customarily incident to the above uses, but not involving the conduct of a business.

107.1.6 Two family or multi-family occupancy, except such use shall be limited to farm dwellings erected prior to the effective date of this Resolution and provided the dwelling accommodations for each family occupying such structure shall comply with the residential floor area requirements or the R-4" Multiple Dwelling District and applicable County regulations.

107.2 FLOOR AREA:

1 Story Minimum 1500 square feet finished area

The garage area shall not be included when calculating the minimum square feet required.

1 1/2 Story Minimum 850 square feet finished lower level
Minimum 425 square feet finished upper level
Minimum total of 1275 square feet finished area required

The garage area shall not be included when calculating the minimum square feet required.

Bi-Level Minimum 850 square feet finished upper level
Minimum 450 square feet finished lower level
Minimum total of 1800 square feet finished area required.

The garage area shall not be included when calculating the minimum square feet required.

2 Story Minimum 850 square feet finished lower level
Minimum 450 square feet finished upper level
Minimum total of 1800 square feet finished area required.

The garage area shall not be included when calculating the minimum square feet required.

107.3 LOT SIZE, FRONTAGE, HEIGHT, AND SETBACKS:

- Maximum height of main building - 2 1/2 stories, 35 feet
- Minimum depth of front yard - 40 feet
- Minimum either side - 10 feet
- Width of, sum of side yard - 25 feet
- Minimum depth of rear yard - 30 feet
- Minimum lot area per family – 17,500 sf
- Minimum lot width – 100 feet
- Minimum lot width on cul-de-sac or curve – 80 feet with 100 feet at the building setback line.

In all newly platted or re-platted subdivision the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right of way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right of way be less than 100 feet.

For lot size, frontage, height, and set back modifications and exceptions, see Section 125.
For Cul-de-sac information, see Section 125.18.

107.4 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

108 – R-3 SINGLE FAMILY DISTRICT (2 Acres)

The regulations set forth in this section, or set forth elsewhere in this Resolution when referred to in this section, are the district regulations in the R-3 Single Family residence district.

108.1 USE REGULATIONS: The use regulations are the same as those in the R-2 Single Family residence district.

108.1.1 Single family dwelling

108.1.2 Permitted uses as listed in Section 104.1.9 excluding SIC 02XX and SIC 09XX classifications. An approved Conditional Use Permit is required for uses as listed in SIC 02XX and SIC 09XX classifications.

108.1.3 SIC 881X - Private Households

108.1.4 Home Occupation (See Definition Section 101)

108.1.5 Accessory building or use, including a private garage customarily incident to the above uses, but not involving the conduct of a business.

108.2 FLOOR AREA:

1 Story	Minimum 1500 square feet finished area required The garage area shall not be included when calculating the minimum square feet required.
1 1/2 Story	Minimum 850 square feet finished lower level Minimum 425 square feet finished upper level Minimum total of 1275 square feet finished area required The garage area shall not be included when calculating the minimum square feet required.
Bi-Level	Minimum 850 square feet finished upper level Minimum 450 square feet finished lower level Minimum total of 1800 square feet finished area required The garage area shall not be included when calculating the minimum square feet required.

2 Story Minimum 850 square feet finished lower level
 Minimum 450 square feet finished upper level
 Minimum total of 1800 square feet finished area required

The garage area shall not be included when calculating the minimum square feet required.

108.3 LOT SIZE, FRONTAGE, HEIGHT, AND SET BACKS:

Maximum height of main building – 2 1/2 stories, 35 feet
Minimum depth of front yard - 50 feet
Minimum either side yard - 20 feet
Width of, sum of side yards - 40 feet
Minimum depth of rear yard - 40 feet
Minimum lot area - 87,120 square feet
Minimum lot frontage - 150 feet

In all newly platted or re-platted subdivision the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right of way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right of way be less than 100 feet.

For lot size, frontage, height, and set back modifications and exceptions, see Section 125. For Cul-de-sac information, see Section 125.18.

108.4 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

109 – R-4 MULTIPLE DWELLING DISTRICT

The regulations set forth in this section, or set forth elsewhere in this Resolution when referred to in this section, are the regulations in the R-4 Multiple Dwelling District.

109.1 USE REGULATIONS: A building or premises shall be used only for the following purposes:

109.1.1 The use regulations for any R-4 zoned area as of January 1st, 1996, may include the uses permitted within the R-1, R-2, and R-3 Single Family District.

109.1.2 A residential condominium development

109.1.3 Any type of dwelling unit providing housing for two or more families

109.1.4 Accessory building or use, customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple family dwelling.

109.2 Any Development occurring in an existing or proposed R-4 district, shall be required to submit a site review plan according to the criteria set forth in Section 126.

109.3 SINGLE DWELLING UNIT FLOOR AREA:

1 Story Minimum 1500 square feet finished area required
The garage area shall not be included when calculating the minimum square feet required.

1 1/2 Story Minimum 850 square feet finished lower level
Minimum 425 square feet finished upper level
Minimum total of 1275 square feet finished area required
The garage area shall not be included when calculating the minimum square feet required.

Bi-Level Minimum 850 square feet finished upper level
Minimum 450 square feet finished lower level
Minimum total of 1800 square feet finished area required

The garage area shall not be included when calculating the minimum square feet required.

2 Story Minimum 850 square feet finished lower level
Minimum 450 square feet finished upper level
Minimum total of 1800 square feet finished area required

The garage area shall not be included when calculating the minimum square feet required.

MULTI-FAMILY FLOOR AREA REQUIREMENTS:

Two family or more: 500 square feet for efficiency unit
750 square feet for 1 bedroom unit
900 square feet for 2 bedrooms or more

The garage area shall not be included when calculating the minimum square feet required.

109.4 LOT SIZE, FRONTAGE, HEIGHT, AND SET BACKS:

109.4.1 Any areas to be re-zoned to the R-4 Multiple Dwelling District shall have a minimum of five (5) acres.

109.4.2 MULTI-FAMILY

Maximum height of main building - 3 stories, 40 feet
Minimum depth of front yard - 40 feet
Minimum either side yard - 30 feet
Width of, sum of side yards - 60 feet
Minimum depth of rear yard - 50 feet
Minimum lot area per family - 6,000 square feet per unit
Minimum lot frontage - 85 feet
Distance between buildings - 25 feet

109.4.3 SINGLE FAMILY DEVELOPMENT

(Property must be R-4 zoned prior to January 1st, 1996)

Maximum height of main building – 2 1/2 stories, 35 feet
Minimum depth of front yard - 40 feet
Minimum either side yard - 10 feet
Sum total of side yards - 25 feet
Minimum depth of rear yard - 30 feet
Minimum lot area - 12,000 square feet
Minimum lot frontage - 85 feet

In all newly platted or re-platted subdivisions the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right of way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right of way be less than 70 feet.

For lot size, frontage, height, and set back modifications including accessory building size and location, and exceptions, see Sections 125 and/or 130. For Cul-de-sac information, see Section 125.18.

109.5 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

109.6 NET MULTI-FAMILY DENSITY: A maximum of 7 1/4 family units shall be permitted per acre of useable land with efficiency units not to exceed two (2) units per acre. Useable land shall be defined as land areas exclusive of conditions, covenants, restrictions, and easements, drainage easements or wet retention ponds used for drainage, wetland areas as defined by the federal governing agencies and existing or proposed private or dedicated roadways including their right of way areas. A minimum of ten percent (10%) of the useable land shall be kept available and open as green space for recreation.

109.7 PARKING REQUIREMENTS: In an R-4 district, two off-street parking spaces per unit within one hundred (100) feet of the designated unit entrance, and not less than two hundred (200) square feet in area exclusive of all access and walks, and not less than ten (10) feet in width, shall be required. Handicap parking areas must be provided as established by local, state or federal requirements/acts of legislation. Additional guest parking at a rate of one (1) space per two (2) units shall be included on the site plan.

110 – R-5 MEDIUM HIGH DENSITY MULTIPLE DWELLING DISTRICT

The regulations set forth in this section, or set forth elsewhere in this Resolution when referred to in this section, are the regulations in the R-5 Medium High Density Multiple Dwelling District.

110.1 USE REGULATIONS: Any Development occurring in an existing or proposed R-5 district, shall be required to submit a site review plan to the Madison Township Zoning Commission for a recommendation to be forwarded to the Madison Township Trustees for final approval. (Cross reference Section 126). A building or premises shall be used only for the following purposes:

110.1.1 Multiple dwelling consisting of not less than four (4) and not more than eight (8) one (1) bedroom dwelling units per building.

110.1.2 Accessory building for service, storage, or other use customarily incidental to the above, see sections 125 and/or 130.

110.2 HEIGHT: No building shall exceed one story nor shall be more than fifteen (15) feet in height and no basement shall be permitted in any unit.

110.3 RESIDENTIAL FLOOR AREA REGULATIONS: Every dwelling unit shall have a minimum of floor space designed and used for living quarters of not less than six hundred (600) square feet. This shall not include hallways, entrance ways, laundry areas or any other space used jointly by the occupants of the multi-family building. Each dwelling unit shall have one (1) or more entrances directly to the outside of the building.

110.4 SITE REQUIREMENTS:

110.4.1 A site to be used for R-5 shall have a minimum of five (5) acres and shall be serviced by sanitary system and water.

110.4.2 The maximum allowable number of dwelling units per acre shall be fifteen (15), and there shall not be less than fifteen (15) feet of unobstructed area between all buildings.

110.4.3 Minimum lot area shall be two thousand nine hundred (2,900) square feet per family dwelling unit. A maximum of fifteen (15) family units shall be permitted per acre of useable land. Useable land shall be defined as land areas exclusive of conditions, covenants, restrictions, easements, drainage easements or wet retention ponds used for drainage, wetland areas as defined by the federal governing agencies and existing or proposed private or dedicated roadways including their right of way areas. A minimum of ten percent (10%) of the useable land shall be kept available and open as green space for recreation.

110.5 Each site shall have a minimum frontage of eighty-five (85) feet.

110.5.1 Property owners in this district should be aware that active farms producing livestock, nursery crops, and other agricultural crops might be present and adjacent to your property. It is logical to expect noise from these active, working industries that could be derived from the operation of farm machinery, equipment, farm marketing and/or labor forces. Odors, dust, any other agricultural activities from but not limited to animal stock, farming operations, chemical applications, including accessing the property and other typical farming activity should be expected as common occurrences.

110.6 SETBACKS shall be as follows:

Minimum depth of front yard - 40 feet

Minimum either side lines - 10 feet

Width of, sum of side yard - 25 feet

Minimum depth of rear yard - 30 feet

110.7 OFF-STREET PARKING REQUIREMENTS: In an R-5 District, two (2) off street parking spaces per unit within one hundred (100) feet of the designated unit entrance, and not less than two hundred (200) square feet in area exclusive of all access and walks, and not less than ten (10) feet in width, shall be required. Handicap parking areas must be provided as established by local, state or federal requirements/acts of legislation. Additional guest parking at a rate of one (1) space per two (2) units shall be included on the site plan. (Cross reference 127.1.22)

113 – M-H MANUFACTURED HOME PARK DISTRICT

A RESOLUTION REGULATING MANUFACTURED HOME PARKS ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONSTITUTION OF MANUFACTURED HOME PARKS, ESTABLISHING MINIMUM STANDARDS GOVERNING THE PROVIDED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS OF MAKING MANUFACTURED HOME PARKS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION: FIXING THE RESPONSIBILITIES AND DUTIES OF OWNERS AND OPERATORS OF MANUFACTURED HOME PARKS:

113.1 Each park to be constructed under the provisions of this Resolution shall adhere to the minimum regulations as are required by Madison Township, the Ohio Department of Public Health, Council of Manufactured Homes Park Chapter 3701-27, and applicable regulations as spelled out in the Ohio Revised Code. The Board of Health Regulations establishes health, sanitation, and safety standards for all parks in Ohio.

113.1.1 Application for re-zoning of property for an M-H, Manufactured Home Park District may be applied for in areas zoned only B-1 Business or B-2 Highway Business.

113.1.2 Manufactured Homes shall only be permitted in M-H, Manufactured Home Park Districts.

113.1.3 **REQUIRED RECREATION AREAS IN MANUFACTURED HOME PARKS;** Each manufactured home park constructed after June 30, 1971, shall have recreational areas so located as to be free of traffic hazards and should, where topography permits, be centrally located.

113.2 PHYSICAL HAZARD IN PARKS:

113.2.1 Adequate protective barriers shall be provided and maintained where there is a slope in excess of forty-five (45) degrees and a change in elevation of six (6) feet. Such barriers may include, but are not limited to, continuous shrubs or fences.

113.2.2 Swimming pools shall conform to Madison Township Zoning Resolution (See Section 129).

113.2.3 **NON-RESIDENTIAL USES:** No part of any park shall be used for nonresidential purposes, except such uses that are required for direct servicing the well being of park residents, and for the management and maintenance of the park.

113.3 MINIMUM FLOOR AREA:

113.3.1 The minimum size of a manufactured home, single-family residence, shall be seven hundred fifty (750) square feet of living area.

113.4 LOT SIZE, FRONTAGE:

113.4.1 The tract of land involved shall be an area of not less than ten (10) acres.

113.4.2 Minimum manufactured home park frontage shall be eighty five (85) feet.

113.5 ISSUANCE OF A ZONING PERMIT: In order to obtain a zoning certificate to construct a new manufactured home or trailer coach park, or an addition to an existing trailer coach park, the applicant shall file with the Township Zoning Inspector a written application setting forth the following:

113.5.1 The full name and address of the applicant or applicants or names and addresses of the partners, if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application.

113.5.2 Location and legal description of the tract of land, certified on a plat of a survey by an Ohio Registered Land Surveyor drawn to scale of 1" - 100' showing all permanent buildings or existing buildings and also showing the land topography for the proposed site.

An affidavit by the applicant as to the truth of the matters contained in the application shall be attached thereto. Each application for a certificate to construct shall be accompanied by an application fee amounting to Two hundred dollars (\$200).

113.5.4 Such a permit does not relieve the applicant from securing any other permit or certificate or from complying with any other Resolutions of the Township of Madison.

113.5.5 The Township Zoning Inspector shall enforce the provisions of this Resolution and the Township Zoning Inspector shall inspect, at least once each year, each manufactured home park and all accommodations and facilities therewith. The Township Zoning Inspector is hereby granted the power and authority to enter upon the premises of such trailer coach or Manufactured Home Park at any reasonable time for the purposes herein set forth. He is further empowered to certify to the Department of Public Health of the state of Ohio or any other licensing agency the fact that a park is being constructed or that an operator is in violation of this Resolution.

113.6 FIRE PROTECTION:

113.6.1 GENERAL REQUIREMENTS: The manufactured home park area shall be subject to the rules and regulations of the Fire Protection District in which it is located and the State Fire Prevention Authority.

113.7 TV SYSTEM: If a master television system is provided for each manufactured home in the park, underground wiring shall be used.

113.8 PERMANENT ADDITIONS: No permanent additions shall be built onto or become a part of any manufactured home until first securing a zoning certificate.

118 – ADULT ORIENTED BUSINESS

It is the purpose of this section to regulate adult oriented businesses, to promote the health, safety, morals and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of adult oriented businesses within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented material protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. There is convincing documented evidence that the adult oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them causing increased crime and the downgrading of property values.

The Township Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhood, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

118.1 DEFINITIONS (applicable only to this Section):

ADULT ORIENTED BUSINESS: A business which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on “Specified Anatomical Areas” as herein defined and is more particularly, but not exclusively, defined as meaning and adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, or adult theater, or massage business.

ADULT ARCADE: Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where image so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.

ADULT BOOKSTORE or ADULT VIDEO STORE: means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration, one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video representations which depict or describe “specified sexual activities” or “specified anatomical areas”, or
2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified 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 “specified anatomical areas” or by “specified sexual activities”, or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities”, or “specified anatomical areas”.

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 picture, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified anatomical areas”, and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
2. Offers sleeping rooms 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 sublet 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 is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

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 “specified anatomical areas” or by specified sexual activities”.

MASSAGE: The manipulation of body muscles or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.

MASSAGE BUSINESS: Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which is characterized by emphasis on matters and activities related to “specified sexual activities” or specified anatomical areas” as defined herein.

NUDITY OR A STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

PERSONS: An individual, proprietorship, partnership, corporation or other legal entity.

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

SPECIFIED SEXUAL ACTIVITIES: means and includes any of the following:

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

SEXUALLY ORIENTED DEVICES: Means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

SPECIFIED ANATOMICAL AREAS: Means less than completely and opaquely covered human genital, pubic region, buttock 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.

118.2 RULES GOVERNING ADULT ORIENTED BUSINESS:

118.2.1 The proposed business is located more than one thousand feet (1000') from a church, a public or private school, public-park, or playground and any social services facility, fairgrounds or neighborhood center.

118.2.1.1 For the purposes of subdivision, a measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of a church, or a public or private school or social services facility or neighborhood center, or to the nearest boundary of an affected public park, fairgrounds or playground.

118.2.2 The proposed business is located more than three hundred (300) feet from any boundary of a residential district as established by the Board of Township Trustees, the lot line of a lot devoted to a residential use, any boundary of a residential district in a local government abutting Madison Township, or any structure that contains a residence.

118.2.2.1 For the purposes of subdivision, a measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where and adult oriented business is conducted, to the nearest property line of a lot devoted to residential use or possessing a structure that contains a residence, or to the nearest boundary of an affected residential district.

118.2.3 The proposed use is located more than one thousand feet (1000') from an already existing adult oriented business, whether by permit or other means of establishment.

118.2.3.1 For purposes of subdivision (118.2.3), the distance between any two adult oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest external wall of the structure in which each business is located.

118.2.4 All viewing booths and viewing areas in an Adult Arcade, Adult Book store, Adult video store, Adult motion picture theater, or Adult Theater must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall, or other enclosure.

118.2.5 No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.

118.2.6 All provisions of the Ohio Fire Code are met prior to issuance of a permit.

118.3 No person shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

118.4 Revocation: The Madison Township Board of Trustees, after affording notice and hearing, upon recommendation of the Chief of Madison Joint Fire District, the Lake County Sheriff's Department, the Zoning Inspector, or on their own authority, may at any time suspend the Zoning Permit for the applicant's failure to comply with any applicable sections of this Resolution.

119 – M-3 SURFACE EXTRACTION OF SAND, GRAVEL, OR OTHER EARTH MATERIALS

Surface extraction of sand, gravel or other earth materials may be permitted only if re-zoning of the proposed site is granted with consideration given to the overall effect on surrounding lands. Such extraction shall not be permitted by right; such use may be permitted under the following conditions and stipulations in any district or may be prohibited by the Zoning Commission and Board of Trustees after making a determination for conformance with the following procedures standards and requirements:

119.1 The minimum total land area proposed shall be ten (10) contiguous acres. Area for extraction can be any percentage of this area.

119.2 That this section does not apply to county subdivision regulations, excavation of basements or the construction of oil, water and gas wells in conjunction with structures otherwise permitted by the Resolution.

119.3 That this section applies to the removal of overburden for the purpose of determining the location, quality, or quantity of a mineral deposit.

119.4 That for purposes of enforcing this section an operator is defined as any person or corporation engaged in surface mining or who removes or intends to remove sand, gravel, earth materials, minerals, incidental coal, or overburden.

119.5 All permanent above ground structures shall conform as to location, size and use with the structures allowable in the district in which the excavation is located.

119.6 That no sand, gravel, or other earth materials shall be removed or extracted nearer than two hundred (200) feet of horizontal distance from any street or highway right of way, or from any property lines unless specific area (s) are approved as part of the overall site grading plan. In no case shall the horizontal distance be less than fifty (50) feet.

119.7 That a green strip with a minimum depth of fifty (50) feet shall be planted with grass and landscaped with a year round vertical green combination of shrubs and trees so as to shield the extraction operation from any adjacent property. In the event that the terrain or other natural features serve the intended purpose of providing a visual screen year round, then no other planting screen and landscaping shall be required.

119.8 That there shall be no processing or manufacturing of such sand, gravel and earth materials on the premises.

119.9 That the maximum exposed area not exceed five (5) acres at any one time, including areas used for storage, haul outs, staging and operations.

119.10 That the excavated area shall be replanted after the excavation has been completed with sufficient cover of grass, trees, or shrubs to cover the land and prevent erosion. Replanting shall be completed within thirty (30) days after completion of excavation.

119.11 That the applicant who proposes to extract sand, gravel or other earth materials shall file with the Zoning Inspector, along with the Application for the re-zoning of the property, detailed plans and maps prepared by a registered engineer or surveyor which clearly show the following:

119.11.1 The total property of which the excavated area is a part.

119.11.2 The owner of the property as shown on the recorded plat.

119.11.3 The location and owners of record of all properties within five hundred (500) feet of the applicant property. Names and location of roads and natural features within five hundred (500) feet of the applicant property.

119.11.4 Soil borings of sufficient number and depth to reasonably describe the subsurface conditions on the property, i.e. soil type, water table and bearing capacity. This report shall be prepared by a registered geo-technical engineer.

119.11.5 The depth of such excavation below the natural grade.

119.11.6 The amount of materials to be removed in each phase and over the total duration of the operation.

119.11.7 A work schedule setting forth the proposed time limits within which the operation will be commenced and completed, showing the daily hours of operation, proposed haul roads if over the road vehicles are employed, methods of traffic control, methods of maintenance to insure that public right of ways are kept undisturbed, clean and safe along or in the vicinity of the proposed haul roads from or to the land involved.

119.11.8 The proposed final topography of the land after excavation has been completed, indicated by contour lines of no greater interval than two (2) feet, on a map with a scale of one (1) inch equals two hundred (200) feet.

119.11.9 The drainage plan on, above, below, and away from the area of land to be affected, indicating the directional flow of water, constructed drain ways, natural water ways used for drainage, and the streams or tributaries receiving or to receive this drainage.

119.11.10 A plan describing the manner in which erosion control is to be provided during excavation and until final restoration is completed.

119.11.11 A plan for reclamation showing the grass, both in amount and type, trees and shrubs and other ground cover to be planted in the excavated area.

119.11.12 The dates that the land or any portion thereof will be fully restored in accordance with the plans submitted.

119.12 The applicant for such a permit shall also file with the Zoning Inspector a bond payable to the Madison Township Trustees, with the sureties approved by the Trustees in the amount of five hundred dollars (\$500.00) per acre or any portion of the land to be excavated and conditioned upon the applicant faithfully restoring the land to be excavated as the contour map submitted with the application as indicated, and upon the applicant providing the drainage shown upon the map submitted with the application and upon the applicant planting grass, trees, and shrubs as shown on the plan submitted with the application.

On each annual anniversary of the granting of the M-3 zoning, and the filing of the bond required herein and when the land has been restored in accordance with the application and plans, the permit holder shall file with the Zoning Inspector a report showing the amount of sand, gravel or other earth material removed and the depth and extent of the excavation. Such report shall further set forth that portion of the land that has been restored in accordance with the approved plan, submitted with the application for a permit; he shall recommend to the Trustees the release of the bond for each acre or portion thereof so restored.

Upon finding that the restoration has been completed in accordance with the approved plan, the Township Trustees shall release the bond for each acre or portion thereof so restored.

119.13 In the event that the land is not restored in accordance with the approved plans as determined by the Zoning Inspector, at the time stated in the permit or any extension thereof granted by the Zoning Commission and Township Trustees for good cause shown or if the applicant fails to file the annual report required in Section 119.12 above, or if the applicant deviated from the approved plan or above regulations or special requirements, the Board of Township Trustees shall declare the conditions of the bond forfeited and proceed to cause the land to be restored in accordance with the approved plan submitted by the applicant charging such cost to the bond. In the event the cost of restoring the land under the conditions of this paragraph exceeds the bond covering such restoration, the additional cost shall be charged as a lien against the property.

119.14 The Zoning Commission and Township Trustees, in addition to the other powers granted to it by this Resolution, shall have the authority to allow the permanent impounding of water in such an excavation upon a finding that such a pond or lake will not be a health danger or safety hazard, and as a condition to allowing such a pond or lake may require that it be fenced or otherwise protected so that it will not become a nuisance.

119.15 The Zoning Commission and Township Trustees shall consider hours of operation based on location to surrounding residences.

122 – S-1 GREEN AREA DISTRICTS

122.1 GREEN AREA DISTRICTS:

122.1.1 The purpose of Green Area Districts is to provide the conservation of environmental qualities which are deemed necessary for this generation and future generations.

122.1.2 Green Area Districts shall be known as S-1 Districts and shall consist of scenic areas throughout the township such as wildlife preserves, scenic waterways, wood areas, and other natural or manmade areas which will enhance the environmental atmosphere of residents and visitors to Madison Township, Lake County, Ohio.

122.2 S-1 (RECREATIONAL) GREEN AREA DISTRICT REGULATIONS: The S-1 Recreational District shall include all areas that provide recreational activities for public and private organizations, and shall include the following:

122.2.1 Open recreational areas and facilities, lakes, beaches, pools, but not snowmobile trails or other recreational activities producing excessive noise.

122.2.2

SIC Code

01XX	Agriculture production crops
02XX	Agriculture production livestock
07XX	Agriculture services
08XX	Forestry
09XX (EXC. 092X & 097X	Fishing, hunting, and trapping
88XX	Private households

122.2.3 Single-family dwellings

122.2.4 Public and private forest and wildlife reservations

122.2.5 Roadside stands offering for sale only products grown on the premises

122.2.6 Parks, playgrounds, and recreational fields.

122.2.7 Recreational facilities such as assembly and meeting rooms, handball courts, exercise and physical fitness rooms, dancing, and live entertainment, pistol and fire range provided they are conducted within an enclosed building and sufficiently sound insulated to confine the noise inside premises.

79XX EXC. 793X, 794X, 7993, 7996, & 7999.

122.2.8 Country clubs, and /or public golf courses, and practice driving ranges in conjunction with golf courses.

122.2.9 Riding stables

122.2.10 Winery; Buildings and structures that are used primarily for the vinting and selling of wine and that are located on land any part of which is used for viticulture as permitted by Ohio law in conformance with Ohio Revised Code section 519.21(A). Permitted as accessory uses to a Viticulture operation would be the following: restaurant, meeting/banquet facility, outdoor dining, live entertainment, micro-brewery, micro-distillery, and retail establishment (small). The permitted accessory uses must be incidental to the Viticulture operation and not the primary use of the property. Off-Street Parking requirements will be in conformance with Section 127.5.5 (Restaurant, Table Service). Roadside signage to be in conformance with the requirements of Section 128.2.1 Business Signs.

122.2.11 Accessory building and uses customarily incident to any of the above uses

122.2.12 All signs in the S-1 Recreational District shall additionally conform to Section 128.9.12.

122.3 CONDITIONAL USE REGULATIONS (S-1 RECREATIONAL AREA): The following uses in the S-1 (Recreational) Green Area District shall require a conditional use permit to be obtained by the property owner from the Board of Zoning Appeals prior to use of any property in an S-1 (Recreational) Green Area District and in accordance with Section 142.4 of this Zoning Resolution.

Conditional use regulations shall be imposed by the Board of Zoning Appeals in accordance with Section 142.4 of the Zoning Resolution. Such regulations may include provisions that the uses for which the permit is issued shall not be changed or altered.

122.3.1 Retail business and office use, retail sale and serving of beverages and foods, permitted only as incidental uses which can only be incidental to the primary use. The primary source of income and use of the property being a recreational venture. All signs in the S-1 (Recreational) District shall additionally conform to Section 128.9.12.

122.3.2 Any other recreational oriented use not listed above if considered similar by the Zoning Board of Appeals.

122.3.3 All signs in the S-1 (Recreational) District shall additionally conform to Section 128.9.12.

122.4 CONDITIONAL USE PERMITS ARE REQUIRED before a building or premise can be used for any of the following purposes, as well as a Bed and Breakfast (See Section 142.4.5.24):

SIC Code

092X	Fish hatcheries
097X	Hunting, trapping, game propagation
144X	Sand and gravel mining
152X	Residential building construction
4489	Water transportation services
4493	Marinas
7033	Trailer parks and campsites
7999	Amusement and recreational services
8744	Facilities support services

122.5 S-1 (GRAND RIVER) GREEN AREA DISTRICT REGULATIONS: The designation of Grand River S-1 shall be given to One Thousand (1,000) feet on each side of the centerline of the Grand River, to extend the total length of the river within the boundaries of Madison Township, Lake County, Ohio. The Grand River S-1 area shall be governed by the use regulations and restrictions as outlined below:

122.5.1 Single-family dwellings

122.5.2 Dog kennels and veterinary establishments, but not nearer than two hundred (200) feet to any zoned residential district, or dwelling other than the dwelling of the lessee or owner of the site. This requirement applies to all Standard Industrial Classification groups listed as permitted uses.

122.5.3 Public and private wildlife reservations

122.5.4 Public and private parks and recreation areas

122.5.5 Roadside stands offering for sale products grown on premises.

122.5.6 Winery; Buildings and structures that are used primarily for the vinting and selling of wine and that are located on land any part of which is used for viticulture as permitted by Ohio law in conformance with Ohio Revised Code section 519.21(A). Permitted as accessory uses to a Viticulture operation would be the following: restaurant, meeting/banquet facility, outdoor dining, live entertainment, micro-brewery, micro-distillery, and retail establishment (small). The permitted accessory uses must be incidental to the Viticulture operation and not the primary use of the property. Off-Street Parking requirements will be in conformance with Section 127.5.5 (Restaurant, Table Service). Roadside signage to be in conformance with the requirements of Section 128.2.1 Business Signs.

122.5.7 Accessory buildings and uses customarily incident to any of the above uses, including home occupations and professional offices of one who lives in the main building where no nameplate is used in connection with the professional use which exceeds three (3) square feet in the area.

122.6 CONDITIONAL USE PERMITS ARE REQUIRED before a building or premise can be used for any of the following purposes:

122.6.1 The following uses in the S-1 (Grand River) Green Area District shall require a conditional use permit to be obtained by the property owner from the Board of Zoning Appeals prior to use of any property in an S-1 (Grand River) Green Area District and in accordance with Section 142.4.3 of this Zoning Resolution. Such regulations may include provisions that the uses for which the permit is issued shall not be changed or altered.

SIC Code

092X	Fish hatcheries and preserves
097X	Hunting
144X	Sand and gravel mining
152X	Residential building construction
24XX	Logging
45XX	Transportation by air
8744	Facilities support service

122.6.2 Specialized animal raising

122.6.3 Private clubs, lodges, recreational buildings, community firehouses, including such structures and uses as are necessary for their operation, except those of the chief activity of which is a service customarily carried on as a business.

122.6.4 Riding stables

122.6.5 Bed and Breakfast, (See Section 142.4.5.24).

122.7 PRESERVATION REGULATIONS:

122.7.1 Pollution of the main river, its tributaries, or lands surrounding the river with sewage effluent, trash, soil, or other pollutants shall be prohibited prior to, during, or after the approved selective timber harvesting operation.

122.7.2 The preservation of all timber within the area shall be encouraged. The private and commercial use of timber shall be permitted on a selective harvesting basis as detailed below. Under no circumstance shall temporary or permanent sawmills be permitted.

An application to harvest timber shall include the following information and may be required to submit additional information as deemed necessary by the Board of Zoning Appeals and/or the Zoning Inspector:

A site plan of the proposed site showing the location of all temporary roadways or haul roads, parking areas of equipment, refuse areas, drainage of the area, topography and soil information, and lighting equipment and wattage if used, and areas to be re-seeded as required by the State Forester and/or land owner must be submitted to the Lake County Soil and Water Conservation District Office and/or the State Forester. A copy of the recommendations, suggestions, or requirements received from either the Lake County Soil and Water Conservation District Office and/or the State Forester along with the site plan must be presented to the Board of Zoning Appeals as part of the application for a conditional use permit. Applicants may submit an application for a conditional use permit to the Board of Zoning Appeals without a copy of the recommendations, suggestions, or requirements from either the Lake County Soil and Water Conservation District Office or the State Forester with proof that the plan has been submitted to the office of choice and that 30 days has elapsed without receipt of such recommendations, suggestions, or requirements being received. A post harvest site reclamation plan which would include site cleanup and when required, a replanting plan shall also be submitted at the time of application.

An erosion control plan must be submitted showing the type and location of erosion control devices, and a description of other measure to be applied to the site to control erosion during and after timbering, especially if the site is temporarily abandoned.

Trees less than 24 inches in diameter measured at the Diameter Breast Height shall not be permitted to be cut unless documentation is provided that shows an evaluation of the site has occurred and that the cutting does not adversely affect the area.

Hours of cutting during the timbering operation shall be determined upon review of the site, the season of the cutting, and other conditions and must be approved by the Board of Zoning Appeals.

122.8 S-1 FLOOR AREA REQUIREMENTS (Recreational and Grand River Area):

1 Story	<p>Minimum 1200 square feet finished area</p> <p>The garage area shall not be included when calculating the minimum square feet required.</p>
1 1/2 Story	<p>Minimum 850 square feet finished lower level</p> <p>Minimum 425 square feet finished second level</p> <p>Minimum total of 1275 square feet finished area</p> <p>The garage area shall not be included when calculating the minimum square feet required.</p>
Bi-Level	<p>Minimum 850 square feet finished upper level</p> <p>Minimum 450 square feet finished lower level</p> <p>Minimum total of 1600 square feet of finished area</p> <p>The garage area shall not be included when calculating the minimum square feet required.</p>

2 Story

Minimum 850 square feet finished lower level
Minimum 450 square feet finished upper level
Minimum total of 1600 square feet of finished area

The garage area shall not be included when calculating the minimum square feet required.

**122.9 LOT SIZE, FRONTAGE, HEIGHT AND SET BACK REQUIREMENTS:
(Recreational and Grand River Area):**

Maximum height of main building – 2 1/2 stories, 35 feet
Minimum depth of front yard - 50 feet
Minimum either side yard - 40 feet
Width of, sum of side yards - 80 feet
Minimum depth of rear yard - 50 feet
Minimum lot area per family - 217,800 square feet
Minimum lot frontage - 250 feet

In all newly platted or re-platted subdivisions, on or after July 23rd, 1992, the lot frontage shall be measured along the set back line. All side lot property lines shall be perpendicular or radial to the road right of way to a depth at least equal to the actual set back depth. In no case will the minimum frontage measured along the road right of way be less than 205 feet.

For lot size, frontage, height and set back modifications and exceptions, see Section 125. For Cul-de-sac information, see Section 125.18.

122.10 SIGNS: (see Section 128.9.12)

123 - RIPARIAN SETBACKS

The purpose and intent of this section is to identify, protect the primary headwater streams of Madison Township. These streams provide important economic and ecological functions through the retention of sediment, water, and organic matter: nutrient reduction; and by providing corridors for wildlife dispersal. 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 setback along designated watercourses in the township. These setbacks will aid to:

- A. Preserve and conserve the quality and the free flowing condition of the designated watercourses, protect groundwater recharge and ground (well) water quality in the interest of promoting and protecting public health and safety.
- B. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
- C. Assist in stabilizing the banks of the designated watercourses, reduce stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
- D. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
- E. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
- F. Provide designated watercourse habitats with shade and food.
- G. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
- H. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- I. Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and the safety within the affected watershed.

123.1 Due to the importance of the 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 an appeal for a variance by the Board of Zoning Appeals.

123.2 Definitions. For the purpose of this regulation the following terms shall have the following meanings:

123.2.1 “Madison “ means Madison Township, its designed representatives, Trustees, Boards, or Commissions.

123.2.2 “Damaged or Diseased Trees” means trees that have split trunks, broken tops, heart rot, insect or fungus problems that will lead to imminent death, under cut root systems that put 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 watercourse or on to a structure.

123.2.3 “Designated Watercourse” means that is contained within, flows through or borders of Madison Township and meets criteria set forth in this section.

123.2.4 “Federal Emergency Management Agency (FEMA)” means the agency with overall responsibility for administering the National Insurance Program.

123.2.5 “100-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 100-year floodplain shall be defined by the Federal Emergency Management Agency (FEMA).

123.2.6 “Ohio Environmental Protection Agency” means the organization referred throughout this regulation a the “Ohio EPA”

123.2.7 “Ordinary High Water Mark” means the point of the bank to which the presence and action of the 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 characteristics. The ordinary high water mark defines the bed of the watercourse.

123.2.8 “Riparian Area” means naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize the stream banks, limits erosion, reduces flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purpose of this regulation.

123.2.9 “Riparian Setback” means those lands in Madison that fall within the area defined by the criteria set forth in section 123 of this regulation.

123.2.10 “Soil & Water Conservation District” means an entity organized under chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designed employees.

123.2.11 “Soil Disturbing Activity” means clearing, grading, excavating, filling, dumping, drilling, striping, or other alteration of the earth’s surface where natural or human made ground cover is destroyed, which may result in or contribute to, erosion and sediment pollution.

123.2.12 “Watercourse” means any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently.

123.2.13 “Wetland” means those areas that are inundated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in a saturated soil conditions, including swamps, marshes, bogs and similar such areas.

123.3 APPLICABILITY: These Regulations shall only apply when the following conditions are met:

123.3.1 A riparian setback, is set forth in these regulations.

123.3.2 A zoning certificate or conditional use permit is required or necessary.

123.3.3 This regulation shall apply to all zoning districts in Madison Township as defined by the most recent version of the Madison Township Zoning Resolution.

123.3.4 This regulation shall apply to all lands that are within the borders and jurisdiction of Madison Township and that borders designed watercourses as defined in this regulation.

123.3.5 The regulation set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.

123.3.6 The use of any building, structure or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Section 137- Nonconforming Uses of Land and Buildings.

123.3.7 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 or completed, subject to the provisions of Section 137, Nonconforming Uses of Lands and Buildings.

123.3.8 No zoning certificate or conditional zoning permit shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulation set forth herein.

123.4 RIPARIAN SETBACK GUIDANCE MAP:

123.4.1 The Township shall provide a map identifying known and potential designated watercourses and their riparian setbacks. Said map is attached hereto and is identified as Exhibit “A”. The riparian setback map may be utilized as a guide or reference document by the zoning inspector and the board zoning appeals in determining when the riparian setbacks applies.

123.4.2 Nothing herein shall prevent the Township from amending the map from time to time as may be necessary.

123.4.3 Due to the scale and the information available, all the designated watercourses and setbacks may not be accurately identified on the riparian setback guidance map. If any discrepancy is found between the riparian setback map and these regulations, or if any discrepancy is found between existing site conditions and these regulations, the criteria set forth in Section 123 shall prevail.

123.5 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACK DISTANCES:

123.5.1 Designated watercourses shall include those watercourses meeting any one of the following criteria.

123.5.1.1 All watercourses within the territorial boundaries of Madison Township designated as having banks, a defined bed, and a definite flow, either continuously or intermittently flowing. In determining if a watercourse shall be designated watercourse by the Township, so as to require a riparian setback, the Madison Township Zoning Inspector may consult with representatives of the Lake 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.

123.5.1.2 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.

123.5.2 Riparian setbacks on designated watercourses are established as follows:

123.5.2.1 A minimum of 120 feet on each side of all watercourses draining an area greater than or equal to 20 square miles.

123.5.2.2 A minimum of 75 feet on each side of all watercourses draining an area greater than or equal to one square mile and up to 20 square miles.

123.5.2.3 A minimum of 25 feet on each side of all watercourses draining an area less than one square mile and having a defined bed and bank as determined in section 123 of this regulation.

123.5.2.4 A minimum of 75 feet on each side of all watercourses designated as Class III Primary Headwater Habitat streams.

123.5.3 The Following shall apply in Riparian Setbacks:

123.5.3.1 Riparian setbacks shall be measured in horizontal direction outward from the ordinary high water mark of each designated watercourse.

123.5.3.2 Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

123.5.3.3 Where the 100-year floodplain is wider than a riparian setback on either or both sides of a designated watercourse, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined on the Flood Insurance Rate Maps (FIRM) of Lake County, Ohio administered by FEMA.

123.5.3.4 Where wetlands are identified within a riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. Wetlands shall be delineated by a site survey prepared by qualified wetlands professional using delineation protocols accepted by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency.

123.5.3.5 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.

123.6 APPLICATIONS AND SITE PLAN:

123.6.1 Where applicable, the site owner shall be responsible for delineating riparian setbacks as required by these regulations and shall identify these setbacks on all site plans submitted to the Zoning Inspector in accordance with Section 126, Site Development Review and Section 140, Zoning Certificates.

123.6.2 If soil disturbing activities, or construction related activities such as mineral storage, will occur within 50 feet of the outer boundary of a riparian setback, the setback shall be clearly delineated by the site owner on-site with construction fencing prior to any soil disturbing or construction related activities. Such delineation shall extend 50 feet beyond the limits of soil disturbing or construction related activities and shall be maintained throughout soil disturbing or construction related activities.

123.6.3 The Zoning Inspector shall not issue approvals unless said project is in conformance with this regulation.

123.6.4 The Zoning Inspector may consult with the Lake County SWCD, or other experts retained by the Township in reviewing any submittals associated with implementation of this regulation.

123.7 PERMITTED STRUCTURES AND USES WITHOUT A ZONING

CERTIFICATE: The following structures and uses are permitted in the riparian setback without a zoning certificate. No structure or use permitted under this regulation shall allow trespass on, or public access to, privately held land.

123.7.1 Damaged or diseased may be removed.

123.7.2 Maintenance of existing, and the cultivation of new lawns, landscaping, shrubbery or trees.

123.7.3 Water supply wells for the purpose of serving permitted structures or uses on lots of record shall be allowed.

123.7.4 Recreation activities such as fishing, hunting, picnicking, trails, picnic tables, walkways and paths for non-motorized vehicles constructed of pervious materials.

123.7.5 Water supply wells subject to the regulations enforced by the Lake County General Health District or the Ohio EPA.

123.7.6 Passive open space to preserve the riparian setback in its natural state.

123.7.7 On-site sewage/ treatment systems subject to the applicable regulations enforced by the Lake County General Health District or the Ohio EPA.

123.8 PERMITTED STRUCTURES AND USES WITH A ZONING CERTIFICATE:

The following structures and uses shall be permitted in a riparian setback, subject to the approval of an application for a zoning certificate by the Zoning Inspector and in accordance with the following regulations and other applicable regulations contained in this resolution.

123.8.1 Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means shall be allowed subject to other requirements of the Madison Township Zoning Resolution, the Lake County SWCD, the Lake County Engineer. If the work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps Of Engineers section 404 permit. (Either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 Water Quality Certification), shall also be provided to the Zoning Inspector. Proof OF Compliance shall be the following:

123.8.1.1 A site plan showing that any proposed crossing conforms to the general and specific conditions of the applicable Nationwide Permit, or

123.8.1.2 A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or

123.8.1.3 A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

123.8.2 Stream-bank Stabilization Projects: Stream-bank Stabilization Projects along designated watercourses shall be allowed, subject to other requirements of the Madison Township Zoning Resolution and the Lake County SWCD. If stream-bank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with applicable conditions of the U.S. Army Corps Of Engineers section 404 permit (Either a Nationwide Permit 13, including the state Of Ohio Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 Water Quality Certification shall be provided to the Zoning Inspector.) Proof of Compliance shall be the Following:

123.8.2.1 A site plan showing any stream-bank projects conforms to the general and specific conditions of Nationwide Permit 13 or

123.8.2.2 A copy of the authorization letter from the U.S. Army Corps Of Engineers approving activities under Nationwide Permit 13 or

123.8.2.3 A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

123.8.3 Storm Water Retention And Detention Facilities may be constructed in riparian setbacks provided;

123.8.3.1 Storm Water quality treatment is consistent with Ohio EPA and Lake County SWCD regulations.

123.8.3.2 Storm water retention and detention facilities are located at least 50 feet from the ordinary high water mark of the watercourse.

123.9 CONDITIONAL STRUCTURES AND USES IN RIPARIAN SETBACKS: The following conditional structures and uses may be allowed in riparian setbacks, subject to the approval of the application for a conditional use permit by the Board of Zoning Appeals in accordance with the conditions herein and such other applicable regulations set forth in this zoning resolution.

123.9.1 Waste Water Plants and Appurtenances may be constructed in riparian setbacks. Proof of compliance with the applicable regulations of the Ohio EPA and the Lake County SWCD and the Lake County Engineers Office shall be provided.

123.9.2 Signs in accordance with this zoning resolution may be erected in the riparian setback.

123.10 STRUCTURES USES, AND OBSTRUCTIONS PROHIBITED IN REPARIAN SETBACKS: Any structure or use not permitted under this regulation shall be prohibited in riparian setbacks. The following structures or uses are specifically prohibited:

123.10.1 Construction. There shall be no structures, as defined in the Madison Township Zoning Resolution, except as permitted in this regulation.

123.10.2 Dredging or Dumping. There shall be no drilling, filling, dredging or dumping of soil, spoils, liquids, yard waste or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.

123.10.3 Fences and walls. There shall be no fences or walls constructed in the riparian setbacks except as permitted under this regulation.

123.10.4 Parking spaces or Lots and loading/ Unloading Spaces for Vehicles. There shall be no parking spaces, lots, or loading/ unloading spaces, except as permitted under this regulation.

123.10.5 Roads and Driveways. There shall be no roads or driveways, except as permitted under these regulations.

123.11 INSPECTION AND ENFORCEMENT OF RIPARIAN SETBACKS: The delineation of riparian setbacks shall be inspected and enforced by the Zoning Inspector.

123.11.1 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.

123.11.2 The zoning inspector and/ or its agents, with prior notice and authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

124 – TELECOMMUNICATION AND WIRELESS TELECOMMUNICATION TOWERS AND ACCESSORY STRUCTURES

124.1 For the purpose of this resolution, telecommunication towers shall be defined as any free standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

124.1.1 The free standing or attached structure is proposed to be constructed on or after October 31st, 1996.

124.1.2 The free standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

124.1.3 The free standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

124.1.4 The free standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free standing structure as set forth in any applicable zoning regulation in effect immediately prior to October 31st, 1996, or as those regulations subsequently are amended.

124.1.5 The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31st, 1996, or as those regulations subsequently are amended.

124.1.6 The free standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

124.2 Pursuant to the powers conferred by compliance to division (B) and (C) of Ohio Revised Code Section 519.211 or any other O.R.C. section numbers conferring powers to the Board of Zoning Appeals, the Board of Zoning Appeals shall dutifully review the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of land by any public utility, for the operation of its business prior to issuing an approval of a conditional use permit.

124.2.1 The applicant shall be required to document that no technically suitable and feasible sites are available for the construction of a telecommunication tower or an attached telecommunication tower to an existing building or structure in a nonresidential district and that the site chosen is located in the least restrictive district that includes a technically suitable and feasible tower site as part of the application for a conditional use permit.

124.2.2 As part of an approved conditional use permit, the applicants shall be required to inform the Zoning Inspector within 30 to 60 days the tower operation ceases to operate and further, to remove the tower structures and accessory structures from the site as part of the conditional use permit within one year of the tower ceasing to operate. The Board of Zoning Appeals may allow resale or renting of the tower, the attached tower, and its accessory facilities once another zoning certificate is issued without holding additional hearings.

124.3 Any person who plans to construct a telecommunication tower, or attach a telecommunication tower to an existing structure, or erect an accessory structure as an incidental use for a telecommunication tower within an area zoned for residential use shall be required to fully and completely comply with Ohio Revised Code Section 519.211, division (B) and shall be required to obtain a conditional use permit approved by the Board of Zoning Appeals. Refer to Township Zoning Resolution, Section 142.4 for conditional use permit content requirements. In addition to the requirements set forth in Section 142.4 of the Township Zoning Resolution and as required in O.R.C. 519.211, division (B) the applicant shall provide the Board of Zoning Appeals a copy of the list of notices sent to each owner of property as shown on the county auditor's current tax list whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed. The Board of Zoning Appeals may refer to the conditions and restrictions within Section 142.4.5.2 for guidance and reference when restricting and regulating the location of any tower or supporting piece of equipment.

124.4 In addition to the restrictions set forth in this Section, in all portions of Section 142 of the Township Zoning Resolution, the applicant shall conform to all requirements and obligations set forth in the Ohio Revised Code, Section 519 or other section identified.

126 – SITE DEVELOPMENT PLAN REVIEW

126.1 PURPOSE: Site development plans are necessary to provide for the long-term planning, efficient and safe use of land, to promote high standards in the layout, design, landscaping, construction and development of land and structures, to minimize surface water drainage problems, to protect adjoining properties from adverse conditions, and, to promote the public health, safety and welfare of the citizens of Madison Township.

Many of our citizens, businesses, and agriculture-businesses are dependant on having an adequate and safe ground water table, when site conditions are favorable and conducive, a bio-retention or comparable system shall be implemented to filter the surface water and to maintain the ground water table nearly at the pre-construction level regarding both qualitatively and quantitatively. Consultation with and subsequent approval from the Lake County Soil and Water Conservation District is strongly recommended for planning these systems.

126.2 REQUIREMENTS:

126.2.1 A Preliminary Site Plan Review shall be required for any use or development involving business activity, site alteration, new construction, reconstruction, or modification of structures in the R-4, R-5, P-1, B-1, B-2, B-3, M-1 and S-1, Zoning Districts or any other Commercial or Industrial Zoning District for the Board to review the project information and to determine if the project architect or project engineer should attend the Public Hearing for the Site Plan Review.

126.2.2 A site development plan shall be required and shall be submitted for any use or development involving business activity, site alteration, new construction, reconstruction, or modification of structures in the R-4, R-5, P-1, B-1, B-2, B-3, M-1 and S-1, Zoning Districts or any other Commercial or Industrial Zoning District. No activity shall commence for any such use or project unless and until a site development plan has been submitted according to the requirements as set forth in Section 126.7, and a valid Zoning Certificate has been issued for the said project. Minor remodeling or alterations which do not affect the “Purpose” of Section 126 or surrounding properties shall not be subject to the site plan review process, but shall be subject to submitting all drawings, plans, or other documents as required to obtain a Zoning Certificate.

126.3 PREPARATION: Site development plans shall be prepared and certified by an architect, engineer, or land surveyor duly registered by the State of Ohio. A landscape plan is required and may be prepared by a certified landscape architect. Plans should be prepared at an appropriate scale.

126.4 CONTENTS: Site development plans shall contain the following information:

126.4.1 A Letter of Intent shall include a summary of the proposed project and must include the scope of services and/or operations.

126.4.2 The name of the owner and developer, north arrow, date, and scale.

126.4.3 The owners, zoning classification, and present use of adjoining properties.

126.4.4 A boundary survey.

126.4.5 Existing topography and proposed finished grading with a maximum contour interval of two feet (2'), existing trees over twelve inches (12") in diameter at four feet (4') above grade, wooded areas, wetlands, and other environmental features.

126.4.6 Locations and dimensions of all existing and proposed structures, off-street parking, fencing, screening, buffers, drives, and walkways.

126.4.7 Provisions for adequate control and/or treatment of storm water.

126.4.8 All existing and proposed sanitary facilities indicating pipe sizes; types, grades, invert elevations, and location of manholes.

126.4.9 All existing and proposed water facilities including line sizes and locations, and hydrant locations.

126.4.10 Provisions for adequate storage and removal of solid waste.

126.4.11 Applicants must specify the number of, planting size and maximum size of, and location of trees to be planted. The applicant must specify the number of, planting size and maximum size of, and the locations of all shrubs and other flowering and non-flowering plantings to be used. Applicants are recommended to consult with the Lake County Extension Office prior to submittal.

126.4.12 Applicants shall submit proposed building elevations of all sides of the building including the location of all exterior doors, windows, and the exterior finishes and/or facades to be used. Applicants shall submit the type and texture of all exterior building materials. Roof-mounted HVAC equipment shall be shown.

126.4.13 Locations and dimensions of all access drive and travel lanes, adequate areas allowing for delivery and/or emergency vehicles to turn around on site must be provided in the form of a cul-de-sac or comparable design.

126.4.14 All existing and proposed roadway elevations.

126.4.15 Locations and elevations of adjacent structures.

126.4.16 Name, address, and phone number of the responsible State of Ohio licensed architect, engineer or land surveyor and certification of work.

126.4.17 All proposed exterior lighting fixtures to be installed shall be shown on the plan showing the overall illumination level in foot candle power of the site. Employee Parking areas must be illuminated at least until after the last employee has left the site.

126.4.18 Minimal access cuts or driveway cuts are encouraged. Continuous curb cuts are prohibited. Developments utilizing only one access cut or the Commission will receive driveway cut onto a major highway system more favorably. Upon proof of need and with the approval of other governing agencies, approval of multiple cuts/driveways can be requested.

126.4.19 Number of parking spaces required and provided.

126.4.20 The type of surface in the parking and walk areas including curbs.

126.4.21 Minimum parking setback requirements, forty-feet (40'), subject to Zoning Board Review.

126.5 DESIGN STANDARDS: All site plans shall conform to the following design standards:

126.5.1 All proposed water and sanitary 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.

126.5.2 Every use should be located within 300 feet of a fire hydrant or other water source. Additional fire hydrants may be recommended by the Madison Fire Chief and shall be located as directed by the Madison Fire Chief.

126.5.3 Development features, including building, 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.

126.5.4 Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography.

126.5.5 Where located adjacent to residentially zoned property, the required setback area shall be maintained with natural vegetation and shall have supplemental plantings to provide visual and sound attenuation. Same material to be used on the rear of the building, subject to Zoning Board Review.

126.5.6 Where adjacent to non-residentially zoned property, the maximum lot coverage of building, 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.

126.5.7 Building Exteriors shall not have long uninterrupted blank walls or roofs. These features shall contain changes in plane, changes in texture, windows, or other elements that divide these features.

126.5.8 Parking and service areas shall be screened from view from adjoining residential properties. Screening of parking and service areas shall be provided by means of landscaping, ornamental walls, fences or similar means. Use of slow or low growing deciduous trees of various varieties shall be used on the site. Lighting fixtures shall be placed to minimize any effect on adjoining properties.

126.5.9 In parking areas designed to accommodate 30 vehicles or more, visual relief shall be provided by means of landscaped dividers and/or islands.

126.5.10 Drives, travel lanes, and parking areas shall be designed and related 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 and safety vehicles. Adequate areas shall be provided for snow removal vehicles and for snow retention.

126.5.11 Storm runoff provisions shall be designed based on a minimum one hundred (100) year frequency design storm and the storm drainage calculations submitted with the site plan. In all cases, the design shall incorporate systems to maintain the ground water table nearly at the pre-construction level. As the least desirable, 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 one hundred (100) year frequency or less.

126.6 GROUND WATER MAPPING STANDARDS:

126.6.1 The number of borings shall be sufficient such that no more than 100 ft. spacing exists between borings, measured in any direction. A minimum of 1 boring per lot shall be required.

126.6.2 A minimum of one groundwater-monitoring well shall be installed within each borehole. The well shall consist of a ¾ inch or larger slotted PVC pipe that is backfilled to within 1 ft of grade with sand. The upper 1 ft of the well shall consist of a capped, non-slotted PVC pipe, and the annular space around the solid pipe shall be sealed with bentonite to prevent groundwater from entering the well and affecting groundwater measurements. Follow-up groundwater measurements within the well shall be taken 24 and 72 hrs. after installation.

126.6.3 The United States Geological Survey ground surface elevation at each boring location shall be measured and presented on each boring log. The following provides the minimum amount of information that must be presented on the boring logs:

126.6.3.1 USGS ground surface elevation.

126.6.3.2 Date, time, and weather conditions at the time of drilling.

126.6.3.3 Company that completed the drilling, including company phone number and address. The driller's initials must also appear on the boring logs.

126.6.3.4 All ground water measurements including follow-up measurements shall be marked as part of this log.

126.6.3.5 A sketch of the site depicting the exact well locations must be submitted.

126.7 GENERAL REVIEW CRITERIA: The following general criteria must be used to evaluate site plan requests.

126.7.1 Consistency with the township zoning resolution and with any applicable plans in progress. The proposed development is consistent with zoning regulations and the spirit of applicable areas, corridors, and comprehensive plans, it would not adversely affect property near the site, and it has been prepared to achieve the benefits of improved design.

126.7.2 Aesthetics and site planning. Architectural design, landscaping, hardscaping, signage, and site planning conform to the zoning resolution standards and good planning and design practices; compliments adjacent development; and reinforces a unique, high-quality built, natural and social environment. Community demographics, the presence of older poor-quality development in the area and reducing development costs do not justify low-quality of lowest-common-denominator design in accordance with section 519.02 of the Ohio Revised Code.

126.7.3 Compatibility with surrounding uses. The proposed development is compatible with the character of adjacent development and uses. Compatibility includes but not limited to size, scale, mass, architectural design, landscaping, and external effects. The presence of older poor quality development in the area does not justify new development that is similar.

126.7.4 Impact on existing infrastructure and public improvements. The proposed development does adversely affect existing infrastructure and public improvements, of that arrangements are made to mitigate such impacts.

126.7.5 Internal efficiency of design. The proposed design achieves internal efficiency for its residents and/or visitors, adequacy of recreation, public access, safety and other factors, including but not limited to storm drainage, sewer and water, grades, dust control, and matters relating directly to public health and safety.

126.7.6 Control of external effects. The proposed development controls external effects on nearby land uses, movement and congestion of traffic, noise generated, arrangement of signs, and lighting to prevent nuisances, landscaping, features to prevent littering of accumulation of trash, pollution, damage to environmentally sensitive areas, and other factors that affect public health welfare and safety.

126.7.7 Adequacy of traffic and circulation plans. Designs and efficiency of the traffic plan, vehicular and pedestrian circulation, adequacy and convenience of parking, design of streets, linkage of collector streets to the arterial street system are adequate and reflects good planning and design practice. Access to the site from the public right-of-way does not decrease the carrying capacity of the road, compromise driver and pedestrian safety, incorporate excessive of continuous curb cuts, or cheapen the appearance of development.

126.8 APPROVAL PROCESS:

126.8.1 Seven (7) complete sets of copies of the site development and building plans shall be submitted to the Zoning Inspector at least thirty (30) days prior to the requested meeting. The applicant shall forward one (1) complete set of plans to the Madison Fire District, requesting written comments.

126.8.2 The Zoning Inspector shall review site development plans for compliance with the provisions of the Zoning Resolution and this Section. The Zoning Inspector may forward said site development plans to an independent engineer if additional review is needed. Said engineer shall review same for conformity to the proper relation with existing or proposed sanitary sewers, water lines, storm drainage, and existing grades of adjacent lands and structures. The cost of such engineer's review shall be borne by the applicant and shall be in addition to such other fees as may from time to time be established by the Trustees for processing and review of site plans.

126.8.3 After review and approval by the Zoning Inspector and, if needed, an Independent Engineer, the site development plans shall be forwarded to the Zoning Commission for a Public Hearing.

126.8.4 Correspondence from the Lake County Department of Utilities that sufficient water and sanitary system capacity exists to accommodate the proposed development shall be required. If an on-site sewage disposal system is proposed, correspondence from the Lake County General Health District /Ohio EPA that appropriate soils and land area for such system exist on the site shall be required.

126.8.5 Approval of the site plan shall only be considered upon the applicant receiving written approval from the Lake County Soil and Water Conservation District, the Lake County Engineer, the Lake County General Health District, the approval of the Lake County Storm Water Management Engineer, the Ohio Environmental Protection Agency, the Lake County Utilities Department, the Madison Fire District, and all other applicable governing agencies. Copies of said written approval shall be presented to the Zoning Inspector.

126.8.6: Upon receipt of all written approvals for a Site Development Plan from all applicable governmental agencies, as listed in Section 126.8.5, the Zoning Inspector shall notify the Zoning Commission at their next regularly scheduled meeting of the need to set a Public Hearing for review of the submitted plan. The Zoning Commission shall schedule a Public Hearing within forty-five (45) days of official notification from the Zoning Inspector to review, comment, modify, approve or disapprove the submitted Site Development Plan. The Zoning Commission shall fix a reasonable time and date for the Public Hearing. Property owners immediately adjacent to the proposed site to be developed shall be notified no less than ten (10) days prior to the scheduled hearing. A notice of the Public Hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such Site Development Plan Hearing. An approval from the Zoning 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.

126.9 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. The Site Development Plan Review process is not subject to review by, or the granting of exceptions or variances by the Board of Zoning Appeals. However, the BZA may hear an appeal if there is an error on part of the Zoning Commission.

127 – OFF-STREET PARKING AND LOADING REQUIREMENTS

127.1 PURPOSE: The off-street parking regulations contained herein are promulgated in order to achieve the following:

127.1.1 To relieve congestion on public streets so that they can be utilized more fully for the movement of vehicular and pedestrian traffic; and

127.1.2 To promote the safety and convenience of pedestrians, guests, shoppers and employees by segregating parking areas from public right-of-ways thereby lessening congestion; and

127.1.3 To promote the general convenience, welfare and prosperity of residential institutional, service, commercial and industrial developments, which depend upon off-street parking and loading facilities.

127.2 PLOT PLAN: An application for a Zoning Permit shall include a plot plan, as required by Section 140 of this Resolution, containing a scale drawing indicating, among other things, the off-street parking facilities in accordance with this Section.

127.3 PARKING SPACE: A parking space shall consist of the square footage necessary to meet the requirements as set forth in the “Off-Street Parking Dimensional Table” contained in Section 127.5 of the Resolution, but in no case shall a parking space be less than one hundred and sixty-two (162) square feet exclusive of access driveways, aisles, ramps, columns, streets, alleys, private drives or roadways, usable for the parking of passenger vehicles or commercial vehicles under two (2) tons capacity.

127.4 OFF-STREET PARKING SPACES AND ACCESS DRIVEWAYS: Off-street parking spaces and access driveways serving said individual parking spaces shall conform to the following table:

Off-street Parking Dimensional Table

Degree of Angle	45	60	90	Parallel
Width of Parking Space	10'	10'	10'	10'
Length of Parking Space	20'	20'	20'	25'
Width of Access Driveway (one way)	15'	20'	20'	15'
Width of Access Driveway (two way)	22'	22'	22'	22'

127.4.1 All parking space dimensions shall be exclusive of driveways, aisles and other circulation areas.

127.4.2 Parking areas having more than one (1) aisle or driveway shall have directional signs or markings on each aisle or driveway indicating direction(s) of traffic flow.

127.5 MINIMUM NUMBER OF REQUIRED PARKING SPACES:	
127.5.1 Residential	
Use/Activity	Minimum Parking Spaces Required
Single-Family Dwelling	A minimum of two (2) enclosed spaces and a minimum of five hundred (500) square feet of unenclosed parking area per dwelling unit shall be provided. Driveways and parking areas shall be improved with gravel, asphalt, concrete, brick or other similar type material. The percentage of front yard area improved as driveway and parking area shall not exceed forty percent (40%) of the total front yard area. There shall be no off-street parking provided within the road right-of-way.
Duplex Dwelling (Two-family dwelling)	Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed. The driveway and parking area shall be improved with gravel, asphalt, concrete, brick or other similar type material. The percentage of front yard area improved as driveway and parking area shall not exceed forty percent of the front yard area. There shall be no off-street parking provided within the road right-of-way.
Multi-Family Dwelling	Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed. Additional guest parking at a rate of one (1) space per two (2) units.
Senior Citizen Development	Two and one-half (2-1/2) spaces per dwelling unit, of which one (1) Dwelling (Independent or space shall be enclosed. Driveway and parking areas shall be Assisted Living units only) improved by asphalt, concrete or brick. Visitor designated parking spaces shall contain spaces which measure twelve (12) feet by twenty (20) feet in area.
127.5.2 Educational/Community Facilities:	
Child or Adult Day Care	One (1) space for every employee on maximum shift, plus one (1) Centers space per five (5) persons enrolled at center capacity. Vehicles used to transport clients on fieldtrips or similar activities shall be permitted to park overnight at the center, in compliance with the parking setbacks.
Church/Place of Worship	One (1) space for every three (3) seats.
Library, Museum	One (1) space for every 250 square feet of usable floor area and one (1) space for every employee on maximum shift, plus an area designated for the safe loading and unloading of persons.
Community Center	One (1) space for every 100 square feet of usable floor area and one (1) space for every two (2) seats at maximum facility capacity, plus an area designated for the safe loading and unloading of persons.
Governmental Facility	One (1) space per motor vehicle operated in connection with such use, Police and Fire Services plus one (1) parking space for every employee on maximum shift, and a sufficient number of spaces to serve all the users and visitors of the site.

Postal Service	One (1) space per motor vehicle operated in connection with such use, plus one (1) parking space for every employee on maximum shift, and a minimum of 10 visitor parking spaces.
Outdoor Recreation (Unless otherwise specified in this Section)	Minimum of one (1) parking space per four (4) seats of spectator seating; however, if no spectator seating is provided for the use, a parking area shall still be provided on the site, with a sufficient number of spaces to serve all users of the site.
Residential Care Facility Nursing Home, Home for the Aging & Hospice Care	One (1) space for every four (4) beds, plus one (1) space for every Nursing Home, Home for the Aging, or Hospice Care employee on maximum shift.
Schools: Elementary, Middle or Junior High	One (1) space per classroom and ten (10) additional spaces for staff with one (1) additional space for every five (5) seats in the largest assembly room.
Schools: Senior High	Five (5) spaces per classroom and one (1) space for every four (4) seats in the largest assembly room. If a high school stadium is located on the property, then one (1) additional parking space for every ten (10) stadium seats shall be provided.
127.5.3 Commercial Recreational	
Auditoriums, Stadiums, and Other Places of Public Assembly	One (1) space for every four (4) persons of seating capacity.
Studios for Instruction	One and one-half (1.5) spaces per student at maximum capacity, plus one (1) space for every employee on maximum shift, plus an area designated for the safe and convenient loading and unloading of students
Golf Course/Clubhouse	Six (6) spaces per green plus one (1) space for every three (3) persons based on the maximum anticipated capacity of all non-golf related facilities capable of simultaneous use including pool, restaurant, banquet facility, and health/recreational facilities. Plus one (1) space for every employee on maximum shift.
Health/Recreational Facility	One (1) space for every 250 square feet of exercise area, locker room or Membership Sports/Fitness area and equipment rooms.
Indoor Movie Theaters	One (1) space for every three (3) seats.
Meeting/Banquet Facilities and Clubs	One (1) space for every three (3) persons of maximum seating capacity, plus one (1) space for every employee on maximum shift
Swimming Pools, Public	One (1) space for every fifty (50) square feet of defined active (for Private Pools, see recreation area including water, lawn deck and bath house. Clubhouse)
Tennis Courts	Four (4) spaces per court.
Shooting Range	One (1) space for each shooting station, plus one (1) space for every employee on maximum shift.

127.5.4 Office and Professional Services	
Business, Professional & Administrative Offices & Services (Including government office but excepting medical and dental)	One (1) space for every three hundred fifty (350) square feet of usable floor area.
Dental, Medical and Clinical Offices	One (1) space for every 200 square feet of usable floor area.
Banks, Credit Unions and other Financial Services	One (1) space for every 300 square feet of usable floor area, plus one (1) space for every employee on maximum shift.
Funeral Home	One (1) space for every fifty (50) square feet of parlor or viewing room area.
Hospitals	One (1) space for every two (2) beds and one (1) space for every employee on maximum shift.
Veterinary Services, Animal Boarding	One (1) space for every four hundred (400) square feet of usable floor area and one (1) space for every two (2) employees.
127.5.5 Retail and Service:	
Retail and Service Uses, Unless Specified Below	One (1) space for every two hundred and fifty (250) square feet of usable floor area.
Restaurant-Counter Service	One (1) space for every 75 square feet of usable floor area, plus one (1) space for every three (3) employees, with a minimum of six (6) spaces.
Restaurant-Table Service	One (1) space for every 75 square feet of usable floor area, plus one (1) space for every employee on maximum shift, plus ten (10) spaces.
Convenience Store	One (1) space for every one hundred (100) square feet of usable floor area.
Furniture, Appliance, Showrooms(Plumbing, Electrical, Decorators and Related Trades), Nursery and Garden Supply	One (1) space for every four hundred (400) square feet of usable floor Building Supply, area or display area.
Hotels and Motels	One (1) space per room, plus seventy-five percent (75%) of the normal spaces required for accessory uses such as restaurants and meeting/banquet facilities. Plus one (1) space for every employee on maximum shift.
Bed and Breakfast	One (1) space per guest room, two (2) owner spaces, plus one (1) space for every employee on maximum shift.
Gas Station	One (1) space for every employee on maximum shift, plus eight (8) spaces for customers.
Car Wash	One (1) space for every employee on maximum shift, plus a minimum of three (3) waiting spaces for every bay or for every twenty (20) feet of building length, for a tunnel car wash.

Automotive Services/Repair	One (1) space for every employee on maximum shift, eight (8) spaces for customers and one space for every service bay.
Instant Oil Change	One (1) space for every employee on maximum shift, plus three (3) waiting spaces for every service bay.
Automobile, Boat, Motorcycle, RV, and Equipment Sales & Service (includes equip. rental/leasing)	One (1) space for every four hundred (400) square feet of enclosed sales area, one space for every six hundred (600) square feet of outdoor sales area, one (1) space for every service bay, and one (1) space for every employee on maximum shift.
Livery/Auto Rental	One (1) space for every employee on maximum shift, four (4) spaces for customers and eight (8) spaces for vehicles.
Manufacturing/Warehousing:	
Manufacturing	One (1) space for every four hundred (400) square feet of gross floor area.
Research Laboratory and Testing Labs	One (1) space for every five hundred (500) square feet of gross floor area.
Warehousing	One (1) space for every one thousand (1000) square feet of gross floor area.

127.6 UNITS OF MEASURE: In determining the required number of parking spaces, the following rules shall apply:

127.6.1 Floor Area: Where floor area is designated as the standard for determining parking space requirements, usable floor area shall be used, unless specifically noted otherwise.

127.6.2 Seating Capacity: Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one (1) seat for each twenty-four (24) lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one (1) seat for each twenty (20) square feet of floor area of the assembly room.

127.6.3 Employees: Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two (2) successive shifts, unless specified otherwise above.

127.6.4 Fractional Numbers: Fractional numbers shall be rounded-up to the next highest whole number.

127.7 LOCATION OF PARKING SPACES:

127.7.1 All parking spaces as required under this Section shall be located on the same lot or parcel as the building or use being served, except that where an increase in the number of spaces is required by a change of use or enlargement of use where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than five hundred (500) feet from any other non-residential building being served, provided, however, that such spaces have reasonable and safe access to the building being served.

127.7.2 That, for other than single-family, two-family or multi-family dwellings, the parking area be designed in such a manner that a vehicle entering or leaving the parking area shall be moving in a forward direction. Access to driveways for parking areas and/or loading spaces shall be located in such a way that any vehicle entering or leaving said lot shall be clearly visible for a reasonable distance from a private or public street.

127.8 SURFACING OF DRIVES, PARKING, LOADING AND SERVICE SPACES:

Required off-street parking surfaces, access drives, and loading and service areas in any district, except in conjunction with a single or two-family dwelling, shall be of asphaltic concrete, Portland cement concrete and shall be so graded and drained as to properly dispose of any surface water and prevent the drainage of such water onto adjacent properties. Similarly paved walks shall be provided between major streets and structures and the parking areas. Pervious pavement that is allowed for by the Lake County Storm Water Regulations may be used as a surface.

127.9 LIGHTING AND STRIPING: Any parking area intended to be used during non-daylight hours shall be illuminated. Such lighting shall be so arranged as to direct the light away from any adjoining properties or public road right-of-ways. Parking areas with a required capacity of over five (5) vehicle spaces shall be striped with six (6) inch wide lines between the parking spaces.

127.10 LANDSCAPING, SCREENING AND BUFFERING: All developments shall include the following required landscaping for parking lots:

127.10.1 Interior Parking Lot Landscaping: For parking areas in any district designed to accommodate twenty (20) or more vehicles, a minimum of ten percent (10%) of the parking lot shall be planted as landscaped island areas, developed and distributed throughout the parking lot so as to provide visual and climatic relief from broad expanses of pavement and designed to reduce the amount of runoff from the site. Each individual landscaped island shall be a minimum of ten (10) feet in width in any horizontal direction and shall provide at least one (1) major shade tree having a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches. For the purposes of this section, the parking area shall be the total surface area including access and circulation aisles.

127.10.2 Additional Plantings along Public Streets: Whenever parking areas consisting of five (5) or more spaces are located such that the parked cars will be visible from a public road right-of-way, landscaping, in addition to the required interior parking lot landscaping in subsection (a) above, shall be planted and maintained between the street and the parking lot. Such landscaping shall be a minimum of three (3) feet in height and located adjacent to the perimeter of the parking lot and placed to effectively screen parking areas from the view of public road right-of-ways without impeding vision sight lines from a motor vehicle, either to the right or left with respect to an adjacent private drive or public road right-of-way. In lieu of landscaping, parking areas may be screened by the use of decorative elements such as building wall extensions, berms, mounding or other innovative means so as to screen parking areas from the view of public road right-of-ways without impeding vision sight lines from a motor vehicle, either to the right or left with respect to an adjacent private or public road.

127.11 REQUIRED DISTANCE FROM BOUNDARY OR PUBLIC RIGHT-OF-WAY: Parking in any non-residential district shall be no closer than twenty-five (25) feet to any public right-of-way line. In the non-residential districts, it is permissible to have a ten (10) foot side yard clearance, except where the side yard is a corner lot, in which case the twenty-five (25) foot restriction is in effect; or when such property abuts any residential district, then it is required to be 20 feet from the property line.

127.12 SPECIAL PARKING PROVISIONS:

127.12.1 Construction Trailers. Construction trailers may be used as a temporary business office during construction projects as long as they are located at least twenty-five (25) feet from a public road right of-way and at least fifty (50) feet from any abutting property line. Such trailer used as a business office shall be removed when a model home has been completed, if it is a residential project, and shall be removed immediately upon completion if it is a commercial or industrial project. At no time shall such trailers be used for dwelling purposes.

127.12.2 Display of Vehicles/Recreational Equipment for Sale. In all districts, the display of motor vehicles being offered for sale including, but not limited to, cars or recreational equipment such as a boat or camper, shall be limited to not more than two (2) items per calendar year. Only one (1) vehicle shall be offered at any given time. In commercial and industrial zones, the item being offered for sale shall be displayed in the driveway or other paved or gravel surface on the property and shall be titled to the occupant. The parking of such vehicles in the right-of-way or in temporary road easements shall be prohibited. Motor vehicle dealers are exempt from this rule and shall conform to section 142.4.5.17 or 142.4.5.18.

127.13 HANDICAP PARKING SPACES: Handicap accessible parking spaces shall be provided in accordance with the following provisions of the Americans with Disabilities Act, including but not limited to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Manual published in July of 1998 by the U.S. Architectural and Transportation Barriers Compliance Board for proper design and implementation, and/or the Code of Federal Regulations (28 CFR Part 36) Revised as of July 1, 1994, and all amendments and revisions thereto.

128 – SIGNS

All signs permitted are classified as to purpose according to one of the following types: business signs and incidental signs. No sign shall be constructed which does not conform to the Development Standards for its type for the zoning district in which it is proposed, and to the general regulations for all signs. Prior to erecting or replacing a sign, a zoning certificate must be obtained.

128.1 BUSINESS SIGNS:

128.1.1 Platted Subdivisions: The following development standards shall apply only to the residential subdivisions, the plats of which have been recorded or conditionally and/or finally approved by the proper commission prior to recording.

128.1.1.1 One business sign structure identifying and/or providing information regarding the subdivision shall be permitted at the main entrance to such subdivision.

128.1.1.2 One additional business sign structure identifying and/or providing information regarding the subdivision shall be permitted at each of not more than two (2) auxiliary subdivision entrances, provided such entrances front on separate collector streets or thoroughfares. Such business sign structures may contain two (2) facings, provided such facings are within fifteen (15) degrees of parallel of each sign face.

128.1.1.3 The maximum size of each such business sign shall be a total of thirty two (32) square feet in surface area, regardless of shape.

128.1.1.4 The maximum height of each such business sign shall be ten (10) feet above grade level.

128.1.1.5 No sign shall be located on a building in a subdivision.

128.1.1.6 One sign, not exceeding six (6) square feet in surface area, may be erected for each dwelling that is used for display or as a model home, and the sign may be located in the required front yard of the lot containing such dwelling.

128.1.1.7 Business signs permitted in Section 128.1.3 and 128.1.7 shall be removed within eighteen (18) months after the issuance date of the sign improvement location permit therefore, or when all lots within the subdivision have been sold, whichever occurs first; provided however, that an eighteen (18) month extension shall be permitted if two or more lots remain unsold eighteen (18) months after issuance date.

128.1.1.8 Business signs permitted in above shall be removed when a display or model home is no longer so used.

128.2 COMMERCIAL DISTRICTS P-1, B-1, B-2 and B-3:

The following types of signs shall be permitted in commercial districts, ground or pole signs, projecting signs, wall signs, temporary portable advertising signs, incidental signs, directional signs, real estate signs, and political signs.

128.2.1 The maximum sign face area of any ground or pole mounted sign for a single business located on a single lot shall be in accordance with the following schedule:

ROAD FRONTAGE	MAXIMUM SIGN FACE AREA (SQ. FT.)	NUMBER OF SIGNS PERMITTED
0 - 99 ft.	40	1
100 ft. to infinity	60	1

128.2.2 The maximum sign face area of all ground or pole mounted signs for multiple businesses or commercial plaza located on a single lot shall be in accordance with the following schedule:

ROAD FRONTAGE	MAXIMUM SIGN FACE AREA (SQ. FT.)	NUMBER OF SIGNS PERMITTED
0 - 99 ft.	40	*
100 ft. - 199 ft.	80	*
200 ft. - 299 ft.	120	*
300 ft. to infinity	160	*

Only one sign permitted per business

The above maximum sign face area requirements for a multiple business lot or commercial plaza is the total allowed for all the signs combined on a single lot. In multiple business or commercial shopping plazas, all signs must be mounted on the same sign support structure.

128.3 LIGHT MANUFACTURING DISTRICT M-1:

128.3.1 Contents and uses permitted. Only real estate and development signs, informational signs, service and industrial signs, and temporary or portable signs.

128.3.2 Design permitted. Flat or wall signs, projecting signs, or ground signs

128.3.3 Area of sign. The total area of all permanent signs for each office, store, or assembly building or other use, shall not exceed the number of square feet indicated in the following table. The sign shall not exceed a maximum of 100 square feet.

MAXIMUM AREA - ALL SIGNS IN M-1

FRONTAGE OF BUILDING	MAXIMUM SQ. FT. PERMITTED
Under 15 feet	30
15 - 19	35
20 - 24	40
25 - 29	45
30 - 34	50
35 - 39	55
40 - 44	57.5
45 - 49	60
50 - 54	62.5
55 - 59	65
60 - 64	67.5
65 - 69	70
70 - 74	71.5

Each additional 5 feet of frontage, or fraction there of not to exceed 100 feet - 1.5 ft.

128.4 TEMPORARY PORTABLE ADVERTISING SIGNS: Temporary portable advertising signs, including banners, that are mounted or suspended on wheels, runners, casters, parked trailers, parked licensed and operable vehicles, or other mobile or portable devices, shall be permitted in all districts of Madison Township. A zoning permit must be obtained from the Zoning Inspector prior to the use of a temporary portable advertising sign.

These signs shall be set back out of the road right of way area and shall be permitted for an on-site business for a thirty (30) day period after which they must be removed and another temporary portable advertising sign will not be allowed for sixty (60) days thereafter. The only exception to the above will be newly established businesses that will be given the option to apply for a permit for one hundred twenty (120) consecutive days without removing the sign. After the one hundred twenty (120) days has expired, a business cannot apply for another temporary portable advertising sign for a period of nine (9) months.

No temporary portable advertising sign shall be allowed to exceed a twenty (20) square feet face area, regardless of shape. No off-site temporary signage use shall be permitted. Only one temporary portable advertising sign per business shall be approved for use during the allotted time frame. At no time shall the sign be allowed to use lights that flash, have a rotating beam, or have a strobe effect, other than lights used to create messages on message boards.

128.5 LAND MARKING AND SYMBOLIC STRUCTURES:

128.5.1 Land marking or symbolic structures may be permitted in any district subject to a Conditional Use Permit granted upon specific approval of the design of each such structure for each location. (See Section 142)

128.5.2 In commercial districts, the total area of all facades shall not exceed ten percent (10%) of the area of the zoning lot on which to be located.

128.6 PROJECTING SIGNS:

128.6.1 In commercial and industrial zones, not more than one projecting sign structure shall be allowed for each grade level use.

128.6.2 The maximum surface area of projecting signs shall be as follows: one square foot of sign area for every foot of building frontage, but not to exceed forty (40) square feet per side unless further limited by these regulations. (One side of a projecting sign shall be considered in computing total allowable sign surface area.)

128.6.3 No projecting sign structure shall project closer to an imaginary perpendicular vertical plan at the street right of way line and in no case shall the sign structure extend more than eight (8) feet from or beyond its supporting buildings, structure, or column. No projecting sign structure or sign (except for the supporting building, structure or column) shall be, at its lowest point, less than nine (9) feet above grade level.

128.6.4 No sign structure, except a projecting sign structure, attached to the wall of the building, shall extend more than eighteen (18) inches horizontally from such a wall line of such building.

128.7 SIGNS ATTACHED TO WALLS:

128.7.1 No sign or sign structure attached to a wall or building in a commercial or industrial district shall extend more than six (6) feet above the roof or line of such building.

128.7.2 If a street elevation to which a sign is oriented is more than ten (10) feet greater than the grade elevation at the base of the sign structure, the street centerline elevation may be used in determining the permitted height; however, in no case shall height above grade elevation at the base of the sign structure exceed eight (8) feet. This provision shall apply to all sign structures erected upon the ground.

128.8 ILLUMINATION:

128.8.1 In commercial and industrial districts, signs may be illuminated by exposed lamp, luminous palen, silhouette or floodlighting, and may be animated, with luminosity not to exceed seven hundred (700) lamberts per square foot of sign face. In industrial districts signs may, in addition, be flashing. Light reflectors may not extend more than twelve (12) feet from the face of the sign.

128.8.2 No sign of any kind shall be illuminated in such a way that the open unshielded source of light is visible, directly or by reflection, from any premises other than those on which the sign is located, or from any public road.

128.9 INCIDENTAL SIGNS ALLOWED ON ANY ZONING LOT AS A PROPERTY RIGHT:

128.9.1 Signs of duly constituted governmental bodies, including traffic or similar regulatory devices, legal notices, or warning at rail crossings.

128.9.2 Address signs, not more than one for each street frontage of each principal use on a lot and none exceeding one hundred forty-four (144) square inches in surface area, showing only the numerical address designations of the premises upon which they are situated.

128.9.3 Signs posted in conjunction with mailboxes or doorbells shall not exceed three (3) square feet in surface area.

128.9.4 The name and type of a permitted home occupation and not exceeding three (3) square feet in surface area.

128.9.5 Flags or emblems of political, civic, philanthropic, education or religious organization.

128.9.6 Memorial plaques, cornerstones, historical tablets and the like.

128.9.7 Instructional signs conveying instruction with respect to the premises on which maintained such as an entrance to a parking area, danger area, trespassing.

128.9.8 Temporary Construction Signs – One temporary sign not to exceed 6 square feet in size can be erected on each lot frontage used to announce construction, remodeling, rebuilding, or work performed on site without the need of a zoning permit. Signs exceeding 6 square feet in size shall be allowed once a zoning certificate has been obtained and the fees of \$5.00 per each square foot or portion thereof over 6 shall apply. Signs shall be removed within ten (10) days upon completion of the indicated purpose. It shall be the joint responsibility of the property owner and the company performing work to ensure the company has obtained the permit.

128.9.9 Charitable Organization's On-Site Temporary Signs – One (1) additional permanent on-site announcement sign not to exceed 32 square feet in area, indicating events and persons associated therewith, pertaining to campaigns, drives, or events of a civic, philanthropic, educational, or religious organizations may be allowed to be erected in conjunction with a valid, no fee zoning certificate. In addition, the listed organizations are allowed to use an additional temporary sign for the purpose of announcing additional events, drives, or activities but only upon a paid zoning certificate being obtained and used as allowed by Section 128.4 guidelines.

128.9.10 Political Signs shall be administered as Temporary Yards Signs.

128.9.11 Political Action Signs shall be administered as Temporary Yard Signs.

128.9.12 Temporary Yard Signs may be displayed on any occupied lot in any zoning district or vacant lot with property owners written permission. A Temporary Yard Sign shall not be placed closer than (15) fifteen feet from the traveled portion of the road and outside the road right-of-way, and shall not be placed upon buildings, trees, utility poles, public benches or other such structures. A Temporary Yard Sign that advertises a business, service, or special event shall not be displayed more than 30 days in a calendar year on any lot. This does not apply to a business sign for a “Home Occupation” business. No zoning permit is required for a Temporary Yard Sign.

128.9.13 Permanent directional signs located within one hundred (100) feet of the intersection of a county road with a state highway or of a township road with a county road, and pertaining to a business located on the county road or township road respectively, may be located not less than ten (10) feet from the right of way line of either road, provided no such sign exceeds ten (10) square feet in area. Written permission from the property owner and a zoning certificate shall be required before erection.

128.9.14 Permanent direction signs and identification signs in the S-1 districts shall be permitted and shall not exceed thirty (30) square feet in area. Signs must be a minimum of five (5) feet behind the road right of way.

128.9.15 A charitable organization may display off site signs announcing events and activities of the organization. A “charitable organization” is any religious, educational, veterans, fraternal, senior citizens, youth athletic, amateur athletic or volunteer firefighter rescue service organization that is exempt from taxation under the Federal Internal Revenue Code. Said signs may be located on any occupied lot with written permission of the property owner, shall have no more than two (2) faces, shall not exceed sixteen (16) square feet of sign face, shall not exceed forty-two (42) inches in height, shall not be located in any road right-of-way, shall not impair traffic or pedestrian visibility, shall not be illuminated, shall not have flags, banners, pennants, or balloons attached, and shall not be displayed for more than one (1), thirty (30) day period or two (2), fifteen (15) day periods per year. Said signs shall not be erected until the Zoning Inspector approves the placement of the sign and receives a twenty-five dollar (\$25.00) refundable deposit. Said deposit shall be returned if the sign is removed upon expiration of the permit and the placement did or does not violate set back requirements.

128.10 REGULATIONS AS TO LOCATION:

128.10.1 The maximum height of business sign structures shall not exceed twenty-four (24) feet above the grade level at the base of such sign structure except as stated in 128.7.2.

128.10.2 All signs erected must be located behind the road right of way of the particular road in which they are located. The only exceptions will be publicly owned signs, such as traffic control signs and highway directional signs.

128.11 GENERAL REGULATIONS OF ALL SIGNS: Any existing sign or sign structure shall comply with the following regulations:

128.11.1 An existing sign or sign structure shall be removed within thirty (30) days of the date of the legal adoption of these regulations if it meets ANY of the following descriptions (Other than official highway markers placed within any street or highway right of way):

128.11.1.1 Any sign erected or constructed at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or any street highway or railroad intersection or grade crossing.

128.11.1.2 An Animated Sign that includes or consists of visible moving parts, visible mechanical movements of any description, or other apparent visible movement achieved by any means that move, has osculating lights, a rotation beam, a beacon or flashing illumination resembling an emergency light of any type.

128.11.1.3 A Balloon Sign advertising a business or service is prohibited in all zoning districts.

128.11.2 Any legally established non-conforming sign and/or sign structure shall be permitted to continue including necessary maintenance without alteration in size or location for a maximum of five (5) years from the date of legal adoption of these regulations, except that if the sign is damaged to the extent exceeding two thirds (2/3), of either its facing or its replacement value, it shall not be rebuilt.

128.11.3 All signs and sign structures shall be kept in repair and in a proper state of preservation. Signs which do not conform to this requirement shall be removed or relocated in compliance with the provisions of these regulations within thirty (30) days following such dysfunction.

128.11.4 No permanent sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.

128.11.5 Signs located on a building shall not project into any required building setback area for more than eighteen (18) inches.

128.11.6 Signs may be illuminated and may indicate the name and/or address and nature of the business use.

129 – SWIMMING POOLS

An initial zoning certificate shall be required for a private swimming pool in all districts. Swimming pools requiring permits are defined as accessory structures used for recreational purposes, intended for the purpose of containing water, having a minimal depth of 3 feet, or a minimum surface area of 75 square feet or a minimum of 10 feet in diameter for circular pools. Pools are further defined herein and are regulated as:

129.1 PERMANENT IN GROUND OR ABOVE GROUND POOLS (PRIVATE):

129.1.1 Pools requiring excavation prior to installation and drainage

129.1.2 The swimming pool or the entire property, in which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent or accessory structures adjacent thereto. In ground pools are required to have fence or hedge not less than forty-eight (48) inches in height, and must be maintained in good condition.

129.1.3 No private swimming pool shall be allowed in any district except as an accessory use and unless it complies with the following conditions as requirements:

129.1.4 The pool is intended and is to be solely for the enjoyment of the owner of the property on which it is located, and his guests.

129.1.5 It may be located, including walks or paved area or accessory structures thereto no closer than ten (10) feet to any property line on which it is located. Minimum depth of front yard of the district in which the pool is located shall be maintained.

129.2 SWIMMING POOLS (PUBLIC):

A zoning certificate shall be required for a public swimming pool and only permitted in a P, or B, zoning district. Such swimming pools shall be regulated as follows:

129.2.1 All public pools must comply with the health and safety standards as set forth by the Lake County General Health District and the State Board of Health.

129.2.2 All plans for such public pools must show location of pool, location of all buildings, parking areas, fencing or hedges.

129.2.3 Must be located on one (1) or more acres of land.

131 – SATELLITE ANTENNAS

131.1 DEFINITION: Antenna greater than one meter, designed for the purpose of receiving microwave transmissions directly or indirectly from satellites.

131.2 APPLICABILITY: This section shall apply to the location or erection of satellite antennas on already existing buildings or structures and to satellite antennas located or erected as separate structures; also pole mounted satellite antennas.

131.3 PERMITTED USES: Satellite antennas shall be permitted accessory uses in all zoning districts.

131.4 LOCATION: No satellite antenna shall be erected or located in any district unless a zoning certificate has been obtained and a fee, set by Madison Township Trustees, is paid.

131.5 PRIOR NONCONFORMING USES: Satellite antennas located or erected as separate structures shall comply with minimum accessory structure set back requirements. No satellite antenna shall be located or erected as a separate structure in excess of twenty (20) feet measured from the natural grade at the base of the antenna to the highest point on the antenna. All set back measurements shall be taken from the edge of the antenna.

131.6 ALREADY EXISTING BUILDINGS AND STRUCTURES: Satellite antennas shall be located or erected on already existing buildings or structures so as to comply with minimum lot area, lot width, set back and rear yard clearance requirements, height maximum and corner lot requirements for the district in which such structure is located or erected.

131.7 POLE MOUNT OR TOWER SATELLITE ANTENNA: Pole type mount must be a ground-up pole or tower, attached to a building or structure already existing and must conform to the height maximum for the district in which such pole satellite is erected. Satellite antennas shall not exceed twelve (12) feet in diameter. The installation of a satellite antenna shall be so installed as to not create a safety hazard.

131.8 ROOF MOUNTED SATELLITE: A roof mounted satellite antenna shall conform to the maximum height regulations for the district it is located in. Satellite antennas shall be mounted directly upon the roof on a primary or accessory structure, and shall not be mounted upon apertures such as chimneys, towers, trees, poles, or spires.

Effective 6-13-97

132 – MODEL HOMES

132.1 CLASS A: A dwelling furnished or unfurnished, erected in a new platted subdivision or allotment of no less than five (5) acres. A Class A may be used for display purposes, but may not be used for human habitation while used as a Model Home. No more than six (6) such homes shall be displayed as Model Homes in any one development at one time. Only one (1) such Model Home shall be permitted to be an Office for the transaction of business relating to sales of homes and land exclusively in the subdivision or allotment in which it is located.

132.2 CLASS B: A single family dwelling, furnished or unfurnished, which shall be erected only in a business district and used exclusively for display purposes, to denote type of dwelling that can be duplicated in the area other than that in which the Model Home (Class B) is located. At no time shall the Model Home (Class B) be used for habitation. If sold or rented for human habitation, that home shall no longer be used for a Model Home as herein defined. This type of Model Home shall be classified as a commercial structure when used as such, but shall conform with all requirements of Single Family Homes in the district in which it is located.

133 – FENCES AND HEDGES

133.1 Fences and/or hedges shall be permitted in any district subject to the following regulations. Such fencing shall be maintained in good condition without any advertising thereon, shall require a zoning permit except where noted, and shall be constructed outside the road right of way.

133.2 No fence shall be permitted which restricts the visibility or causes an unsafe condition for motor vehicles or pedestrians.

133.3 All referenced heights shall be measured from ground level at the base of the fence.

133.4 RESIDENTIAL:

133.4.1 The height of any fence and/or hedge in any side or rear yard shall not be in excess of eight (8) feet. No permit shall be required.

133.4.2 With the exception of decorative fences, any fence or hedge in the front yard shall not exceed three and one half (3 ½) feet in height on all lots other than corner lots. Decorative fences shall have a fifty percent (50%) or greater open area in the front yard and shall not exceed four and one half (4 ½) feet in height. A decorative fence shall mean split rail, ornamental iron, or other decorative wooden fences. Chain link fences shall not exceed three and one half (3 ½) foot in height.

133.4.3 Fences and hedges within thirty (30) feet from the front lot line of a corner lot which restricts visibility along a traveled right of way shall not exceed two and one half (2 ½) feet in height above the established street grade.

133.4.4 It shall be unlawful for any fence to be constructed in whole or in part of barbed or concertina wire or to be electrified in any platted subdivision approved under Section 711.05 of the Revised Code or in any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code.

133.4.5 All fences shall be so constructed as to have posts on the inside of the property line with the smooth side of the fence facing the adjacent properties.

133.5 BUSINESS AND INDUSTRIAL DISTRICTS:

133.5.1 Any fence shall not be in excess of nine (9) feet in height.

133.5.2 Any fence in the minimum front yard set back shall have a fifty percent (50%) or greater open area and shall be no higher than four (4) feet.

133.5.3 Fences and hedges within thirty (30) feet from the front lot line of a corner lot which restricts visibility along a traveled right of way shall not exceed two and one half (2 ½) feet in height above the established street grade.

133.5.4 All fences shall be so constructed as to have posts on the inside of the property line with the smooth side of the fence facing the adjacent properties.

134 – ALTERNATIVE ENERGIES

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

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

134.3 Alternative Energy systems shall comply with the following requirements:

134.3.1 Permitted uses for all alternative energy systems:

134.3.2 Requirements for a small wind farm:

134.3.2.1 A small wind farm is defined by ORC 519.213 as having an aggregate generating capacity of less than 5 megawatt (MW) capacity

134.3.2.2 Each wind tower shall be back a distance equal to 1.1 times its total height from:

- Any Public right-of-way.
- Any overhead utility lines.
- All property lines.

134.3.2.3 A small wind farm shall comply with Federal Aviation Administration (FAA) regulations.

134.3.6 No part of the system, including guide wire anchors, may extend closer than twenty (20) feet to any property line.

134.3.7 All intra-project power lines and transmission lines associated with project shall be underground.

134.3.8 A small wind farm shall comply withal applicable building and electrical codes.

134.3.9 The tower shall be designed and installed so as to not provide climbing rungs from a level measured 10 feet from the finished grade and installed but not to exceed the manufactured specifications.

134.3.10 Small wind energy systems shall not exceed sixty (60) dBA, as measured at the closest neighboring dwelling.

134.3.11 Signs attached to any part of the wind farm structure are prohibited, except for, appropriate warning signs; owner identification of wind towers, building or structure associated with the farm and shall be in accordance with this resolution.

134.3.12 Small wind farms shall not be built on vacant lots.

134.3.13 Lighting from structure shall not trespass onto neighboring properties.

134.4 Requirements for Solar Panels or Arrays

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

134 ALTERNATIVE ENERGIES DEFINITIONS

Db- (decibels): A unit of measure (abbreviated dB) used to compare sound intensities and subsequently electrical or electronic power outputs.

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.

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

Intra-project Power Lines: All power and transmission lines leading to and or away from any wind tower and or solar panel.

Small Wind Energy Systems: A single-towered wind energy system that;

- a. Is used to generate electricity.
- b. Has a rated name plate capacity of 50 kilowatts or less.
- c. Has a total height of 150 feet or less.

Solar Energy Commercial Operations: Solar energy systems whose main purpose is to generate energy for sale back into grid system, rather than being consumed on site.

Solar Panel: A solar photovoltaic panel, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Wind Energy System: Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower transformer, vane, wire, inverter, batteries, guide wires or other components used in the system.

Wind Tower: The monopole, freestanding, or guyed structure that supports a wind generator.

Wind Tower Total Height: The vertical distance from finished grade to the tip of the wind generator blade at its highest point.

Wind Turbine: The parts of a wind energy system including the blades and associated mechanical and electrical conversion components mounted on the top of the tower.

135 – ROAD VACATIONS

Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of Madison Township, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included for the vacation shall then henceforth be subject to all appropriate regulations of the extended district.

137 – NON-CONFORMING USES OF LANDS AND BUILDINGS

137.1 Any lawful use of land or building existing at the effective date of this Resolution may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Resolution.

137.2 Whenever the use of land or building shall become non-conforming through a change in the Zoning Resolution or in the district boundaries, such use may be continued or changed to another non-conforming use of the same or of a more restricted classification by permit.

137.3 A non-conforming use of land or building or portion thereof which is hereafter discontinued for a period of two (2) years shall not again be used except in conformity with the regulations of the district in which such building is located.

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

137.5 A non-conforming building which has been damaged by fire, explosion, act of God or the public enemy, may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within two (2) years of the date of such damage. A structure also may be reconstructed by a variance in accordance with Section 142.3.2.2.

137.6 A building devoted to a non-conforming use permitted in another district under the provision in Section 104 through 122 thereof, may be extended or completed upon a lot occupied by such building or on a lot adjoining, provided that such a lot was under the same ownership as the lot in question on the date such building became non-conforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all, one hundred (100) percent of the floor area of the existing building or buildings devoted to a non-conforming use.

137.7 Any existing, non-conforming manufactured home may be continued or replaced, but shall conform to all current zoning requirements set for that district.

140 – ZONING CERTIFICATES

140.1 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED: A Zoning Certificate shall be required for any of the following, except as herein provided;

140.1.1 Construction or structural alteration of any building, including accessory buildings,

140.1.2 Change in use of any existing building or accessory building to a use of a different classification,

140.1.3 Occupancy of vacant land,

140.1.4 Change in the use of land to a different classification,

140.1.5 Any change in the use of a non-conforming use.

140.1.6 No construction, structural alteration, occupancy, use or change of use, as specified in this section, shall take place until a Zoning Certificate therefore shall have been issued by the Zoning Inspector.

140.1.7 No Zoning Certificate shall be required for the use of any land for agricultural purposes or for the use, structural alteration or construction of any building incident thereto, except agricultural structures built in platted subdivisions and in accordance with the provisions of Ohio Revised Code Section 519.21.

140.2 APPLICATION AND ISSUANCE OF CERTIFICATES:

140.2.1 Written application for a Zoning Certificate for the construction of a new building or for structural alteration of an existing building shall be made at the same time as the application for a building permit. Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution.

All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

140.2.2 Written 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, if the proposed use is in conformity with the provisions of this Resolution, the Zoning Certificate therefore shall be issued within thirty (30) days after the application for same has been made.

140.3 ZONING FEES

140.3.1 Each application for a Zoning Permit shall be accompanied by a fee in accordance with a fee schedule adopted by the Township Trustees and made a part of this Resolution. No change or modification in the fee schedule as adopted by the Township Trustees shall be made unless said change is proposed by proper motion at a regular meeting of the Township Trustees and adopted by resolution.

140.3.2 The Zoning Inspector shall forthwith deposit all fees with the Township Fiscal Officer, who shall credit such fees to the credit of the General Fund of Madison Township.

140.4 Every Zoning Certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Zoning Certificates shall be kept on file in the Office of the Zoning Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

140.5 NULLIFICATION OF ZONING CERTIFICATES AND PERMITS:

140.5.1 A Zoning Certificate and Permit shall become null and void one (1) year after date of issuance, unless construction or structural alteration permitted by it has begun and is thereafter pursued to completion, or unless the land or premises have been put to use permitted by such Zoning Certificate and Permit.

140.5.2 A Zoning Certificate and Permit shall immediately become null and void if, among other things, the actual use, construction, or structural alteration does not conform to the terms and descriptions as indicated on the Plot Plan, application and/or the Certificate granted thereon.

141 – ZONING COMMISSION

141.1 ZONING COMMISSION ESTABLISHED: The Zoning Commission is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of the Unincorporated Township of Madison.

141.2 ALTERNATES: The Board of Township Trustees may also appoint two (2) alternate members to the Zoning Commission, each for a term of one (1) year. The alternate members shall be residents of the Unincorporated Township of Madison. An alternate member shall take the place of an absent member and may vote on any matter on which the absent member is authorized to vote.

141.3 VACANCIES: Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

141.4 PROCEEDINGS:

141.4.1 The Zoning Commission may make reasonable rules and regulations governing its procedure and the conduct of its business and may from time to time suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the Zoning Commission, or relieve unnecessary inconvenience or hardship.

141.4.2 The Zoning Commission by majority vote of its members shall elect a Chairman, a Vice-Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Zoning Commission, which shall be held during the month of January each year.

141.4.3 Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public.

141.4.4 The Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication of such fact, and shall keep records of its examinations and other official actions, all of which is public record and be immediately filed in the office of the Zoning Commission.

141.5 POWERS And DUTIES: The Zoning Commission shall have the following powers:

141.5.1 To prepare the Zoning Resolution;

141.5.2 To take action on amendments to the text of the Zoning Resolution and/or the Official Zoning Map and make recommendation on same to the Board of Township Trustees;

141.5.3 To initiate advisable zone changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public;

141.5.4 To review general and final development plans for Planned Unit Developments; and

141.5.5 To exercise such other powers as may be established by this Zoning Resolution.

144 – ENFORCEMENT

It shall be the duty of the Zoning Inspector hereafter appointed by the Board of Trustees to enforce this Resolution. It shall also be the duty for all officers and employees of the Township, and especially of all members of the Police Department, to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land use, or upon seeming violations.

Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Section 142.2.

146 – SEVERABILITY

Should any section or provision of this Resolution be declared by a court of competent jurisdiction to be 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 invalid.

147 – REPEAL OF CONFLICTING RESOLUTIONS

The provisions of any Resolution or parts of Resolution in conflict herewith are hereby repealed.

148 – EFFECTIVE DATE

This Resolution shall become effective from and after its passage and approval, as provided by law.

APPENDIX A

FEE SCHEDULE

Accessory Building (Residential) – Fifty dollars (\$50.00) shall be paid for a detached garage or accessory building one hundred (100) square feet or larger. Twenty-five dollars (\$25.00) for an accessory building less than one hundred (100) square feet but larger than sixty-four (64) square feet.

Accessory Building (Commercial) - One hundred dollars (\$100.00) shall be paid for an accessory building in a commercial zoning district.

Addition to Existing Dwelling – Seventy-five dollars (\$75.00) shall be paid for an addition to an existing dwelling.

Additions to Commercial Structures – Ten cents (\$.10) per square foot of floor area shall be paid for a permit for additions to commercial structures provided that such fee shall not be less than two hundred dollars (\$200.00), nor more than eight hundred dollars (\$800.00).

Business Signage – One hundred-fifty dollars (\$150.00) shall be paid for a permit to erect a business sign in any Business Zoning District or in a Light Manufacturing Zoning District.

BZA Appeal Filing – Four hundred dollars (\$400.00) shall be paid to file an appeal application before the Board of Zoning Appeals.

Cellular, Radio and Television Transmission Towers – Two-Thousand five hundred (\$2,500.00) plus the Conditional Use Permit fee.

Change of Use Permit – Fifty dollars (\$50.00) shall be paid per parcel, or part thereof, for a Change of Use permit when a structure or parcel is intended to be used for a use different than the existing use.

Commercial, Light Manufacturing and/or Public Structures – Ten cents (\$.10) per square foot of floor area shall be paid for permits for commercial, light manufacturing, and/or public structures, provided that such fee shall not be less than four hundred dollars (\$400.00), nor more than one thousand dollars (\$1,000.00).

Conditional Use Request BZA – Five hundred dollars (\$500.00) shall be paid to file an application for a Conditional Use Request before the Board of Zoning Appeals.

Deck – Twenty-five dollars (\$25.00) shall be paid for any structural change/alteration to an existing building for construction of a deck.

Fence – Twenty-five dollars (\$25.00) shall be paid for a permit to erect a fence in accordance with Section 133.3 of the Zoning Resolution.

Home Occupation – Fifty Dollars (\$50.00) shall be paid for any home occupation as defined in Section 101 – Definitions. For an existing Home Occupation, (prior to 06/15/2016), the \$50.00 fee may be waived but a permit will still be required.

Hospital, Nursing Home, Rest Home or Convalescent Home – Twenty-five dollars (\$25.00) shall be paid for a permit for each room, excluding bathroom, of a nursing home, rest home, convalescent home or hospital, not to exceed one thousand dollars (\$1,000.00) for any one structure.

Motor Court, Motel, Hotel, or B&B – Fifty dollars (\$50.00) shall be paid for a permit for each room, excluding bathroom, of a motor court, motel, hotel, or B&B, not to exceed one thousand dollars (\$1,000.00) for any one structure.

Multiple Family Dwellings – Two hundred, fifty dollars (\$250.00) shall be paid for the first two units of a multiple family dwelling building. Fifty dollars (\$50.00) for each additional unit within the building.

Pools – Twenty-five dollars (\$25.00) shall be paid for private above ground swimming pools as described in Section 129 of the Zoning Resolution. Fifty dollars (\$50.00) shall be paid for private in-ground swimming pools as described in Section 129 of the Zoning Resolution. Fifty dollars (\$50.00) shall be paid for the installation of public swimming pools as described in Section 129.2 of the Zoning Resolution.

Re-Zoning of Property – Six hundred dollars (\$600.00) shall be paid to file an application for re-zoning of property.

Single Family Dwelling – Two hundred-fifty dollars (\$250.00) shall be paid for a single-family dwelling new construction.

Site Development Plan Review – Four hundred dollars (\$400.00) shall be paid at the time of submission for a Site Development Plan Review before the Zoning Commission.

Structural Alteration – Fifty dollars (\$50.00) shall be paid for a structural alteration to an existing dwelling or commercial business.

Temporary Portable Advertising Business Signage – Twenty-five dollars (\$25.00) shall be paid for a temporary portable advertising business sign permit subject to the restrictions of Section 128.4. Temporary signs erected by not-for-profit organizations are restricted to the fees and limitations set forth in Section 128.9.9 and 128.9.13.

Text Amendment Change – Six hundred dollars (\$600.00) shall be paid to file an application for a text amendment change in the Zoning Resolution.

Winery with Accessory Uses– Ten cents (\$.10) per square foot of floor area shall be paid for a zoning permit for a “New” Winery that will have accessory uses, and which provides to the public more than a standard “Viticulture” operation as defined in Section 101 of the Zoning Resolution. The zoning permit fee shall not be less than three hundred Dollars (\$300.00), nor more than one thousand dollars (\$1,000.00).

Zoning Book – Twenty-five dollars (\$25.00) shall be paid for the purchase of a new zoning book. An additional shipping/handling charge of five dollars (\$5.00) shall be required if mailed. A ten cent (\$0.10) fee shall be received for each printed page of zoning related material.

An additional shipping/handling charge of five dollars (\$5.00) shall be required if mailed. A ten cents (\$0.10) fee shall be received for each printed page of zoning related material.

***Note: The above fees are subject to immediate change any time the Board of Trustees amend the Resolution establishing the Madison Township Zoning Fees.*

APPENDIX A – Amended 07/13/2021

Resolution #21-094

**BOARD OF ZONING APPEALS
MADISON TOWNSHIP, LAKE COUNTY, OHIO
RULES OF PROCEDURES AND GENERAL GOVERNING RULES**

The Board of Zoning Appeals shall be governed by the provisions of all applicable state statutes, local laws, ordinances, and these rules.

OFFICERS AND DUTIES:

1) Chairman and Vice-Chairman:

The Board shall elect annually from its members by a majority vote a Chairman and Vice-Chairman who may be elected to succeed themselves. The Chairman, or in his absence or incapacity, the Vice-Chairman, shall decide all points of order or procedure and may administer oaths, and compel the attendance of witnesses.

2) Secretary:

The Board shall elect annually a secretary who shall keep all records, conduct all correspondence of the Board and supervise the clerical work of the board. The Secretary shall keep a minute book of the proceedings of each meeting and each hearing which shall include the vote of each member on each question or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses, a summary of the facts on which the decision is based, and the decision rendered, and other official actions of the Board.

MEETINGS:

1) Quorum: A quorum shall consist of three voting members of the Board.

2) Time of Meeting: Regular meetings shall be held on the second Thursday of each month at 7:30 p.m. or at such other hour as the Chairman may designate. The first regular meeting of the new year shall constitute the annual organizational meeting of the Board.

Special meetings may be called by the Chairman at any time provided that at least forty eight (48) hours notice shall be given each member before a special meeting is held. The Chairman shall call a special meeting within ten (10) days of receipt of a written request from any two (2) members of the Board.

3) Cancellation of Meetings: Whenever there are no appeals for special exceptions or variances or other pertinent business to be considered at a regular meeting, the Chairman may dispense with such meeting by notifying each member at least forty eight (48) hours prior to the time set for such meeting.

4) Order of Business:

The order of business shall be:

- A. Roll call
- B. Public hearings
- C. Approval of minutes
- D. Action on held cases
- E. Action on new cases
- F. Other business
- G. Adjournment

5) Voting and Disqualification of Members:

All matters shall be decided by written ballot vote. Decisions on matters requiring public hearings and which reverse any order, requirements, decision or determination made by the Zoning Inspector or other enforcement office, to decide in favor of the applicant any matter upon which he is required to determine under any ordinance or to grant any variance from requirements of such ordinance shall require the affirmative vote of three (3) voting members present at such hearing.

No member of the Board shall sit in hearing or vote on any matter in which he shall be personally or financially interested, nor shall he vote on the determination of any appeal unless he shall have attended the public hearing thereof.

PUBLIC HEARINGS:

1) Matters Requiring Public Hearings:

A public hearing shall be required in all matters involving an appeal from any order, requirements, decision or determination by the Zoning Inspector arising from the enforcement of the Zoning Resolution, and appeal for a variance from the terms of the Zoning Resolution, an appeal for an exception as specified in the Zoning Resolution, or a question involving the interpretation of the Zoning Resolution.

2) Notice of Hearings: The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and shall give at least ten (10) days notice thereof to the parties in interest by publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and shall decide the appeal within a reasonable time after it is submitted.

3) Conduct of Public Hearings: Any person may appear in person, by agent or attorney at any public hearing. The order of proceedings in the hearing of each case at a public hearing shall be as follows:

- A. Reading of the public notice for the hearing by the President
- B. Reading of pertinent written comments or reports concerning the appeal
- C. Witnesses in favor of the appeal
- D. Witnesses in opposition of the appeal
- E. Rebuttals

The Chairman or any member of the Board may require any witness to swear or affirm that his or her statements of fact are true.

4) Re-hearings: No request for a reconsideration of a decision shall be accepted at any time, if it appears that no substantial change in facts, evidence, or conditions has occurred in regard to the neighborhood. Whether or not a change in facts, evidence, or conditions has occurred shall be determined by the Board of Zoning Appeals before the application is accepted and placed on the calendar.

APPEALS:

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

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give at least ten (10) days notice thereof to the parties in interest, give notice of such public hearing by one (1) publication in one or more newspapers of general circulation in the county at least ten (10) days before date of such hearing and decide the appeal within a reasonable time after it is submitted.

AMENDMENTS:

These rules may be amended at any regular meeting by an affirmative vote of not less than four voting members of the Board, provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken.