

**AMHERST
TOWNSHIP
ZONING
RESOLUTION**

**September 16, 1998
(Amended August 12, 2010)**

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<u>Date</u>	<u>Changed Article #</u>	<u>Date</u>	<u>Changed Article #</u>	<u>Date</u>	<u>Changed Article #</u>
7/10/01	ALL	11/24/05	1000		
7/23/02	Introduction	11/24/05	1100		
7/23/02	200	11/24/05	1300		
7/23/02	500	11/24/05	1500		
7/23/02	600	11/24/05	2500		
7/23/02	1700	09/07/06	600		
7/23/02	1900	10/12/06	Introduction		
7/23/02	2200	10/12/06	200		
11/12/02	1500	10/12/06	500		
12/25/03	300	10/12/06	1100		
12/25/03	1000	10/12/06	1150		
12/25/03	1300	10/12/06	1900		
12/25/03	1500	10/12/06	2400		
3/11/04	Introduction	10/12/06	2500		
3/11/04	200	6/26/08	200		
3/11/04	1000	6/26/08	1000		
3/11/04	1500	6/26/08	1500		
4/21/05	1200	8/12/10	500		
6/9/05	900	8/12/10	1500		
11/24/05	300	8/12/10	2400		
11/24/05	600				
11/24/05	700				

**Article 100
Title, Purpose, Interpretation**

101	Title.	104	Validity and Separability.
102	Purpose.	105	Repealer.
103	Interpretation.	106	Effective Date.

101 SHORT TITLE.

This Resolution shall be known and shall be cited as the “Amherst Township Zoning Resolution”, except as it may be referred to herein, where it shall be known as “this Resolution”.

102 PURPOSE.

According to ORC 519.02, Township Trustees may regulate building and land use in unincorporated territory for the following purposes:

- a. promoting public health, safety, comfort and general welfare,
- b. conserving and protecting property and property values;
- c. securing the most appropriate use of land; and
- d. facilitating adequate but economic provisions of public improvements;

all in accordance with a comprehensive plan. In order to achieve these purposes, the Board of Township Trustees may regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other spaces, the density of population, the uses of buildings and other structures, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts, or zones of such number, shape, and areas as the Township Trustees determines.

103 INTERPRETATION.

The interpretation and application of the provisions of this Resolution, and any amendments thereto, shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

104 VALIDITY AND SEPARABILITY.

If any section, subsection, clause or provision of this Resolution, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

105 REPEALER.

All resolutions of Amherst Township, Lorain County, Ohio, in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

106 EFFECTIVE DATE.

This Resolution, and amendments thereto, shall take effect and be in full force from and after the earliest date permitted by the Ohio Revised Code.

**Article 700
Multi-Family Residential Regulations**

701	Purpose.	706	Height Regulations.
702	Permitted uses.	707	Accessory use regulations.
703	Development area and density regulations.	708	Landscaping and screening requirements.
704	Site development regulations.	709	General regulations.
705	Dwelling unit requirements.	710	Site plan and design review.

701 PURPOSE.

The Multi-Family Residential District (RMF-1) is created to provide for a variety of housing types, including garden apartments, attached single-family units (also known as townhouses), condominiums and other housing facilities of a similar character and density in those areas suitable for such developments within the Township. Areas shall be rezoned and multi-family projects approved only when public sewer and water services are available or when adequate treatment plants are provided in conjunction with public water.

702 PERMITTED USES.

In the RMF-1 District, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a use specified in subsections a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 702 denoted with a “P”, are permitted by right in the district indicated provided that all requirements of this Resolution have been met.
- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 702 denoted with a “C”, may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. Accessory uses, buildings and structures which are clearly incidental, subordinate and customary to a permitted principal or conditional use provided they conform to the regulations in Section 707. Accessory uses include, but are not limited to the following:
 - 1. Off-street parking and loading facilities, in compliance with Article 1700.
 - 2. Signs, in compliance with Article 1600.
 - 3. Accessory buildings,

4. Swimming pools, community centers and other recreational facilities for the use of the residents,
5. Fences, walls, and hedges,
6. Home occupations.

Schedule 702

PERMITTED USE	RMF-1 Multi-Family Residential	See Also
a. RESIDENTIAL		
1. Multi-Family Developments, including attached single-family and/or apartment units	P	--
2. Senior Citizen Developments	C	1507.a.13
3. Family Home for Disabled Persons	C	1507.a.7
4. Group Home for Disabled Persons	C	1507.a.8
b. COMMUNITY FACILITIES		
1. Child Day Care Center, Nursery School, Adult Day Care	C	1507.a.4
2. Churches	P	--
3. Library		--
4. Nursing Homes, intermediate and long-term care facilities	C	1507.a.9
5. Public Safety Facilities	C	--
6. Schools for Academic Instruction (private or parochial)	C	1507.a.12
7. Wireless telecommunication towers	C	Article 1900
c. OPEN SPACE/RECREATIONAL		
1. Golf Courses	C	1507.a.6
2. Parks and Playgrounds	C	1507.a.10
3. Swimming Pools (public or semipublic)	C	1507.a.15

703 DEVELOPMENT AREA AND DENSITY REGULATIONS.

Land area shall be divided and developed, and dwelling units shall be erected, altered, moved or maintained in an RMF-1 District only in compliance with the following area regulations to ensure that each development creates an appropriate residential environment.

- a. Minimum Development Area. The gross area of a tract of land proposed to be developed shall be not less than that set forth in Schedule 703.h for the district in which the development is proposed. The entire tract of land to be developed shall be considered one zoning lot.
- b. Buildings on a Lot. More than one building may be developed on the same zoning lot for a multi-family development.
- c. Minimum Frontage. Each zoning lot shall abut upon a public street for a distance not less than 100 feet. Buildings may be arranged in a group and all buildings need not front on a public street.
- d. Maximum Dwelling Units. The density of a residential development shall not exceed the number of dwelling units per acre set forth in Schedule 703.h for the district in which the development is located. The total number of dwelling units permitted shall be calculated by multiplying the total land area, exclusive of public rights-of-way existing at the time the application is submitted, by the number of dwelling units permitted per acre.
- e. Maximum Number of Attached Single-Family Units. A building comprised of attached single-family units shall have not more than six such units attached.
- f. Maximum Building Coverage. The maximum building coverage of the lot, including all areas covered by accessory buildings, shall not exceed the percentage of the total area of the development project set forth in Schedule 703.h.
- g. Minimum Open Space. The area of the lot that shall be devoted to common open space shall not be less than the percentage of the total area of the development project set forth in Schedule 703.h.
 - 1. Other common areas including parking areas, land fragments between two or more buildings, land fragments between buildings and parking areas, and required yards between project boundaries and buildings or parking areas shall not be included as common open space.
 - 2. Any common open space area devoted to recreational activities shall be of a useable size and shape suitable for the intended purposes of the area as determined by the Zoning Commission.
 - 3. The common open space shall either be:
 - A. Retained by the owners of the development project; or

- B. Dedicated to a homeowners association or similar legal entity that shall have title to the land to be retained as common open space;

Schedule 703.h

	RMF-1
1. Minimum Development Area	5 acres
2. Maximum Dwelling Units per Acre	12
3. Maximum Coverage of All Buildings	30%
4. Minimum Open Space	20%

704 SITE DEVELOPMENT REGULATIONS.

The following site development regulations are established to regulate the location, privacy and screening of dwelling units in a multi-family development.

Schedule 704

	RMF-1
a. Minimum Building Setback from Streets:	
1. Public street right-of-way	50 ft.
2. Internal streets	20 ft.
b. Minimum Building Setback from property lines:	
1. Abutting RMF-1, R-MHP, or nonresidential district	20 ft.
2. Abutting a R-1 or R-2 district	40 ft.
3. Abutting a R-AG district	50 ft.
c. Minimum Building Separation: ^(a)	
1. Main wall to main wall ^(b)	70 ft.
2. Main wall to secondary wall ^(b)	35 ft.
3. Secondary wall to secondary wall ^(b)	15 ft.
4. Non-overlapping walls	15 ft.
NOTES TO SCHEDULE 704:	
^(a) See definitions in subsection b. below.	
^(b) Including walls of the same building separated by a court.	

- a. Setback from Project Boundary. The setback of a dwelling from any project boundary shall be not less than set forth in Schedule 704. The project boundary shall include all lot lines that divide the subject tract of land from adjacent lots that are not included in the development and shall be the boundaries of the minimum area set forth in Section 703.a.

- b. Building Spacing. For group developments, the minimum distance separating overlapping walls of buildings, or parts thereof, shall be not less than the distance set forth in Schedule 704 and shall be based on the type of walls which overlap:
 - 1. "Main wall" means any exterior wall, containing the principal windows of the living, dining or sleeping room or rooms.
 - 2. "Secondary wall" means an exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, principal or minor windows of kitchen or bathrooms.
 - 3. "Overlapping walls" means those portions of the exterior wall or walls which are directly opposite when two buildings parallel, or within 45 degrees of parallel, face each other across an open yard or space.

705 DWELLING UNIT REQUIREMENTS.

In order to promote healthful living conditions and maintain the character of the residential neighborhoods, dwelling units, including manufactured homes, shall be constructed and maintained in compliance with the minimum dwelling unit area regulations set forth in Schedule 705 below for the type of unit:

Schedule 705

	RMF-1
a. Manufactured Homes	NP
b. Efficiency Suites	600 sq.ft.
c. One bedroom unit	750 sq.ft.
d. Two-bedroom unit	900 sq.ft.
e. Three-bedroom unit	1,200 sq.ft.
f. Four or more bedroom unit	1,500 sq.ft.
NP = Not Permitted.	

For the purpose of these regulations, minimum living area shall include the total square footage of floor area within the defined areas created by the walls of the dwelling unit, measured from the interior face of the exterior walls and the centerline of parting walls where applicable. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports, and public areas such as hallways and foyers.

706 HEIGHT REGULATIONS.

No principal building or structure shall exceed 35 feet in height, and no accessory building shall exceed 16 feet in height.

707 ACCESSORY USE REGULATIONS.

Any accessory use permitted in an RMF-1 District may either occupy a part of the principal building, occupy a separate accessory structure or constitute an accessory land use.

- a. Location of Parking Areas. The site shall be designed so that the accessory parking area shall be located not more than 300 feet from the building entrance of the dwelling units to be served, the distance to be measured along pedestrian walks.
- b. Use and Design of Yards. All areas of the development not devoted to buildings or parking areas shall be landscaped and maintained and shall be used only for pedestrian walks and passive recreational areas except as permitted in Schedule 707.f.
- c. Distances from Accessory Uses to Buildings and Streets. The minimum distances from any accessory uses such as storage garages, parking areas, driveways, walks and recreation areas to certain walls of principal buildings, streets and boundaries of the development area shall be not less than set forth in Schedule 707.f.
- d. Fences And Walls: Fences and ornamental walls shall not exceed three feet in height within 50 feet of a public street right-of-way, and shall not exceed 6 feet in height on the remainder of the development site. All height measurements shall be taken from the existing grade.
- e. Swimming Pools. Permanent, private swimming pools exclusively for the use of the residents shall comply with all requirements of the Lorain County Board of Health, and shall be walled, fenced or screened as required to prevent uncontrolled access.

Schedule 707.f

Accessory Building or Use	To Wall of Principal Buildings	To Street Rights- of-Way		To Side and Rear Lot Lines Abutting District	
		Public	Project	R- District s	All other Districts ⁽¹⁾
1. Accessory Buildings, Storage Garage	20	N/A	20	5	10
2. Parking Area	20	N/A	10	15	10
3. Driveway	20	⁽²⁾	10	2	10
4. Project Walk	20 ⁽³⁾	N/A	N/A	5	3
5. Areas for Active Recreation including permanent private pools	20	N/A	10	20	20
<p>NOTES TO SCHEDULE 707.f:</p> <p>⁽¹⁾ Including RMF-1.</p> <p>⁽²⁾ Shall comply with the regulations for principal buildings set forth in Section 704, except as required to access the public or private street.</p> <p>⁽³⁾ A project walk may be less than 20 feet, but not less than five feet, from a wall if all windows have sills at least eight feet above the finished grade.</p> <p>N/A Not applicable.</p>					

708 LANDSCAPING AND SCREENING REQUIREMENTS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Screening and buffering shall be provided according to the requirements set forth in Article 1800.

709 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in all RMF-1 districts.

710 SITE PLAN AND DESIGN REVIEW.

Any new construction of a permitted principal, conditional, or accessory use, or any existing or previously approved development which proposes to increase the number of dwelling units or expand the floor area, or any change in use which requires a modification in the amount of parking or the site's circulation requires the submission and approval of a site plan and be reviewed for compliance with the design review guidelines set forth in Article 2200.

**Article 500
Districts and Their Boundaries**

- | | | | |
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| 501 | Purpose. | 503 | Zoning Map. |
| 502 | Establishment of Districts. | 504 | Interpretation of District Boundaries. |
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501 PURPOSE.

The purpose of this article is to create a series of districts of such number and character necessary to achieve compatibility of uses within the Township and to provide opportunities for community growth.

502 ESTABLISHMENT OF DISTRICTS.

For the purpose of this Resolution, all land areas in Amherst Township, Lorain County, Ohio are hereby divided into districts. These districts and the identifying symbol associated with each are as follows:

Residential Districts

- R-AG Agricultural Residential
- R-1 Low Density Residential
- R-2 Medium Density Residential
- RMF-1 Multi-family Residential
- R-MHP Manufactured Home Park
- CD Conservation Development

Non-Residential Districts

- NB-1 Neighborhood Business District
- GB-1 General Business District
- MS-1 Motorist Service District
- LI Light Industrial District

Special Districts

- MU-1 Retail/Office
- MU-2 Office/Industrial District
- MU-3 Retail/Office/Residential
- F-P Flood Plain District

503 ZONING MAP.

The districts and their boundary lines are indicated on the map entitled "Amherst Township Zoning Map" adopted and certified by the Fiscal Officer, which map accompanies this Zoning Resolution. This Zoning Map together with all notations, references, and other information shown thereon is hereby declared and made part of this Resolution.

If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map on the effective date of the amendment. The Zoning Map shall be maintained in the Office of the Township Zoning Inspector.

504 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- a. Where Boundaries Approximately Follow Streets, Alleys Or Highways: Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- b. Where Boundaries Approximately Follow Lot Lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such district boundaries.
- c. Where Boundaries Parallel Street Right-Of-Way Lines, Alley Lines, Or Highway Right-Of-Way Lines: Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such district therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.
- d. Where Boundaries Approximately Follow Railroad Lines. Where a district boundary is indicated as approximately following a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- e. Where Boundaries Approximately Follow Water Bodies. Where a district boundary is indicated as approximately following the edge of a stream, lake, or

other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district, unless otherwise indicated.

- f. Unsubdivided Properties. In the event a district boundary divides unsubdivided property so that the unsubdivided property is in two zoning districts, the district boundary lines shall be determined by the dimension notes on the Zoning Map, or by the use of the scale shown on said Zoning Map.

- g. Vacation Of Public Ways: Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.

**Article 1100
Mixed Use District Regulations**

1101	Purpose.	1107	Accessory use regulations.
1102	Permitted uses.	1108	Landscaping and screening requirements.
1103	Minimum lot requirements.	1109	Permitted signs.
1104	Required yards.	1110	General regulations.
1105	Minimum parking setbacks.	1111	Site plan and design review.
1106	Height regulations.		

1101 PURPOSE.

One of the primary goals of the Amherst Township Comprehensive Zoning Plan is to increase opportunities for economic development in the S.R. 58/I-80 area. Two significant public improvement projects in Amherst Township along S.R. 58 have enhanced the potential for private development in this area: the I-80 Turnpike interchange at S.R. 58; and the sanitary sewer along S.R. 58. It is the Township’s objective to stimulate economic development in a manner which provides the maximum flexibility for commercial and industrial development while protecting residential areas. To carry out this objective, the Township recognizes that the placement of structures, landscaping and access points in relation to major thoroughfares have a greater impact than the particular use which is permitted. The following two mixed use districts have been created:

- a. The MU-1 District which permits office and retail uses, and would be generally applied along Route 58 adjacent to the Ohio Turnpike to take advantage of this highly visible and accessible location; and
- b. The MU-2 District which permits office and industrial uses while excluding any retail uses, and would be generally applied to areas accessible to, but farther away from major thoroughfares where the attraction for retail development diminishes.

1102 PERMITTED USES.

In the MU-1 and MU-2 Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for the uses specified in subsections a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 1102, denoted with a “P” are permitted by right in the district indicated provided that all requirements of this Resolution have been met.

- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 1102, denoted with a “C” may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. The accessory uses, buildings and structures enumerated in Schedule 1102, denoted with an “A” may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations set forth in Section 1107.

Schedule 1102

PERMITTED USE	MU-1	MU-2	See Also
A. PROFESSIONAL/MEDICAL			
1. Administrative, Business Professional and Medical Offices	P	P	--
2. Animal Hospital		C	1507.b.2
3. Hospital	C	C	1507.b.9
4. Nursing Home	P		--
5. Urgent Care Clinic	P	P	--
B. RETAIL/SERVICES			
1. Retail in wholly enclosed buildings	P		--
2. Personal Services (e.g. hair care, dry cleaner, shoe repair, self-service laundry, etc.)	P		--
3. Bar, Tavern, Night Club	P		--
4. Drive through/in facilities	C		1507.b.7
5. Financial Establishment	P		--
6. Hotels / Motels	P		--
7. Repair Services (e.g. small appliance repair, electronics)	P		--
8. Restaurant	P		--
C. VEHICLE SALES AND SERVICE			
1. Automobile and Other Vehicles Sales/Service	C		1507.b.3
2. Service station	C		1507.b.14
3. Automobile repair garage	C		1507.b.4
4. Car wash	C		1507.b.5

**Amherst Township Zoning Resolution
Article 1100 – Mixed Use District Regulations**

10/12/06

PERMITTED USE	MU-1	MU-2	See Also
D. INSTITUTIONAL/OTHER			
1. Child day care centers, adult day care center	P	P	--
2. Gas well		P	ORC 1509
3. Public safety facilities	P		--
4. Public utility transmission substations	C	C	Article 1500
5. Theater, assembly hall, meeting place	P		--
6. Wireless telecommunication towers	P	P	Article 1900
E. LIGHT INDUSTRIAL (When in a wholly enclosed building)			
1. Business services, equipment sales & supplies in a wholly enclosed building		P	--
2. Manufacturing, packaging, assembly		P	--
3. Public service and maintenance facilities		P	--
4. Storage/distribution		P	--
F. ACCESSORY USES			
1. Accessory Buildings	A	A	--
2. Off-street parking and loading facilities	A	A	--
3. Signs	A	A	--
4. Swimming pools within a hotel/motel use	A		--
P = Principal use permitted by right C = Conditional use A = Accessory use permitted by right Blank Cell = Not permitted in district			

1103 MINIMUM LOT REQUIREMENTS.

The minimum lot area, minimum lot width and maximum lot coverage of buildings are specified in Schedule 1103.

Schedule 1103

Minimum Requirement	MU-1	MU-2
a. Minimum Lot Area	1 acre	1 acre
b. Minimum Lot Width		
1. Middle Ridge Road, S.R. 58 and S.R. 113	175 feet	175 feet
2. All Other Streets	100 feet	100 feet
c. Maximum Percent of Lot Coverage by all Buildings	30%	30%

1104 REQUIRED YARDS.

All lots shall provide the following minimum front, side and rear yards as specified in Schedule 1104, unless otherwise permitted by this Resolution.

Schedule 1104

Yard	MU-1	MU-2
a. Front		
1. Existing streets	50 feet	50 feet
2. New Main streets per Thoroughfare Plan (Route 58 Corridor Study)	30 feet	30 feet
3. All other new streets	Per development plan	
b. Side and Rear		
1. Adjacent to Non-Residential	20 feet	20 feet
2. Adjacent to Residential District	50 feet	50 feet

1105 MINIMUM PARKING SETBACKS.

The minimum parking setbacks permitted in all Mixed Use Districts are specified below:

Schedule 1105

a.	Front:	
1.	Existing streets	20 feet
2.	New Main streets per Thoroughfare Plan (Route 58 Corridor Study)	30 feet
3.	All other new streets	As per development plan*
b.	Side and Rear:	
1.	Adjacent to Non-Residential:	10 feet
2.	Adjacent to Residential District:	20 feet
*No parking in front of building. Therefore, when the building is setback greater than 30 feet, the parking setback shall also increase the same distance provided that in no case shall the required parking setback be greater than 50 feet.		

1106 HEIGHT REGULATIONS.

No building or structure shall exceed 35 feet in height.

1107 ACCESSORY USE REGULATIONS.

- a. Yard Requirements. Accessory uses, buildings and structures shall meet all the yard requirements of Schedule 1104, unless otherwise specified in this Section.
- b. Parking Garages, Off-Street Parking and Loading Areas, and Access Driveways.
 1. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 1105 and shall otherwise conform to the regulations of Article 1700.
 2. Parking garages shall comply with the yard and height requirements for principal buildings set forth in Sections 1104 and 1106.
 3. Parking garages and off-street parking lots may be located on the same lot as the principal use or may be located on a separate lot not more than 700 feet from the building or use to which such spaces are accessory.

- c. Temporary Buildings and Uses. For purposes incidental to construction work, temporary buildings and uses shall be permitted pursuant to the regulations in Section 310.d.
- d. Waste or Recycling Receptacles. All solid waste products resulting from any permitted principal, conditional or accessory use shall either be disposed of, or stored in a building or completely enclosed container. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1105. When such container or dumpster, if not located in a building, is adjacent to a residential district, the container or dumpster shall be screened with a permitted wall or fence and planted material shall be provided to cover at least 50% of such wall or fence as viewed from the residential district. When such container or dumpster is adjacent to a non-residential district, it shall be screened with a permitted wall or fence.
- e. Fences and Walls. Shall be permitted accessory uses in compliance with the following:
 - 1. Fences located in a front yard shall not exceed 3 feet in height.
 - 2. All other fences shall not exceed 6 feet in height, except as otherwise required by this Resolution.

All height measurements shall be taken from the existing grade.

1108 LANDSCAPING AND SCREENING REQUIREMENTS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Screening and buffering shall be provided according to the requirements set forth in Article 1800.

1109 PERMITTED SIGNS.

All signs in MU-1 and MU-2 Districts shall conform to the provisions of Article 1600.

1110 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in the MU-1 and MU-2 Districts.

1111 SITE PLAN AND DESIGN REVIEW.

The site plan and design review procedures shall apply to all proposed uses and to changes to existing uses, including site modifications, in MU-1 and MU-2 Districts pursuant to the regulations in Article 2200.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Twp. Trustees
11/24/05	1102	In Schedule 1102 made corrections to the “See Also” column reference numbers. In Schedule 1102.D.2 changed Gas Well in MU-2 from “C” to “P” and “See Also” from “1507.b.9” to “ORC 1509”. In Schedule 1102.D.4 changed “See Also” from “1507.b.14” to “Article 1500”. Ref. Motion 10/10/05. Effective date 11/24/05.	Twp. Trustees
10/12/06	1101 1102 1104 1105	In Section 1101, deleted “proposed” and in Section 1101.a, deleted “and industrial” & “while strictly limiting outdoor storage”. In Schedule 1102.E, subsections 1, 2, 3, & 4, deleted “P” from “MU-1” column. In Schedule 1104.a, added 1, 2, & 3. In Schedule 1105.a, added 1, 2, & 3, as well as footnote (*). Ref. Motion 9/5/06. Effective date 10/12/06.	Zoning Commission

**Article 300
General Provisions**

301	Purpose.	309	Access to other districts prohibited.
302	Compliance with zoning regulations.	310	Accessory buildings and uses.
303	Compliance with other regulations.	311	Temporary buildings.
304	Lots to front on a street.	312	Performance Standards.
305	Required lot area to be maintained.	313	Prohibited Uses.
306	Required yards to be maintained.	314	Driveway Locations.
307	Visibility at intersections.	315	Rear House
308	Yard exceptions.	316	Adult Entertainment/Sexually Oriented Businesses

301 PURPOSE.

The general provisions as set forth herein shall apply to all districts. Where the requirements in this article differ from a district regulation, the more restrictive requirement shall prevail unless otherwise specified.

302 COMPLIANCE WITH ZONING REGULATIONS.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located and in compliance with the regulations of this Resolution. Uses of land and structures not specifically permitted in a zoning district shall be considered prohibited in that district until, by amendment, such uses are written into these regulations.

303 COMPLIANCE WITH OTHER REGULATIONS.

All structures shall comply with all other standards and regulations, where applicable, including, but not limited to:

- a. The requirements of the building regulations, adopted and administered by Amherst Township.
- b. The Lorain County Subdivision Regulations as adopted and administered by the Lorain County Planning Commission and the Lorain County Commissioners.
- c. The provisions of the Lorain County Regional Airport Zoning Regulations.

304 LOTS TO FRONT ON A STREET.

All lots shall front on a dedicated public street or an approved private street. All lots created as a result of lot splits or subdivisions shall have frontage on a dedicated street or an approved private street in the amount required for the zoning district within which such lots are located.

305 REQUIRED LOT AREA TO BE MAINTAINED.

- a. A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area and lot width requirements of the district in which such land is located.
- b. A lot of record which conformed to the provisions of this Zoning Resolution and which was owned separately from adjoining lots on the effective date of this Resolution or an amendment adopted thereafter which affected its conformity shall not be reduced in any manner which would increase its nonconforming situation.

306 REQUIRED YARDS TO BE MAINTAINED.

- a. The required yards surrounding an existing principal building shall not be separated in ownership from that part of the lot upon which the building is located, and no required yard, or part thereof, shall be considered as providing a yard for any other principal building.
- b. A yard shall not be reduced to less than the required dimensions for the district in which it is located, and a yard of less than the required width shall not be further reduced.
- c. New streets or roads in a residential district shall be located so that existing structures comply with the setback and yard requirements set forth in this Resolution.

307 VISIBILITY AT INTERSECTIONS.

On every corner lot there shall be no obstruction to visibility (whether by the location of structures including fences, landscaping or other means) between the heights of 3 feet and 6 feet above the natural grade, within the triangle formed by the right-of-way lines of two intersecting streets, and a line drawn between two points, one on each such right-of-way line, each 25 feet from the point of intersection of such right-of-way lines.

308 YARD EXCEPTIONS.

- a. Fences, Hedges, and Walls. In all districts except Industrial Districts, fences, hedges, and walls may be constructed to a maximum height of six (6) feet in any required yard beginning at the building lot line and to a height of three (3) feet in any required yard abutting a street. All height measurements shall be taken from the existing grade. Residential fences shall not be of an artistic nature, containing such things as advertising, paintings, graffiti, etc.
- b. Garages and/or Accessory Buildings. In a Residential District a total of two (2) garages or accessory buildings shall be permitted, of which the total square feet shall not exceed the following lot size criteria, and may be located five (5) feet from the side and five (5) feet from the rear property lines. The total square feet, including residence, shall not exceed thirty (30%) percent of the lot size.

Schedule 308.b
LOT SIZES AND TOTAL SQUARE FEET PERMITTED
FOR GARAGES AND ACCESSORY BUILDINGS

Min. Lot Size	Max. Lot Size	Total Sq. Ft. Permitted
One third (1/3) acre or less		648 sq. ft.
Greater than (1/3) acre	Less than 1 acre	1,024 sq. ft.
1 acre or greater	Less than 2 acres	1,600 sq. ft.
2 acres or greater	Less than 3 acres	2,400 sq. ft.
3 acres or greater	-----	3,200 sq. ft.
NOTE: One Acre = 43,560 square feet.		

309 ACCESS TO OTHER DISTRICTS PROHIBITED.

Driveways shall not be established from a road in one district to land in another district.

310 ACCESSORY BUILDINGS AND USES.

A subordinate building, which is incidental and accessory to that of the principal building, if such a building already exists on the land. All accessory buildings are permitted in all zoning districts.

311 TEMPORARY BUILDINGS.

- a. Temporary Dwellings. A temporary basement home, trailer, mobile home or similar structure may be used as a temporary residence on a lot for a period not to exceed 18 months during the time a permanent dwelling is being constructed. A temporary zoning permit shall be required for the use of such temporary dwelling and only one such temporary dwelling shall be permitted on a lot. Such temporary zoning permit shall not be renewed or extended. A performance bond for not less than 1,000 dollars shall be filed with the application for such certificate.
- b. Limited Use. A cabin or summer cottage may be used for a temporary residence for a period not to exceed 7 months in a calendar year. Visitor's trailers or motor homes shall be permitted to be parked on the lot for not more than 2 weeks in a calendar year. Approved sanitary facilities shall be provided.
- c. Emergency Use. Whenever a dwelling on a lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home may be used as a temporary residence while the permanent dwelling is repaired or reconstructed. A temporary zoning permit shall be required for such emergency use. A performance bond for not less than 1,000 dollars shall be filed within 60 days of the date the application when such certificate is submitted. Approved sanitary facilities shall be provided.
- d. Temporary Buildings/Uses During Construction. Temporary buildings or uses for purposes incidental to construction work shall be permitted provided these buildings or uses shall not be continued as permanent structures or uses, and shall be removed immediately upon completion of the construction project.

312 PERFORMANCE STANDARDS.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed.

- a. Fire Hazards. Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- b. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

- c. Noise. Noise which is objectionable as determined by the Zoning Commission due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- d. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- e. Dust and Smoke. Smoke shall be controlled as much as economically possible as determined by the County Health Department or the Ohio Environmental Protection Agency. Dust and other types of air pollution borne by the wind from sources such as parking lots, storage areas, or yards shall be minimized by appropriate landscaping, paving, oiling, and other acceptable treatments.
- f. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- g. Air Pollution. The emission of smoke, soot, flash, dust vapors, or other substances shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited at any adjacent property shall not be detrimental to or endanger the public safety, comfort or welfare or adversely affect property values.
- h. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- i. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- j. Toxic, Noxious, or Hazardous Matter. In addition to complying with all applicable local, state, and federal standards, the discharge of toxic, noxious, or hazardous matter is prohibited to extend beyond the lot lines where such a use is located in any such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property. No hazardous material may be used in any use or operation which is not approved by appropriate regulating agencies or authorities. No hazardous waste may be stored in the Township except when accessory to a permitted principal use and when placed in an enclosed building, and only for such duration until the waste can be reasonably transported from the Township.
- k. Enforcement. Where determinations can be made by the Zoning Inspector or other authorized Township employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where

technical complexity or extraordinary personnel or equipment is required to make the determination, the Board of Trustees may, in the case of the offenses cited under this Section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

313 PROHIBITED USES.

Uses or Processes which would affect an extensive area of Amherst Township or be contrary to public health, safety, and welfare in a growing sub-urbanized area are prohibited in All Zoning Districts. These include, but are not limited to:

- a. Bituminous Concrete Manufacturing Facilities, commonly known as “Asphalt Plants”
- b. Manufacture and sales of Fireworks or explosives
- c. Stockyards
- d. Open Garbage Dumps, Landfills, or storing and disposing of demolition materials
- e. Junk Yards
- f. Manufactured (Mobile) Home Parks
- g. Roof Top Signs

314 DRIVEWAY LOCATION.

Driveways are to be located with a minimum of 2 feet from a side lot line. In a cul-de-sac, a minimum of 2 feet is to be maintained or close to the 2 feet as possible pending lot frontage.

315 REAR HOUSE.

Rear Houses shall not be permitted in single-family residential districts. No apartment house shall be erected or altered or used unless the same shall have access to a public street, and if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least sixty (60) feet in width and such reserved strip may form a part of any lot width or lot yard or lot area required by the Zoning Resolution, and, if more than one dwelling is located in the rear of another building and has no immediate street frontage, then said easement for access shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling were located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder of this County for record.

316 ADULT ENTERTAINMENT/SEXUALLY ORIENTED BUSINESSES.
(Permitted in GB-1 and L1 Districts only)

- A. Amherst Township has determined that permitting adult uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult use oriented retail uses.

The Amherst Township Zoning Commission and Board of Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult entertainment businesses on the neighborhoods and areas in which those businesses are located.

The members of the Amherst Township Zoning Commission and Board of Trustees have been provided with, have reviewed, and have considered copies of the "Adult Entertainment Study" dated November 1994, conducted by the New York City Department of Planning; "Adult Entertainment Businesses in Indianapolis, An Analysis" dated February 1984, conducted by the Department of Metropolitan Development of the city of Indianapolis; and the "Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses" dated June 6, 1989, conducted by the attorney General for the State of Minnesota.

The "Adult Entertainment Study" of the City of New York contains summaries of impact studies from the cities of Islip, New York; Los Angeles, California; Indianapolis, Indiana; Whittier, California; Austin, Texas; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina; and the State of Minnesota.

These numerous studies conclude, based on documented evidence, that adult entertainment businesses have negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of rural and urban life, and the spread of sexually transmitted diseases.

The adverse effects of adult entertainment businesses are compounded when such businesses are located in close proximity to each other and have the tendency to create "dead zones".

The Amherst Township Zoning Commission and Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens, protect the citizens from increased crime, the spread of sexually transmitted diseases, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.

The Amherst Township Zoning Commission and Board of Trustees desire to prohibit the establishment of adult entertainment businesses within the close proximity to existing adult entertainment businesses, residentially zoned areas, residences, schools, churches, parks, playgrounds, social service facilities, and neighborhood centers.

It is not the intent of this resolution or any related resolutions to suppress any speech activities protected by the First Amendment to the United States Constitution. The intent is to enact a content-neutral resolution which addresses the secondary effects of adult entertainment businesses.

There is adequate land available in Amherst Township, zoned GB-1 General Business District and LI Light Industrial District within which adult entertainment businesses may be located.

It is not the intent of this resolution or any related resolutions to condone, encourage, or legitimize the distribution of obscene material or the establishment of adult entertainment businesses.

- B. Therefore, in order to prevent potential deterioration in Amherst Township's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult uses, as defined in this Section, shall be permitted only in the GB-1 General Business District and the LI Light Industrial District subject to the following requirements and further subject to the site plan and design review procedures pursuant to Article 2200. For purposes of this Resolution adult uses shall include but not be limited to any of the following:

- (1) Adult book/video store. An establishment which utilizes 5 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and video cassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this Section.
- (2) Adult motion picture theater. An enclosed motion picture theater which regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.
- (3) Adult motion picture drive-in theater. An open air drive-in theater which regularly uses or utilizes 5 percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on

- matter depicting, describing or related to adult material as defined in this Section.
- (4) Adult only live entertainment business. An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
 - (i) Entertainment or services which constitute adult material as defined in the Section; or
 - (ii) Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material as defined in this Section.
- C. To further determine whether the above facilities are adult uses, the following definitions shall apply.
- (1) Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
 - (i) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 - (ii) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
 - (2) Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.
 - (3) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
 - (4) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

- (5) Sexual activity. Sexual conduct or sexual contact, or both.
 - (6) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
 - (7) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- D. Adult uses shall be located in accordance with the following distance requirements:
- (1) A minimum of 2,000 feet from the boundaries of any lot containing a church, library, public park or playground, nursery, school or any other institution where children are kept day or night;
 - (2) A minimum of 1,000 feet from any other adult use; and
 - (3) A minimum of 2,000 feet from any residentially zoned parcel in Amherst Township or any adjacent community.

**Article 900
Conservation Development Regulations**

901	Purpose.	907	Development Standards.
902	Conformity to Standards.	908	Street Requirements.
903	Minimum Project Area.	909	Homeowners Associations.
904	Dwelling Types and Permitted Land Uses.	910	Phased Development.
905	Density.	911	Procedures and Approval Criteria.
906	Common Open Space Requirements.	912	Development Plan Review Criteria.

901 PURPOSE.

It shall be the policy of Amherst Township, Lorain County, Ohio, to simultaneously promote the progressive development of land and construction thereon, as well as the preservation of open space through Conservation Development Regulations.

Conservation Development is a permitted development option in Agricultural Residential (R-AG) and Low-Density Single-Family Residential (R-1) Districts in accordance with the standards and regulations set forth in this Resolution. These regulations are intended to encourage the use of Conservation Development techniques in order to accomplish the general purpose of this Zoning Resolution as stated in Article 100, and to achieve the following objectives:

- a. To allow creativity, variety, and flexibility in design as necessary to implement the goals and objectives set forth in this Article.
- b. To promote economical and efficient use of land and public services through unified development, especially in areas with limited road access or irregular shape or which are traversed by significant easements or rights-of-way.
- c. To preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion.
- d. To permit the flexible spacing of lots and buildings in order to encourage the preservation of the natural features of the site and the provision of readily accessible recreation areas and green spaces.
- e. To ensure that the proposed Conservation Development occurs in a unified manner in accordance with a development plan prepared by the property owner.
- f. To ensure the development will not degrade or endanger the quality of life presently enjoyed by the existing residents.

It is not the intention of this Article to permit the application of these regulations to merely create a development that only appears to be a small lot subdivision and does not otherwise achieve the objectives of this Article. If the above objectives are not achieved, the Zoning Commission will not approve the Conservation Development proposal, in which case the standard zoning and subdivision regulations prevail.

902 CONFORMITY TO STANDARDS.

Because of the special characteristics related to Conservation Development, specific provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of other Articles of this Resolution, the provisions set forth in the Article shall prevail. Any existing provisions that are not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

903 MINIMUM PROJECT AREA.

The gross area of a tract of land proposed for development under Conservation Development regulations shall be a minimum of fifteen (15) acres. The area proposed shall be in one ownership; if in several ownerships, all owners of the properties included in the Conservation Development shall file the application jointly.

904 DWELLING TYPES AND PERMITTED LAND USES.

The dwelling types that are permitted as of right within a Conservation Development are listed in Schedule 904.

Schedule 904

Dwelling Type	R-AG	R-1
1. Standard Single-Family Detached	X	X
2. Cluster Single-Family Detached	X	X
3. Single-Family Attached with a maximum of two (2) units in any one building	X	
4. Single-Family Attached with a maximum of four (4) units in any one building		X
5. Accessory Uses; such as community buildings and recreational facilities	X	X

Accessory buildings and uses associated with individual dwelling units are subject to rules and procedures set forth by related Home Owners Associations.

905 DENSITY.

A Conservation Development shall not exceed the densities as set forth in Schedule 905.

Density is calculated based on the gross area of the parcel rounded up to the next highest dwelling unit. No minimum lot size is required for each dwelling, however the project must satisfy the density and setback/spacing requirements listed in Section 907 of the Amherst Township Zoning Resolution.

If the proposed Conservation Development is located in more than one residential district, the total number of units shall equal the sum of the dwelling units permitted in each district. The total number of dwelling units permitted may be distributed throughout the project site, regardless of district boundary lines, to ensure a more cohesive development is achieved.

Schedule 905

	R-AG	R-1
Maximum dwelling units per acre	1	2
Maximum net density on any one acre	4	6
Minimum common open space	40 %	25 %

For the purposes of determining the maximum number of dwelling units that are permitted in a Conservation Development, the unbuildable portion of the gross site area (i.e. steep slopes, ponds, wetlands that can not be mitigated, as determined by the Zoning Commission and/or Township Trustees) that exceeds the area of the minimum common open space required pursuant to Schedule 905, shall be deducted from the gross land area. (*Example: If the minimum common open space required is 40 acres and the unbuildable portion of the project area is 60 acres, then 20 acres would be deducted from the "gross area of the parcel" to determine the maximum number of units permitted.*)

906 COMMON OPEN SPACE REQUIREMENTS.

A portion of the area in a Conservation Development shall be devoted to common open space.

- a. General Standards. The common open space shall comply with the following regulations:

1. The minimum common open space required shall be 40% of the entire project area in R-AG Districts and 25% in R-1 Districts.
2. Open space must be aggregated areas but shall not include the following:
 - A. Public rights-of-way, and parking areas;
 - B. Land fragments between two or more buildings, and land fragments between buildings and parking areas, and any other land within fifteen (15) feet of all buildings and structures; and
 - C. Required yards or setbacks between project boundaries and buildings or parking areas, unless the required setback is contiguous to and part of a larger area of open space.
3. To the extent possible, open space areas shall be interconnected within the development and to adjacent parcels, and shall be easily accessible to residents of the Conservation Development. If the open space contains pedestrian trails that are open to the public then such trails may be deemed a substitute for the street sidewalks required pursuant to Section 908.
4. Open space shall be designed and located to preserve significant natural features and historical elements to the extent possible. The following priorities should be considered when determining the land for open space designation:
 - A. Wetlands, floodplains, lakes and ponds, and other water resources. The development plan should avoid alteration of or construction within natural drainage ways, and shall utilize low impact storm water management techniques such as grassy swales to the extent possible.
 - (1) Wetlands Protection. Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:
 - i A buffer area having a width not less than twenty (20) feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
 - ii A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.
 - (2) Conservation of Riparian Zones.
 - i A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The

buffer area on each side of the river or stream channel shall have a width not less than fifty (50) feet, measured from the river or stream bank.

- ii Walkways may be permitted to be located within riparian buffers when the Township determines that such will create minimal change to the riparian buffer.
- B. Woodlands, orchards, prime farmlands, meadows, and other vegetation. The design and layout of the development shall conserve and incorporate these areas to the extent possible, especially those containing significant wildlife habitats.
- C. Scenic visual areas with respect to tree lines, unique vegetation, wildlife habitat, and other natural features. To the extent possible, structures shall be located to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.
- D. Historic structures or buildings. Buildings or structures with significant historic meaning or traditional meaning that pertains to the areas history, such as barns, mills, etc. shall be preserved to the extent possible.
5. When approved by the Township, a portion of the planned open space may be used as retention basins, provided they are designed, arranged and landscaped in a manner consistent with the requirements for open space areas.
6. The common open space established as part of a Conservation Development shall be either:
- A. Retained by the owners of the Conservation Development area;
 - B. Dedicated to a homeowners association or similar legal entity that shall have title to the land to be retained as common open space; or
 - C. Transferring by deed, or granting of an easement to the Lorain County Metro Parks or any other land conservancy.
 - D. Offered to the Township for public open space. The Township shall have the right to not accept any land area offered to the Township. In the event of such refusal, the conditions of either A., B. or C. above, shall apply. Any land area that is accepted by the Township for dedication as public open space shall also continue to be counted toward the requirement for common open space.
7. The legal articles relating to the ownership, management, public easements if any, and maintenance of such common open space shall be reviewed and

approved by the Township's Legal Advisor. The Legal Advisor shall indicate such approval prior to the final development plan being approved by the Zoning Commission.

- b. Recreation Allowances. With the exception of extremely environmentally sensitive areas, passive recreation shall be permitted in common open space for the enjoyment of the residents of the proposed development and/or the public. For the purpose of these regulations, golf courses shall not be considered passive recreation and thus are not permitted as part of the required common open space in an R-AG development. Conversely, golf courses may be part of the required common open space in an R-1 development.

Active recreation shall be limited to no more than 5% of the common open space. Recreational facilities proposed to be constructed in dedicated open space shall be clearly shown on the development plans.

- c. Prohibition of Further Development of Restricted Open Space. The common open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's Legal Advisor and duly recorded in the Office of the Recorder of Deeds of Lorain County.

907 DEVELOPMENT STANDARDS.

The following specific development standards shall be adhered to in the design and layout of any Conservation Development:

- a. Minimum Setbacks from Project Boundaries and Streets: All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Schedule 907. Each building containing attached single-family dwelling units shall be counted as one building for the purpose of determining the minimum setback and spacing requirements.
- b. Minimum Separation Between Buildings: In order to ensure reasonable privacy and separation, walls of individual buildings located within a Conservation Development shall be separated by the minimum distances set forth in Schedule 907. The following definitions shall apply to terms used in this Section.
 - 1. Main Wall: The outside wall(s) of a building that contains the primary windows of any living, family or dining room.
 - 2. End Wall: The outside walls of a building, other than a main wall, which may be blank or contain windows not considered to be primary windows.

- c. Unbroken Wall Length: No wall or facade shall extend for more than two units without a change in the plane of the wall and roofline by at least five feet.
- d. Lot Requirements: Dwelling units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwellings are included as part of a Conservation Development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
- e. Required Buffer: A buffer area with a minimum width of thirty (30) feet from an existing right-of-way, and twenty-five (25) feet from a perimeter side or rear property line is required in both R-AG Districts and R-1 Districts. The buffer area shall be landscaped with an acceptably designed wall, fence, planting screen, or mound, or some combination thereof, which shall comply with the regulations found in Section 1803, Parts b and c.
- f. Utilities: Underground utilities, including telephone and electrical systems, are required within the limits of a Conservation Development. Appurtenances to these systems that can be effectively screened may be exempted from this requirement if the Township finds that such exemption will not violate the intent or character of the proposed Conservation Development.
- g. Sewage Disposal: Development shall be served by individual or public sewage disposal structures consistent with the Lorain County systems. Individual sewage disposal systems shall comply with all applicable regulations of the Lorain County Health Department and may be located within common open space areas when approved by the Township and the Lorain County Health Department.
- h. Additional Standards: Additional development requirements, whether standards or criteria, formulated to achieve the objectives of the Conservation Development may be established at the time a Conservation Development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the development.
- i. Waivers: In the event the Township, determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Township may relax such standard to the extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

Schedule 907

	R-AG Agricultural Residential	R-1 Low Density Residential
<u>Minimum Setbacks</u>		
1. Building		
◦ Existing street right-of-way	50 ft.	50 ft.
◦ Internal street – Public ¹	25 ft.	25 ft.
◦ Internal street – Private that has more than 10 units with access to the street ¹	40 ft.	40 ft.
◦ Internal street – Private that has 10 units or less with access to the street ¹	25 ft.	25 ft.
◦ Side/Rear property line	35 ft.	35 ft.
2. Parking ²		
◦ Existing street right-of-way	30 ft.	30 ft.
◦ Side/Rear property line	25 ft.	25 ft.
3. Required landscape buffer		
◦ Existing street right-of-way	30 ft.	30 ft.
◦ Side/Rear property line	25 ft.	25 ft.
<u>Minimum Spacing Between Buildings</u>		
1. Front wall to front wall	45 ft.	40 ft.
2. Front wall to end wall	30 ft.	20 ft.
3. End wall to end wall	15 ft.	10 ft.

¹ If the internal street is public, the setback is measured from the right-of-way; if it is private the setback is measured from the pavement of the street. These setback requirements may be reduced when the applicant has demonstrated and the Zoning Commission determines that the development, as proposed, is consistent with the purposes and intent of this chapter and, further, that such reduced setback results in the arrangement of units that is equal to, or better than, an arrangement which is in strict compliance with the required setbacks.

² Parking shall be provided in accordance with the requirements of Article 1700.

908 STREET REQUIREMENTS.

Each lot and building envelope within a cluster development shall have sufficient access to ensure safe and efficient traffic flow and reasonable ingress and egress for emergency vehicles. To this end, the street requirements for cluster developments are as follows:

- a. Public Streets. A street shall be required to be publicly dedicated when such street is a major street that connects two (2) existing public streets, is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments.
- b. Private Streets. Streets that are not otherwise required to be public streets pursuant to subsection a. above may be approved as private streets when the Township determines that:
 - 1. The private street is not planned or expected to be extended to serve property outside the Conservation Development.
 - 2. Adequate utility easements are provided to the satisfaction of the Township and the utilities.
 - 3. The design and layout of the private street provides adequate and safe access to the intended units.
 - 4. A private street with single access shall provide access to no more than twenty (20) dwelling units.
- c. Pavement Width: Private streets may be constructed with narrower pavement widths than required by the County Subdivision Regulations for public streets provided they comply with the minimum standards set forth in Schedule 908 and are approved by the County.

Schedule 908

Minimum Pavement Width	Two-Way ^(a)	One-Way ^(a)
Private street with two (2) means of access serving:		
More than ten (10) units	28 feet	19 feet
Ten (10) units or less	24 feet	16 feet
Private street with a single access serving ten (10) units or less	24 feet	N/A

Notes to Schedule 908.

^(a) These pavement widths are based on off-street parking, on one side of the street. However, if the applicant commits to no parking on these streets, and the Zoning Commission concurs, the width of the street parking may be reduced by four (4) feet.

NA = Not Applicable

- d. Construction Standards. All elements of a private street that are to be provided in a Conservation Development shall be constructed in accordance with the construction standards set forth for public streets in the County Subdivision Regulations. However, when the Township, with concurrence from the County, determines that certain elements of a public street do not or should not specifically apply to a private street due to the circumstances of a particular project or portion of a project, the Township may waive or permit a modification to the installation of any such element(s) to the extent deemed just and proper provided such relief may be granted without detriment to the public good. This provision also applies to waiving the requirement for curbs and storm sewers when the applicant demonstrates to the satisfaction of the Township and the County that, based on the topography of the site, open space, density and other environmental considerations, the proposed open natural drainage system will equally satisfy the drainage requirements.

If, pursuant to this Section, the Township waives the requirement for street side sidewalks, the Township may require that, alternatively, pedestrian trails constructed as part of the approved plan be open and accessible to the public.

909 HOMEOWNERS ASSOCIATIONS.

Homeowners associations, community associations, or similar legal entities that, pursuant to Section 906(a), are responsible for the maintenance and control of common areas including recreational facilities, common open space, private streets, and buffer areas, shall be established in such a manner that:

- a. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- b. The association or similar legal entity has clear legal authority to maintain, exercise control over, and insure such common areas and facilities;
- c. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities;
- d. Membership in the Association shall be mandatory for all purchasers of lots or a condominium in the development.

910 PHASED DEVELOPMENT.

If the development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

911 PROCEDURES AND APPROVAL CRITERIA.

The Township Zoning Commission and the Township Trustees shall review and approve a general development plan for a proposed Conservation Development according to the procedures set forth in this Section.

- a. Submission of General Development Plan. The applicant shall submit twelve (12) copies of a General Development Plan application to the township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to:
 1. Identification of existing site characteristics, including a general depiction of:
 - A. Boundaries of the area proposed for development, dimensions and total acreage;
 - B. Contour lines at vertical intervals of not more than five (5) feet, highlighting ridges, rock outcroppings and other significant topographical features;
 - C. Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - D. Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - E. Delineation of existing drainage patterns on the property, existing wells and well sites;
 - F. Description of significant existing vegetation by type of species, health, quality, etc.;

- G. Existing buildings, structures and other significant man-made features on the site and within two hundred (200) feet of the project boundary; and,
 - H. Description of all structures and areas of known or potential historical significance.
2. The general development plan shall be drawn at a scale not less than 1" = 100', and shall include:
- A. A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of the common open space to be conserved;
 - B. A preliminary layout of standard single family lots, cluster lots and attached single-family dwellings, if any;
 - C. The location of the common open space and any proposed recreational facilities;
 - D. Natural features to be conserved and any required buffer areas;
 - E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - F. General location of public street rights-of-way; and
 - G. Preliminary landscaping and buffering.
3. An outline of the method/structure to perpetually preserve the required open space which indicates:
- A. The structure of the association;
 - B. Membership requirements;
 - C. Financial responsibilities; and
 - D. The relationship of the entity to public agencies having responsibilities related to the project.
4. A description of the project phasing including the phased construction of open space improvements.
- b. Review For Completeness. Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application

includes all the items required in subsection a. above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

- c. Review of General Development Plan by Others. The Township Zoning Inspector may refer the application to other Township officials, and/or other private consultants for their review and comment and shall refer the application to the Lorain County Planning Commission staff for their review and comment. Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within thirty (30) days unless such time is extended by the Zoning Commission.
- d. Review and Approval by Township. The Township Zoning Commission shall review the general development plan and any other material related to the plan. The Township Zoning Commission shall: approve the general development plan, approve the general development plan subject to specific conditions not included in the plan as submitted, or deny the general development plan, and forward its recommendations to the Township Trustees.

The Township Trustees shall review the plan and the findings of the Zoning Commission. The general development plan shall only be deemed approved when such plan has been approved by a majority of the Trustees.

Failure of the Township to act within one hundred twenty (120) days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

- e. Significance of Approved Plan. Approval of the general development plan shall:
 - 1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
 - 2. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
 - 3. Provide the benchmark for the Township to consider and approve amendments to the general development plan when the Township determines that the amended plan is equal to or better than the approved general development plan.
 - 4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

- f. Final Development Plan. Prior to receiving a zoning permit, the final site plan must be approved by the Zoning Commission according to the Site Plan and Design Review procedures and criteria in Article 2200. Such final plan may be approved for a phase of the project, or the final plan may include the entire project.
 - 1. Submission Requirements. The applicant shall submit twelve (12) copies of the final development plan which, in addition to the requirements in Article 2200, shall include:
 - A. A site plan indicating:
 - (1) Dimensions of building/unit spacing; and
 - (2) Designated common open space areas and a description of proposed open space improvements.
 - B. The Declaration, Articles of Incorporation and Code of Regulations for all Homeowners' Associations, and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
 - C. A summary of any conditions imposed by other regulatory agencies.
 - 2. Review by the Township's Legal Advisor. The township's legal advisor shall review the Declaration, Articles of Incorporation and Code of Regulations for a Homeowners' Association, and any other final covenants and restrictions and maintenance agreements to be imposed upon the Conservation Development. He/she shall provide a written opinion to the Zoning Commission documenting that the above demonstrate full compliance with the requirements of this Chapter.

912 DEVELOPMENT PLAN REVIEW CRITERIA.

In addition to complying with the standards in this Article, the Zoning Commission and the Trustees shall only approve a general or final development plan when it is determined to be in compliance with the following criteria:

- a. Each part of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have beneficial effect which could not be achieved under standard district regulations.

- b. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
- c. The existing and proposed streets and thoroughfares are suitable and adequate to carry anticipated traffic; increased densities will not generate traffic in such amounts as to overload the street network outside the Conservation Development; and adequate traffic control measures (i.e. turning lanes and/or signals/signs are provided at the intersection of the project's entry roads with the existing public street. Traffic control measures may include the reservation of land for future road widening adjacent to existing public rights-of-way.
- d. The development will result in a harmonious grouping of buildings so that the area surrounding said development can be developed in coordination and substantial compatibility with the proposed development.
- e. The existing and proposed utility services are adequate for population densities and nonresidential uses proposed.
- f. Maximum possible privacy for adjacent residential properties shall be provided through good design and use of the proper building materials and landscaping according to the requirements set forth in this Resolution.
- g. Adequate provisions are made in the final covenants and restrictions to be imposed upon the development relating to the following:
 - 1. The use and development of accessory buildings and uses associated with individual dwelling units; and
 - 2. The maintenance of the land, including any common areas and sidewalks.
- h. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
- i. Adequate provision is made for storm drainage and sediment control and maintenance in compliance with applicable provisions of Lorain County and as documented in the Covenants and Restrictions of the Homeowner's Association.
- j. The proposed development complies with all other applicable provisions of this Zoning Resolution.

**Article 1150
Mixed Use Overlay District Regulations**

1151	Purpose.	1160	Land planning principles.
1152	Area Requirements.	1161	Landscaping and screening requirements.
1153	Use regulations.	1162	Permitted signs.
1154	Determination of Similar Uses.	1163	General regulations.
1155	Use definitions.	1164	Procedures.
1156	Required setbacks from the perimeter of the District.	1165	Submission Requirements.
1157	Minimum parking setbacks from the perimeter of the District.	1166	Final Development Plan Approval Criteria.
1158	Height regulations.	1167	Conflict with other Regulations.
1159	Accessory use regulations.		

1151 PURPOSE.

The Township formulated the Mixed-Use Overlay District regulations based on the recommendations in the study conducted in evaluating the non-residential areas adjacent to SR-58. The recommendations were consistent with the economic development goals of the Township as stated in the Comprehensive Plan. These regulations enable the creation of a compact development that is served by transit along the Lake Shore railroad thereby creating a Transit Oriented Development, also known as TOD. The District and its regulations are established in order to permit specific uses, at development intensity in a manner that:

- a. Encourages a mixture of complementary land uses that includes housing, retail, offices, civic uses to create economic and social vitality to the SR 58 corridor.
- b. Encourages skillful planning by allowing flexibility in type and placement of buildings while promoting coordinated architectural design within a unified development area.
- c. Promotes for an increase in the tax base due to the addition of the transit hub which will encourage customers from outside of the community to visit this ‘one-stop-shop’.
- d. Take advantage of the Lake Shore railroad, SR 58 and the Ohio Turnpike to create a transit area for this region.

1152 AREA REQUIREMENTS.

The minimum area for any proposed mixed-use development pursuant to this Article shall not be less than 30 acres. However, a lesser number of acres may be considered when the applicant/property owner satisfactorily demonstrates to the Township and the Township concurs that such smaller acreage will be designed and developed consistent with the purposes of this Chapter, either as an independent development or is functionally and visually integrated into the design of an existing Mixed-Use Overlay development.

1153 USE REGULATIONS.

In the MU-3 Overlay District, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for the uses specified in subsections a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 1153, denoted with a “P” are permitted by right in the district indicated provided that all requirements of this Resolution have been met.
- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 1153, denoted with a “C” may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. The accessory uses, buildings and structures enumerated in Schedule 1153, denoted with an “A” may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations set forth in Section 1159.

Schedule 1153

USE	MU-3
1. Multiple family Dwellings	P
2. Live Work Unit	P
3. Administrative, Business Professional and Medical Offices	P
4. Retail in wholly enclosed buildings	P
5. Personal Services (e.g. hair care, dry cleaner, shoe repair, self-service laundry, etc.)	P
6. Bar, Tavern, Night Club	C
7. Repair Services (e.g. small appliance repair, electronics)	P
8. Restaurant	P
9. Public Safety Facilities	P
10. Theater, assembly hall, meeting place, conference centers	P
11. Community Support Facilities	P
12. Accessory Buildings	A
13. Off-street parking and loading facilities	A
14. Signs	A

1154 DETERMINATION OF SIMILAR USES.

A use not specifically listed in the schedule of permitted uses may be determined by the Township to be similar to a use specifically listed in Schedule 1153.

- a. When the proposed use is being considered as part of a Final Development Plan, such similar use determination shall be made by the Zoning Commission and the Board of Trustees.
- b. When the proposed similar use is not subject to Development plan review, the determination may be made by the Zoning Inspector provided that the Zoning Inspector may defer such decision to the Zoning Commission and the Board of Trustees pursuant to “a” above.

Such similar use shall adhere to the regulations of the listed use, in Schedule 1153, that is determined to be most similar to the proposed use.

1155 USE DEFINITIONS.

- a. Live Work Unit: A building that is used for both, conducting business usually in the first floor and living (includes a kitchen) in the upper floors. An owner could live and conduct business in the same building.
- b. Community Support Facilities: See Section 1206.g.

1156 REQUIRED SETBACKS FROM THE PERIMETER OF THE DISTRICT.

All projects shall provide the following minimum front, side and rear yards from the perimeter of the project area as specified in Schedule 1156, unless otherwise permitted by this Resolution. Any – ways

Schedule 1156

BUILDING SETBACKS	MU-3
a. Front – From a new or existing public street	20 feet
b. Side and Rear	
1. Adjacent to existing ROW (SR 58)	50 feet
2. Adjacent to Non-Residential District	20 feet
3. Adjacent to Residential District	50 feet

1157 MINIMUM PARKING SETBACKS FROM THE PERIMETER OF THE DISTRICT.

All projects shall provide the minimum parking setbacks as specified in Schedule 1157 unless otherwise permitted in this Resolution:

Schedule 1157

PARKING SETBACKS	MU-3
a. Front – From a new or existing public street	20 feet*
b. Side and Rear	
1. Adjacent to existing ROW (SR 58)	40 feet
2. Adjacent to Non-Residential District	10 feet
3. Adjacent to Residential District	20 feet
*No parking in front of the building	

1158 HEIGHT REGULATIONS.

No building or structure shall exceed three (3) stories or 45 feet in height.

1159 ACCESSORY USE REGULATIONS.

- a. Yard Requirements. Accessory uses, buildings and structures shall meet all the setback requirements of Schedule 1156, unless otherwise specified in this Section.
- b. Parking Garages, Off-Street Parking and Loading Areas, and Access Driveways.
 1. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 1157 and shall otherwise conform to the regulations of Article 1700.
 2. Parking garages shall comply with the setback and height requirements for principal buildings set forth in Sections 1156 and 1158.
 3. The required parking for residential uses shall be provided at a rate of two (2) spaces per dwelling unit one of which shall be enclosed.
 4. The required parking for retail and offices shall be 4 spaces per 1,000 sq. ft. of floor area and 3 spaces per 1,000 sq. ft. of floor area respectively.
 5. The Zoning Commission may modify the parking required and allow for 'shared' parking. In such a case, the amount of parking needed shall take into account the hours of operation of uses, the overlap in parking demand by different adjacent uses and the types of uses proposed.
- c. Temporary Buildings and Uses. For purposes incidental to construction work, temporary buildings and uses shall be permitted pursuant to the regulation in Section 311.d.
- d. Waste or Recycling Receptacles. All solid waste products resulting from any permitted principal, conditional or accessory use shall either be disposed of, or stored in a building or completely enclosed container. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1157. When such container or dumpster, if not located in a building, is adjacent to a residential district, the container or dumpster shall be screened with a permitted wall or fence and planted material shall be provided to cover at least 50% of such wall or fence as viewed from the residential district. When such container or dumpster is adjacent to a non-residential district, it shall be screened with a permitted wall or fence.

- e. Fences and Walls. Shall be permitted accessory uses in compliance with the following:
 - 1. Fences located in a front yard shall not exceed 3 feet in height.
 - 2. All other fences shall not exceed 6 feet in height, except as otherwise required by this Resolution.

All height measurements shall be taken from the existing grade.

1160 LAND PLANNING PRINCIPLES.

The following planning guidelines are established to guide the planning, development and use of the land in the Mixed-Use Overlay District.

- a. The development shall create a Transit Oriented Development. Transit Oriented Development is characterized with buildings sited closer to street, to each other; a well designed network of circulation/transportation systems connecting the transit to these areas. The character of such an area is enhanced with landscaping along the frontage; minimizing front parking; encouraging deck parking; and location of publicly accessible plazas and pedestrian amenities to integrate and create a space that is pedestrian friendly and aesthetically pleasing.
- b. The vehicular and pedestrian circulation system and parking facilities shall be designed to provide safe movement throughout the District, especially with the transit.
- c. All areas within the development shall have landscaped area along the front property lines with sidewalks connecting to adjacent parcels and coordinated site elements i.e., paving, lighting fixtures, outdoor seating, canopied trees, pedestrian gathering areas, signage and landscaping that is cohesive with the architecture of the buildings.
- d. Maximize building design relationship to existing surrounding development on existing street frontage.
- e. Encourage an intensity of development (floor area per acre) that requires the use of decked or garage parking.
- f. Parking areas shall be limited in size, enclosed and/or screened so as not to dominate the areas between buildings and shall consider/include the ‘shared’ parking concept.
- g. Lighting of drives, sidewalks and parking areas shall be adequate to provide safety but shall be at the heights to be determined by the Zoning Commission and approved by Trustees in the development plan and low in brightness so as not to glare off the property or create “hot spots” of light.

- h. Driveways for group developments and local streets shall be connected to major streets at limited locations where traffic can be controlled and operated efficiently with minimum interference to the capacity of existing streets.

1161 LANDSCAPING AND SCREENING REQUIREMENTS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Screening and buffering shall be provided according to the requirements set forth in Article 1800.

1162 PERMITTED SIGNS.

All signs shall conform to the provisions of Article 1600.

1163 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in the MU-3 Overlay District.

1164 PROCEDURES.

- a. **Zoning and Approval of Preliminary Development Plan:** The zoning to this Mixed Use Overlay District and the concurrent approval of a Preliminary Development Plan shall be in accordance with the following procedures:
 - 1. The Township Zoning Commission and the Township Trustees shall consider a Preliminary Development Plan and the request to rezone the land to this Mixed Use Overlay District according to the procedures for a zoning amendment as set forth in the Ohio Revised Code and the Township's Zoning Resolution as supplemented by the requirements of this Article.
 - 2. Review For Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application has satisfied the submission requirements of Section 1165.a. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

3. Review of Preliminary Development Plan by Others: The Township Zoning Inspector:
 - A. May refer the application to other Township Officials, and/or other private consultants for their review and comment; and
 - B. Shall refer the application to the Lorain County Planning Commission staff for its administrative review and comment.

Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zonings Commission.

4. Review and Approval by Township: The Zoning Commission shall review the Preliminary Development Plan and the proposed rezoning application according to the procedures and public hearing requirements for Zoning Amendments. During its review of the Preliminary Development Plan, the Zoning Commission may refer the plan for review by other Township Officials and other private consultants that may not have been included in the referrals pursuant to Subsection 1164.a.3.A above. The Zoning Commission shall recommend to the Township Trustees:
 - A. Approval of the requested zoning amendment and the Preliminary Development Plan and such plan may be approved with reasonable conditions that were not necessarily included in the plan submitted by the applicant; or
 - B. Denial of the requested rezoning and the Preliminary Development Plan.
5. Review and Approval by Trustees: The Township Trustees shall review the rezoning amendment and the Preliminary Development Plan and the findings of the Zoning Commission according to the procedures for zoning amendments. Action by the Board of Trustees to approve the rezoning must also include approval of the Preliminary Development Plan. If a Preliminary Development Plan is not approved, the proposed zoning amendment has been nullified.
6. Effect of Approved Preliminary Development Plan: An approved Preliminary Development Plan for the proposed development is a binding commitment that has specified elements that have been approved for development within the Mixed Use Overlay District. Within the Mixed Use Overlay District, any changes in an approved plan shall be

resubmitted for approval in accordance with the procedures in Subsection 1164.b below. Once a preliminary development plan is approved, the application of the underlying zoning shall only be applied when the underlying zoning is reestablished in an amended preliminary development plan.

b. Amendments to Preliminary Development Plan:

1. An approved Preliminary Development Plan may be administratively amended by the Township when such proposed revisions are consistent with the permitted uses (Schedule 1153) and the development standards (Schedule 1156 and Schedule 1157).
2. Consideration of a revised Development Plan by the Township shall be subject to the following procedures:
 - A. The amended Plan shall be reviewed by Zoning Commission which shall recommend to the Trustees that the amended plan be approved, approved with conditions, or denied.
 - B. Prior to becoming effective, the amended Mixed Use Overlay District shall also be approved by a majority vote of the Township Trustees.

Any approved amendment/s shall be the binding development rights and restrictions for the Overlay District and shall replace the previously approved Preliminary Development Plan.

c. Final Development Plan: A Final Development Plan shall be submitted and approved for any portion of a Mixed Use Overlay District, prior to the issuance of a zoning certificate, according to the following procedures:

1. Review for Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that it has satisfied the submission requirements of Section 1165.b. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

2. Review of Final Development Plan by Others. The Township Zoning Inspector may refer the application to other Township Officials, County Planning Commission and/or other private consultants for their review and comment.

Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zoning Commission.

3. Review and Approval by Township. The Zoning Commission shall review the Final Development Plan according to the criteria set forth in Section 1166 and shall either recommend to the Township Trustees:

- A. Approval of the Final Development Plan;
- B. Approval of the Final Development Plan subject to specific conditions not included in the plan as submitted; or
- C. Table the Final Development Plan for the next scheduled meeting. If the Final Development Plan is tabled, the Zoning Commission shall convey to the applicant the reasons the Plan has been tabled and provide specific yet reasonable revisions that would result in an acceptable Plan.
- D. Disapproval with reasons for such disapproval being clearly stated.

4. Review and Approval by Trustees: The Township Trustees shall review the Final Development Plan and the findings of the Zoning Commission and

- A. Approve the Plan by a majority vote.
- B. Disapprove with reasons for such disapproval being clearly stated.
- C. If a majority vote for approval or disapproval cannot be obtained, the recommendation of the Zoning Commission shall be considered approved.

5. Effect of Approved Final Development Plan: An approved Final Development Plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. A request for such a transfer or change of ownership shall be presented to the Zoning Inspector and granted only if the new ownership entity satisfies the administrative, financial, legal and all other

performance guarantees approved with the original Development Plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Article.

6. Expiration of Final Development Plan Approval:

- A. An approved Final Development Plan shall remain valid for a period of 12 months following the date of its approval or as otherwise specifically approved by the Township. If, at the end of that time, construction of the development has not begun, then approval of such Final Development Plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Article. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.
- B. Final Plan approval shall expire for any portion of Final Development Plan that has not been constructed within five (5) years from the date that the Final Development Plan was approved.

1165 SUBMISSION REQUIREMENTS.

- a. **Contents of Preliminary Development Plan Application:** The Preliminary Development Plan shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted should include the following:
 - 1. Completed Application Form along with the application fee.
 - 2. Vicinity Map showing the relationship of the proposed PDD to existing development.
 - 3. Legal description or a listing of the permanent parcel numbers.
 - 4. Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - A. Boundaries of the area proposed for development, dimensions and total acreage;

- B. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - C. Identification of any existing buildings or structures to be removed or demolished;
 - D. Existing zoning district boundaries and jurisdictional boundaries;
 - E. Existing utility systems and providers;
 - F. The location of existing topography showing contour lines and identifying any areas with slopes over 5%;
 - G. Locations of all wooded areas, tree lines, hedgerows;
 - H. Delineation of existing drainage patterns on the property; and
 - I. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway.
5. The Preliminary Development Plan Map should include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted shall indicate:
- A. The proposed location, use and size of areas of residential, retail, office, institutional uses, community facilities, and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - B. The general layout of the proposed internal road system, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - C. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - D. Natural areas and other natural features to be conserved and any required buffer areas;
 - E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.; and

- F. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area; the building height(s); and square footage as proposed for retail, office, institutional uses, by use area; and the number of parking spaces provided for each use area.
- 6. Prototypical Architectural Drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements.
- 7. Project Phasing Map. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
- 8. Proposed Utilities including the proposed provision of water, sanitary sewer and surface drainage facilities.
- 9. Traffic Study indicating the impact of future traffic on the existing and proposed roadway system.
- 10. Development Standards Text. The development standards text identifying the requirements that are to govern the design and layout of the Overlay District that are not included on the Development Plan.
 - A. A description of all dimensions and /or acreages illustrated in the Development Plan or of provisions that depart from applicable standards shall be included.
 - B. Adequate provision shall be made to establish a private organization (i.e. Management Association) with direct responsibility to provide for the operation and maintenance of all common facilities.

However, to the extent that the above items are not submitted with the Preliminary Development Plan, the Preliminary Development Plan may however, be approved by the Township with the conditions that state compliance with the item not submitted will be satisfactorily addressed at the time of Final Development Plan approval. Alternatively, the approval may specify the limits of development that may occur prior to full compliance with the item that has not been submitted and/or fully addressed in the Preliminary Development Plan.

b. Contents of Final Development Plan Application:

1. Completed Application Form along with the application fee.
2. Vicinity Map showing the relationship of the area of the Final Development Plan to the entire Mixed Use Overlay District.
3. Subdivision Plat. A Final Plat shall be submitted in accordance with the County Subdivision Regulations if the proposed development includes the subdivision of land.
4. Final Development Plan Map prepared by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items:
 - A. A bar scale, north arrow, and total acreage of the area that is the subject of the Final Development Plan, and accurate location of all monuments;
 - B. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - C. All lot lines and easements with their dimensions;
 - D. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities;
 - E. Location and height of existing and proposed structures including fences, walls, signs, and lighting;
 - F. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - G. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - H. Delineation and identification of areas to be dedicated or reserved for public use; and
 - I. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement

coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.

5. Proposed Utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions.
6. Additional Plans for the Proposed Development.
 - A. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;
 - B. Landscaping and screening plans;
 - C. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average foot-candle calculations minimum foot-candles and maximum foot-candles;
 - D. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs; and
 - E. Architectural plans and prototypes for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development demonstrating consistency with the Preliminary Development Plan.
7. Covenants, Easements and Restrictions. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.
8. Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the Preliminary Development Plan.

1166 FINAL DEVELOPMENT PLAN APPROVAL CRITERIA.

In the review of proposed Mixed Use Development, the Township Zoning Commission shall determine whether or not the proposed development, as depicted on the Final Development Plan, complies with the following:

- a. The plan conforms in all pertinent respects to the approved Preliminary Development Plan;
- b. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- c. The development has adequate public services and open spaces;
- d. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution and the Comprehensive Plan;
- e. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- f. The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Mixed Use Overlay District and with adjacent development;
- g. The landscape plan will adequately enhance the principal building and site; maintain existing trees; buffer adjacent incompatible uses;
- h. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Resolution; and
- i. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

1167 CONFLICT WITH OTHER REGULATIONS.

In the event there is a conflict between the regulations of this Article and any other regulation in this Township Zoning Resolution, the regulations of this Article shall govern.

**Article 200
Definitions**

- 201 Interpretation of Terms and Words.
- 202 Definitions.

201 INTERPRETATION OF TERMS AND WORDS.

For the purposes of these regulations, certain terms and words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- d. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied”.
- e. The word “lot” includes the words “plot” or “parcel”.

202 DEFINITIONS.

- a. Words used in this resolution are used in their ordinary English usage.
- b. For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:
 - 1. ACCESSORY BUILDING – See “Building, Accessory”.
 - 2. ACCESSORY USE – See “Use, Accessory”.
 - 3. 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 disabled adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.

4. **AGRICULTURE** – The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.
5. **ALTERATIONS** – As applied to a building, a change or rearrangement in the structural parts or in the window or door openings, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.
6. **ALTERATIONS, STRUCTURAL** – Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
7. **AUTOMOBILE REPAIR GARAGE** – A building, or portion of a building, arranged, intended or designed to be used for making structural repairs to or rebuilding or reconditioning 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 crankcase pan; repairs to radiators requiring the removal thereof.
8. **BAR / TAVERN** – A building wherein the principle business is the sale of alcoholic beverages to be consumed on the premises. Other sales such as food and snacks are secondary to the sale of alcohol.

A Hotel, Motel, or Restaurant that serves alcoholic beverages as a complement to their primary food or lodging business are not considered to be Bars, Taverns, or Nightclubs.
9. **BASEMENT** – A story partly underground but having at least one-half of its height below the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

10. **BILLBOARD** – A large panel designed to carry outdoor advertising or a wall of planks etc. for the display of advertisement posters.
11. **BOARD OF ZONING APPEALS** – See “Zoning Board of Appeals”.
12. **BUFFER STRIP** – An area of land of various widths, which separates one district from another district. All buffer strips shall have no structures thereon and shall be maintained as a lawn and/or planted with shrubs or trees.
13. **BUILDING** – Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattel, or equipment.
14. **BUILDING, ACCESSORY** – A subordinate building, which is incidental and accessory to that of the principal building, if such a building already exists on the land. Among the items not to be construed as accessory buildings are Utility Trailers and Shipping Containers.
15. **BUILDING, DETACHED** – Any accessory or main building that does not share a common wall and/or roof with any other accessory or main building.
16. **BUILDING, FRONT LINE OF** – The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
17. **BUILDING, HEIGHT** – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
18. **BUILDING, PRINCIPAL** – A building in which is conducted the main or principal use of the lot on which said building is situated.
19. **CAMPGROUND** – A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of travel trailers, recreational vehicles, two or more cabins, tents or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or any land, including any building thereon, used for any assembly of persons for what is

commonly known as “day camp” purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

20. 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.
21. CHILD DAY-CARE – Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.
22. CHILD DAY-CARE CENTER – Any place other than a family day-care home in which child day-care is provided.
23. CHURCH AND OTHER PLACES OF WORSHIP – A building, structure, or other indoor or outdoor facility designed for and used for the purpose of assembly for religious worship and activities which are customarily related.
24. CLUBHOUSE – A community building that is accessory to a golf course, or low or high-density residential developments. A Clubhouse may include but is not limited to: fitness center, community/party room, swimming pool and retail sales.
25. CLUSTER DWELLING – See “Dwelling, Cluster”.
26. COMMUNITY SUPPORT FACILITIES – Include police and security, firefighting and emergency services, community transportation centers, media centers and similar public service uses and facilities.
27. CONDITIONAL USE – See “Use, Conditional”.
28. CONDITIONAL USE CERTIFICATE – A certificate issued by the Zoning Inspector upon approval by the Zoning Board of Appeals to allow a use other

than a principally permitted use to be established within the district on a specific parcel. See also: "Use, Conditional".

29. CONSTRUCTION – The erection of a new structure, as compared with alteration.
30. CORNER LOT – See "Lot, Corner".
31. COURT – An unoccupied open space, other than yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.
32. DECK, HOUSE – An open, unroofed porch or platform extending from a house or other building.
33. DEMOLITION MATERIAL – Materials from construction operations and materials from demolition operations and including but not limited to, those items that are affixed to a structure including driveways and highways, being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials. The term shall not include flash of any kind or any items categorized as solid wastes or as substances inimical to public health by the Ohio or Federal EPA.
34. DENSITY – A unit of measurement; the number of dwelling units per acre of land.
35. DETACHED BUILDING – See "Building, Detached".
36. DIRECTIONAL SIGNS – See "Signs, Directional".
37. DISABLED – A person with physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.

38. **DISABLED (OR JUNK) VEHICLE** – Any motor vehicle licensed or unlicensed and regardless of age meeting one of the following conditions:
- A. It has extensive damage, such damage including, but not limited to, any of the following: a broken window or windshield, missing wheels, tires, motor or transmission;
 - B. It is in such condition that it could not be legally operated on the public streets; or
 - C. It is apparently inoperable as defined by the Ohio Revised Code as amended. *See Prohibited Uses (Ref. Section #313).
39. **DRIVE-THRU FACILITY** – Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash and/or Service Station.
40. **DUMP** – Any land area used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
41. **DUPLEX** – See “Dwelling, Two-Family (Duplex)”.
42. **DWELLING** – A building designed or used as the living quarters for one or more families. The term “dwelling,” “single-family dwelling,” “two-family dwelling,” or “multi-family dwelling” shall not be deemed to include motel, rooming house, or tourist home.
43. **DWELLING, ATTACHED SINGLE-FAMILY** – Dwelling units which are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

44. DWELLING, CLUSTER – A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
45. DWELLING, MULTI-FAMILY – A building consisting of three or more dwelling units.
46. DWELLING, SENIOR CITIZEN APARTMENTS – A building or group of buildings containing dwelling units for households whose heads, or spouses, or sole members are “older persons” as defined by the Older Persons Act of 1995.
47. DWELLING, SINGLE-FAMILY – A building designed for or occupied exclusively by one family and separated from other dwelling units by open space.
48. DWELLING, TOWNHOUSES (ATTACHED SINGLE-FAMILY) – Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a common wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.
49. DWELLING, TWO-FAMILY (DUPLEX) – A building consisting of two dwelling units which may either be attached side by side or one above the other.
50. DWELLING UNIT – A building or portion thereof providing complete housekeeping facilities, including kitchen and toilet facilities for only one family.
51. EASEMENT – A grant by a property owner for the specific use of land by the general public, a corporation, or another person.

52. EDUCATIONAL INSTITUTION – A facility which provides a plan of academic or vocational study, and those activities customarily conducted by such facilities.
53. FAMILY – One or more persons occupying a dwelling unit and living, sleeping, cooking and eating on the same premises as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined. A transient occupant or transient occupants of a runaway shelter or homeless shelter does not constitute a family for purposes of this zoning resolution.
54. FAMILY DAY CARE HOME, TYPE B – According to ORC 5104.01(E), "type B family day-care home" and "type B home" mean a permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.
*See Section #609.
55. FARM MARKET – See "Roadside Stand / Farm Market".
56. FENCE – Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy.
57. FLOOD PLAIN – Low lying area along a river, stream, or coast that is subject to flooding. Refer to County maps. (Also see "Hundred-Year Flood Plain".)
58. FLOOD STAGE – The highest point at which floodwater has risen in the specific area in questions.
59. FLOOR AREA, GROSS – The sum of the horizontal area of the several floors of the building, measured from the faces of the exterior walls.

- 60. FLOOR AREA, USEABLE – The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms and similar areas.
- 61. FRONT YARD – See “Yard, Front”.
- 62. GARAGE, PRIVATE – A detached accessory building on the same lot as a dwelling(s) or a portion of a dwelling designed or used for storage of a motor-driven vehicle and other normal household accessories of the residents of the principal building including travel trailers and/or boats, with no facilities for mechanical service or repair of a commercial or public nature.
- 63. GARAGE, PUBLIC – A principal or accessory building other than a private garage used for parking or temporary storage of passenger vehicles and in which no service shall be provided for remuneration.
- 64. GAS WELLS – Gas wells shall be permitted only with the following conditions and such other conditions as determined by the Amherst Township Trustees to be necessary to safeguard the health, safety, and welfare of the community. These regulations are prescribed as minimum standards and are in addition to all state requirements.
 - A. A copy of the State permit including the State’s drilling number shall be submitted to and kept on site with the conditional use permit.
 - B. A minimum distance of 300 feet from any habitable building in a residential district.
- 65. GASOLINE STATION – See “Service Station”.
- 66. GRADE, FINISHED – The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
- 67. GRADE, NATURAL – The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- 68. HAZARDOUS WASTES – Materials as are described in Ohio Revised Code Section 3734.01 (J) or in such statute as it may hereafter be amended.

69. HEIGHT OF BUILDING – See “Building, Height”.
70. HOME FOR DISABLED PERSONS, FAMILY – A residential facility that provides room and board, personal care, rehabilitative or habilitative services, and supervision in a family setting for 5 to 8 disabled persons. (See “Disabled”.) One to 4 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Ordinance (see “Family”), and are not subject to the conditional use regulations for family homes. The term "family home for disabled persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
71. HOME FOR DISABLED PERSONS, GROUP – A residential facility that provides room and board, personal care, rehabilitative and habilitative services, and supervision in a family setting for at least 9 disabled persons. (See “Disabled”.) The term "group home for disabled persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
72. HOME OCCUPATION – Any occupation or a profession which is carried on in a dwelling unit, is carried on by a member of the family residing in the dwelling unit, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. *See Section #608.
73. HOSPITAL – An institution providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Unless otherwise specified, the term “hospital” shall be deemed to include sanitarium, sanatorium and preventorium.
74. HOSPITAL, ANIMAL – An establishment for the medical and/or surgical care of sick or injured animals and the boarding of animals is limited to short-term care incidental to the hospital use.

75. HOTEL – See “Motel, Hotel”.
76. HUNDRED-YEAR FLOOD PLAIN – A flood that has a 1% chance of being equaled or exceeded in any given year. (Also see “Flood Plain”.)
77. INSTITUTION – A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
78. JUNK – Any worn-out, cast-off, or discarded article or material which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.
*See Prohibited Uses (Ref. Section #313).
79. JUNK VEHICLE – See “Disabled (or Junk) Vehicle”.
80. JUNK YARD – The use of more than 200 square feet of the area of any lot, whether inside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk or scrap materials and/or tires, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
*See Prohibited Uses (Ref. Section #313).
81. KENNEL – A structure used for the harboring, grooming, breeding, boarding, training or selling of dogs or cats.
82. LEISURE/SPORT USES – Uses shall **include, but not** be limited to, theaters, multi-screen cinemas, performing arts facilities, work out and fitness facilities, water sports, tennis (indoor and outdoor), equestrian facilities, ski slopes, ice skating (indoor), fishing, rock climbing and archery.
83. LIKE USE – See “Similar or Like Use”.
84. LINE, STREET – See “Street Line”.

85. **LIVE WORK UNIT** – A building that is used for both, conducting business usually in the first floor and living (includes a kitchen) in the upper floors. An owner could live and conduct business in the same building.
86. **LOT OR ZONING LOT** – For the purpose of this Resolution, a lot is a parcel of land of sufficient size to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width, lot frontage, and lot area in compliance with this Zoning Resolution. Unless otherwise stated by this Resolution, such lot shall have frontage on an improved public street (but will not include any portion thereof) or on a dedicated street and may consist of:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, portions of lots of record, or any combinations thereof.

See also “Lot of Record (or Parcel of Record)”.

87. **LOT, AREA** – The area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
88. **LOT, CORNER** – A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.
89. **LOT, COVERAGE** – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
90. **LOT, DEPTH** – The mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Unless otherwise specified, length shall be measured from the edge of street right-of-way. Lot length and lot depth have the same meaning.
91. **LOT, FRONTAGE** – The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner

lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

92. LOT, INTERIOR – A lot other than a corner lot with only one frontage on a street.
93. LOT LINES – Any line dividing one lot from another, synonymous with property line.
- A. FRONT LOT LINE – The line separating an interior lot from the street right-of-way on which the lot fronts. For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to streets shall be considered front lot lines, and yards shall be provided as indicated under yard regulations.
 - B. REAR LOT LINE – The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - C. SIDE LOT LINE – Any lot line other than a front or rear lot line.
94. LOT MEASUREMENTS – A lot shall be measured as follows:
- A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost point of the side lot lines in the rear.
 - B. Width of a lot shall be considered to be the distance between straight lines connecting from the front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than one hundred (100%) of the required lot width.
95. LOT OF RECORD (or PARCEL OF RECORD) – Land designated as a separate parcel on a plat, map or deed which has been recorded in the office of the County Recorder prior to the effective date of this Zoning Resolution.
96. LOT, THROUGH – A lot having frontage on two parallel or approximately parallel streets.

97. LOT, WIDTH – The mean width measured at right angles to its depth.
98. MANUFACTURED HOME – A building or unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufacturing Housing Construction and Safety Standards Act of 1974,” 88 stat. 700, 42 U.S.C.A. 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 5415, certifying compliance with all applicable federal construction and safety standards. [ORC 3781.06(C)(4)].
99. MEASUREMENT (STRUCTURE TO LOT LINE) – When measuring the distance from a structure to any lot line, the measurement shall be taken from that part of the structure which extends the closest to such lot line even if such structure extends beyond the foundation of the structure. However, roof overhangs and external accessories such as eave downspouts, utility meters, and bay windows shall not be included in such measurement.
100. MINI-STORAGE / WAREHOUSE FACILITY – A series of storage buildings incorporating several cells of separate individual storage units. These facilities are rental units and may include an outside storage area for and not limited to vehicles, trailers and watercraft. The facility can be a secured area.
101. MOBILE HOME – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Revised Code or as an industrial unit as defined in division (C)(3) of Section 3781.06 of the Revised Code. [ORC 4501.01(O)].
102. MOTEL, HOTEL – A building in which lodging or boarding and lodging are provided and offered to the public for compensation.
103. MULTIPLE FAMILY, RESIDENTIAL – See “Residential – Multiple Family”.

104. NIGHTCLUB – A building wherein the principle business is entertainment and dancing. The sale of alcohol, soft drinks, and food are secondary to the entertainment and dancing.
105. NONCONFORMING LOT – A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.
106. NONCONFORMING STRUCTURE – A building or other structure existing when this resolution or any amendment thereto became effective which does not conform to the regulations governing structures of the district in which it is located.
107. NONCONFORMING USE – A use of a building, structure or land existing at the time of enactment of this Resolution, and which does not conform to the use regulations of the district or zone in which it is situated.
108. NURSERY SCHOOL – A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.
109. NURSING HOME – An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.
110. OPEN SPACE – An unoccupied space open to the sky on the same lot with the building.
111. OUTDOOR DISPLAYS – The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

Outdoor display shall comply with the following:

- A. Be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
- B. Not exceed fifteen (15) percent of the ground floor area of the building(s) on the lot.
- C. Comply with the building setback requirements set forth in Schedule 1207 or the sub-district in which the lot is located.
- D. Not be located in areas intended for traffic circulation as identified on the Final Development Plan.

112. **OUTDOOR STORAGE** – The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area and which satisfies the criteria for outdoor display.

The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

- A. Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- B. All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
- C. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule 1207.

113. PARK – A public, private and/or commercial area, which is to be used for recreational purposes. Any such area, which requires a fee or a use fee, shall first secure a zoning permit.
114. PARKING SPACE – An off-street space available for the parking of one motor vehicle with room for opening the doors on both sides together with properly related access to a public street or alley and maneuvering room.
115. PERMANENTLY SITED MANUFACTURED HOME – A manufactured home that meets all of the following criteria. [ORC 3781.06(C)(6)].
- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
 - B. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet; or meets minimum square feet requirements of the zone it is located;
 - C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and six-inch (6”) minimum eave overhang, including appropriate guttering;
 - D. The structure was manufactured after January 1, 1995; and
 - E. The structure is not located in a manufactured home park as defined by section 37733.01 of the Revised Code.
116. PERMITTED USE – See “Use, Permitted”.
117. PLAYHOUSE – See “Theater / Playhouse”.
118. POND – A water impoundment facility as defined by USDA Soil Conservation Service. See Lorain County Soil and Water Conservation District dated 4/23/98 (See Article 2700).
119. PRINCIPAL BUILDING – See “Building, Principal”.
120. PRINCIPLE USE – See “Use, Principle”.

- 121. PUBLIC SAFETY FACILITY – Police, fire, emergency medical, and similar essential safety services which are needed and required to be located in areas to primarily meet the emergency and safety needs of the residents of Amherst Township.
- 122. PUBLIC SERVICE FACILITY – The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants, or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, a railroad, whether publicly or privately owned, or a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- 123. QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING – A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made.
- 124. REAR HOUSE – A second house on a single lot to the rear of the house closest the street.
- 125. REAR YARD – See “Yard, Rear”.
- 126. RECREATION VEHICLE – A vehicle or portable structure built on a chassis or designed to be mounted on or drawn by a motor vehicle and intended to be used for temporary living and sleeping purposes for travel, recreation, or vacation use.
- 127. REQUIRED YARD – See “Yard, Required”.
- 128. RESIDENTIAL – MULTIPLE FAMILY – A building with two (2) or more dwelling units and in which the dwelling units do not satisfy the definition of “townhouses.”
- 129. RETAIL ESTABLISHMENT – An establishment engaged in the selling of goods or merchandise to the general public for personal or household

consumption, 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. In determining a use to be a retail use, the Zoning Board of Appeals may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.

130. **RIGHT-OF-WAY** – A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
131. **ROADSIDE STAND / FARM MARKET** – A booth or stall located on a lot in association with an agricultural use where produce is sold to the general public provided 50 percent or more of the gross income received from the stand is derived from produce raised on agricultural land owned or operated by the market operator in a normal crop year.
132. **SALVAGE YARD** – A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as a part of a manufacturing operation.
133. **SCHOOLS OF ACADEMIC INSTRUCTION** – A facility which provides a plan of academic or vocational study, and those activities customarily conducted by such facilities.
134. **SERVICE STATION** – Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, or otherwise servicing motor vehicles (except those repairs described as major repairs in “Automobile Repair Garage” shall not be permitted), and which may or may not include selling food, beverages, and other sales.
135. **SETBACK** – The minimum distance from the street line to the building line measured along a line perpendicular to the street line or property line or, in the

case of an arc street, measured along the radius of such an arc. For lots abutting on a thoroughfare, as shown on the Major Thoroughfare Plan for Lorain County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Thoroughfare Plan for Lorain County.

136. SIDE YARD – See “Yard, Side”.
137. SIGN – Any letters, pictorial representation, symbol, flag, emblem, illuminated or animated devise displayed in any manner whatsoever, which directs attention of persons to any object, subject, person, activity, product, service, institution, organization or business, and as further defined and categorized in Section 1602.
138. SIGNS, DIRECTIONAL – A sign located on private property which is used for the direction of traffic and parking; such as a no parking, disabled parking, entrance, exit, or delivery entrance sign; and which does not contain the name of the facility and does not contain any advertising matter.
139. SIMILAR OR LIKE USE – A use not specifically listed in any of the schedules of permitted uses of any district, but which is found like or similar to said permitted uses by the Zoning Inspector and added to a schedule for a particular district.
140. SOLID WASTES (TRANSFER STATION) – Materials as are described in Ohio Revised Code Section 3734.01 (E) or in such statute as it may hereafter be amended.
141. STABLE, RIDING, BOARDING AND/OR SHOW – A facility where one or more horse is used, kept or maintained for commercial leasing or hiring purposes for remuneration.
142. STORY – That portion of a building included between the surface on any floor and surface of the floor next above it, then the space between and floor and the ceiling next above it.
143. STORY, HALF – A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

- 144. STREET – A public or private way which affords the principal means of vehicular access to abutting properties. The street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips, or any other areas within the street right-of-way lines. The terms “street” and “right-of-way” are used interchangeably.

- 145. STREET LINE – The dividing line between the street and the lot identifying the limits of the street right-of-way. The right-of-way line of any road, street, or highway as proposed on the Major Thoroughfare Plan of Lorain County, Ohio, as amended. All setback distances on the Zoning Map shall be measured from the street line.

- 146. STRUCTURAL ALTERATIONS – See “Alterations, Structural”.

- 147. STRUCTURE – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having fixed location on the ground.

- 148. TAVERN – See “Bar / Tavern”.

- 149. THEATER / PLAYHOUSE – A building or a part of a building devoted to the showing of the live entertainment and/or moving pictures on a paid admission basis.

- 150. THROUGH LOT – See “Lot, Through”.

- 151. TOWNHOUSE DWELLING – See “Dwelling, Townhouses (Attached Single-Family)”.

- 152. UNLICENSED MOTOR VEHICLE – A motor vehicle used or useful for the conveyance of persons or property which does not bear a license plate or plates issued for current license year by the state of Ohio or one of the other states.

- 153. USE – The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

154. USE, ACCESSORY – A use of land incidental to the principal use of a lot or building located on the same lot.
155. USE, CONDITIONAL – A use of land that is of such nature that its unlimited operation could be detrimental to the health, safety, morals and general welfare of residents in the surrounding area or to the property or property values, and on which the public has reserved the right to permit the use, subject to certain general and specific conditions stated in the Resolution which are deemed necessary to protect the permitted uses of other affected properties.
156. USE, PERMITTED – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
157. USE, PRINCIPAL – The primary or main use or activity of a building or lot.
158. VARIANCE – A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
159. WETLAND – Those areas, which are classified as “wetlands”, based on the most current definition of “wetland” issued by the U.S. Army Corps of Engineers.
160. YARD – An unoccupied space open to the sky, on the same lot with a building or structure.
161. YARD, FRONT – An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
162. YARD, REAR – An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The

depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if there be an alley, and the rear line of the building.

- 163. YARD, REQUIRED – The open space between a lot line and a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Resolution.
- 164. YARD, SIDE – An open, unoccupied space on the same lot with a principal building situated between that building and the side line of the lot and extending from the front yard to the rear yard.
- 165. ZONING BOARD OF APPEALS – A five (5) member Board appointed by the Township Trustees to exercise those powers granted under Section 519.14 of the Ohio Revised Code, as amended, and Section 2015 of this Zoning Resolution.
- 166. ZONING COMMISSION – A five (5) member Commission appointed by the Township Trustees to exercise the powers and duties granted under Chapter 519 of the Ohio Revised Code, as amended, and Section 2008 of this Zoning Resolution.
- 167. ZONING INSPECTOR – The Zoning Inspector of Amherst Township, Ohio.
- 168. ZONING LOT – See “Lot or Zoning Lot”.
- 169. 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. Also known as a zoning certificate.
- 170. ZONING RESOLUTION – The officially adopted zoning regulations as contained in the Zoning Resolution of Amherst Township.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Tw. Trustees
7/23/02	202	Modified Definition #12 for Accessory Buildings. Ref. Motion 7/9/02. Effective date 8/22/02.	Tw. Trustees
3/11/04	202	Added definition for “Bar, Tavern” and for “Nightclub”. Reference: Resolution 2/3/04	Tw. Trustees
10/12/06	202	Definition of “Line, Street” was changed to “See ‘Street Line’”. Definition of “Street Line”; added the first sentence, which was originally the definition for “Line, Street”. Added new definitions for: “Building, Detached”, “Clubhouse”, “Community Support Facilities”, “Dwelling, Cluster”, “Dwelling, Townhouses (Attached Single-Family)”, “Leisure/Sport Uses”, “Live Work Unit”, “Outdoor Displays”, “Outdoor Storage”, & “Residential – Multiple Family”. For “Reference” purposes, added new definitions for: “Board of Zoning Appeals”, “Cluster Dwelling”, “Corner Lot”, “Farm Market”, “Front Yard”, “Height of Building”, “Hotel”, “Junk Vehicle”, “Multiple Family, Residential”, “Permitted Use”, “Playhouse”, “Principle Use”, “Rear Yard”, “Required Yard”, “Side Yard”, “Structural Alterations”, “Tavern”, “Through Lot”, & “Townhouse Dwelling”. Removed “*See Article 700” from definition for “Manufactured Home”. Ref. Motion 9/7/06. Effective Date 10/12/06.	Zoning Commission

**Article 1000
Business District Regulations**

1001	Purpose.	1008	Landscaping and screening requirements.
1002	Permitted uses.	1009	Permitted signs and billboards.
1003	Minimum lot requirements.	1010	Supplemental requirements for service stations.
1004	Required yards.	1011	General regulations.
1005	Minimum parking setbacks.	1012	Site plan and design review.
1006	Height regulations.		
1007	Accessory use regulations.		

1001 PURPOSE.

Business districts and their regulations are established in order to achieve, among others, the following purposes:

- a. The Neighborhood Business District, NB-1, is created to provide for the retailing of convenience goods and essential personal services, in order to satisfy the daily and weekly household and personal needs of the surrounding residential neighborhoods. Strip zoning in this district is prohibited.
- b. The General Business District, GB-1, is created to provide retailing and personal services which require larger tracts of land and encompass a larger service area than that of the Neighborhood Business District. This district is so designed to permit commercial development of permitted uses which will be limited only by standards set forth to protect the abutting districts and as directed against the extension of strip zoning. The General Business District shall be considered for use in limited areas adjacent to the major activity centers and in accessible locations along arterial streets on the major thoroughfare plan. Strip zoning in this district is prohibited.
- c. The Motorist Service District, MS-1, is created to achieve, among others, the following purposes:
 - 1. To provide districts on major roads in the immediate vicinity of freeway interchanges to serve the needs of the motoring public;
 - 2. To protect and stabilize development from traffic congestion and hazards by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets;
 - 3. To provide the maximum protection to existing and proposed residential areas.

1002 PERMITTED USES.

In the NB-1, GB-1 and MS-1 Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a use specified in subsections a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 1002 denoted with a “P”, are permitted by right in the district indicated provided that all requirements of this Resolution have been met.
- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 1002 denoted with a “C”, may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. The accessory uses, buildings and structures enumerated in Schedule 1002 denoted with an “A”, may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations in Section 1007.

Schedule 1002

PERMITTED USE	NB-1	GB-1	MS-1	For “C” Conditional Uses, See Also
A. PROFESSIONAL/MEDICAL				
1. Administrative, Business Professional and Medical Offices	P	P		--
2. Animal Hospital		C		1507.b.2
3. Funeral Homes		C		1507.b.8
4. Hospital		C		1507.b.9
5. Kennel		C		1507.b.10
6. Nursing Homes	P	P		--
7. Urgent Care Clinics		P		--

(continued...)

(ref: Schedule 1002)

PERMITTED USE	NB-1	GB-1	MS-1	For “C” Conditional Uses, See Also
B. RETAIL/SERVICES				
1. Retail in wholly enclosed buildings	P	P		--
2. Personal Services (hair care, dry cleaner, shoe repair, self-service laundry, etc.)	P	P		--
3. Repair Services (e.g. small appliance repair, electronics)	P	P		--
4. Financial Establishment	P	P		--
5. Restaurant	P	P	P	--
6. Bar, Tavern, Night Club		C		1507.b.16
7. Hotels / Motels		P	P	--
8. Drive through/in facilities	C	C		1507.b.7
9. Outdoor display of goods for sale (garden supply, nursery, landscaping, lumber, etc.)		C		1507.b.11
10. Outdoor storage of materials used in association with a principal use		C		1507.b.12
C. VEHICLE SALES AND SERVICE				
1. Automobile and other vehicles sales		C		1507.b.3
2. Automobile repair garage		C		1507.b.4
3. Car wash		C	P	1507.b.5
4. Mobile home and recreational vehicle sales/service		C		1507.b.3
5. Service station	C	P	P	1507.b.14
D. ENTERTAINMENT/ ARTS/RECREATION				
1. Adult uses		P(see 316)		--
2. Indoor commercial recreation bowling alley, skating rink, membership sports/fitness club etc.		P		--
3. Libraries, museums		P		--
4. Outdoor commercial recreation		C		1507.b.6
5. Studios for arts, crafts or instruction: dance, exercise, martial arts, etc.		P		--
6. Theater, assembly hall, meeting place		C		--

(continued...)

(ref: Schedule 1002)

PERMITTED USE	NB-1	GB-1	MS-1	For “C” Conditional Uses, See Also
E. INSTITUTIONAL/OTHER				
1. Child day care centers/adult day care centers	P	P		--
2. Church and other places of worship	C	C		--
3. Gas well		P		ORC 1509
4. Public safety facilities	P	P		--
5. Public utility transmission substations	C	C	C	Article 1500
6. Wireless telecommunication towers	P	P	P	Article 1900
7. Post-secondary or vocational educational institution		P		
8. Elementary and secondary educational institution		P ⁽¹⁾		⁽¹⁾ - See Condition
F. ACCESSORY USES				
1. Off-street parking and loading facilities	A	A	A	--
2. Signs	A	A	A	--
3. Accessory Buildings	A	A	A	--
4. Restaurants and other retail services within the same building as the principal use.			A	--
5. Swimming pools within a hotel/motel use		A	A	--
P = Principal use permitted by right C = Conditional use A = Accessory use permitted by right Blank Cell = Not permitted in district				
Notes to Schedule 1002: ⁽¹⁾ Elementary and secondary educational or vocational institutions, controlled by, under contract with or affiliated with an (E)(7) permitted educational institution located on the same or an adjoining lot.				

1003 MINIMUM LOT REQUIREMENTS.

The minimum lot area, minimum lot width and maximum coverage of buildings are specified in Schedule 1003.

Schedule 1003

	NB-1	GB-1	MS-1		
			Car Wash, Service Station	Motel/ Hotel	Restaurant (1)
a. Minimum Lot Area	1 acre	1 acre	32,700 s.f.	3 acres (2)	1.5 acres
b. Minimum Lot Width					
1. Middle Ridge Road, S.R. 58, and S.R. 113	175 feet	175 feet	150 feet	200 feet	200 feet
2. All Other Streets	100 feet	100 feet	100 feet(c)	100 feet	100 feet
c. Maximum Percent of Lot Coverage by all Buildings	30%	30%	none	none	none
Notes to Schedule 1003: (1) If located in a separate building. (2) Shall be at least 3 acres or contain at least 1300 sq.ft. of lot area for each lodging unit, whichever is greater. (c) Shall be increased to 150 feet for corner lots.					

1004 REQUIRED YARDS.

All lots shall provide the following minimum front, side and rear yards specified in Schedule 1004, unless otherwise permitted by this Resolution.

Schedule 1004

Yard	NB-1	GB-1	MS-1
a. Front (a)	50	50	50
b. Side and Rear			
1. Adjacent to Non-Residential	20	20	35
2. Adjacent to Residential	50	50	100
Notes to Schedule 1004: (a) Gasoline service station pumps shall be set back at least 30 feet from any property line			

1005 MINIMUM PARKING SETBACKS.

The minimum parking setbacks permitted in all business districts are specified below:

Schedule 1005

a. Front:	20 feet
b. Side and Rear:	
1. Adjacent to Non-Residential	10 feet
2. Adjacent to Residential District	20 feet

1006 HEIGHT REGULATIONS.

No building or structure shall exceed 35 feet in height.

1007 ACCESSORY USE REGULATIONS.

- a. Yard Requirements. Accessory uses, buildings and structures shall meet all the yard requirements of Schedule 1004, unless otherwise specified in this Section.
- b. Parking Garages and Off-Street Parking and Access Driveways.
 - 1. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Section 1005 and shall otherwise conform to the regulations of Article 1700.
 - 2. Parking garages shall comply with the yard and height requirements for principal buildings set forth in Sections 1004 and 1006.
 - 3. Parking garages and off-street parking lots may be located on the same lot as the principal use or on a separate lot not more than 700 feet from the building or use to which such spaces are accessory.
- c. Temporary Buildings and Uses. For purposes incidental to construction work shall be permitted pursuant to the regulations in Section 310.d.
- d. Waste or Recycling Receptacles. All solid waste products resulting from any permitted principal, conditional or accessory use shall either be disposed of, or stored in a building or completely enclosed container. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Section 1005. When such container or dumpster, if not located in a building, is adjacent to a residential district, it shall

be screened with a permitted wall or fence in addition to planted material covering at least 50% of such wall or fence. When such container or dumpster is adjacent to a non-residential district, it shall be screened with a permitted wall or fence.

- e. Fences and Walls. Fences and walls shall be permitted accessory uses in compliance with the following:
1. Fences located in a front yard shall not exceed 3 feet in height.
 2. All other fences shall not exceed 6 feet in height, except as otherwise required by this Resolution.

All height measurements shall be taken from the existing grade.

1008 LANDSCAPING AND SCREENING REQUIREMENTS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Screening and buffering shall be provided according to the requirements set forth in Article 1800.

1009 PERMITTED SIGNS AND BILLBOARDS.

All signs and billboards in NB-1, GB-1, and MS-1 Districts shall conform to the provisions of Article 1600.

1010 SUPPLEMENTAL REGULATIONS FOR SERVICE STATIONS.

In addition to the above regulations of this Article, service stations shall comply with the following regulations.

- a. Service stations located on a corner lot shall have not less than 150 feet frontage on each of the two intersecting streets.
- b. Fuel pumps may be erected in a front yard but not less than 50 feet from the public right-of-way.
- c. Driveways to provide access to a gasoline pump, platforms and curbs shall be designed in accordance with regulations adopted by the Ohio Department of Transportation.
- d. Open space adjacent to a public street right-of-way shall be landscaped and maintained in satisfactory condition in accordance with Article 1800, and, except

for entrance and exit drives and permitted signs, shall not be used for any other purpose.

- e. A canopy may be constructed over the pump island provided the canopy shall be no closer than 50 feet to the right-of-way.
- f. No junk or unlicensed motor vehicle shall be permitted to be parked or stored on the property. No disabled vehicle shall be permitted to remain on the property for more than 48 hours.
- g. All activities provided at service stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.
- h. On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.
- i. A service station may be combined with any other permitted use provided the parking space requirements for both uses are met.

1011 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in the NB-1, GB-1 and MS-1 districts.

1012 SITE PLAN AND DESIGN REVIEW.

The site plan and design review procedures shall apply to all proposed uses and to changes to existing uses, including site modifications, in the NB-1, GB-1 and MS-1 districts, in accordance with Article 2200.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Twp. Trustees
12/25/03	Schedule 1002.D.1	“GB-1” column was “C” “See Also” column was “1507.b.1” Reference: Resolution 11/8/03	Twp. Trustees
3/11/04	Schedule 1002.B.6	“GB-1” column was “P” “See Also” column, added “1507.b.16” Reference: Resolution 2/3/04	Twp. Trustees
3/11/04	Schedule 1002.C.3	“GB-1” column was “P” “See Also” column, added “1507.b.5” Reference: Resolution 2/4/04	Twp. Trustees
11/24/05	1002	In Schedule 1002.E.3, changed "C" to "P" in "GB-1" district and "See Also" from "1507.b.9" to "ORC 1509". In Schedule 1002.E.5, changed "See Also" from "1507.b.14" to "Article 1500". In Schedule 1002.E.6, changed "C" to "P" in "NB-1" and "MS-1" districts. Ref. Motion 10/10/05. Effective date 11/24/05.	Twp. Trustees
6/26/08	Schedule 1002.E	Added E.7 (Post secondary...) and E.8 (Elementary and secondary...) Ref. Motion 5/19/08. Effective date 6/26/08.	Twp. Trustees
6/26/08	Schedule 1002.E	Made clerical corrections to the reference numbers in the “See Also” column.	Administrative

Article 600
Single-Family Residential District Regulations

601	Purpose.	607	Accessory use regulations.
602	Permitted uses.	608	Regulations for home occupations.
603	Minimum lot requirements.	609	Family day care home, type “B”.
604	Minimum yard requirements.	610	Agricultural uses in residential districts.
605	Height Regulations.	611	General regulations.
606	Dwelling unit square foot requirements.	612	Design review.

601 PURPOSE.

Single-family residential districts and their regulations are established in order to achieve, among others, the following purposes:

- a. The Agricultural Residential District (R-AG) at a minimum lot size of 1 acre, is designed to:
 - 1. Reserve and protect for agricultural use those land areas needed and best suited for agriculture.
 - 2. Prevent the indiscriminate spread of urban uses into rural areas which are incompatible with and may contribute to the accelerated abandonment of agricultural activities.
 - 3. Permit orderly, efficient and economical development of land to urban uses at a time when the community can feasibly provide the required urban services.
- b. The Low Density Residential District (R-1) is created to provide for single-family residential uses at one per half (1/2) acre. This district is intended to be applied in locations which are adjacent to other, more developed portions of the Township or adjacent communities when the Township determines that such development represents logical land use and development progression, has adequate community services and facilities to support the project, and is consistent with the Comprehensive Zoning Plan for the Township.
- c. The Medium Density Residential District (R-2) is created to accommodate single-family residential development on 12,500 square foot lots that are serviced by central water and sewer facilities. This district is intended to be applied to locations where this lot size prevails, and adjacent to and the areas north of the Ohio Turnpike and east of the City of Amherst.

- d. The Broadway/Taylor Residential District (R-3) is created to accommodate single-family residential development on 5,000 square foot lots that historically have existed and that are serviced by central water and sewer facilities. This district is only intended to be applied to the lots along Taylor and Broadway Roads.

602 PERMITTED USES.

In the R-AG, R-1, R-2 and R-3 Districts, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a use specified in subsection a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 602, denoted with a “P”, are permitted by right in the district indicated, provided that all requirements of this Resolution have been met.
- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 602 denoted with a “C”, may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. Accessory uses, buildings and structures shall be permitted in association with and subordinate to a permitted principal or conditional use provided they conform to the regulations in Section 607. Accessory uses include, but are not limited to:
1. Garages and off-street parking facilities, in compliance with this Chapter and Article 1700
 2. Accessory storage buildings
 3. Private swimming pools accessory to a dwelling unit
 4. Signs, in compliance with Article 1600
 5. Day care home, type “B”
 6. Fences, walls and hedges
 7. Patios, decks, gazebos and recreation equipment
 8. Home occupations
 9. Keeping of farm animals

Schedule 602

PERMITTED USE	R-AG Agricultural Residential	R-1 Low Density	R-2 Medium Density	R-3 Broadway /Taylor	See Also
a. RESIDENTIAL					
1. Single-Family Dwellings	P	P	P	P	--
2. Two-Family Dwellings			C		1507.a.16
3. Family Home for Disabled Persons	C	C	C	C	1507.a.7
4. Group Home for Disabled Persons			C	C	1507.a.7
5. Conservation Development	P	P			Article 900
b. COMMUNITY FACILITIES					
1. Cemeteries	C				1507.a.2
2. Churches	P	P	P	C	--
3. Child Day Care Center, Nursery School, Adult Day Care	C	C	C	C	1507.a.4
4. Libraries	C	C	C	C	--
5. Public Safety Facilities	C	C	C	C	--
6. Schools for Academic Instruction (public, private or parochial)	C	C	C		1507.a.12
c. OPEN SPACE/RECREATIONAL					
1. Campgrounds	C				1507.a.1
2. Golf Courses	C				1507.a.6
3. Parks and Playgrounds	C	C	C	C	1507.a.10
4. Sportsman Club	C				1507.a.14
5. Stables; Riding, Boarding and Show	C				1507.a.14
6. Swimming Pools, public or semi-public	C				1507.a.15
d. OTHER					
1. Agriculture	P	P			--
2. Gas Wells	P				1507.a.5
3. Greenhouses	P				--
4. Pond	P				--
5. Roadside stands	P				610
6. Wireless telecommunication tower	C	C	C		Article 1900
7. Plant Nursery	C				1507.a.11
8. Public Mini Storage	C				1507.a.3

P = Principal use permitted by right
C = Conditional use

A = Accessory use permitted by right
Blank Cell = Not permitted in district

603 MINIMUM LOT REQUIREMENTS.

- a. The minimum lot area, minimum lot width and maximum coverage of buildings are specified in Schedule 603.

Schedule 603

	R-AG Agricultural Residential	R-1 Low Density	R-2 Medium Density	R-3 Broadway/ Taylor
1. Minimum Area - Agriculture ⁽¹⁾	5 acres	5 acres	NP	NP
2. Minimum Lot Area ⁽²⁾	1 acre	1/2 acre	12,500 sq.ft.	5,000 sq.ft.
3. Minimum Lot Width ⁽³⁾	125 ft	75 ft	75 ft	40 ft
4. Maximum Percentage of Lot Coverage (including accessory buildings)	30% of lot area	30% of lot area	30% of lot area	40% of lot area
<p>Notes to Schedule 603:</p> <ul style="list-style-type: none"> (1) Minimum area for farm animals is 2 acres. (2) There shall be no more than one dwelling permitted on a lot. (3) The lot frontage requirement shall be the same as the lot width requirement except for cul-de-sacs and curves which shall maintain a minimum frontage of 40 feet provided the minimum lot width is maintained at the building line. <p>NP Not permitted.</p>				

- b. Depth to Width Ratio of Lots. The maximum lot depth to lot width ratio shall be generally 3.5 to 1 for the most efficient use of land. Exceptions shall be limited to sites with unusual topography or land which is determined by the County Planning Commission and the Township Trustees to be otherwise unbuildable.

604 MINIMUM YARD REQUIREMENTS.

Principal buildings and principal uses shall be located on a lot in a manner that maintains the minimum front, side and rear yards set forth in this section for the district in which the lot is located.

- a. Front Yard. Each lot shall maintain a front yard as specified in Schedule 604.d.
 - 1. Through lots shall comply with the front yard setback for each street on which the lot has frontage.

- 2. When 50% or more of the street frontage is developed, the required front yard for new construction shall be the average of front yard depths of the two adjacent dwellings.
- b. Side Yards: Each interior and through lot shall have and maintain two side-yards. Schedule 604.d sets forth the minimum width of any one side-yard.
- c. Yards for Corner Lots: Each corner lot shall provide and maintain a front yard abutting the street on which the front of the dwelling faces, and a corner side yard abutting the side or secondary street, each yard having a dimension not less than that specified on Schedule 604. The interior side yard on a corner lot shall be not less than the minimum width required for a side yard as specified on Schedule 604.d.

Schedule 604.d

	R-AG Agricultural Residential ^(a)	R-1 Low Density	R-2 Medium Density	R-3 Broadway/ Taylor
1. Minimum Front Yard Depth	50 ft. ^(b)	50 ft.	50 ft.	15 ft.
2. Minimum Corner Side Yard	25 ft.	25 ft.	25 ft.	2 ft.
3. Minimum Rear Yard Depth	50 ft.	35 ft.	35 ft.	30 ft.
4. Minimum Side Yard Width	20 ft.	7.5 ft.	7.5 ft.	3 ft.
Notes to Schedule 604.d: ^(a) Agricultural uses shall comply with Section 610. ^(b) Except that when lots front on a major thoroughfare, federal highway or state highway, the minimum front yard depth shall be 70 feet.				

605 HEIGHT REGULATIONS.

Principal buildings or structures shall not exceed a height of 2 1/2 stories or 35 feet. Accessory buildings or structures on lot sizes less than 1 acre shall not exceed 16 feet and on lot sizes greater than or equal to 1 acre shall not exceed 26 feet.

606 DWELLING UNIT SQUARE FOOT REQUIREMENTS.

In order to promote healthful living conditions and maintain the character of the residential neighborhoods, dwelling units shall be constructed and maintained in compliance with the dwelling unit area regulations set forth in Schedule 606.

Schedule 606

	R-AG Agricultural Residential	R-1 Low Density	R-2 Medium Density	R-3 Broadway/ Taylor
Minimum Living Area for a Single-family dwelling unit	1,200 sq. ft	1,200 sq. ft	1,200 sq. ft	1,000 sq. ft

For the purpose of these regulations, minimum living area shall include the total square footage of floor area within the defined areas created by the walls of a dwelling unit. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports.

607 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in single-family districts shall conform to the location, area and other standards contained in this section. Garages and carports that are attached to a dwelling are subject to all yard requirements for the dwelling unit specified in Section 604.

- a. Location Requirements for Accessory Uses in the R-AG, R-1 and R-2 Districts.
An accessory use or building shall be located as set forth in Schedule 607.a.

Schedule 607.a

Accessory Use	Yard in Which permitted	Minimum setback from	
		Side Lot Line	Rear Lot Line
1. Accessory Storage Buildings provided no activity is conducted as a business.	side or rear	5 ft	5 ft
2. Private Swimming Pools	side or rear	10 ft	10 ft
3. Pumps and filters associated with pool	side or rear	10 ft	10 ft
4. Keeping of farm animals	side or rear	75 ft	75 ft.
5. Off-Street Parking	side or rear	5 ft.	5 ft.
6. Patios and decks	side or rear	7.5 ft	7.5 ft.
7. Gazebos and recreational equipment	side or rear	5 ft.	5 ft.

- b. Location Requirements for Accessory Uses in the R-3 Broadway/Taylor District.
 An accessory use or building shall be located as set forth in Schedule 607.b.

Schedule 607.b

Accessory Use	Yard in Which permitted	Minimum setback from	
		Side Lot Line	Rear Lot Line
1. Accessory Storage Buildings provided no activity is conducted as a business.	side or rear	2 ft	3 ft
2. Private Swimming Pools	side or rear	10 ft	10 ft
3. Pumps and filters associated with pool	side or rear	10 ft	10 ft
4. Keeping of farm animals	side or rear	75 ft	75 ft.
5. Off-Street Parking	side or rear	2 ft.	3 ft.
6. Patios and decks	side or rear	7.5 ft	7.5 ft.
7. Gazebos and recreational equipment	side or rear	5 ft.	5 ft.

- c. Number of and Size of Garages and/or Accessory Buildings. In a Residential District, a maximum of two (2) accessory buildings shall be permitted, including garages. The total square feet shall not exceed the following:

<u>Lot Size</u>	<u>Total Area of Accessory Buildings</u>
Less than 10,000 sq. ft.	10% of the rear yard but not less than 400 sq. ft.
10,000 sq. ft. to 1/3 acre	648 sq. ft.
Greater than 1/3 acre to 1 acre	1,024 sq. ft.
Greater than 1 acre to 2 acres	1,600 sq. ft.
Greater than 2 acres to 3 acres	2,400 sq. ft.
Greater than 3 acres	3,200 sq. ft.

Provided, further, that the dwelling and all accessory buildings shall not have a ground floor area greater than thirty (30) percent of the lot in the R-AG, R-1 and R-2 Districts and forty (40) percent in the R-3 Broadway/Taylor District.

- d. Parking. Off-street parking spaces shall be located on the same lot as the use to which the spaces are accessory.

- e. Private Swimming Pools. Private swimming pools shall be permitted as an accessory use to a residence in compliance with the following regulations.
1. The pool shall be used solely by the occupants of the property and their guests.
 2. The pool shall be located in compliance with the requirements of Schedule 607.a and/or 607.b.
 3. The in-ground swimming pool, or the entire property on which the pool is located, shall be completely surrounded by a wall or fence having a minimum height of 4 feet so as to prevent uncontrolled access by children from the street or from adjacent properties.
 4. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
 5. No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without obtaining a zoning certificate from the Zoning Inspector.
- f. Fences And Hedges: Fences and hedges shall not exceed 6 feet in height in a side or rear yard, and shall not exceed three feet in a front yard or corner side yard. All height measurements shall be taken from the existing grade. Barbed or similar wire fences to contain animals shall not be erected or extended.
- g. Keeping of Farm Animals. The keeping of farm animals shall be permitted as an accessory use to a dwelling unit and shall be regulated in all platted subdivisions and all areas consisting of 15 or more contiguous lots approved under Section 711.131 of the Ohio Revised Code.
1. The minimum lot size for keeping farm animals shall be two (2) acres.
 2. The total number of farm animals (other than their young under the age of 6 months) permitted to be kept on a lot shall be limited to the area of the lot divided by the total minimum area required for each type of animal as specified below:

A. Cattle:	20,000 sq.ft.
B. Chickens and fowl:	5,000 sq.ft.
C. Goats and sheep:	10,000 sq.ft.
D. Hogs:	10,000 sq.ft.
E. Horses and ponies:	20,000 sq.ft.
 3. All animals shall be properly caged or housed and proper sanitation shall be maintained at all times.
 4. Adequate fencing shall be provided and maintained to keep the animals enclosed on the property.
 5. The feeding of garbage to hogs or swine shall be prohibited.

- h. Parking of Commercial Vehicles.
1. On any residential lot, one commercial vehicle not exceeding a gross vehicle weight of 10,000 pounds shall be permitted to be parked in a private garage, provided that the owner of the vehicle resides on the premises and that the vehicle is used in connection with his or her livelihood. Such commercial vehicles may be parked in a driveway for a period not to exceed 48 hours. No contractor's vehicles shall be stored on residential property unless clearly and regularly used for agricultural purposes.
 2. On a residential lot which exceeds one (1) acre, the one commercial vehicle permitted may have a maximum gross vehicle weight of 18,000 pounds, provided the vehicle is either stored and parked in an enclosed building or in the side and rear yard in a location in compliance with the setback requirements for accessory buildings.

608 REGULATIONS FOR HOME OCCUPATIONS.

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

- a. A home occupation shall occupy no more than 25% of the floor area of the dwelling and shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- b. The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.
- c. There shall be no exterior display, sign, storage of materials, or change in the outside appearance of the dwelling unit or premises or any other visible exterior indication of the home occupation.

- d. There shall be not more than one employee or volunteer who is not a resident of the dwelling unit participate in the home occupation or any activities related thereto.
- e. No equipment or process shall be permitted that creates a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke, or electromagnetic interference.
- f. The parking of commercial vehicles shall comply with the regulations for such activities enumerated in Section 607.h.

609 FAMILY DAY CARE HOME, TYPE “B”.

This Zoning Resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type B family day-care home, whether or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type “B” family day-care home is a permanent residence of the provider where childcare is provided for 1 to 6 children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type “B” family day-care homes are a permitted accessory use in residential districts, and do not require a zoning certificate.

610 AGRICULTURAL USES IN RESIDENTIAL DISTRICTS.

Agriculture as the principal use of the lot shall comply with the following:

- a. Buildings or structures incident to the use of land for agricultural purposes shall be located at a minimum of 75 feet from a public right-of-way and 75 feet from a side or rear lot line when such right-of-way or property line abuts or is across the street from single-family homes which are not associated with an agricultural business.
- b. Notwithstanding subsection a. above, roadside stands may be located not less than 20 feet from a public right-of-way between May 15 and November 1.
- c. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this Resolution.

611 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in all residential districts.

612 DESIGN REVIEW.

Design review pursuant to the regulations in Article 2200 shall be required for new construction of all single family dwelling units located in new subdivisions of 5 lots or greater recorded after the date of the passage of this amendment.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Twp. Trustees
7/23/02	602 603 605 607 608	In Section 602, corrections to Schedule 602. In Section 603, deleted part of paragraph b. In Section 605, change to height of accessory buildings or structures. In Section 607, typo in paragraph f.4. In Section 608, correction to paragraph f. Ref. Motion 7/9/02. Effective date 8/22/02.	Twp. Trustees
11/24/05	601 602 607	In Section 601.c deleted “nearby”. In Schedule 602, deleted “For ‘C’ Conditional uses,” in the 4 th column heading, added “a.5 Conservation Development”, added “d.7 Plant Nursery”, added “d.8 Public Mini Storage”, and made corrections to the “See Also” column reference numbers. In Section 607.b corrected sq. ft. for two of the lot sizes. Ref. Motion 10/10/05. Effective date 11/24/05.	Twp. Trustees
9/07/06	601 602 603 604 606 607 608	In Section 601, added “d”, R-3 District. In Section 602, added “R-3” to first paragraph and an “R-3” column to Schedule 602. In Section 603, added an “R-3” column to Schedule 603. In Section 604, added an “R-3” column to Schedule 604.d. In Section 606, added an “R-3” column to Schedule 606. In Section 607.a, added clarification of districts. Added new subsection “b” for the “R-3” district as well as Schedule 607.b. The remaining subsections were then re-lettered from “c” to “h”. In subsection 607.c, added “less than 10,000” to table and changed “less than 1/3 acre” to “10,000 to 1/3 acre”. In subsection 607.e.2, added “and/or 607.b”. In Section 608.f, was “Section 607.g”. Ref. Motion 8/4/06. Effective date 9/07/06.	Twp. Trustees

**Article 400
Nonconforming Uses, Buildings, Lots and Structures**

401	Purpose.	407	Nonconforming use due to reclassification.
402	Nonconforming buildings or structures.	408	Change from nonconforming use.
403	Nonconforming use of buildings and land.	409	Existing use deemed conditional use; permit required for change.
404	Nonconforming parking facilities.	410	Completion of construction with zoning certificate.
405	Nonconforming signs.		
406	Nonconforming lots.		

401 PURPOSE.

The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures which lawfully existed at the time of this Resolution's enactment, or amendment thereto, but which do not conform with one or more of the regulations contained in this Resolution. While it is the intent of this Zoning Resolution to permit such nonconforming status to continue until abandoned, removed or abated, a nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists and with the land use plan of the Township and should be discouraged. A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally-granted variance from a zoning restriction.

402 NONCONFORMING BUILDINGS OR STRUCTURES.

A building or other structure existing lawfully at the time this Zoning Resolution, or any amendment thereto, became or becomes effective, but which does not conform to setback, building size, lot coverage, height of building or other regulations of the district in which it is located, is a lawful, nonconforming building or structure. A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- a. Maintenance and Repair. A nonconforming building or structure may be maintained and repaired provided that no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.

- b. Additions and Alterations. A nonconforming building or structure shall not be altered, added to, or enlarged unless the additions or alterations are made to conform to the regulations of the district in which it is located.
- c. Change in Principal Use of Building. The principal use of a nonconforming building may be changed to any other use permitted in the district in which it is located so long as the new use complies with all regulations of this Zoning Resolution specified for such use except the regulations to which the building did not conform prior to the change in use.
- d. Restoration of Damaged Building or Structure. Any nonconforming building or structure damaged by fire, explosion, act of God or act of the public enemy may be reconstructed and used as before such calamity provided such building or structure is not damaged to the extent of more than 50 percent of its replacement or reproduction cost at the time of destruction. A zoning permit for such reconstruction shall be required. Nonconforming buildings or structures damaged to the extent of more than 50 percent of the replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution.

403 NONCONFORMING USE OF BUILDINGS AND LAND.

A use of building or land, or building and land in combination, existing lawfully at the time this Zoning Resolution, or any amendment thereto, became or becomes effective but which does not conform to the use regulations of the district in which it is located is a lawful nonconforming use. A nonconforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- a. Maintenance and Repair. A building or structure devoted in whole or in part to a nonconforming use may be maintained and work may be done in any consecutive 12 month period on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding 10 percent of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution is not increased.
- b. Substitution of Use. Whenever a nonconforming use of a building, structure or land 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.
- c. Expansion of Nonconforming Use. A nonconforming use of a building, part of a building, lot or part of a lot, including outdoor storage, shall not be expanded,

extended or increased to occupy a greater area of building or land than was occupied on the effective date of the adoption or amendment of this Resolution.

- d. Discontinuance of Use. Discontinuance of the nonconforming use of a building, part of a building, lot or part of a lot for any reason for a continuous period of two (2) years or longer shall constitute voluntary abandonment of such use and thereafter establishment or re-establishment of a use shall conform to the use regulations of the district in which the building or lot is located.
- e. Nonconforming as to Performance Standards. A use existing lawfully at the time the enactment of this Zoning Resolution, or an amendment thereto, became or becomes effective, but which fails to conform to one or more performance standards, shall not be required to comply therewith except in the event that the use is substituted or expanded such substitution or expansion shall conform to these regulations.

404 NONCONFORMING PARKING FACILITIES.

A building or use existing lawfully at the time this Zoning Resolution, or an amendment thereto, became or becomes effective, but which does not comply with off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered or the use is expanded in accordance with these regulations, then additional off-street parking spaces shall be provided so that the nonconforming parking condition is not increased.

405 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Zoning Resolution, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Section 1612.

406 NONCONFORMING LOTS.

A lot of record which does not comply with the lot area or lot width regulations of the district in which the lot is located on the effective date of this Zoning Resolution or any amendment thereto which causes the lot to become nonconforming, may be used as follows:

- a. Residential Lots. In any R Residential District, construction of a single-family dwelling on any single lot of record existing on the effective date of the adoption or amendment of this Resolution shall be permitted and may be approved by the

Zoning Inspector when the placement of the dwelling unit on the lot complies with the yard regulations for the district in which the lot is located.

- b. If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged sections comply with all regulations of this Zoning Resolution, with the exception of the lot area and the lot width regulations. The number of dwelling units shall not be increased unless all regulations, including lot area, are complied with.
- c. Non-Residential Lots. Any lot or parcel of land of record at the time of adoption of this Resolution, or applicable amendment thereto, and where no adjoining land was under the same ownership on said date, may be developed as a building site provided that such development complies with all regulations of this Resolution except those not met by the lot.
- d. Lots in Combination. If a vacant nonconforming lot adjoins one or more lots with continuous frontage and in common ownership on the effective date of this Resolution or applicable amendment thereto, such lot shall be replatted to create conforming lots as a prerequisite for development.

407 NONCONFORMING USE DUE TO RECLASSIFICATION.

The provisions of this chapter shall also apply to the buildings, structures, land or other uses hereafter becoming nonconforming as a result of amendments made to this Zoning Resolution or Zoning Map.

408 CHANGE FROM NONCONFORMING USE.

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no previous nonconforming use shall be made or resumed.

409 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.

A lawfully existing use that would be eligible for a conditional use permit in the district in which it is located shall not be a nonconforming use, but without further action, shall be deemed to be a conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in ownership shall only be permitted upon review and approval by the Zoning Board of Appeals according to the procedures for conditional uses set forth in Article 2300.

410 COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE.

Nothing in this Zoning Resolution shall prohibit the completion of the construction and the use of nonconforming buildings for which a zoning certificate has been issued prior to the effective date of this Zoning Resolution, or amendments thereto, provided that construction is commenced within 90 days after such effective date and completed within one year after the issuance of the zoning certificate.

**Article 1200
Planned Development District**

1201	Purpose.	1208	Accessory Use Regulations.
1202	Area Requirements.	1209	Parking Standards.
1203	Establishment of Planned Development District.	1210	Buffering Standards.
1204	Use Regulations.	1211	Procedures.
1205	Determination of Similar Uses.	1212	Submission Requirements.
1206	Use Definitions and Limitations.	1213	Final Development Plan Approval Criteria.
1207	Development Standards.	1214	Conflict with Other Regulations.

1201 PURPOSE.

- a. The purposes of the Planned Development District regulations are to:
 - 1. Provide an opportunity for a mix of land uses otherwise not permitted within the standard Township zoning district classifications.
 - 2. Allow the creation of development standards that respect the unique characteristics, of the site.
 - 3. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings.
 - 4. Assure compatibility between proposed land uses within and around the Planned Development District through appropriate development controls.
 - 5. Implement the economic development goals of the Township.
 - 6. Promote economical and efficient use of land and reduce infrastructure costs through unified development.
 - 7. Provide for supporting community facilities.

- b. The procedures established for Planned Development Districts are designed to encourage and permit a unified development that exhibits:
 - 1. Creative planning and imaginative architectural design.
 - 2. Flexibility in building types, styles and the relationships between buildings, and structures within the project.

- c. Orderly, coordinated and comprehensive development utilizing accepted land planning, landscape architecture and engineering practices and principles according to approved Development Plans.

1202 AREA REQUIREMENTS.

- a. **Minimum Area.** The minimum area requested for a Planned Development District shall not be less than six hundred (600) contiguous acres. **Any contiguous land may be subsequently added to an existing Planned Development District without meeting the minimum area required provided that the development of any such additional land area is designed to be integrated with and become part of the existing Planned Development.**
- b. **Ownership.** The application for a zoning amendment to Planned Development District shall be submitted by the owners or owner authorized agent of the entire area to be rezoned and may be a single owner or a joint application of all owners of record.

1203 ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICT.

A Planned Development District that is adopted after the effective date of these regulations shall be established according to the procedures for a zoning amendment. At the time of the rezoning, a Preliminary Development Plan shall be approved concurrently. All zoning amendments to the Planned Development District shall be designated on the Zoning Map as a PDD.

- a. When an application for a zoning amendment to this Planned Development District is initiated by the property owner or its designated agent, and such land is rezoned to the Planned Development District the zoning on the land at the time of the rezoning application shall be removed and replaced by the approved Planned Development District.
- b. When an application for a zoning amendment to this Planned Development District is initiated by the Township and is approved, then such approved Planned Development District shall be applied to the property and be in addition to the zoning in effect at the time the rezoning was initiated. The property may only be developed according to the Planned Development District regulations when the development is designed, arranged, fully interrelated, and has similar design qualities as that portion of the Planned Development District that has been initiated by a property owner or designated agent. Conversely, if the above conditions are not satisfied the property may be developed in compliance with the

zoning that was in place at the time the Planned Development District was approved.

- c. The Planned Development District may have up to five (5) use sub-districts according to Schedule 1203. One or more of these use sub-districts may be applied within a Planned Development District consistent with a Preliminary Development Plan and at the discretion of the Township.

SCHEDULE 1203
Use Sub-Districts

	Use Area	
1	Residential – Low Density	X
2	Residential – High Density	X
3	Office	X
4	Business Hub	X
5	Leisure/Sports	X

1204 USE REGULATIONS.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved, added or maintained in a Planned Development District (PDD) only for those uses set forth in each of the sub-districts as established in Schedule 1204.

- a. A use listed in Schedule 1204 shall be a principal use permitted by right when denoted by the letter “P” if all requirements of other Township resolutions and the zoning regulations set forth in this Article have been met.
- b. A use listed in Schedule 1204 shall be permitted as an accessory use when denoted by the letter “A”. Such accessory uses shall be permitted as a subordinate use when it is clearly incidental to and located on the same zoning lot as the principal building or use or in the same sub-district as regulated by this Article.
- c. A use not listed in Schedule 1204 as either a permitted, or an accessory use shall be prohibited in the PDD unless such use is approved as a similar use pursuant to Section 1205.

SCHEDULE 1204
Use Sub-Districts: Permitted Uses

PERMITTED USES	Residential- Low Density	Residential- High Density	Office	Business Hub	Leisure/ Sports
(a) Open Space	P	P	P	P	P
(b) Golf Course	P	P	P	P	P
(c) Club House	A	A	A	A	A
(d) Residential: Single Family, Cluster, Townhouses	P	P	P	P	P
(e) Residential: Multi Family		P			
(f) Offices			P	P	P
(g) Retail		A	A	P	A
(h) Restaurants		A	A	P	A
(i) Hotels			P	P	A
(j) Conference Center				P	
(k) Theaters / Performing Arts				P	P
(l) Indoor Recreation					P
(m) Outdoor Recreation					P
(n) Place of Worship	P	P	P	P	P
(o) Health Clinic			P	P	P
(p) Schools	P	P	P	P	P
(q) Day Care		P	P	P	P
(r) Community Support Facilities	A	A	A	P	P
(s) Conventional Accessory Uses	A	A	A	A	A
P = Permitted A = Accessory					

1205 DETERMINATION OF SIMILAR USES.

A use not specifically listed in the schedule of permitted uses for the sub-district, may be determined by the Township to be similar to a use specifically listed in Schedule 1204.

- a. When the proposed use is being considered as part of a Final Development Plan, such similar use determination shall be made by the Zoning Commission.
- b. When the proposed similar use is not subject to Development Plan review, the determination may be made by the Zoning Inspector provided that the Zoning Inspector may defer such decision to the Zoning Commission.

Such similar use shall adhere to the regulations of the listed use, in Schedule 1204, that is determined to be most similar to the proposed use.

1206 USE DEFINITIONS AND LIMITATIONS.

a. Residential – Single Family:

1. **Dwelling, Cluster:** A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
2. **Dwelling, Townhouses (Attached Single-Family):** Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a common wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

b. **Residential – Multiple Family:** A building with two (2) or more dwelling units and in which the dwelling units do not satisfy the definition of “townhouses.”

c. **Leisure/Sport Uses:** Uses shall **include, but not** be limited to, theaters, multi-screen cinemas, performing arts facilities, work out and fitness facilities, water sports, tennis (indoor and outdoor), equestrian facilities, ski slopes, ice skating (indoor), fishing, rock climbing and archery.

- d. **Clubhouse:** A community building that is accessory to a golf course, or low or high-density residential developments. A Clubhouse may include but is not limited to: fitness center, community/party room, swimming pool and retail sales.
- e. **Outdoor Displays:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

Outdoor display shall comply with the following:

- 1. Be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
 - 2. Not exceed fifteen (15) percent of the ground floor area of the building(s) on the lot.
 - 3. Comply with the building setback requirements set forth in Schedule 1207 or the sub-district in which the lot is located.
 - 4. Not be located in areas intended for traffic circulation as identified on the Final Development Plan.
- f. **Outdoor Storage:** The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area and which satisfies the criteria for outdoor display.

The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

- 1. Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.

2. All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
3. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule 1207.

- g. **Community Support Facilities:** Include police and security, firefighting and emergency services, community transportation centers, media centers and similar public service uses and facilities.
- h. **Accessory uses:** There are two (2) categories of accessory uses in this Article.
 1. Conventional Accessory Uses, which include off-street parking, recreational facilities, signs, fences, containers and areas for, waste disposals, storage sheds, etc. These uses are always subordinate and incidental to the principal use to which the accessory use is related and are subject to the regulations in Schedule 1207 and applicable portions of Section 1208. However, parking decks and garages (other than garages for low -density residential developments) shall be subject to the setback requirements of a principal use.
 2. Principal Uses that in selected sub-districts (Schedule 1204) are only permitted as an accessory use and in such cases are subject to the applicable portions of Section 1208.

1207 DEVELOPMENT STANDARDS.

The principal and accessory uses permitted in each sub-district shall comply with the development standards set forth in Schedule 1207.

**SCHEDULE 1207
 Development Standards**

	Residential- Low Density	Residential- High Density	Office	Business Hub	Leisure/ Sports
(a) Maximum Density (Units / Acre)	2 (a)	30	-	-	-
(b) Minimum Open Space Required (b)	60%				
(c) Minimum Unit Size (Sq. Ft.)	1,800	1,000			
(d) Maximum Height (Stories)	2 ½	25	25	25	8
(e) Perimeter Setbacks (Feet)					
1. Building – Including Deck Parking					
A. Adjacent to Non- Residential	30	75	75	75	75
B. Adjacent to Turnpike	30	75	75	75	75
C. Adjacent to Residential	50	75 (c)	75 (c)	75	75 (c)
2. Parking and Access					
A. Adjacent to Non- Residential	20	20	20	20	20
B. Adjacent to Turnpike	20	20	20	20	20
C. Adjacent to Residential (d)	30	40	40	40	40

- (a) Maximum density on any single acre shall not exceed 8 units/acre.
- (b) Golf Course can be included as part of Open Space.
- (c) 75’ minimum and equal to height of building.
- (d) The area between the parking setback and the perimeter property line shall be reserved as a landscaped buffer area pursuant to Section 1210.

1208 ACCESSORY USE REGULATIONS.

- a. Surface parking and access drives shall comply with the setback requirements of Schedule 1207.

- b. Parking decks and parking garages shall comply with the setback requirements for principal uses, provided that one-story accessory detached garages in the Residential low-density sub-district, when not exceeding 500 sq.ft. in ground floor area, may be located on a site in compliance with the setbacks for off-street parking.
- c. This Article does not include specific regulations for accessory signs or fences and the design, location and size of fences and signs are not required to be submitted with the Preliminary Development Plan. However, prior to a Final Development Plan being approved for any portion of any sub-district, the applicant shall submit design standards and criteria for signs and fences which shall be applicable to the final plan being submitted and to all remaining areas in the sub-district. When approved, the sign and fence design standards and criteria shall be a supplement to and thus considered part of the approved Preliminary Development Plan.
- d. Retail Uses, Restaurants, and Hotels in the Residential High Density and Office sub-districts shall not comprise, at any time, more than five (5) percent of the floor area in such sub-districts. This standard shall be based on the total floor area in each community.

1209 PARKING STANDARDS.

- a. **Units of measure:** In computing the number of parking spaces required, the following rules shall apply:
 - 1. Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
 - 2. Seats. The number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities.
 - 3. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the sum of all employees on any two successive shifts.
- b. **Parking Spaces:** The required number of off-street parking spaces for each facility or use shall be determined by application of the standards in Schedule 1209. For a use not specified in Schedule 1209, the Township Zoning Commission shall apply the standard for a specified use, which it determines to be most similar to the proposed use.

SCHEDULE 1209
Required Number of Off-street Parking Spaces

<u>Principal Building or Use</u>	<u>Minimum Number of Spaces Required</u>
(a) Residential Uses	
1. Residential: Single Family, Cluster, Townhouses	2 enclosed spaces/dwelling unit
2. Residential: Multi Family	1½ spaces for every dwelling units
(b) Office, Professional Services	
1. Offices	1 space per 300 sq.ft. of floor area
2. Conference Center	To be determined at the time a Final Development Plan is submitted
3. Health Clinic	5 spaces per doctor and/or dentist
(c) Retail/Service Uses	
1. Retail	1 space per 250 sq.ft. of floor area
2. Restaurants	1 space per 50 sq.ft. of floor area
3. Hotels	1 space per guest room or suite, plus 1 space per every 2 employees
(d) Commercial Entertainment / Recreation Uses	
1. Golf Course (Nine holes or more)	8 spaces per green
2. Club House	1 space per 50 sq.ft. of floor area (including lounging and spectator area)
3. Theaters/ Performing Arts	1 space for every 3 seats
4. Indoor recreation	To be determined at the time a Final Development Plan is submitted
5. Outdoor recreation	To be determined at the time a Final Development Plan is submitted
(e) Educational Facilities	
1. Elementary and Junior High Schools	2 spaces per classroom, plus 1 space for every 8 seats in the largest assembly hall
2. Senior High Schools	1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 8 seats in largest assembly hall
3. Day Care Center	1 space per 8 students, based on center's regulated maximum capacity
(f) Community Facilities	
1. Places of Worship	1 space for every 4 seats of seating capacity in the principal assembly area
2. Library, Museum, Community Center or similar use	1 space per 500 sq.ft. of floor area, plus 1 space for every 6 seats in any assembly area
3. Assembly Hall, Auditorium	1 space for every 4 seats of seating capacity
4. Community Support Facilities	To be determined at the time a Final Development Plan is submitted

- c. **Design Standards:** Off-street parking area shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule 1209 (c), based on the angle of the spaces.

SCHEDULE 1209.c
Parking Design Standards

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	9 ft	9 ft	9 ft	9 ft
(b) Length of Parking Space	20 ft	20 ft	20 ft	23 ft
(c) Width of Parking Aisle	18 ft	20 ft	22 ft	12 ft
(d) Width of Double-loaded Parking Module	58 ft	60 ft	62 ft	30 ft
(e) Circulation Aisle	17 ft	14 ft	14 ft	14 ft

- d. **Allowance for Shared Parking:** The Township Zoning Commission and/or trustees may approve a Development Plan with a reduction in the number of parking spaces required when the applicant demonstrates that the lesser number of spaces is appropriate and consistent with the purposes of these regulations; and/or varying peak demands for the uses can be adequately accommodated with lesser number of parking spaces than the number required based on the sum of the various uses computed separately.

1210 BUFFERING STANDARDS.

When a lot in any sub-district abuts the perimeter of the project, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations and shall be approved as part of the Final Development Plan. Alternate methods of buffering, that equally achieve the objectives of this Section are encouraged, subject to approval of the Zoning Commission and/or trustees.

- a. **Width of Buffer Yard:** Each required buffer yard shall have the minimum width of the parking setback as specified in Schedule 1207.
- b. **Screening:** Screening within the buffer yard shall consist of one or a combination of the following:
1. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be effective all year round.

2. A non-living opaque structure such as a solid masonry wall, solidly constructed fence, or louvered fence.
 3. A fence with openings through which light and air may pass together with a landscaped area at least 5 feet wide.
 4. A landscaped mound or berm at least 5 feet wide.
- c. **Height of Screening:** The height of screening shall be in accordance with the following:
1. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 2. Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than 2 years after the initial installation.

1211 PROCEDURES.

- a. **Zoning and Approval of Preliminary Development Plan:** The zoning to this Planned Development District and the concurrent approval of a Preliminary Development Plan shall be in accordance with the following procedures:
1. The Township Zoning Commission and the Township Trustees shall consider a Preliminary Development Plan and the request to rezone the land to this Planned Development District according to the procedures for a zoning amendment as set forth in the Ohio Revised Code and the Township's Zoning Resolution as supplemented by the requirements of this Article.
 2. Review For Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application has satisfied the submission requirements of Section 1212 (a). If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

3. Review of Preliminary Development Plan by Others: The Township Zoning Inspector:
 - A. May refer the application to other Township Officials, and/or other private consultants for their review and comment; and
 - B. Shall refer the application to the Lorain County Planning Commission staff for its administrative review and comment.

Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zonings Commission.

4. Review and Approval by Township: The Zoning Commission shall review the Preliminary Development Plan and the proposed rezoning application according to the procedures and public hearing requirements for Zoning Amendments. During its review of the Preliminary Development Plan, the Zoning Commission may refer the plan for review by other Township Officials and other private consultants that may not have been included in the referrals pursuant to Subsection 1211a3.A above. The Zoning Commission shall recommend to the Township Trustees:
 - A. Approval of the requested zoning amendment and the Preliminary Development Plan and such plan may be approved with reasonable conditions that were not necessarily included in the plan submitted by the applicant; or
 - B. Denial of the requested rezoning and the Preliminary Development Plan.
5. Review and Approval by Trustees: The Township Trustees shall review the rezoning amendment and the Preliminary Development Plan and the findings of the Zoning Commission according to the procedures for zoning amendments. Action by the Board of Trustees to approve the rezoning must also include approval of the Preliminary Development Plan. If a Preliminary Development Plan is not approved, the proposed zoning amendment has been nullified.
6. Effect of Approved Preliminary Development Plan: An approved Preliminary Development Plan for the proposed development is a binding commitment that has specified elements that have been approved for development within the Planned Development District. Within the Planned Development District, any changes in an approved plan shall be

resubmitted for approval in accordance with the procedures in Subsection 1211.b below.

b. Amendments to Preliminary Development Plan:

1. An approved Preliminary Development Plan may be administratively amended by the Township when such proposed revisions:
 - A. Are consistent with the permitted uses (Schedule 1204) and the development standards (Schedule 1207) for each sub-district; and
 - B. Do not expand the boundaries of the Residential High-Density, Office, Business Hub, or Leisure Sports sub-districts by more than ten (10) percent.
2. Consideration of a revised Development Plan by the Township shall be subject to the following procedures:
 - A. The amended Plan shall be reviewed by Zoning Commission which shall recommend to the Trustees that the amended plan be approved, approved with conditions, or denied.
 - B. Prior to becoming effective, the amended Planned Development District shall also be approved by a majority vote of the Township Trustees.

Any approved amendment/s shall be the binding development rights and restrictions for the Planned Development District and shall replace the previously approved Preliminary Development Plan.

c. Final Development Plan: A Final Development Plan shall be submitted and approved for any portion of a Planned Development District, prior to the issuance of a zoning certificate, according to the following procedures:

1. Review for Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that it has satisfied the submission requirements of Section 1212.b. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

2. Review of Final Development Plan by Others. The Township Zoning Inspector may refer the application to other Township Officials, County Planning Commission and/or other private consultants for their review and comment.

Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zoning Commission.

3. Review and Approval by Township. The Zoning Commission shall review the Final Development Plan according to the criteria set forth in Section 1213 and shall either recommend to the Township Trustees:

- A. Approval of the Final Development Plan;
- B. Approval of the Final Development Plan subject to specific conditions not included in the plan as submitted; or
- C. Table the Final Development Plan for the next scheduled meeting. If the Final Development Plan is tabled, the Zoning Commission shall convey to the applicant the reasons the Plan has been tabled and provide specific yet reasonable revisions that would result in an acceptable Plan.
- D. **Disapproval with the reasons for such disapproval being clearly stated.**

4. Review and Approval by Trustees: The Township Trustees shall review the Final Development Plan and the findings of the Zoning Commission and

- A. Approve the Plan by a majority vote, or
- B. **Disapprove with the reasons for such disapproval being clearly stated.**
- C. If a majority vote for approval or disapproval cannot be obtained, the recommendation of the Zoning Commission shall be considered approved.

5. Effect of Approved Final Development Plan: An approved Final Development Plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance

of a building permit. A request for such a transfer or change of ownership shall be presented to the Zoning Inspector and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original Development Plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Article.

6. Expiration of Final Development Plan Approval:

- A. An approved Final Development Plan shall remain valid for a period of 12 months following the date of its approval or as otherwise specifically approved by the Township. If, at the end of that time, construction of the development has not begun, then approval of such Final Development Plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Article. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.
- B. **Final Plan approval shall expire for any portion of Final Development Plan that has not been constructed within five (5) years from the date that the Final Development Plan was approved.**

1212 SUBMISSION REQUIREMENTS.

a. **Contents of Preliminary Development Plan Application**

The Preliminary Development Plan shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted should include the following:

- 1. Completed Application Form along with the application fee.
- 2. Vicinity Map showing the relationship of the proposed PDD to existing development.
- 3. Legal description or a listing of the permanent parcel numbers.

4. Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - A. Boundaries of the area proposed for development, dimensions and total acreage;
 - B. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - C. Identification of any existing buildings or structures to be removed or demolished;
 - D. Existing zoning district boundaries and jurisdictional boundaries;
 - E. Existing utility systems and providers;
 - F. The location of existing topography showing contour lines and identifying any areas with slopes over 5%;
 - G. Locations of all wooded areas, tree lines, hedgerows;
 - H. Delineation of existing drainage patterns on the property; and
 - I. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway.

5. The Preliminary Development Plan Map should include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted shall indicate:
 - A. The proposed location, use and size of areas of residential, retail, office, institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - B. The general layout of the proposed internal road system, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;

- C. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - D. Natural areas and other natural features to be conserved and any required buffer areas;
 - E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.; and
 - F. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area; the building height(s); and square footage as proposed for retail, office, institutional uses, by use area; and the number of parking spaces provided for each use area.
6. Prototypical Architectural Drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements.
7. Project Phasing Map. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
8. Proposed Utilities including the proposed provision of water, sanitary sewer and surface drainage facilities.
9. Traffic Study indicating the impact of future traffic on the existing and proposed roadway system.
10. Development Standards Text. The development standards text identifying the requirements that are to govern the design and layout of the PDD that are not included on the Development Plan.
- A. A description of all dimensions and /or acreages illustrated in the Development Plan or of provisions that depart from applicable standards shall be included.
 - B. Adequate provision shall be made to establish a private organization (i.e. Management Association) with direct responsibility to provide for the operation and maintenance of all common facilities.

However, to the extent that the above items are not submitted with the Preliminary Development Plan, the Preliminary Development Plan may

however, be approved by the Township with the conditions that state compliance with the item not submitted will be satisfactorily addressed at the time of Final Development Plan approval. Alternatively, the approval may specify the limits of development that may occur prior to full compliance with the item that has not been submitted and/or fully addressed in the Preliminary Development Plan.

b. Contents of Final Development Plan Application

1. Completed Application Form along with the application fee.
2. Vicinity Map showing the relationship of the area of the Final Development Plan to the entire Planned Development Overlay District.
3. Subdivision Plat. A Final Plat shall be submitted in accordance with the County Subdivision Regulations if the proposed development includes the subdivision of land.
4. Final Development Plan Map prepared by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items:
 - A. A bar scale, north arrow, and total acreage of the area that is the subject of the Final Development Plan, and accurate location of all monuments;
 - B. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - C. All lot lines and easements with their dimensions;
 - D. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities;
 - E. Location and height of existing and proposed structures including fences, walls, signs, and lighting;
 - F. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - G. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;

- H. Delineation and identification of areas to be dedicated or reserved for public use; and
 - I. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.
5. Proposed Utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions.
6. Additional Plans for the Proposed Development.
- A. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;
 - B. Landscaping and screening plans;
 - C. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average foot-candle calculations minimum foot-candles and maximum foot-candles;
 - D. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs; and
 - E. Architectural plans and prototypes for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development demonstrating consistency with the Preliminary Development Plan.
7. Covenants, Easements and Restrictions. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.

8. Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the Preliminary Development Plan.

1213 FINAL DEVELOPMENT PLAN APPROVAL CRITERIA.

In the review of proposed Planned Development, the Township Zoning Commission shall determine whether or not the proposed development, as depicted on the Final Development Plan, complies with the following:

- a. The plan conforms in all pertinent respects to the approved Preliminary Development Plan;
- b. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- c. The development has adequate public services and open spaces;
- d. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution and the Comprehensive Plan;
- e. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- f. The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PDD and with adjacent development;
- g. The landscape plan will adequately enhance the principal building and site; maintain existing trees; buffer adjacent incompatible uses;
- h. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Resolution; and
- i. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

1214 CONFLICT WITH OTHER REGULATIONS.

In the event there is a conflict between the regulations of this Article and any other regulation in this Township Zoning Resolution, the regulations of this Article shall govern.

**Article 1300
Industrial District Regulations**

- | | |
|---|--|
| 1301 Purpose. | 1307 Height regulations. |
| 1302 Permitted uses. | 1308 Accessory use regulations. |
| 1303 Minimum lot requirements. | 1309 Landscaping and screening requirements. |
| 1304 Required yards. | 1310 Permitted signs. |
| 1305 Minimum parking setbacks. | 1311 General regulations. |
| 1306 Regulations for outdoor storage of fleet vehicles. | 1312 Site plan and design review. |

1301 PURPOSE.

The purpose of the Light Industrial (LI) District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare, which generate little industrial traffic and which normally generate only limited outdoor activities in association with a principal activity that is conducted primarily indoors.

1302 PERMITTED USES.

In the LI District, land and structures shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a use specified in subsections a. through c. below.

- a. Principal Uses. The principal uses enumerated in Schedule 1302 denoted with a “P”, are permitted by right in the district indicated provided that all requirements of this Resolution have been met.
- b. Conditional Uses. The categories of conditional uses enumerated in Schedule 1302 denoted with a “C”, may be permitted in the district indicated, provided they conform to the conditions, standards and requirements of Article 1500 and are approved for a particular zoning lot in accordance with the administrative procedures in Article 2300.
- c. Accessory Uses. The accessory uses, buildings and structures enumerated in Schedule 1302 denoted with an “A”, may be permitted in association with and subordinate to a permitted principal or conditional use in the district indicated provided they conform to the regulations in Section 1308.

Schedule 1302

PERMITTED USE	LI	See Also
a. OFFICES		
1. Administrative offices	P	--
2. Laboratories/research facilities	P	--
b. BUSINESS SERVICES, EQUIPMENT SALES		
1. Cleaning establishments	P	--
2. Contractors shop, equipment	P	--
3. Printing and publishing	P	--
4. Retail garden supplies	P	--
5. Sales, service and repair of agricultural implements	P	--
6. Vehicle and equipment service, repair and rental facilities	P	--
7. Wholesale establishments	P	--
c. STORAGE/DISTRIBUTION		
1. Distribution facilities	P	--
2. Outdoor activities, in association with a principal use		
A. Outdoor storage of materials	P	--
B. Overnight storage of fleet vehicles	A	--
C. Outdoor storage of vehicles, trucks and equipment for rental and leasing	P	--
3. Warehouse and mini-storage facilities	P	--
d. MANUFACTURING, PACKAGING, FABRICATION, ASSEMBLY		
1. Bulk preparation and sales facilities	P	--
2. Cabinet makers	P	--
3. Distillation and/or bottling facilities	P	--
4. Fabrication and assembly operations	P	--
5. Food and drink preparation, production and storage	P	--
6. Light manufacturing uses	P	--
7. Machine shop	P	--

PERMITTED USE	LI	See Also
e. OTHER USES		
1. Adult uses	P(see 316)	--
2. Agriculture	P	--
3. Wireless telecommunication towers	P	Article 1900
4. Quarry operations/extraction of stone, minerals and top soil	C	1507.b.15
5. Gas wells	P	ORC 1509
6. Outdoor commercial recreation	C	1507.b.6
7. Public safety facilities	P	--
8. Public utility transmission substations	C	Article 1500
f. ACCESSORY USES		
1. Off-street parking and loading facilities	A	--
2. Signs	A	--
3. Accessory buildings	A	--
4. Lunchrooms, cafeterias, and recreational facilities in association with a permitted use.	A	--
P = Principal use permitted by right C = Conditional use A = Accessory use permitted by right Blank Cell = Not permitted in district		

1303 MINIMUM LOT REQUIREMENTS.

The minimum lot area, minimum lot width and maximum coverage of buildings are specified below.

Schedule 1303

a. Minimum Lot Area:	1 acre
b. Minimum Lot Width and Lot Frontage (provided that state and federal EPA requirements for water and sewer are met):	125 feet
c. Maximum Percent of Lot Coverage by all Buildings:	40%

1304 REQUIRED YARDS.

All lots shall provide the following minimum front, side and rear yards as specified below, unless otherwise permitted by this Resolution.

Schedule 1304

a. Front Yard:	100 feet from street right-of-way
b. Side and Rear Yard:	
1. Adjacent to Non-Residential:	25 feet
2. Adjacent to Residential District:	100 feet
c. Corner Lots:	100 feet from all street rights-of-way

1305 MINIMUM PARKING SETBACKS.

The minimum parking setbacks permitted in LI Districts are specified below:

Schedule 1305

a. Front:	100 from street right-of-way
b. Side and Rear:	
1. Adjacent to Non-Residential:	10 feet
2. Adjacent to Residential District:	20 feet
c. Corner Lots:	100 feet from all street rights-of-way

1306 REGULATIONS FOR OUTDOOR STORAGE OF FLEET VEHICLES.

Outdoor storage areas for fleet vehicles shall be located on the site with the principal use in compliance with the parking requirements set forth above and shall be landscaped, constructed and improved in compliance with the requirements for parking areas as set forth in Article 1700.

1307 HEIGHT REGULATIONS.

No building or structure shall exceed 35 feet in height.

1308 ACCESSORY USE REGULATIONS.

- a. Yard Requirements. Accessory uses, buildings and structures shall meet all the yard requirements of Schedule 1304, unless otherwise specified in this Section.
- b. Parking Garages and Off-Street Parking and Access Driveways.
 1. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 1306 and shall otherwise conform to the regulations of Article 1700.
 2. Parking garages shall comply with the yard and height requirements for principal buildings set forth in Sections 1304 and 1307.
 3. Parking garages and off-street parking lots may be located on the same lot as the principal use or may be located on a separate lot not more than 700 feet from the building or use to which such spaces are accessory.
- c. Temporary Buildings and Uses. For purposes incidental to construction work shall be permitted pursuant to the regulations in Section 310.d.
- d. Waste or Recycling Receptacles. All solid waste products resulting from any permitted principal, conditional or accessory use shall either be disposed of, or stored in a building or completely enclosed container. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1306. When such container or dumpster, if not located in a building, is adjacent to a residential district, it shall be screened with a permitted wall or fence in addition to planted material covering at least 50% of such wall or fence. When such container or dumpster is adjacent to a non-residential district, it shall be screened with a permitted wall or fence.
- e. Fences and Walls. Fences and walls shall be permitted accessory uses in compliance with the following:
 1. Fences located in a front yard shall not exceed 3 feet in height.
 2. Fences located in a required side or rear yard shall not exceed 6 feet in height, except as otherwise required by this Resolution.
 3. Fences located in the remainder of a side or rear yard shall not exceed 10 feet, except as otherwise required by this Resolution.

All height measurements shall be taken from the existing grade.

1309 LANDSCAPING AND SCREENING REQUIREMENTS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Screening and buffering shall be provided according to the requirements set forth in Article 1800.

1310 PERMITTED SIGNS.

All signs in LI Districts shall conform to the provisions of Article 1600.

1311 GENERAL REGULATIONS.

The provisions of Article 300 shall apply in LI districts.

1312 SITE PLAN AND DESIGN REVIEW.

The site plan and design review procedures shall apply to all proposed uses and to changes to existing uses, including site modifications, in the LI Districts pursuant to the regulations in Article 2200.

INTRODUCTION

This Resolution shall be known as the “Amherst Township Zoning Resolution”. The Amherst Township Zoning Resolution includes the regulations of building and land use in the unincorporated territory.

REVISION CONTROL

Because this Resolution may be revised from time to time, it is important to establish an effective revision control process. The revision control process shall ensure that the most current configuration of the Amherst Township Zoning resolution is available to all individuals interested in applying, or enforcing, the regulations of this Resolution. In addition, the revision control process shall establish measures that ensure the security of this Resolution, maintain record of all revisions, and identify responsibility/authority for maintaining this Resolution.

The logical organization of this Resolution is specified in the “Table of Contents”. The “Table of Contents” list the Articles which comprise this Resolution. Each Article is subdivided into Sections. At the end of the “Table of Contents” and each Article will be found a Revision History.

The Revision History for the “Table of Contents” shall identify any Article which was added, deleted, or changed, and the date of the Article revision. The latest date of any Article revision listed in the “Table of Contents” Revision History shall become the revision date of the “Table of Contents” header, and will also be shown on the Title page of the Amherst Township Zoning Resolution.

The Revision History for each Article shall identify the date of the revision, the Section(s) changed, a description of the change, and the requester of the change (Township Trustees, Zoning Commission, Property Owner, etc.). The latest date of any section revision shall become the revision date of the Article header. The latest revision date of each Article shall be listed in the “Table of Contents”.

DOCUMENT PROTECTION, SECURITY, RESPONSIBILITY & AUTHORITY

The Amherst Township Zoning Resolution is stored on electronic media. The “master” electronic document shall be maintained at the Amherst Township Hall. A “back-up” electronic copy shall be stored at an alternate site determined by the Amherst Township Fiscal Officer. The Amherst Township Fiscal Officer shall also determine the type of electronic media used for storing the “master” and “back-up” Zoning Resolution.

INTRODUCTION

In addition to the electronic Zoning Resolution, a number of “controlled” paper copies shall exist. The controlled paper copies shall be as follows:

- (1) at the Amherst Township Hall for public viewing.
- (1) with each member of the Zoning Commission and alternate(s)
- (1) with each member of the Zoning Board of Appeals and alternate(s)
- (1) with each Amherst Township Zoning Inspector
- (1) with each Amherst Township Trustee
- (1) with the Amherst Township Fiscal Officer
- (1) with the Lorain County Recorder’s Office
- (2) with the Lorain County Prosecutor’s Office
- (1) with the Oberlin Municipal Court Prosecutor’s Office
- (1) with the Amherst Public Library
- (1) with the Amherst Township Architect
- (1) with the Lorain County Planning Commission

The Amherst Township Trustees shall assign the responsibility for the maintenance of the Amherst Township Zoning Resolution. The responsible individual(s) shall:

1. Maintain the “master” electronic document;
2. Create a “back-up” electronic copy;
3. Update the paper copy available for public viewing at the Amherst Township Hall;
4. Provide a paper copy of the revised Title Page, Article(s) and Table of Contents to the Chairperson of the Amherst Township Zoning Commission;
5. Provide a paper copy of the revised Title Page, Article(s) and Table of Contents to the Chairperson of the Amherst Township Zoning Board of Appeals;
6. Provide a paper copy of the revised Title Page, Article(s) and Table of Contents to the holders of all other controlled copies, as listed above..

The Chairperson of the Zoning Commission and the Zoning Board of Appeals is responsible for providing all members of their respective boards with any Zoning Resolution revisions. Each respective Board member is responsible for the maintenance of their Zoning Resolution manual.

INTRODUCTION

At least once each year, the controlled hard copies of the Zoning Resolution shall be audited to ensure the most current revision. The audit should occur during the annual Organizational meetings of the Amherst Township Trustees, the Zoning Commission, and the Zoning Board of Appeals. The audit shall be reflected in the minutes of the respective meetings.

All controlled paper and electronic copies of the Amherst Township Zoning Resolution are the property of Amherst Township, and must be surrendered to Amherst Township when the holder no longer serves Amherst Township.

Additional paper and electronic copies may be made available for public use through e-mail, printing, or other means, but no attempt will be made to maintain the revision of the additional copies. These additional copies are provided for the convenience of the user, thus the user should verify the revision of their copy with the Amherst Township Zoning Inspector before modifying any building or land use in the unincorporated area.

**Article 1400
Flood Plain Regulations**

1401	Purpose.	1405	Township liability.
1402	Applicability.	1406	Permitted signs.
1403	Permitted uses.	1407	Off-street parking and loading.
1404	Specific conditions for uses in 100 year flood zones.	1408	General regulations.
		1409	Construction requirements.

1401 PURPOSE.

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the 100 year floods in the flood plain areas of the major rivers, their branches and tributaries within the Township so that the carrying capacity shall not be reduced, thereby creating danger to the areas previously not so endangered in time of high water. Said regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency.

1402 APPLICABILITY.

The regulations set forth in this Article shall apply to all land areas within a 100 year flood zone as identified by the Federal Emergency Management Agency, and shall be in addition to and supersede the regulations of the zoning district in which the land area is located.

1403 PERMITTED USES.

Areas within a 100 year flood zone shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered, only for a use specified in subsections a. and b. below.

- a. Principal Uses. The following principal uses are permitted by right provided that all requirements of this Resolution have been met.
 - 1. Agriculture,
 - 2. Nature preserves.
- b. Conditional Uses. The following are conditional uses that may be permitted in a 100 year flood zone provided they are approved for a particular zoning lot in accordance with the administrative procedures in Section 2300.
 - 1. Golf Courses,
 - 2. Parks and Playgrounds,
 - 3. Plant Nursery,
 - 4. Campgrounds.

1404 SPECIFIC CONDITIONS FOR USES IN 100 YEAR FLOOD ZONES.

All uses shall:

- a. Be so designed as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles, stilts, cantilevering or other such construction methods which will place the desired building and structures above the determined flood elevation in a safe manner. The foundation and structural supports of buildings and structures shall be so designed to withstand the anticipated level, volume and velocity of the floodwaters and to minimize the impeding of the natural flow of the floodwaters.
- b. Be constructed under said conditional use permits so as to have minimum first floor elevation of not less than three (3) feet above the established flood plain.
- c. Be designed so as not to require back filling in the flood plain areas with any material in any manner, unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment of the flood plain shall be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the flood plain would thereby result.
- d. Be designed to accommodate utilities, roads, off-street parking, railroads, dams, rivers, structures and building for public or recreational uses, so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

1405 TOWNSHIP LIABILITY.

Amherst Township shall incur no liability whatsoever by permitting any use or building within a 100 year flood zone within the Township.

1406 PERMITTED SIGNS.

The provisions of Article 1600 shall apply to all uses in a 100 year flood zone.

1407 OFF-STREET PARKING AND LOADING.

The provisions of Article 1700 shall apply to all uses in a 100 year flood zone.

1408 GENERAL REGULATIONS.

The provisions of Article 300 shall apply to all uses in a 100 year flood zone.

1409 CONSTRUCTION REQUIREMENTS.

All construction in a 100 year flood zone shall be done in accordance with local regulations currently in effect as adopted and amended.

**Article 1800
Landscaping Buffering and Screening Requirements**

- | | | | |
|------|--|------|---|
| 1801 | Purpose. | 1805 | Landscaping and maintenance of yards. |
| 1802 | Front yard landscaping. | 1806 | Approval process for required landscaping, fences, and walls. |
| 1803 | Screening and buffering when lot abuts a residential district. | | |
| 1804 | Screening and landscaping of parking lots. | | |
-

1801 PURPOSE.

Visual screening or landscape buffers shall be provided to: remove, reduce, lessen or absorb the impact between one use or zone and another; break up and reduce the impact of large parking areas; provide interest and lessen the monotony of the streetscape; obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas; and provide protection from soil erosion.

1802 FRONT YARD LANDSCAPING.

In all Multi-Family, Business, Mixed Use, and Industrial Districts the required front yard shall have a minimum 20 foot wide landscaped area across the entire length of the yard, except where such yard is traversed by a driveway, and the following minimum plant material shall be provided:

- a. One (1) tree with a caliper of at least 2 inches for each 50 lineal feet of lot frontage or fraction thereof, not including access driveways; or
- b. One (1) shrub at least 30 inches in height for each 10 lineal feet of lot frontage or fraction thereof, not including access driveways.

1803 SCREENING AND BUFFERING WHEN LOT ABUTS A RESIDENTIAL DISTRICT.

When a lot in any Business, Mixed Use, or Industrial District abuts a Residential District, and when a Multi-Family Residential (RMF-1) abuts a Single-Family Residential District, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations and shall be approved as part of the site plan required by Article 2200.

- a. Width of Buffer Yard. Each required buffer yard shall have the minimum width of 20 feet.
- b. Screening. Screening within the buffer yard shall consist of one or a combination of the following:
 1. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective all year round.
 2. A non-living opaque structure such as a solid masonry wall, solidly constructed fence, or louvered fence.
 3. A fence with openings through which light and air may pass together with a landscaped area at least 5 feet wide.
 4. A landscaped mound or berm at least 5 feet wide.
- c. Height of Screening. The height of screening shall be in accordance with the following:
 1. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 2. Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than 2 years after the initial installation.

1804 SCREENING AND LANDSCAPING OF PARKING LOTS.

Perimeter and interior landscaping of parking lots shall be provided in accordance with the regulations set forth in Section 1713.

1805 LANDSCAPING AND MAINTENANCE OF YARDS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- a. Each lot shall maintain open space with landscaping in compliance with the minimum percentage of the area of the lot specified in the district regulations, but in no case shall the minimum be less than 25% of the lot.
- b. All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.

1806 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES, AND WALLS.

The location of proposed landscaping, fence, or wall shall be reviewed and approved as part of a site plan pursuant to Article 2200. However, when a fence or wall is proposed at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved administratively by the Zoning Inspector when the Zoning Inspector determines that the proposal:

- a. Complies with the requirements of this Section;
- b. Is consistent with any previously approved plan;
- c. Is compatible with the current site development if there is no approved plan; and
- d. Will have a minimum adverse impact to the surrounding areas.

If, because of the nature and location of the proposed fence or wall, the Zoning Inspector does not make such a determination, the request shall be referred to the Zoning Board of Appeals and considered by the Commission according to the site plan and design review procedures in Article 2200.

**Article 1500
Conditional Use Regulations**

1501	Purpose.	1505	Specific standards for conditional uses in business, mixed use, and industrial districts.
1502	General criteria for all conditional uses.	1506	Schedule of regulations for conditional uses in business, mixed use, and industrial districts.
1503	Specific standards for conditional uses in residential districts.	1507	Supplemental regulations for specific uses
1504	Schedule of regulations for conditional uses in residential districts.	1508	Small wind energy conversion systems.

1501 PURPOSE.

Certain types of principal uses are classified as conditional uses because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, or potential for significant impact on a particular district. Consequently, the conditional use procedures call for a more flexible and equitable procedure for properly accommodating such activities in the community. The forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the Township's inhabitants.

In order to accomplish such a dual objective, provision is made in the Zoning Resolution for a more detailed consideration of each land use designated a conditional use in the district regulations as it may relate to the proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, processes and equipment employed, and amount and kinds of public facilities and services required, together with many other factors. Review of this information by the Zoning Board of Appeals is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Article 2300.

1502 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Sections 1502 through 1507. Furthermore, the Zoning Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- a. The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Resolution and with the objectives for the district in which located and with the Comprehensive Plan;
- b. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- c. The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- d. The hours of operation of the proposed use are similar to a use permitted in the district;
- e. The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- f. The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- g. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- h. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;
- i. The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

- j. There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;
- k. The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Article 1700 and shall provide for interconnecting circulation among adjacent parcels;
- l. If the conditional use is proposed in a residential district, the proposed use would generate only a minimum of traffic through a residential neighborhood if located on a local street.

1503 SPECIFIC STANDARDS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

In addition to the general criteria established in Sections 1501 and 1502, the following specific conditions pertaining to each use or group of uses shall apply when such uses are located in Residential Districts.

- a. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Zoning Board of Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1502.
- b. Conformance with District Regulations. A conditional use located in a Residential District shall conform to regulations of the district in which it is located, and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Article. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Article shall prevail, unless clearly indicated differently in the regulations.
- c. Exception to Height Regulations. Institutional buildings in a residential district may be erected to a height not exceeding 40 feet, provided the front, side and rear yards shall have a depth equal to not less than one and one-half the height of the building wall abutting on such yard, except that church spires, cupolas, domes, towers, and flag poles, located upon or constituted as an integral part of an institutional building may exceed the above height limitation as permitted by the Zoning Board of Appeals.

- d. Specific Development Standards.
 - 1. The Zoning Board of Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
 - 2. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
 - 3. On non-single-family lots larger than one acre, all points of entrance or exist shall be located no closer than 200 feet from the intersection of 2 arterial streets, or no closer than 100 feet from the intersection of an arterial street and a local or collector street.

- e. Regulations for Accessory Structures.
 - 1. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in residential districts in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent residential property.
 - 2. All trash receptacles shall be screened according to Article 1800.

- f. Specific Area, Width and Yard Regulations. Schedule 1504 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations. Supplemental requirements pertaining to such uses are set forth in Section 1507 and are referenced in Schedule 1504.

1504 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft)		Parking Setback (ft)		See also Section
	Area	Width (feet)	Front	Side/Rear	Front	Side/Rear	
1. Campground	10 acres	300	300	200	NP	20	1507a.1
2. Cemeteries	5 acres	300	75	50	NP	20	1507a.2
3. Public Mini-Storage Facilities	4 acres	(c)	(c)	(c)	(c)	(c)	1507a.3
4. Child day care center, nursery school, adult day care center	1 acre	150	60	50	NP	20	1507a.4
5. Gas Wells							1507a.5
6. Golf courses, public or private							
• par 3 - 9 hole course	35 acres	300	100	200	NP	20	1507a.6
• 9 hole course	60 acres	300	100	200	NP	20	1507a.6
• 18 hole course	120 acres	300	100	200	NP	20	1507a.6
7. Home for disabled persons, Family	(a)	(a)	(a)	(a)	(a)	(a)	1507a.7
8. Home for disabled persons, Group	30,000 sq ft	100	(a)	(a)	(a)	(a)	1507a.8
9. Library	1 acre	150	60	50	NP	20	--
10. Nursing home, intermediate and long-term care facility	1 acre	150	60	50	NP	20	1507a.9
11. Parks and playgrounds	5 acres	300	100	75	NP	20	1507a.10
12. Plant nursery	5 acres	300	100	75	NP	20	1507a.11
13. Public safety facilities	2 acres	200	75	75	NP	20	--
14. Schools for academic instruction, (private or parochial) and associated facilities and uses	2 acres	200	75	75	NP	20	1507a.12
15. Apartments	(a)	(a)	(a)	(a)	(a)	(a)	--
16. Senior Citizen Developments							1507a.13
17. Sportsman club	10 acres	300	100	100	100	20	1507a.14
18. Stables, riding, boarding, and show	5 acres	300	200	150	NP	20	--
19. Swimming pools, public or semipublic	5 acres	300	100	75	NP	20	1507a.15
20. Two-family dwellings	30,000 sq ft	125	50	(a)	(a)	(a)	1507a.16
21. Wireless telecommunication tower	(b)	(b)	(b)	(b)	(b)	(b)	Article 1900
22. Small Wind Energy Conversion Systems	(a)	(a)	(a)	(a)	(a)	(a)	1508

NOTES FOR SCHEDULE 1504
 (a) Shall comply with the district regulations for principal buildings.
 (b) See Article 1900.
 (c) See Section 1507a.3.
 NA = Not Applicable NP = Not Permitted

1505 SPECIFIC STANDARDS FOR CONDITIONAL USES IN BUSINESS, MIXED USE, AND INDUSTRIAL DISTRICTS.

In addition to the general criteria established in Sections 1501 and 1502, the following specific conditions pertaining to each use or group of uses shall apply.

- a. Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Zoning Board of Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1502.
- b. Compliance with District Regulations. A conditional use located in a Business, Mixed Use or Industrial District shall conform to the regulations of the district in which it is located except as otherwise specifically provided in Schedule 1506. Additional requirements pertaining to specific uses are set forth in Section 1507 and are referenced in Schedule 1506.
- c. Specific Development Conditions.
 - 1. All outside lighting shall be shielded from adjacent properties.
 - 2. The Zoning Board of Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.

1506 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN BUSINESS, MIXED USE, AND INDUSTRIAL DISTRICTS.

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
1. This row intentionally left blank			
2. Animal hospital	(a)	(a)	1507b.2
3. Automobile and other vehicle sales	2 acres	200 feet	1507b.3
4. Automobile repair garage	(a)	(a)	1507b.4
5. Car wash	(a)	(a)	1507b.5
6. Churches and other places of worship	(a)	(a)	--
7. Commercial Recreation, outdoor	5 acres	200 feet	1507b.6
8. Contractors shop	(a)	(a)	--
9. Distributing facilities	(a)	(a)	--
10. Drive-through/in facilities	(a)	(a)	1507b.7
11. Funeral home	(a)	(a)	1507b.8
12. Hospital	5 acres	200 feet	1507b.9

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
13. Kennel	(a)	(a)	1507b.10
14. Mobile home and recreational vehicle sales/ service	5 acres	200 feet	1507b.3
15. Outdoor display of goods for sale	(a)	(a)	1507b.11
16. Outdoor storage of materials in association with a principal use	(a)	(a)	1507b.12
17. Overnight storage of vehicles, trucks, and equipment for rental/leasing	(a)	(a)	--
18. Public utility transmission substation	(a)	(a)	--
19. Quarry operations, extraction of stone, minerals, top soil	100	500 feet	1507b.13
20. Sales, service and repair of agricultural implements	5 acres	200 feet	1507b.3
21. Service station	(a)	(a)	1507b.14
22. Theater, assembly hall, meeting place	(a)	(a)	--
23. Vehicle and equipment service, repair and rental	(a)	(a)	1507b.3
24. New Asphalt Shingle Grinding	50 acres	(a)	1507b.15
25. Bar, Tavern, Nightclub	(a)	(a)	1507.b.16
26. Small Wind energy Conversion Systems	(a)	(a)	1508
NOTES FOR SCHEDULE 1506: (a) Shall comply with the district regulations. NA = Not applicable.			

1507 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following are specific criteria and requirements for certain conditional uses and are in addition to the general criteria set forth in Section 1502 and the specific standards set forth in Sections 1503 and 1505.

a. Conditional Uses In Residential Districts: The symbol(s) in () indicates the district in which the use is listed as a conditional use.

1. Campgrounds. (R-AG)

- A. All water and sewer facilities shall be approved by the County Health Department.
- B. The campground and all facilities shall be maintained in a clean, orderly and sanitary condition.

- C. Retail goods may be sold on the premises only when and in locations specifically approved by the Zoning Board of Appeals, except that the sale of alcoholic beverages and games of chance shall not be permitted.
 - D. All access roads shall be maintained in an all-weather, dust-free condition.
 - E. All campers' vehicles shall display current year's license plates. No campgrounds shall be used for permanent occupancy or as a mobile home park. Travel or camping trailers and other types of recreational vehicles shall not remain on the premises for more than seven months during the calendar year.
2. Cemeteries. (R-AG)
- A. Access: The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of 2 entryways separated by at least 200 feet between centerlines.
 - B. Burial lot setback: All graves or burial lots shall be set back at least 40 feet from any lot line including a street right-of-way.
 - C. Existing cemeteries may continue to operate. Any future expansion of an existing cemetery shall comply with the requirements of this Chapter.
3. Public Mini-Storage Facilities. (R-AG)
- A. Minimum lot size is 4 acres.
 - B. Maximum lot size is 10 acres.
 - C. Minimum setbacks:
 - (1) Front, side, and rear yards abutting residential zones to be 100 feet.
 - (2) Side and rear yards abutting an active railroad or LI District to be 20 feet.
 - (3) Front yard abutting LI District to be 50 feet.
 - D. One side of the property must abut an active railroad. At least ten percent (10%) of the perimeter of the property shall abut the active railroad. Active means a one-year average of at least one train per day.

- E. No part of the project, which includes any facilities or buffers, shall extend more than 600 feet from the active railroad.
 - F. Hours of operation shall be from 7 a.m. to 9 p.m.
 - G. An earthen mound of not less than three (3) feet high shall be constructed along the frontage and on any side abutting a residential district, except the side abutting an active railroad. This mound should be landscaped with evergreens of at least three (3) feet high to provide an effective buffer.
 - H. A Site Plan must be submitted addressing all requirements of the Township Application to this construction.
 - I. All outside lighting shall be shielded from adjacent properties.
4. Child Day Care Center, Nursery School, Adult Day Care Center: (R-AG, RMF-1, R-1, R-2)
- A. In a R Single-Family District, such use shall comply with the following when located in a place of worship or school facility:
 - (1) Outside areas for activities shall be located in the side or rear yard, fenced for the protection of the children and screened from any abutting residential lot.
 - (2) Parking spaces required for the day care facility shall be on the same lot as the principal use.
 - (3) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children.
 - B. In a Multi-Family or Manufactured Home Park District such use shall comply with the requirements of subsection (1) above and with the following:
 - (1) Access drives shall be located no less than 100 feet from an intersection.
 - (2) The location and design of the facility shall provide for the protection of the patrons from the traffic, noise, and other hazards of the area and/or the arterial street location.
 - C. Such use, as a freestanding facility on its own lot, may be considered in a single-family zoning district when:

- (1) It is located along a major street;
 - (2) It is not situated in the midst of an otherwise single-family residential neighborhood; and
 - (3) It is adjacent to or in proximity to higher density residential or non-residential zoning and/or development.
- D. A child day-care home, as defined in the Zoning Resolution, is considered a residential use of property for zoning purposes and shall be permitted by right in all residential zoning districts.
- 5. Gas Wells: (R-AG) (LI) See ORC 1509.
- 6. Golf Courses: (R-AG, RMF-1)
 - A. Course layout shall be directed away from all surrounding residential areas and roads. Plans shall include the layout of the golf course.
 - B. Pro shops and sale of goods incidental to the principal use shall be permitted if contained within the principal building or structure.
 - C. Swimming pools shall comply with the requirements of subsection of this section.
 - D. A minimum 6 ft. high fence shall be provided around all recreation areas (tennis courts, swimming pools and shuffle boards) in order to permit access only to members.
- 7. Home for Disabled Persons, Family. (R-AG, R-1, R-2, RMF-1):
 - A. The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
 - (1) The resident intends to live at the dwelling on a continuing basis; and,
 - (2) The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.

- B. Prior to a disabled person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is disabled as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Zoning Board of Appeals for each disabled person who resides in the home after a conditional use permit is granted;
- C. The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;
- D. In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;
- E. Signs or other means of identification as a family home for disabled persons shall not be permitted;
- F. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
- G. In considering whether to grant the conditional use permit, the Zoning Board of Appeals shall take into consideration the proximity and location of other such homes for disabled persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for disabled persons is located;
- H. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
- I. The residential home shall meet local fire safety requirements for the proposed use and level of occupancy;

- J. Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing Township regulations.
8. Home for Disabled Persons, Group. (R-2, RMF-1)
- A. Each facility shall comply with the 30,000 sq. ft. minimum lot area required in Schedule 1504, and shall accommodate no more beds than one bed for every 3,000 square feet of lot area in a R-2 district and one bed for every 1,800 square feet of lot area in a RMF-1 district.
 - B. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 - C. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
 - D. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
 - E. In considering whether to grant the conditional use permit, Zoning Board of Appeals shall take into consideration the proximity and location of other such homes for disabled persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for disabled persons is located;
 - F. Residents shall either be disabled as defined by the Zoning Resolution or be 62 years of age or older.
9. Nursing Homes, Intermediate and Long-term Care Facilities: (RMF-1)

- A. Such uses shall be located adjacent to a major street or at an intersection with a major street, or, when in a multi-family district, it shall abut a commercial district.
 - B. Access drives shall be located no less than 100 feet from an intersection.
 - C. Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.
10. Parks and Playgrounds: (R-AG, R-1, R-2, RMF-1, R-MHP)
- A. Uses which may be approved as part of a park or playground include softball/baseball fields, multi-use paved areas, landscaped areas, picnic areas, playground apparatus areas, field house, and other similar public recreation uses as approved by the Zoning Board of Appeals.
 - B. No amplification equipment shall be permitted.
11. Plant Nursery: (R-AG) (Less than 5 acres)
Operations at plant nurseries shall comply with the following restrictions:
- A. No burning or storage of dead plant material.
 - B. When used, only chemicals that are accepted by the Department of Agriculture shall be used. All chemical spraying shall be directed so as to not affect adjacent properties.
 - C. When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.
12. Schools For Academic Instruction (Private or Parochial), and associated facilities and uses: (R-AG, R-1, R-2, RMF-1)
- A. Such uses should be located on a major street or have direct access to a major street without going through a residential neighborhood to lessen the impact on the residential area.
 - B. In any district, the Zoning Board of Appeals may require (when appropriate) all outdoor children's activity areas to be completely fenced to minimize traffic hazards.
 - C. Associated uses such as a convent, cafeteria, field house and infirmary shall be located on the same lot as a place of worship or public, private or

parochial school and shall comply with the building setback requirements set forth in 1504.

13. Senior Citizen Developments. (RMF-1)

In any RMF Multi-Family District, a multi-family development that is to be exclusively devoted to Senior Citizen Apartments, shall comply with the minimum dwelling unit floor area specified below:

- A. For an efficiency suite: 400 square feet.
- B. For a one-bedroom unit: 500 square feet.
- C. For a two-bedroom unit: 600 square feet.

To qualify as a senior citizen apartment development the applicant shall present documentation to the satisfaction of the township's legal advisor that ensures that the multi-family dwelling units are constructed for and perpetually reserved for senior citizen apartments.

14. Sportsman Club. (R-AG)

- A. The location and layout of all firing ranges shall be clearly indicated on the development plan and approved by the Zoning Commission.
- B. The entire firing range shall be enclosed with a fence having a minimum height of 4 feet and shall be properly posted. Other protective devices may be required by the Zoning Commission.
- C. Retail sales of associated items clearly incidental to the intended use may be permitted except that the sale of alcoholic beverages shall be prohibited. Such sales shall be conducted wholly within an enclosed building and no sign indicating such activities shall be permitted.

15. Swimming Pools, Public or Semi-Public: (R-AG, RMF-1)

- A. All pools shall be located within an enclosed structure or completely surrounded by a fence or wall having a height not less than four feet six inches, and shall be kept locked at all times the pool is not in use.
- B. All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three inches in width, except for doors, gates and windows which shall be equipped with suitable locking devices

to prevent unauthorized access. Access secured accessory buildings and walls of principal buildings may be used in place of, or as part of, the enclosure.

- C. The Zoning Board of Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.

16. Two-family Dwellings. (R-2)

- A. Two-family units may be considered in locations where the proposed site:

- (1) Is along a major street;
- (2) Is not situated in the midst of an otherwise single-family residential neighborhood;
- (3) Is adjacent to or in proximity to higher density residential or non-residential zoning and/or development; and
- (4) Is in a location where single-family development is not practical or desirable and the Township does not support any higher density or non-residential development on the site or in the vicinity.

- B. Each unit of a two-family dwelling shall comply with the minimum living area requirement for single-family units in the R-2 district as set forth in Section 606.

- b. **Conditional Uses In Non-Residential Districts:** The symbol(s) in () indicates the district in which the use is listed as a conditional use.

1. Section 1507.b.1 intentionally left blank.

2. Animal Hospital. (GB-1, MU-2)

- A. There shall be no kennels or facilities for the boarding of animals except to allow indoor overnight lodging only as necessary for animals receiving medical attention.

- B. Adequate sound proofing shall be provided for all buildings to minimize noise levels.

3. Automobile and Other Vehicle Sales (GB-1, MU-1); Mobile Home and Recreational Vehicle Sales/Service (LI)

- A. All operations other than vehicle, equipment or mobile home display and sales shall be conducted in a totally enclosed building.
 - B. Outdoor display of vehicles equipment or mobile homes for sale shall be located within an approved parking lot or paved surface.
 - C. Servicing of vehicles or equipment, of the type sold at the facility, shall be permitted as an accessory use.
 - D. Lighting for all areas used for display of vehicles, equipment or mobile homes shall be directed away from adjoining property and public streets, and in accordance with a plan approved by the Zoning Board of Appeals.
 - E. Outdoor storage of licensed vehicles to be repaired shall be permitted according to the regulations in Section 1507.b.14.
 - F. Outdoor storage of unlicensed and inoperable junked vehicles is permitted for not more than 48 hours and shall be stored in compliance with the regulations in Section 1507.b.14.
4. Automobile Repair Garage: (GB-1, MU-1)
- A. Buildings used for such purposes shall be located a minimum of 75 feet from any residential district.
 - B. Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.
 - C. No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the building on the premises, unless the Zoning Board of Appeals specifically approves the location and screening.
5. Car Wash Facility: (GB-1, MU-1)
- A. Sand/Grease Trap - A sand/grease trap for waste water with a minimum capacity of 120 cubic feet shall be provided within the building for protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board practices.
 - B. Services - All washing and related services, whether automated or self-serve, shall be performed in an area covered by a permanent structure, with the exception that drying of vehicles may be conducted in the open.

- C. Facilities utilizing an automated conveyance wash system, the building shall be located a minimum of 40 feet from a residential district.
 - D. The area for the facility shall be located in the lot so as to utilize the maximum amount of area to accommodate vehicles which are stacking, or waiting, to be served.
 - E. All car washes shall recycle their waste water as a step to meeting the township's NPDES (National Pollution Discharge Elimination System) Phase II Requirements.
6. Commercial Recreation, Outdoor (GB-1, LI)
- A. Minimum setback from any street right-of-way or Residential District:
 - (1) 300 feet for any use which includes motorized vehicles including but not limited to, miniature race cars, boats etc. Distance may be reduced to not less than 100 feet if it can be demonstrated that, because of topography and/or additional noise reduction measures, the adverse impacts on adjacent residential districts can be mitigated.
 - (2) 100 feet for all other commercial recreation uses.
 - B. All active recreation areas shall be enclosed by a fence having a minimum height of five feet, unless a different enclosure is approved by the Zoning Board of Appeals.
 - C. Access drives shall be no closer than 200 feet from an intersection of two arterial streets or within 100 feet from an intersection of an arterial and a local street.
 - D. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Zoning Board of Appeals may require all applicable surface areas to be paved, and 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.
 - E. All structures including lighting fixtures shall have a maximum height of 35 feet.

- F. Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of fire arms shall not be permitted.
 - G. Public restrooms shall be provided and maintained.
7. Drive-through/in Facilities (NB-1, GB-1, MU-1)
- A. Access drives shall be no closer than 100 feet from an intersection; and two access drives shall not be located within 35 feet.
 - B. Drive-through/in facilities shall be separated from customer parking areas and located to minimize any adverse impacts on pedestrians when entering the building.
 - C. The hours of operation may be restricted by the Zoning Board of Appeals.
 - D. A loud speaker system shall be approved as part of the site plan and shall not create a nuisance.
 - E. Should be located as far from adjacent residential districts as is practicable.
8. Funeral Home: (GB-1)
Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area.
9. Hospital. (GB-1, MU-1, MU-2)
A hospital shall be located on a major street or at an intersection with a major street.
10. Kennels. (GB-1)
- A. Adequate sound proofing shall be provided for all buildings to minimize noise levels and animals shall be properly managed to control noise in outdoor activity areas.
 - B. All outdoor activity areas shall be enclosed by a fence having a minimum height of 6 feet. Such fenced areas shall be located a minimum of 100 feet from any property line.
 - C. Manure piles shall be disposed of daily in a sanitary, nonodorous condition. Open manure piles shall not be permitted.

11. Outdoor Display of Goods for Sale (GB-1)
 - A. Shall comply with the minimum yard requirements in Section 1004 except vehicles for sale are permitted pursuant to the regulations in Section 1507.b.3.
 - B. Shall not be located in areas intended for traffic circulation.

12. Outdoor Storage of Materials in association with a Principal Use (GB-1, LI)
 - A. Outdoor storage areas shall comply with the principal building setbacks for the district.
 - B. Storage of materials should be screened in accordance with the applicable subsections of Article 1800, and materials shall not be piled, stacked or otherwise stored higher than the top of the screen.
 - C. No portion of a site shall be used as a dump.
 - D. Locations should offer natural or manmade barriers to mitigate impacts on Residential Districts.

13. Quarry Operations, Extraction of Stone Minerals, Top Soil: (LI)

Any owner, lessee or other person having an interest in mineral lands may file with the Zoning Board of Appeals an application for authorization to mine minerals therefrom, provided, however, that the applicant shall comply with all requirements of the District in which said property is located, and with the following additional requirements.

 - A. No quarrying operation shall be carried on or any stock pile place closer than 50 feet to any property line, unless a greater distance is specified by the Zoning Board of Appeals where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of abutting property.
 - B. No part of such operation shall take place closer than 25 feet to a public right-of-way.
 - C. A minimum of 6' fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Zoning Board of Appeals such fencing is necessary for the protection of the public safety. The fence shall be of a type specified by the Zoning Board of Appeals.

- D. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
 - E. Crushing, washing and refining or other similar processing may be authorized by the Zoning Board of Appeals as an accessory use, provided, however that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
 - F. A performance bond shall be required, the sum of which shall be determined by the Township Trustees, which shall be held during the operation of the extraction process and for a period not to exceed 365 days after removal of equipment from the site.
 - G. In addition to the submission requirements for a conditional use, an application for quarrying or extraction operations shall include the following:
 - (1) Name of owner(s) of land from which removal is to be made.
 - (2) Name of entity conducting the actual removal operations.
 - (3) Location of processing plant to be used.
 - (4) Type of resources or materials to be removed.
 - (5) Proposed method of removal and whether or not blasting or other use of explosives will be required.
 - (6) Description of equipment to be used.
 - (7) Method or rehabilitation and reclamation of the mined area.
14. Service Station. (NB-1, MU-1)
- A. All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere herein.
 - B. The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan. Inoperable or junk vehicles shall not remain on the premises for periods exceeding 30 days.

- C. The facility shall also comply with the standards set forth in Section 1010 for service stations.

15. New Asphalt Shingle Grinding. (LI)

- A. The grinding of new asphalt shingles shall be conditionally permitted in the Light Industrial Zoning District. The following conditions shall be met:
 - (1) No part of the operation (stockpiles or crusher) shall be closer than 500 feet from the nearest public right of way.
 - (2) No part of the operation (stockpiles or crusher) shall be closer than 800 feet from the nearest residence.
 - (3) The operation shall not be visible from the nearest public highway or any adjoining property.
 - (4) The minimum total acreage shall be 50 acres.
 - (5) Both processing and raw material storage shall not occupy an area larger than 20 acres. Maximum of 10 acres for raw material and 10 acres for processed material.
 - (6) Raw or processed piles of shingles shall not exceed 35 feet.
 - (7) The operation shall be limited to one grinder.
 - (8) The maximum amount of material to be ground is 104,000 tons annually.
 - (9) The hours of operation shall be eight hours per day, five days a week. Grinding shall not occur earlier than 7 a.m. or later than 5 p.m.
 - (10) All trucks will use main routes, avoiding residential streets.
 - (11) All trucks will be weighed, using a certified scale, on both the incoming and outgoing trip. Records shall be available for review by request.
 - (12) The operation will be in compliance with all applicable local, state, and federal regulations.
 - (13) No used, construction, or demolition debris shall be stockpiled or ground.
 - (14) A performance bond shall be required, the sum of which shall be determined by the Zoning Board of Appeals, which shall be held during the operation of the shingle grinding process and for a

period not to exceed 365 days after cessation of the grinding operation.

16. Bar, Tavern, Nightclub. (GB-1)
 - A. 500 feet setback from Residential District.
 - B. 500 feet setback from Child/Adult Day Care Center.
 - C. 500 feet setback from schools, playgrounds, churches, Township parks, cemeteries and other public institutions.
 - D. A minimum 6 ft. high privacy fence shall be provided around any outdoor extension of business where alcohol consumption is permitted. No bands, karaoke, or other entertainment shall be conducted outdoors.

1508 SMALL WIND ENERGY CONVERSION SYSTEMS.

This resolution establishes minimum requirements for Small Wind energy Conversion Systems and regulates the placement of such systems within Amherst Township.

Wind energy is a recognized, renewable and nonpolluting energy resource, and its conversion to electricity may reduce dependence on nonrenewable energy sources.

a. Zoning Districts:

Small Wind Energy Conversion Systems shall be Conditional Use in the following Districts: (R-AG), (GB-1), (LI).

b. Definitions:

1. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, with an aggregate generation capacity of less than five (5) megawatts and which is intended primarily to reduce on-site consumption of utility power.
2. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.
3. Tower: Either the freestanding, guyed, or monopole structure that supports a wind generator.
4. Total Height: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

c. Standards:

1. Set Backs: A wind tower for a small wind energy conversion system must be set back:
 - A. A distance equal to 1.1 times its total height from any public road right of way.

- B. A distance equal to 1.1 times its total height from any overhead utility lines.
 - C. A distance equal to 1.1 times its total height from all property lines.
 - D. To provide for a “clear fall zone” that shall be maintained at all times the turbine or tower is standing.
2. Total Height: The overall height of a small wind energy conversion system shall be equal to or less than 140 feet.
 3. Sound: The wind turbine shall have a manufacturer’s specification not to exceed 60 decibels at a distance of 60 feet.
 4. Blade Clearance: The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least 30 feet.
 5. Access: All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 12 feet of the ground that is readily accessible to the public.
 6. Electrical Wires: All electrical wires associated with a small wind energy conversion system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.
 7. Lighting: A wind tower and generator may be artificially lighted only if lighting is required by the Federal Aviation Administration.
 8. Appearance, Color, and Finish: The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
 9. Signs: At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. No sign, other than a warning sign or installer, owner, or manufacturer identification sign, may be placed on any component of a small wind energy conversion system.
 10. Code Compliance: A small wind energy conversion system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

11. Signal Interference: The owner of a small wind energy conversion system must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
12. Utility Interconnection: A small wind energy conversion system that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

d. Permit Requirements:

1. Building Permits: Applicants for all small wind energy conversion systems and part thereof shall obtain all applicable Building Permits from the State of Ohio, County, and Township Building Regulators, as required.
2. FAA Regulations: The system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulation regarding installations close to airports.

e. Abandonment:

See Article 2308.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Twp. Trustees
11/12/02	1506 1507	In Section 1506, Corrections to table, added #24 to table. In Section 1507, Added 15 New Asphalt Shingle Grinding to subsection “b”. Ref. Motion 11/03/02. Effective date 12/12/02.	Twp. Trustees
12/25/03	Schedule 1506.1 Section 1507.b.1	In Schedule 1506.1, Removed “Adult Uses”, “(a)”, “(a)”, and “1507.b.1” from table. In Section 1507.b.1, content was moved to newly created Section 316. Reference: Resolution 11/8/03	Twp. Trustees
3/11/04	Schedule 1506	Added 1506.25 Reference: Resolution 2/3/04	Twp. Trustees
3/11/04	1507.b	Added 1507.b.16: Bar, Tavern, Nightclub” Reference: Resolution 2/3/04	Twp. Trustees
3/11/04	1507.b.5	A. Added “/Grease” to Sand trap. B. Corrected typing error. Changed “use” to “permanent structure”. E. Added this section. Reference: Resolution 2/4/04	Twp. Trustees
11/24/05	1504 1507	In Schedule 1504, deleted “4. Gas well”. In Section 1504.a.4, added “RMF-1”. In Section 1507.a.5, deleted “See Subsection 1507.b.9”. In Section 1507.b.3.D, added a coma (,) after vehicles. In Section 1507.b.3.E & F, corrected “1507.b.13” to “1507.b.14”. In Section 1507.b.15.A.(14), changed “Township Trustees” to “Zoning Board of Appeals”. Ref. Motion 10/10/05. Effective date 11/24/05.	Twp. Trustees

**Article 1600
Sign Regulations**

1601	Purpose.	1609	Signs exempt from regulation.
1602	Classification of signs.	1610	Criteria for the illumination and construction of signs.
1603	Computations.	1611	Maintenance.
1604	Maximum sign area permitted.	1612	Prohibited signs.
1605	Maximum height and minimum setback for freestanding signs.	1613	Sign approval procedures.
1606	Regulations for projecting signs.	1614	Regulations for nonconforming signs.
1607	Supplemental regulations.		
1608	Temporary signs.		

1601 PURPOSE.

In the interest of promoting the general health, safety and welfare of residents of Amherst Township, these sign regulations are herein established to provide for the use, location and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area. More specific purposes are to:

- a. Promote and maintain attractive, high value residential, commercial and industrial districts.
- b. Provide reasonable, yet appropriate, conditions for identifying institutions, businesses and industrial establishments.
- c. Control the size and location of signs so that they will be aesthetically harmonious with their surroundings.
- d. Eliminate any conflict which would be hazardous between private signs and traffic control signs and devices.
- e. Provide review procedures which enable the Township to comprehensively evaluate the appropriateness of the sign to the site, building and surroundings.
- f. Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- g. Prohibit all signs not expressly permitted by this Resolution.

In establishing these purposes, the Township has determined that signs which do not comply with these regulations with respect to type, size, location, and number are a public nuisance and must be abated. Non-complying signs are unduly distracting to motorists and

pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public.

1602 CLASSIFICATION OF SIGNS.

For the purposes of these regulations, a sign shall include any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations.

Signs shall be further classified by physical characteristics and function according to the following:

a. Physical Characteristics.

1. Canopy or Awning Sign: A sign painted on or attached to the soffit or fascia of a canopy or awning provided such sign shall not be placed on top or project above the canopy or awning.
2. Emblem: Any device, symbol, design or figure not otherwise defined in this section, which is used as an advertisement and which may include, but is not limited to banners, lights, balloons, and site or building sculpture.
3. Freestanding Sign: A sign which is supported by one or more uprights or braces in or upon the ground and is not supported by a building.
4. Projecting Sign. A sign erected on the outside wall of a building and which is perpendicular to the outside wall of the building.
5. Temporary Sign: A sign that is used only for a predetermined period of time and is not permanently mounted. Temporary signs include portable signs.
6. Wall Sign: A sign erected parallel to or affixed on the outside wall of any building, and not extending more than 18 inches therefrom, and which does not project above the parapet wall or roofline or beyond the corner of the building.
7. Window Sign: A sign on the inside of a building affixed to, or near, a window for the purposes of being visible to and read from the outside of the building.
8. Rooftop Sign: A sign erected perpendicular to or projecting from the roof of any structure. *See Prohibited Uses (Ref. Section #313).

b. Function.

1. Construction Sign: A temporary sign identifying a building project only during the time of construction, including new construction, additions and renovations.
2. Directional Sign: A sign located to guide customers to and from the street and to various locations around the site. Examples of directional signs include “Entrance Only”, “Exit”, “One-Way”, “No Parking, Fire Lane”, and “Right Turn Only”.
3. Identification Sign: A permanent sign which identifies, describes or otherwise promotes a commercial enterprise or a residential subdivision. An identification sign may be a canopy or awning, freestanding, projecting, wall or window sign as defined in subsection (a) of this section.
4. Institutional Identification Sign: A sign erected on the property of a place of worship, school, public library or other institution or public facility which identifies the name, organization, and activities related to the institution which occupies such property.
5. Instructional Sign: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. Examples of instructional signs include "Honk Horn for Service", "Restrooms Inside", "Parking for Customers Only", "Parking for Residents Only", menu boards, drive-up tellers, and "self-serve" signs.
6. Political Sign: A temporary sign advocating action on a public issue, promotion of a candidate for public office, or other ballot-oriented objectives.
7. Real Estate Sign: A temporary sign which directs attention to the rental, sale or lease of the property on which the sign is located.
8. Safety or Regulatory Sign: A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Safety and regulatory signs include "No Parking Fire Lane" and “Disabled Parking”.

1603 COMPUTATIONS.

The following principles shall control the computation of sign area and sign height.

a. Sign Area or Dimension.

1. For a sign which is framed, outlined, painted and otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame of each sign face.
2. For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding sign, the area of a sign shall encompass a regular, or a combination of regular geometric shapes which form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements.
3. Billboards must conform to the same size limitations as a freestanding sign.
*See Prohibited Uses (Ref. Section #313).
 - A. Billboards are permitted in LI, MS-1, and GB-1 Districts.
 - B. Billboards are a conditional permitted use in R-AG Districts.
4. A freestanding or projecting sign shall have no more than two display surfaces provided that the two display surfaces are arranged back-to-back, and not more than 12 inches from each other. Each display surface shall be considered a sign face, and the maximum sign area permitted according to the regulations in Schedule 1604 shall mean the maximum area per sign face.
5. The total window area of a building shall be the total glass area which is comprised of the sum of the glass area of each window on the first floor of the wall of a building facing a public street, provided that for the purposes of these regulations, the height of windows on the first floor shall be that portion of the window within 15 feet of the grade. If a window panel is separated from another window panel by an opaque area of less than four inches, the panels shall be considered as part of the same window.
6. Any projecting, canopy or awning sign shall be included in the total allowance for wall signs except that projecting signs under a canopy or awning with the primary purpose of informing pedestrians walking under such canopy or awning shall be excluded from the total allowance for an identification wall sign.

7. In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Board of Appeals shall have the final responsibility for making such determination.

- b. Sign Height. The height of a freestanding sign shall be measured from the base of the sign or supporting structure at normal grade to the top of the highest element. Normal grade shall be (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, or mounding solely for the purpose of locating the sign.

- c. Building Frontage. The building wall that faces the street or that contains the main entrance to the use(s) in the building shall be considered the front of the building. When used as the basis for determining sign area, the building frontage shall be calculated according to the following:
 1. The building frontage shall be measured along the front wall between the exterior faces of the exterior side walls.
 2. In the case of an irregular wall surface, a straight line extended along the front wall surface shall be used to measure the length.
 3. For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be the face area of the building which either faces the street or has the main entrance.
 4. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

1604 MAXIMUM SIGN AREA PERMITTED.

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedule 1604.

Schedule 1604
MAXIMUM PERMITTED AREA PER SIGN FACE

Type of Sign	R-AG, R-1, R-2, RMF-1	NB-1, GB-1, MS-1, MU-1, MU-2 & LI
1. Construction	8 sq.ft. (see also section 1607.a)	32 sq.ft.
2. Identification (Business and Subdivisions)		
a. Free-Standing	32 sq.ft.	50 sq.ft. ^(A) ^(B)
b. Projecting	Not Permitted	18 sq.ft. ^(C)
c. Wall	Not Permitted	1.5 sq.ft. per lineal foot of building frontage
d. Window (Permanent)	Not Permitted	10% of windows ^(D)
e. Window (Temporary)	Not Permitted	40% of Windows ^(D)
3. Instructional	Not Permitted	See Section 1607.c
4. Institutional Identification	See Section 1607.b	Shall comply with the regulations in (1) through (3) above
5. Name Plates	2 ^(E)	4
6. Political	8 sq.ft.	8 sq.ft. ^(F)
7. Real Estate	8 sq.ft.	32 sq.ft.

Notes to Schedule 1604

^(A) Area may be increased for signs with greater setback or located on large lots according to Section 1607(e).

^(B) One permanent freestanding identification sign shall be permitted per zoning lot except as provided in Section 1607(d).

^(C) See 1606 for additional regulations for projecting signs.

^(D) The combined area of temporary and permanent window signs shall not exceed 40% of the total window area.

^(E) 4 square feet for each institutional or multiple family building.

^(F) Temporary signs erected in relation to a public vote shall be erected no more than 30 days before such vote and shall be removed within 10 days after such vote.

1605 MAXIMUM HEIGHT AND MINIMUM SETBACK FOR FREESTANDING SIGNS.

Free-standing signs as permitted in the respective zoning districts shall conform to the maximum height and minimum setback regulations set forth in Schedule 1605.

**Schedule 1605
MAXIMUM HEIGHT AND MINIMUM SETBACK
FOR FREESTANDING SIGNS**

	R-AG, R-1, R-2, RMF-1	NB-1, GB-1, MS-1, MU-1, MU-2 & LI
Maximum Height	7 feet ^(b)	7 feet ^{(a) (b)}
Minimum Setback from right-of-way	5 feet	5 feet
^(a) Height may be increased according to Section 1607(e). ^(b) See 1603 (b)		

1606 REGULATIONS FOR PROJECTING SIGNS.

- a. Only one projecting sign shall be permitted per building unit.
- b. The lowest part of the sign shall be a minimum of 8 feet above ground level.
- c. It shall not project out more than 4 feet from the building.

1607 SUPPLEMENTAL REGULATIONS.

The following sign regulations are in addition to the maximum sign area and height regulations set forth in Sections 1605 and 1606.

- a. Construction Signs. One free-standing construction sign no more than 32 square feet in area and no more than 7 feet in height shall be permitted while a subdivision is under construction for a period not to exceed 15 months unless extended by the Zoning Inspector.
- b. Institutional Identification Signs in Residential Districts. Identification signs for institutional uses in a Residential District shall be permitted according to the following regulations:

1. One free-standing identification sign shall be permitted provided such sign is setback from the right-of-way a minimum of 5 feet; does not exceed 7 feet in height; and does not exceed 32 square feet per sign face.
 2. One wall sign not to exceed 8 square feet which is a bulletin board or directory.
 3. One additional wall sign shall be permitted provided the area of such sign does not exceed 1 square foot per lineal foot of building frontage, and further complies with all of the following conditions:
 - A. Shall be comprised of raised letters permanently attached to the finished wall surface;
 - B. Shall not be internally illuminated; and
 - C. Shall not be constructed of plastic or wood materials.
- c. Instructional Signs. Signs that are clearly intended for instructional purposes and, as determined by the Zoning Inspector, as authorized, are not larger than necessary to serve the intended instructional purpose nor are in locations which can be viewed and read from a public street shall not be included in the sum of the area of identification signs. Any such sign which is either greater than 10 square feet or is within 20 feet of the right-of-way shall be approved by the Zoning Board of Appeals according to the procedures pursuant to Section 1611 of this Article.
- d. Basic Criteria for Freestanding Signs.
1. Freestanding signs are only permitted on a lot when the principal building is set back from the street right-of-way a minimum of 25 feet and the lot frontage is a minimum of 100 feet.
 2. One additional freestanding sign may be permitted on a corner lot provided that:
 - A. The total lot frontage on both streets is not less than 200 feet;
 - B. The area of each freestanding identification sign complies with Schedule 1604 and the total area of both freestanding signs shall not exceed 175 percent of the maximum area permitted for a single sign;
 - C. The second freestanding sign shall be located on the secondary street; and
 - D. The two signs may be aggregated into a single sign at the corner provided that the area shall not exceed 70 square feet.

- e. Additional Area and Height Permitted for Free Standing Identification Signs in Non-Residential Districts. The allowable area and height of freestanding signs may be increased according to the following conditions:
 - 1. An additional one-half square foot of sign area shall be permitted for every lineal foot of setback greater than 5 feet, provided that no sign greater than 50 square feet shall be located closer than 25 feet to the right-of-way; and further provided that the maximum area of any free-standing sign shall not exceed 100 square feet; (see Schedule 1607e.1 on the following page)

Schedule 1607e.1
PERMITTED ADDITIONAL AREA
FOR FREESTANDING SIGNS LOCATED IN
NB-1, GB-1, MS-1, MU-1, MU-2, AND LI DISTRICTS

Setback (feet)	Area (sq. ft.)	Setback (feet)	Area (sq. ft.)	Setback (feet)	Area (sq. ft.)	Setback (feet)	Area (sq. ft.)
6	0.5	31	13.0	56	25.5	81	38.0
7	1.0	32	13.5	57	26.0	82	38.5
8	1.5	33	14.0	58	26.5	83	39.0
9	2.0	34	14.5	59	27.0	84	39.5
10	2.5	35	15.0	60	27.5	85	40.0
11	3.0	36	15.5	61	28.0	86	40.5
12	3.5	37	16.0	62	28.5	87	41.0
13	4.0	38	16.5	63	29.0	88	41.5
14	4.5	39	17.0	64	29.5	89	42.0
15	5.0	40	17.5	65	30.0	90	42.5
16	5.5	41	18.0	66	30.5	91	43.0
17	6.0	42	18.5	67	31.0	92	43.5
18	6.5	43	19.0	68	31.5	93	44.0
19	7.0	44	19.5	69	32.0	94	44.5
20	7.5	45	20.0	70	32.5	95	45.0
21	8.0	46	20.5	71	33.0	96	45.5
22	8.5	47	21.0	72	33.5	97	46.0
23	9.0	48	21.5	73	34.0	98	46.5
24	9.5	49	22.0	74	34.5	99	47.0
25	10.0	50	22.5	75	35.0	100	47.5
26	10.5	51	23.0	76	35.5	101	48.0
27	11.0	52	23.5	77	36.0	102	48.5
28	11.5	53	24.0	78	36.5	103	49.0
29	12.0	54	24.5	79	37.0	104	49.5
30	12.5	55	25.0	80	37.5	105	50.0

Based on a setback greater than 5 feet, the following formula is used:
 $(\text{total setback} - 5) \div 2 = \text{additional square foot area}$
 Example for 50 feet setback: $(50 - 5) \div 2 = \text{additional square foot area, or}$
 $45 \div 2 = 22.5 \text{ additional sq. ft.}$

2. An additional 1 square foot of sign area shall be permitted for every 3 lineal feet of lot frontage greater than 300 feet provided that the maximum area of any free-standing sign shall not exceed 100 square feet; and

Schedule 1607e.2
PERMITTED ADDITIONAL AREA
FOR FREESTANDING SIGNS LOCATED IN
NB-1, GB-1, MS-1, MU-1, MU-2, AND LI DISTRICTS

Lot Frontage (feet)	Area sq.ft.	Lot Frontage (feet)	Area sq.ft.	Lot Frontage (feet)	Area sq.ft.	Lot Frontage (feet)	Area sq.ft.
303	1.0	342	14.0	378	26.0	417	39.0
306	2.0	345	15.0	381	27.0	420	40.0
309	3.0	348	16.0	384	28.0	423	41.0
312	4.0	351	17.0	387	29.0	426	42.0
315	5.0	354	18.0	390	30.0	429	43.0
318	6.0	357	19.0	393	31.0	432	44.0
321	7.0	360	20.0	396	32.0	435	45.0
324	8.0	363	21.0	399	33.0	438	46.0
327	9.0	366	22.0	402	34.0	441	47.0
330	10.0	369	23.0	405	35.0	444	48.0
333	11.0	372	24.0	408	36.0	447	49.0
336	12.0	375	25.0	411	37.0	450	50.0
339	13.0			414	38.0		

Based on a lot frontage of more than 300 feet, the following formula is used:
 $(\text{total lot frontage} - 300) \div 3 = \text{additional square foot area}$
 Example for 345 foot lot frontage: $(345 - 300) \div 3 = \text{additional square foot area}$
 $45 \div 3 = 15 \text{ additional sq. ft.}$
 Example for 400 foot lot frontage: $(400 - 300) \div 3 = \text{additional square foot area}$
 $100 \div 3 = 33.333 \text{ additional sq. ft.}$

3. All freestanding signs shall comply with the height regulations pursuant to Schedule 1605, except that the maximum height of freestanding signs which meet both of the conditions in subsections (1) and (2) shall be 10 feet.

f. Area Bonuses for Wall Signs.

1. Large Building Setbacks. The maximum allowable area for identification wall signs may be increased by one-half square foot of sign area for each foot of building frontage when the principal building is set back more than

200 feet from the principal street on which the building is located. The sign area may also be increased by one-half square foot of sign area for each lineal foot for that portion of the building which is more than 200 feet from the street and facing such street when the additional sign area is included in a sign placed on that portion of the building.

2. Corner Lots and Side and Rear Entrances. For any business, office, or industrial use which is on a corner lot or has a customer entrance facing a parking lot (when such parking lot does not face the main street), the maximum allowable area for identification signs may be increased for each additional frontage, with such increase being calculated as 40% of the allowable area if the additional walls adjacent to side streets or parking lots were considered a front wall (length of wall x 1.5 x .40). The total allowable sign area permitted by Schedule 1604 and this section may be allocated to the wall surfaces as determined by the Zoning Inspector.

- g. Visibility at Intersections. Notwithstanding the minimum setback requirements in Schedule 1605 and subsection (e) above, no sign shall be permitted to be located within 15 feet of the right-of-way at any intersection of a private entrance/exit and any public street.

- h. Distance from Side Lot Lines. All freestanding signs shall be a minimum of 20 feet from a side lot line when adjacent to a non-residential zoning district and 40 feet when adjacent to a residential zoning district.

- i. Changeable Copy. Any sign may include changeable copy where the message or graphics are not permanently affixed to the structure framing or background and may be periodically replaced, either manually or electronically, provided that the message shall not move or flash in any manner more than once over 10 seconds. When reviewing the proposed sign, the Zoning Inspector shall consider and establish the standards applicable for the changeable copy which may include, but are not limited to:
 1. determining the portion of the sign permitted for changeable copy;
 2. determining the suitable material and method for making changes and the manner for fastening the new copy; and
 3. establishing the color and design criteria.

These standards shall be set forth in the sign permit and shall apply for the life of the sign unless otherwise amended by the Zoning Commission.

1608 TEMPORARY SIGNS.

The following regulations are in addition to the maximum sign area and height regulations set forth in Sections 1604 through 1605.

- a. Residential Districts. Temporary signs, including real estate availability signs, special events signs, political signs and other similar signs are permitted in Residential Districts subject to the following provisions:
 1. Each residential unit shall be permitted to erect one temporary sign either in a window or as a freestanding sign in the front yard. Such temporary sign shall be displayed for a duration not to exceed 45 days.
 2. Each residential unit may erect an additional four temporary signs for a period not to exceed 45 consecutive days on two separate occasions related to a general election in the county in any given year.
 3. Temporary freestanding signs shall be located no closer than 10 feet from a public right-of-way or a side lot line.
 4. “Garage Sale” signs are permitted on a single-family residential lot, intended to promote the sale of excess contents of such home on the lot. “Garage Sale” signs not located on lot of such home must have permission from the owner of the property where sign is temporarily located. “Garage Sale” signs shall include, but are not to be limited to , “yard sales”, “auctions”, “house sales”, “tag sales”, etc. All signs are to be of a reasonable size.

- b. Business, Commercial and Industrial Districts. Temporary signs, including real estate availability signs, special events signs, promotional signs, political signs and other similar signs are permitted subject to the following provisions:
 1. Window Signs shall be attached to the interior of the building and shall comply with the following:
 - A. The total of all temporary and permanent window signs, either affixed thereto or visible from the outside, shall not exceed 40 percent of the window area.
 - B. All temporary window signs shall be displayed no longer than 45 days after placement, after which time such sign shall either be removed or replaced.
 2. Signs or Banners for special events (grand opening, sales, community events) may be displayed on or in front of the building but not more than twice a year for periods not to exceed 14 days for each occasion.

1609 SIGNS EXEMPT FROM REGULATION.

The following signs shall be exempt from regulation under the Township Resolution:

- a. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.
- b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the building in which such sign is located.
- c. Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- d. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body or competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

1610 CRITERIA FOR THE ILLUMINATION AND CONSTRUCTION OF SIGNS.

- a. Illumination. All signs, except as herein modified, may be illuminated by internally or reflected light provided that such illumination shall:
 1. Not be excessive in brightness;
 2. Not be flashing, moving or intermittent so that any part of the message changes at a rate of more than once every 2 minutes;
 3. Be located, arranged or shielded to be reflected away from adjacent property or streets; and
 4. Not be lighted to obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.

These regulations shall not apply to Holiday display lighting.

- b. Construction Standards.
 1. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

2. Signs shall be fabricated on and of material which are of good quality, good durability and are complimentary to the building of which they become a part.
3. The construction, erection, safety and maintenance of signs shall comply with the Ohio Basic Building Code and the Ohio Revised Code.
4. Signs shall be structurally designed to withstand wind pressure of 30 pounds per square foot in any direction.

1611 MAINTENANCE.

- a. All signs shall be maintained in accordance with the Ohio Basic Building Code.
- b. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met.
- c. There is no alteration or remodeling to the structure or the mounting of the sign itself.
- d. There is no enlargement or increase in any of the dimensions of the sign or its structure.
- e. The sign is accessory to a legally permitted or legally nonconforming use.

1612 PROHIBITED SIGNS.

All signs not expressly permitted under this Resolution or exempt from regulation in accordance with the Section 1609 are prohibited in the Township. Such signs include, but are not limited to:

- a. Animated, flasher, blinker, racer type, moving or revolving signs, exposed light bulbs, strings of lights not permanently mounted to a rigid background, except those exempt under the previous section, and other similar features.
- b. Signs on temporarily placed vehicles.
- c. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.
- d. Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention getting, identification, or advertising purposes.

1613 SIGN APPROVAL PROCEDURES.

The approval of signs in compliance with this article shall be in accordance with Schedule 1613.

**Schedule 1613
 APPROVAL REQUIREMENTS FOR SIGNS**

Type of Sign	No Permit Required	Approval by Zoning Inspector
Political	X	
Real Estate	X	
Instructional ^(a)	X	
Temporary Special Event		X
Institutional Identification		X
Identification:		
• Permanent Free-Standing ^(b)		X
• Projecting		X
• Wall		X
• Window - Permanent		X
• Window- Temporary	X	X
<p>X Authority for sign approval. ^(a) If 10 square feet or less and located more than 20 feet from a right-of-way ^(b) Includes instructional signs which are not exempt according to Section 1607(c).</p>		

1614 REGULATIONS FOR NONCONFORMING SIGNS.

- a. Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1611 of this Resolution.
- b. Alteration and Removal of Nonconforming Signs. Nonconforming signs and billboards shall be removed and any subsequent modification or replacement, excluding maintenance as defined in Section 1611 shall conform to all requirements of this Article:

1. When more than 50 percent of the replacement value of the sign has been destroyed or has been taken down;
2. When the use which the nonconforming sign is accessory to is vacant for more than 120 consecutive days; and
3. Following 5 years from the date of this Resolution, which is July 10, 2006.

**Article 2100
Zoning Permits**

- | | | | |
|------|---|------|---|
| 2101 | Zoning permit required. | 2107 | Health board approval. |
| 2102 | Agricultural uses exempt. | 2108 | Expiration of zoning permit. |
| 2103 | Zoning permit application requirements. | 2109 | Zoning permit to be posted. |
| 2104 | Action on a zoning permit. | 2110 | Failure to obtain permit. |
| 2105 | Approval of zoning permit. | 2111 | Appeal of Zoning Inspector denial of zoning permit. |
| 2106 | Submission to director of transportation. | 2112 | Schedule of fees, charges, expenses. |
-

2101 ZONING PERMIT REQUIRED.

No building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Amherst Township prior to the issuance of a zoning permit, and no such zoning permit shall be issued unless the plans for the proposed building or structure fully comply with the regulations set forth in this Zoning Resolution or the applicant receives a written order from the Board of Zoning Appeals deciding a variance, as approved by this Resolution. This Chapter specifies the manner in which zoning permits are applied for and obtained in Amherst Township.

2102 AGRICULTURAL USES EXEMPT.

Uses determined by the Zoning Inspector to be agricultural uses and which are not otherwise regulated in Article 600 are exempt from the zoning permit requirements.

2103 ZONING PERMIT APPLICATION REQUIREMENTS.

A zoning permit application shall be filed with the Zoning Inspector for all buildings or uses requiring such permit. Such application shall include a completed application form of the type required by the Zoning Inspector and the application fee established by the Township Trustees for zoning permit applications.

a. Zoning Permits for Single-Family Dwellings and Uses Accessory Thereto.

1. In those cases where the proposed action involves new construction of a single-family dwelling unit that is located in a subdivision of 5 or more lots and such subdivision was recorded after July 1, 1998, the applicant for a zoning permit shall be subject to the design review procedures set forth in Article 2200.

2. In cases where the proposed action involves any single-family construction or alteration not covered by a.1, above, the zoning permit application shall include the following information:
 - A. Three (3) copies of a plot plan and other drawings sufficient to determine if the proposed new or altered structure or use meets all applicable height, yard, lot area and other regulations specified herein for the use and district. Such plans shall be legibly drawn to scale and shall be based on an accurate survey;
 - B. Name, address and phone number of applicant;
 - C. Legal description of property;
 - D. Existing use;
 - E. Proposed use.

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application.

- b. Zoning Permits for Uses Requiring Zoning Commission Review. Applications for uses that require review by the Zoning Commission shall include the items required for review of site plans as set forth in Section 2203 and/or for conditional uses as set forth in Section 2302.

2104 ACTION ON A ZONING PERMIT.

The Zoning Inspector shall take action on a zoning permit application:

- a. For single-family dwellings and uses accessory thereto which do not require design review pursuant to Article 2200, a zoning permit shall be issued by the Zoning Inspector within 30 days for applications which, in his/her determination, meet all requirements of this Resolution, including the application requirements specified herein.
- b. Applications for zoning permits for single-family dwellings requiring design review shall be transmitted to the Zoning Commission according to Article 2200.
- c. Applications for zoning permits for uses requiring review of site plans and design review shall be transmitted to the Zoning Commission according to Article 2200.
- d. Applications for zoning permits for conditional uses shall be transmitted to the Board of Zoning Appeals according to Article 2300.

2105 APPROVAL OF ZONING PERMIT.

One copy of the plans shall be returned to the applicant by the Zoning Inspector after he/she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. A zoning permit shall not be issued where, in the determination of the Zoning Inspector, the structure or use, as proposed, would violate one or more provisions of this Resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan and other drawings submitted to the Zoning Inspector. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. For an approved application, 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.

2106 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

According to ORC 5511.01, before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation and shall not issue a zoning permit for 120 days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any agreed upon extension thereof, a zoning permit shall be granted if the application is in conformance with all provisions of this resolution.

2107 HEALTH BOARD APPROVAL.

No zoning certificate shall be issued without evidence that the applicable County or State agencies have approved the proposed sanitary sewage disposal and water facilities for the use for which the zoning permit has been requested.

2108 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice shall be given to the persons affected. If the work described in any zoning permit has not been completed within 1-1/2 years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice shall be given to the persons affected, together with notice that further work as described in the

canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

2109 ZONING PERMIT TO BE POSTED.

A copy of the zoning permit shall be posted in a conspicuous location during construction of a new structure or addition to an existing structure.

2110 FAILURE TO OBTAIN PERMIT.

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Article 2600.

2111 APPEAL OF ZONING INSPECTOR DENIAL OF ZONING PERMIT.

Any person deeming himself wronged by a Zoning Inspector's decision to deny the issuance of a zoning permit may appeal such decision to the Board of Zoning Appeals under the provisions of these regulations.

2112 SCHEDULE OF FEES, CHARGES AND EXPENSES.

The Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, and all other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only through Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**Article 2000
Administrative Authority**

2001	Purpose.	2010	Establishment of Board of Zoning Appeals.
2002	Zoning Inspector.	2011	Board of Zoning Appeals composition and appointment.
2003	Powers and duties of Zoning Inspector.	2012	Organization and rules.
2004	Establishment of Zoning Commission.	2013	Meetings.
2005	Zoning Commission composition and appointment.	2014	Witnesses.
2006	Quorum.	2015	Board of Zoning Appeals proceedings.
2007	Meetings.	2016	Minutes and records.
2008	Zoning Commission proceedings.	2017	Powers and duties of the Board of Zoning Appeals.
2009	Powers and duties of the Zoning Commission.		

2001 PURPOSE.

This Article sets forth the powers and duties of the Zoning Inspector, Zoning Commission and the Board of Zoning Appeals with respect to the administration of the provisions of this Zoning Resolution.

2002 ZONING INSPECTOR.

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of township zoning inspector, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

2003 POWERS AND DUTIES OF ZONING INSPECTOR.

The zoning inspector shall have the following duties:

- a. To accept and review all applications for zoning permits as required herein. The Zoning Inspector shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application on that date for consideration of the action(s) requested.

- b. To issue zoning permits as provided by this Zoning Resolution where all applicable provisions of this resolution are complied with in the application therefore and keep a record of same with a notation of any special conditions involved.
- c. To deny the issuance of a zoning permit in those cases where one or more applicable provisions of this resolution are not complied with in the application therefore, and
- d. Maintain in current status the Zoning District Map which shall be kept on permanent display in the Township.
- e. Maintain permanent and current records required by this Resolution including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.
- f. Respond to questions concerning applications for amendments to the Zoning Resolution and the Zoning District Map.
- g. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to stop work, and to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- h. Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- i. To make a determination that a proposed use that is not listed or provided for in this Resolution is substantially similar to a principal or conditional use that is listed and provided for in this Resolution.
- j. Enforce all provisions of this Resolution uniformly throughout the township.

2004 ESTABLISHMENT OF ZONING COMMISSION.

The Zoning Commission of Amherst Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

2005 ZONING COMMISSION COMPOSITION AND APPOINTMENT.

The Zoning Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Amherst Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

2006 QUORUM.

Three (3) members of the Zoning Commission shall constitute a quorum at all meetings. A vote of three shall be necessary to effect an order, take action, make decisions, or act on any authorization. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting; thus, if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present.

In the absence of one or more of the members of the board, a proposed action receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Zoning Commission. In such case, a unanimous vote of the Township Trustees is necessary to approve a proposed zoning amendment and overturn the recommendation of the Zoning Commission.

In the event that only three members of the Zoning Commission are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next meeting of the Commission. Upon receiving such request from the applicant, the commission may receive public input, but, prior to taking a vote, shall continue the public hearing to its next regular meeting.

2007 MEETINGS.

The Zoning Commission shall elect a chairman from its membership; shall appoint a Recording Secretary, and shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Zoning Commission shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Zoning Commission shall be open to the public.

2008 ZONING COMMISSION PROCEEDINGS.

The Zoning Commission shall keep minutes of its proceedings including a record of 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 Township Trustees and shall be a public record.

2009 POWERS AND DUTIES OF THE ZONING COMMISSION.

The Zoning Commission shall have the following powers and duties:

- a. To prepare the Zoning Resolution.
- b. To review all site plans and applications subject to design review as required by this Resolution.
- c. To review all proposed amendments to the Zoning Resolution and Zoning District Map and to submit a recommendation to the Township Trustees.
- d. To propose on its own initiative such amendments to the Zoning Resolution and Zoning District Map as it may deem consistent with the purposes of this Zoning Resolution.
- e. To interpret the precise location of the boundary lines between zoning districts.

2010 ESTABLISHMENT OF BOARD OF ZONING APPEALS.

The Board of Zoning Appeals of Amherst Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

2011 BOARD OF ZONING APPEALS COMPOSITION AND APPOINTMENT.

The Board of Zoning Appeals shall be composed of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Amherst Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The Trustees shall have the right to remove any members of the Board for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code.

2012 ORGANIZATION AND RULES.

- a. The Board of Zoning Appeals shall elect a chairperson, vice chair and secretary from its membership. The Board of Zoning Appeals shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein.
- b. The chairperson shall reside at all meetings of the Board of Zoning Appeals. He/she shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The chairperson may appoint committees deemed necessary to carry out the business of the Board. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- c. The vice chairperson shall serve in the absence of the chairperson. He/she shall have all the powers of the chairperson during his/her absence.
- d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board of Zoning Appeals.

2013 MEETINGS.

Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public.

2014 WITNESSES.

The Board of Zoning Appeals Chairperson, or in the Chairperson's absence the acting Chairperson, shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

2015 BOARD OF ZONING APPEALS PROCEEDINGS.

- a. All actions of the Board shall be taken by resolution, the vote of each member being recorded.
- b. No member of the Board shall vote on any matter in which he/she is personally or financially interested.
- c. An appeal of a determination made by a public official, a request for a variance, the granting of a conditional zoning certificate, or the modification of the

conditions of a conditional zoning certificate, shall require a minimum of three affirmative votes in order for such request to be approved by the Board of Zoning Appeals.

- d. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting; thus, if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present. In the absence of one or more of the members of the board, a proposed action receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Board of Zoning Appeals.
- e. In the event that only three members of the Board of Zoning Appeals are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next meeting of the Board. Upon receiving such request from the applicant, the Board may receive public input, but, prior to taking a vote, shall continue the public hearing to its next regular meeting.

2016 MINUTES AND RECORDS.

The secretary of 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 action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

2017 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have the following powers:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- b. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- c. To exercise such other powers as may be granted to the Board by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

- d. To review and decide all applications for conditional use permits according to the standards, criteria and procedures of this Resolution.

**Article 2000
Administrative Authority**

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This Article sets forth the powers and duties of the Zoning Inspector, Zoning Commission and the Board of Zoning Appeals with respect to the administration of the provisions of this Zoning Resolution.

2002 ZONING INSPECTOR.

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of township zoning inspector, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

2003 POWERS AND DUTIES OF ZONING INSPECTOR.

The zoning inspector shall have the following duties:

- a. To accept and review all applications for zoning permits as required herein. The Zoning Inspector shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application on that date for consideration of the action(s) requested.

- b. To issue zoning permits as provided by this Zoning Resolution where all applicable provisions of this resolution are complied with in the application therefore and keep a record of same with a notation of any special conditions involved.
- c. To deny the issuance of a zoning permit in those cases where one or more applicable provisions of this resolution are not complied with in the application therefore, and
- d. Maintain in current status the Zoning District Map which shall be kept on permanent display in the Township.
- e. Maintain permanent and current records required by this Resolution including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.
- f. Respond to questions concerning applications for amendments to the Zoning Resolution and the Zoning District Map.
- g. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to stop work, and to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- h. Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- i. To make a determination that a proposed use that is not listed or provided for in this Resolution is substantially similar to a principal or conditional use that is listed and provided for in this Resolution.
- j. Enforce all provisions of this Resolution uniformly throughout the township.

2004 ESTABLISHMENT OF ZONING COMMISSION.

The Zoning Commission of Amherst Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

2005 ZONING COMMISSION COMPOSITION AND APPOINTMENT.

The Zoning Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Amherst Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

2006 QUORUM.

Three (3) members of the Zoning Commission shall constitute a quorum at all meetings. A vote of three shall be necessary to effect an order, take action, make decisions, or act on any authorization. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting; thus, if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present.

In the absence of one or more of the members of the board, a proposed action receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Zoning Commission. In such case, a unanimous vote of the Township Trustees is necessary to approve a proposed zoning amendment and overturn the recommendation of the Zoning Commission.

In the event that only three members of the Zoning Commission are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next meeting of the Commission. Upon receiving such request from the applicant, the commission may receive public input, but, prior to taking a vote, shall continue the public hearing to its next regular meeting.

2007 MEETINGS.

The Zoning Commission shall elect a chairman from its membership; shall appoint a Recording Secretary, and shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Zoning Commission shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Zoning Commission shall be open to the public.

2008 ZONING COMMISSION PROCEEDINGS.

The Zoning Commission shall keep minutes of its proceedings including a record of 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 Township Trustees and shall be a public record.

2009 POWERS AND DUTIES OF THE ZONING COMMISSION.

The Zoning Commission shall have the following powers and duties:

- a. To prepare the Zoning Resolution.
- b. To review all site plans and applications subject to design review as required by this Resolution.
- c. To review all proposed amendments to the Zoning Resolution and Zoning District Map and to submit a recommendation to the Township Trustees.
- d. To propose on its own initiative such amendments to the Zoning Resolution and Zoning District Map as it may deem consistent with the purposes of this Zoning Resolution.
- e. To interpret the precise location of the boundary lines between zoning districts.

2010 ESTABLISHMENT OF BOARD OF ZONING APPEALS.

The Board of Zoning Appeals of Amherst Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution.

2011 BOARD OF ZONING APPEALS COMPOSITION AND APPOINTMENT.

The Board of Zoning Appeals shall be composed of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Amherst Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term. The Trustees shall have the right to remove any members of the Board for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code.

2012 ORGANIZATION AND RULES.

- a. The Board of Zoning Appeals shall elect a chairperson, vice chair and secretary from its membership. The Board of Zoning Appeals shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein.
- b. The chairperson shall reside at all meetings of the Board of Zoning Appeals. He/she shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The chairperson may appoint committees deemed necessary to carry out the business of the Board. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- c. The vice chairperson shall serve in the absence of the chairperson. He/she shall have all the powers of the chairperson during his/her absence.
- d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board of Zoning Appeals.

2013 MEETINGS.

Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public.

2014 WITNESSES.

The Board of Zoning Appeals Chairperson, or in the Chairperson's absence the acting Chairperson, shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

2015 BOARD OF ZONING APPEALS PROCEEDINGS.

- a. All actions of the Board shall be taken by resolution, the vote of each member being recorded.
- b. No member of the Board shall vote on any matter in which he/she is personally or financially interested.
- c. An appeal of a determination made by a public official, a request for a variance, the granting of a conditional zoning certificate, or the modification of the

conditions of a conditional zoning certificate, shall require a minimum of three affirmative votes in order for such request to be approved by the Board of Zoning Appeals.

- d. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting; thus, if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present. In the absence of one or more of the members of the board, a proposed action receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Board of Zoning Appeals.
- e. In the event that only three members of the Board of Zoning Appeals are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next meeting of the Board. Upon receiving such request from the applicant, the Board may receive public input, but, prior to taking a vote, shall continue the public hearing to its next regular meeting.

2016 MINUTES AND RECORDS.

The secretary of 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 action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

2017 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have the following powers:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- b. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- c. To exercise such other powers as may be granted to the Board by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

- d. To review and decide all applications for conditional use permits according to the standards, criteria and procedures of this Resolution.

**Article 1700
Off-Street Parking And Loading Facilities**

<p>1701 Purpose.</p> <p>1702 Parking facilities required.</p> <p>1703 Units of measure.</p> <p>1704 Required off-street parking standards.</p> <p>1705 Parking spaces for persons with disabilities.</p> <p>1706 Allowance for shared parking.</p> <p>1707 Deferred construction of required spaces.</p>	<p>1708 Off-Street waiting spaces for drive-thru facilities.</p> <p>1709 Parking design standards.</p> <p>1710 Regulations for access drives.</p> <p>1711 Off-Street loading requirements.</p> <p>1712 Improvement and maintenance standards.</p> <p>1713 Parking lot landscaping and screening.</p> <p>1714 Site plan and design review.</p>
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1701 PURPOSE.

The following regulations specify the manner in which off-street parking and loading areas and the driveways providing access thereto are to be provided for uses in Amherst Township. It is the intent of these regulations to protect the public health, safety and welfare by requiring that all uses be provided with off-street parking areas or a combination of off-street parking areas and loading areas and that those parking and loading areas be improved in a fashion which ensures the long-term desirability of the use they are accessory to.

1702 PARKING FACILITIES REQUIRED.

Accessory off-street parking spaces shall be provided as a condition precedent to the occupancy or use of any building, structure or land in conformance with the provisions of this Chapter whenever:

- a. A building is constructed or a new use established;
- b. An existing building is altered and/or there is an increase in the number of dwelling units, seating capacity, floor area of a building, or other change that results in an increase in the parking needs of the use.
- c. The use of an existing building or structure or use of land is changed to a use requiring more off-street parking facilities.

1703 UNITS OF MEASURE.

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- a. Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
- b. 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 seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.
- c. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.
- d. Fractional Numbers. Fractional numbers shall be increased to the next whole number.
- e. Parking for Mixed Uses. A building occupied by two or more uses, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

1704 REQUIRED OFF-STREET PARKING STANDARDS.

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1704. For a use not specified in Schedule 1704, the Zoning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

Schedule 1704
REQUIRED OFF-STREET PARKING SPACES

Principal Building or Use		Minimum Spaces Required ^(a)
a. <u>Residential Uses:</u>		
1.	Single-family Dwellings and Two-family Dwellings	2 enclosed spaces per dwelling unit
2.	Attached Single-family Dwellings	2 enclosed spaces per dwelling unit

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Principal Building or Use			Minimum Spaces Required ^(a)
	3.	Apartment Units	2 enclosed spaces per dwelling unit, of which one space shall be enclosed
	4.	Senior Citizen Independent Living Units	1 space per dwelling unit
	5.	Nursing Homes	1 space for every 4 beds
b. Office, Professional Service Uses:			
	1.	Business, Professional and Administrative Offices and Services (excluding Medical and Dental)	1 space per 300 sq. ft. of floor area
	2.	Medical, Dental Offices and Clinics, including Urgent Care Clinics:	1 space per 200 sq. ft. of floor area
	3.	Funeral Homes, Mortuaries	1 space per 50 sq. ft. of floor area of assembly room or 1 space for every 4 seats, whichever is greater, but in no case shall there be fewer than 20 spaces
	4.	Veterinary Hospitals and Clinics	1 space per 400 sq. ft. of floor area, plus 1 space for every 2 employees
c. Retail/Service Uses:			
	1.	Retail or Personal Service Uses	1 space per 250 sq. ft. of floor area
	2.	Financial Establishments	1 space per 250 sq. ft. of floor area
	3.	Beauty Parlors and Barber Shops	2 spaces per beauty or barber chair
	4.	Self-Serve Laundry	1 space for every 4 washing machines
	5.	Restaurants-- Table Service	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus one space for each delivery vehicle
	6.	Restaurants--Counter Service When located in a shopping center	10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
	7.	Restaurants--Counter Service When located as the only use in a free-standing building	20 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
	8.	Snack bars in association with a principal use	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater

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<u>Principal Building or Use</u>		<u>Minimum Spaces Required</u> ^(a)
9.	Furniture and Appliance; Builders' Supply; Showrooms of Plumbers, Decorators, Electricians or similar trades; Nursery and Garden Supply Establishments	1 space per 400 sq. ft. of floor area
10.	Hotels and Motels	1 space per guest room or suite, plus 1 space per every 2 employees
11.	Roadside Stands	Minimum of 4 spaces
d. <u>Automotive Uses:</u>		
1.	Automobile Sales and Rental Facilities including Manufactured Homes and Recreational Vehicle Sales	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each service stall in the service room
2.	Service Stations	1 space per employee
3.	Automobile Repair Garage and other similar auto oriented businesses	1 space per 250 square feet, plus 1 space per employee
4.	Car Wash Facility	1 space per every 2 employees
e. <u>Commercial Entertainment/Recreation Uses:</u>		
1.	Movie Theaters,	1 space for every 3 seats
2.	Auditoriums and other places of public assembly	1 space for every 4 seats
3.	Dance Halls, Skating Rinks, Private Clubs, Lodges	1 space per 50 sq. ft. of floor area (including lounging and spectator area)
4.	Bowling Alleys	4 spaces per lane
5.	Membership Sports fitness Center	1 space per 200 sq. ft. of exercise area, including locker and equipment rooms
6.	Golf Course (Nine holes or more)	8 spaces per green
7.	Miniature Golf	2 spaces per hole
8.	Golf Driving Range	3 spaces per tee
9.	Tennis, Racquet ball, Handball Courts	4 spaces per court

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Principal Building or Use		Minimum Spaces Required ^(a)
10.	Swimming Pools, Public and Private (not associated with residences)	1 space per 50 sq. ft. of defined active recreation area, including water, lawn, deck and bathhouse
11.	Outdoor Commercial Recreation	1 space for every 4 seats of bleacher or stadium capacity
12.	Parks and Playgrounds	10 spaces/ acre of playground area
f. General Commercial and Industrial Uses:		
1.	Wholesale Marketing and Distribution of Goods; Storage; Warehousing of Goods; Printing; Publishing	1 space per 800 sq. ft. of floor area
2.	All other types of industrial uses	1 space per 400 sq. ft. of floor area
g. Educational Facilities:		
1.	Elementary and Junior High Schools	2 spaces per classroom, plus 1 space for every 8 seats in the largest assembly hall
2.	Senior High Schools	1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 8 seats in largest assembly hall
3.	Day Care Center	1 space per 8 students, based on center's regulated maximum capacity
h. Community Facilities:		
1.	Churches and other places of worship	1 space for every 4 seats of seating capacity in the principal assembly area
2.	Library, Museum, Community Center or similar use	1 space per 500 sq. ft. of floor area, plus 1 space for every 6 seats in any assembly area
3.	Assembly Hall, Auditorium	1 space for every 4 seats of seating capacity

NOTES TO SCHEDULE 1704:

^(a) A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.

1705 PARKING SPACES FOR PERSONS WITH DISABILITIES.

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces which are designed and constructed to be readily accessible to persons with disabilities in compliance with the following:

- a. Required Spaces. The required number of accessible parking spaces shall be:

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1. 1 to 25	1
2. 26 to 50	2
3. 51 to 75	3
4. 76 to 100	4
5. 101 to 150	5
6. 151 to 200	6
7. 201 to 300	7
8. 301 to 400	8
9. 401 to 500	9
10. 501 to 1,000	2 percent of total
11. 1,001 and over	20, plus 1 for each 100 over 1,000

- b. Location of Spaces. Accessible parking spaces shall be distributed to serve all accessible entrances and shall be located on the shortest possible route to the accessible entrance.
- c. Dimensions of Accessible Spaces. Accessible spaces shall be 8 feet wide, with an adjacent access aisle that is 5 feet wide. One in every 8 accessible spaces shall have an access aisle 8 feet wide and shall be signed “van accessible.”
- d. In the event there is a conflict between these regulations and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADAAG shall govern.

1706 ALLOWANCE FOR SHARED PARKING.

The Zoning Commission may approve a site plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations when it is determined that:

- a. In a mixed use project, because of varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which is required based on the sum of the various uses computed separately.
- b. The required parking spaces for a proposed use can be accommodated on an adjacent or nearby site and binding arrangements are made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements. In such case not more than 50 percent of the required parking spaces shall be shared.

A written agreement which authorizes the sharing of parking facilities between two or more businesses shall be approved by the Zoning Commission and kept on file with the application for a zoning permit.

1707 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required in Schedule 1704 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a site plan may be approved with a lesser number of parking spaces provided that:

- a. The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Schedule 1704.
- b. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 1704 and shall be illustrated on the development plan in locations and with landscaping in full compliance with this Resolution.

- c. The Zoning Commission, upon reevaluation of the project's parking needs, may at any time direct that some or all of the landbanked spaces be constructed.
- d. Any additional parking shall be provided according to the approved site plan.

1708 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 1704, in accordance with the following requirements:

a. Minimum Number of Waiting Spaces:

1.	Establishments serving and/or selling food and/or drinks:	25 waiting spaces
2.	Car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	25 waiting spaces
3.	Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities:	10 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls
4.	Self-serve car wash facilities:	4 waiting spaces per stall
5.	Gasoline stations:	2 waiting spaces per accessible side of a gasoline pump island

In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

- b. Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

1709 PARKING DESIGN STANDARDS.

Off-street parking areas shall be designed and constructed in accordance with the following minimum dimensions based on the angle of the spaces:

	45°	60°	90°	PARALLEL
a. Width of Parking Space	12 ft	10 ft	10 ft	9 ft
b. Length of Parking Space	20 ft	21 ft	20 ft	23 ft
c. Width of Parking Aisle	13 ft	18 ft	25 ft	12 ft
d. Width of Access Driveway				
1. One Lane	17 ft	14 ft	14 ft	14 ft
2. Two Lane	24 ft	24 ft	24 ft	24 ft

1710 REGULATIONS FOR ACCESS DRIVES.

The location, width and number of entrance and exit access drives to accessory parking spaces shall be in accordance with the following:

- a. Location. Access drives shall be located in such a manner as to interfere as little as possible with the use of adjacent residential property and flow of traffic on adjacent streets, and to avoid undue interference with pedestrian access to street corners.

1. For parking areas having a capacity of 10 or more vehicles, the center line of the access drive apron shall be located not less than 75 feet from the nearest street intersection right-of-way line. All other access drives shall be located as far from a street intersection as practicable.
 2. Parking areas shall be designed and located so that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion and shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access drive from a public or private street.
- b. Number of Access Drives. No more than one two-direction or two one-direction access drives shall be permitted per 250 lineal feet of lot frontage.
- c. Width. The width of access drives for multi-family dwellings and non-residential uses shall comply with the following:
- | | | | |
|----|------------------------|----------------|----------------|
| 1. | <u>Number of Lanes</u> | <u>Minimum</u> | <u>Maximum</u> |
| | 1 | 10 ft | 12 ft |
| | 2 | 18 ft | 24 ft |
| | 3 | 27 ft | 33 ft |
2. Access drives shall not exceed 3 lanes in width.
- d. Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

1711 OFF-STREET LOADING REQUIREMENTS.

Off-street loading spaces shall be provided and maintained for all business, commercial and industrial buildings in compliance with the following regulations:

- a. All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.

- b. Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
- c. Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.
- d. Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

1712 IMPROVEMENT AND MAINTENANCE STANDARDS.

All off-street parking and loading facilities including parking spaces, loading spaces, waiting spaces, access drives and aisles shall be provided in accordance with the following improvement standards and specifications:

- a. Paving. All parking and loading areas, access drives and aisles shall be improved with asphalt bituminous concrete, portland cement concrete, or equivalent paved surfacing. Such paving material and base materials related thereto shall be capable of supporting all anticipated loads without damage. The owner shall, at his own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place.
- b. Drainage. All parking areas shall be sloped so as to direct rainwater to a storm drain or ditch which is of a size adequate to accept such water so that the adjacent properties and rights-of-way including public sidewalks shall not be subject to flooding by run-off water from the proposed parking area.
- c. Lighting. Parking areas and loading areas shall be thoroughly illuminated whenever necessary to protect the public safety as determined by the Zoning Commission.
 - 1. All lighting used to illuminate such areas shall be so arranged as to direct the light away from adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.
 - 2. No open light sources such as the stringing of light bulbs shall be permitted.

- d. Curbs and Wheel/Bumper Guards. All sides of parking areas of 5 cars or more which abut a public right-of-way shall be defined by curbing. Additional curbing, wheel guards or bumper guards, as may be necessary, shall be provided in connection with any off-street parking area of 5 cars or more to define parking areas, contain the cars on sloping surfaces, and to prevent bumper over-hang or other encroachment into the required aisles and spaces.
- e. Marking. Any off-street parking area of 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.
- f. Signs. Signs shall be provided in accordance with Article 1600.
- g. Maintenance. A parking area or loading space shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.
- h. Disabled Vehicles. The parking of a vehicle for more than 30 days that appears to be abandoned, wrecked, dismantled, or disabled shall be prohibited in all zoning districts, unless such vehicle is stored in an enclosed garage or other accessory building.

1713 PARKING LOT LANDSCAPING AND SCREENING.

All developments subject to site plan review shall include the following required landscaping for parking lots.

- a. Interior Parking Lot Landscaping: For parking areas in any district designed to accommodate 20 or more vehicles, a minimum of 5 percent 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. Each landscaped island shall be a minimum of 10 feet in any horizontal dimension and shall provide at least one major shade tree having a clear trunk height of at least 6 feet and a minimum caliper of 2 inches. Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping. For the purpose of this Section the area of a parking lot shall be the total vehicular surface area including circulation aisles.

- b. Additional Plantings Along Public Streets: Whenever parking areas consisting of 5 spaces or more are located such that the parked cars will be visible from a public street, landscaping, in addition to the interior landscaping required in subsection a., above, shall be planted and maintained between the street and the parking lot. Such landscaping shall be a minimum height of two and one-half feet, located adjacent to the parking lot and shall be placed to effectively obscure a minimum of 50 percent of the parking area.
- c. Screening of Parking Lots Abutting Residences in Residential Districts: Parking areas accommodating 5 or more vehicles for non-single-family uses which abut single-family residential lots in a Residential District shall be screened from view from such properties through landscaping or ornamental walls or fences in accordance with Article 1800 to promote harmony with the adjacent development.

1714 SITE PLAN AND DESIGN REVIEW.

Any off-street parking area, loading area, aisle, or driveway which is constructed, reconstructed or changed as to location, materials, or drainage facilities requires the submission of a site plan according to the procedures specified in Article 2200.

**Article 2500
Amendments**

2501	Authority for amendments.	2504	Amendments initiated by zoning commission.
2502	Initiation of zoning amendments.	2505	Amendments initiated by trustees.
2503	Map amendments initiated by property owner(s).	2506	Guidelines when considering amendments to the zoning map.

2501 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may amend, revise, rearrange, renumber or recode this Zoning Resolution or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in Section 519.12 of the Ohio Revised Code and summarized herein.

2502 INITIATION OF ZONING AMENDMENTS.

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

- a. By motion of the Township Zoning Commission;
- b. By the passage of a resolution therefore by the Board of Township Trustees which shall be certified to the Zoning Commission for commencement of the Commission’s review; or
- c. By the filing of an application therefore with the Zoning Commission by one or more of the owners or lessees of property such property within the area proposed to be changed or affected by the proposed Amendment.

2503 MAP AMENDMENTS INITIATED BY PROPERTY OWNER(S).

An application for a map amendment initiated by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- a. Discussion with Zoning Commission. Prior to submitting an application for an amendment to the Zoning Map, the applicant shall appear before the Zoning Commission to informally discuss the proposed rezoning. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Commission.

- b. Application Requirements. Applications for amendments to the Zoning Map adopted as part of this Resolution shall be submitted to the Zoning Inspector and shall contain at least the following information, unless otherwise instructed by the Zoning Commission during the preliminary discussion in Subsection 550.03(a).
 - 1. The name, address and phone number of the applicant and the property owner if other than the applicant;
 - 2. An accurate legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
 - 3. A statement of the reason(s) for the proposed amendment;
 - 4. Present use and zoning district, and the proposed use and zoning district;
 - 5. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
 - 6. Existing topography at two foot contour intervals of the property to be rezoned and extending at least 300 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
 - 7. The last known names and addresses of the owners of all properties, as they appear on the County Auditor's current tax list, within and contiguous to and directly across the street from any part of the property on which the zoning map amendment is requested;
 - 8. The payment of the application fee as established by Trustees.
- c. Referral to Zoning Commission. After the filing of an application by an owner, lessee of property or developer with an option to purchase such property, the Zoning Inspector shall transmit the application to the Zoning Commission for its consideration and recommendation.
- d. Review by County Planning Commission. Within 5 days after the application is transmitted to the Zoning Commission from the Zoning Inspector, the Zoning Commission shall transmit a copy of the application 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 thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

- e. Public Hearing and Notice by Zoning Commission. The Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than 20 nor more than 40 days from the date of the filing of the application. Notice of such hearing shall be given by the Zoning Commission by publication in one or more newspapers of general circulation in the Township at least 10 days prior to the date of the hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested.

- f. Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the day of the public hearing to all owners of property, as they appear on the County Auditor's current tax list, within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted. The notice shall contain the same information as required of notices published in newspapers as specified in Subsection (e), above. Failure of delivery of such notice shall not invalidate any such amendment.

- g. Recommendation by Zoning Commission. The Zoning Commission shall, within 30 days after such public hearing, recommend one of the following:
 - 1. That the amendment be approved as requested;
 - 2. That the amendment be approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or
 - 3. That the amendment be denied.

The Chairperson of the Zoning Commission shall forthwith submit to the Trustees the recommendation of the County Planning Commission and the recommendation of the Zoning Commission.

- h. Public Hearing and Notice by Trustees. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 10 days, the text of the proposed amendment, the maps or plans, if applicable, and the

recommendations of the Zoning Commission shall be on file for public examination in the office of the Fiscal Officer or in such other office as is designated by Trustees.

- i. Action by Trustees. Within 20 days after the public hearing required by Subsection (h), above, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees elect to overrule or modify the recommendation of the Zoning Commission, the unanimous vote of the board shall be required. Wherein the Trustees fail to obtain a unanimous vote, the recommendation of the Commission shall be considered as approved.

Any such proposal may be amended prior to the voting thereon by Trustees without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. The Trustees' approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.

- j. Amendments adopted by the Trustees shall become effective in 30 days after the date of adoption unless, within 30 days after the adoption of the amendment, there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

2504 AMENDMENTS INITIATED BY ZONING COMMISSION.

The Zoning Commission on its own initiative may, by the passage of a motion, initiate amendments to the Zoning Resolution and Zoning Map. The Zoning Commission and Township Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 2503.d through 2503.j, inclusive.

2505 AMENDMENTS INITIATED BY TRUSTEES.

Amendments to the Zoning Resolution or Zoning Map initiated by the passage of a resolution by the Board of Trustees shall comply with the following:

- a. Referral to Zoning Commission. After the adoption of a resolution by the Trustees, the resolution shall be certified to the Zoning Commission for its consideration and recommendation. The Zoning Commission shall follow the procedures for review and hearing of the proposed amendment as set forth in Section 2503.d through 2503.g, inclusive.
- b. Review and Action by the Trustees. The Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 2503.h through 2503.j, inclusive.

2506 GUIDELINES WHEN CONSIDERING AMENDMENTS TO THE ZONING MAP.

In evaluating proposed amendments to the zoning map, the Zoning Commission and Board of Trustees may consider any or all of the following:

- a. The desirability of such uses in the area and/or on the site proposed for such zoning district;
- b. The need for and availability of centralized water and sewer facilities;
- c. Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

**Article 2200
Site Plan And Design Review**

2201	Purpose of site plan and design review.	2204	Design review for single-family structures.
2202	Site plan and design review required.	2205	Environmental standards and criteria applicable to all developments.
2203	Site plan and design review for non-single-family uses.		

2201 PURPOSE OF SITE PLAN AND DESIGN REVIEW.

- a. Site Plan Review. The purpose of site plan review is to provide adequate review by the Zoning Commission of proposed developments in those zoning districts where the uses permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.
- b. Design Review. The purpose of design review is to provide adequate review by the Zoning Commission with the advice of a registered architect to assure that new construction and modifications to existing buildings foster harmonious relationships with surrounding properties.

The Township Architect shall make recommendations to the Zoning Commission on whether or not a proposed application complies with the applicable design review criteria pursuant to Section 2203.b.3 for commercial, industrial and multi-family uses and the design review criteria pursuant to Section 2204.c for single family dwelling units.

2202 SITE PLAN AND DESIGN REVIEW REQUIRED.

- a. Site plan and design review pursuant to the regulations in Section 2203 shall be required for the following:
 - 1. New construction of all permitted uses in commercial and industrial districts;
 - 2. All new conditional uses in all districts;
 - 3. New construction of multi-family dwelling units; and
 - 4. Any existing or previously approved development meeting the criteria of (1) through (3) above which proposes to alter, reconstruct or otherwise modify a use or site including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

- b. Design review pursuant to the regulations in Section 2204 shall be required for new construction of all single family dwelling units located in new subdivisions of 5 lots or greater recorded after the date of the passage of this amendment.

2203 SITE PLAN AND DESIGN REVIEW FOR NON-SINGLE FAMILY USES.

- a. Preliminary Conference. The applicant shall meet with the Zoning Commission to review preliminary plans prior to preparing final plans pursuant to subsection (b). The purpose of such preliminary review is to establish a mutual understanding of the provisions of this Resolution and the development objectives of the Township. The Zoning Commission may discuss with the applicant changes that may be required prior to final submission of plans. However, neither the applicant nor the Zoning Commission shall be bound by any decision made at this preliminary conference. Eleven (11) copies of the general plan showing the location of all existing and proposed structures, parking areas and access points to public and private streets should be submitted for the preliminary plans conference. Preliminary plans should be submitted to the Zoning Inspector at least 15 days prior to the next regularly scheduled Zoning Commission meeting in order for discussion of the preliminary plans to be scheduled on the agenda for the next Zoning Commission meeting.
- b. Final Plan Review.
 - 1. Submission Requirements. The applicant for a zoning permit for any use requiring site plan approval shall submit the final development plan to the Zoning Inspector along with payment of the required fee. The final development plan shall be prepared by a qualified professional and drawn to an appropriate scale and shall disclose all uses proposed for the development, their location, extent and characteristics and shall include, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector, the following maps, plans, designs and supplementary documents:
 - A. A site plan indicating the total areas to be developed and showing with dimensions the setbacks, existing property lines, and easements and the location of all existing and proposed buildings, structures, utilities, lighting, driveways, walls, fences, off-street parking areas, topography, abutting street rights-of-way, railroads, highways, loading and unloading areas, watercourses, and other topographic features within and adjacent to the property;

- B. A vicinity map which indicates the location of the site in relation to the surrounding area;
 - C. The zoning classification of all adjacent properties;
 - D. A separate plan may be required to show all existing and proposed utilities;
 - E. Four elevations including a front, rear and two side elevations, together with additional views or cross sections, if necessary, to indicate completely the exterior appearance of the structure. All elevations shall be drawn to the same scale, which shall be not less than one-eighth of an inch to the foot. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, an accurate finish grade line, existing topography and major vegetation features;
 - F. A sign plan showing the location and type of all signs pursuant to the regulations in Article 1600;
 - G. Landscaping plan indicating location, dimensions, and arrangement of all areas devoted to lawns, trees, and shrubs. Types of plantings shall be listed by common and biological names;
 - H. A description of the proposed uses in sufficient detail to fully describe the nature and the extent of the proposal;
 - I. A description of the expected traffic pattern as it affects the existing thoroughfares;
 - J. Plans or reports describing proposed treatment or control of any excess traffic impacts, noise, glare, air or water pollutants;
 - K. Plans or reports showing the types of fuels to be used and the smoke or gas control devices that will be provided along with plans for the handling or storage of any hazardous gases, liquids or other materials.
2. Administrative Review. The Zoning Inspector shall review the application for completeness pursuant to subsection (1) and inform the applicant which items from the submission requirements have not been received or are incomplete. Such application must be submitted at least

15 days prior to any regularly scheduled meeting of the Zoning Commission. If any submission requirements are incomplete or missing the application will not be processed further until the necessary items are submitted. When the application is deemed complete, the Zoning Inspector shall forward the application to the Zoning Commission and the Township Architect.

3. The Township Architect shall review the application and determine if it complies with the following criteria:
 - A. The height, width and general proportions of the structure shall complement adjacent buildings so that an overall harmonious appearance is created.
 - B. Materials shall be appropriate for the structure and the use therein. Materials shall be weather-resistant. The materials shall be compatible with and not in stark contrast to the materials used on adjacent structures.
 - C. Colors and textures shall be appropriate for the size and scale of the proposed structures and shall be harmonious with adjacent structures.
 - D. The materials, colors and finishes used for screening roof top mechanical equipment and other surface equipment shall be consistent with the primary structure and, to the extent practicable, such screening shall be designed as an integral part of the architecture of the building.
 - E. Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures; and harmonious with other architectural details and ornamentation, including those used on adjacent structures.
 - F. Landscaping shall be in such locations, scale and amounts so that it is integrated with the building design and it enhances and clearly identifies entrances.

- G. Buildings shall be oriented in relation to proposed grading, existing natural features and existing structures on and adjacent to the site in order to maintain:
 - (1) Satisfactory proportions and scale;
 - (2) Reasonable light and air; and
 - (3) Privacy, as appropriate.

- H. The following styles and materials are inappropriate and shall be discouraged from use:
 - (1) Mansard roofs for one-story commercial structures.
 - (2) Pre-engineered metal buildings (e.g., "pole buildings").
 - (3) Exposed concrete or cinder block on the front or sides of any building (except split face, ½ high or other special "architecturally patterned" block).
 - (4) Stucco commonly known as "dryvit" unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals or combinations thereof.
 - (5) Sheet metal except as rain gutter/downspouts; exposed unstained wood; exposed steel nails; vinyl siding; and flimsy vertical wood siding (e.g., T-111); large expanses of flat concrete, or concrete block.

- 4 Township Architect's Recommendation. The Township Architect's opinions and recommendations shall be submitted to the Zoning Commission for their consideration. The Architect's recommendation may include suggested modifications to the application so that, in the opinion of the Architect, the application complies with the design review standards in Section 2203.b.3.

- 5 Public Notice. Prior to taking action on the final plan, the Zoning Commission may take such steps they deem necessary to notify affected

property owners and invite comments at the Zoning Commission meeting. The Zoning Commission shall determine the extent of such notification based on the size and complexity of the proposed use and the anticipated impact on neighboring property owners.

- 6 Zoning Commission Review. In reviewing a final plan, the Zoning Commission shall consider: the recommendation of the Township Architect; the location of buildings, parking areas and other features with respect to the topography of the lot and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the location of the green areas provided, considering the possible effects of irregularly shaped lots; the adequacy of the location, landscaping and screening of the parking lots; and such other matters as the Zoning Commission may find to have a material bearing upon the stated standards and objectives of the various district regulations. In approving a site plan, the Zoning Commission shall find that the proposal complies with the applicable development standards and criteria of this Resolution and that:
- A. The plan is consistent with any plan for the orderly development of the Township.
 - B. The appropriate use and value of property within and adjacent to the area will be safeguarded.
 - C. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
 - D. The development provides for safe and convenient lighting for streets, driveways, parking areas, walks, steps and other facilities.
 - E. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property considering the following:
 - (1) Distance between access driveways and from street intersections;
 - (2) Relationship with adjacent parking areas;
 - (3) Alignment with existing adjacent access driveways, to the extent possible; and

- (4) Visibility of oncoming traffic as vehicles exit and enter the site, particularly in areas with varying topography.
- F. The development provides safe and efficient access for emergency vehicles onto and within the property.
- G. The development plan does not create a nuisance by interfering with or obstructing the public water, sanitary sewer or storm drainage system.
- H. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water-courses and drainage areas.
- I. The development will have adequate landscaped open space around the buildings and within the parking areas which is suitably located and designed to:
 - (1) Provide relief from buildings and other paved surfaces; and
 - (2) Reinforce the vehicular and pedestrian circulation pattern.
- J. The design of the proposed buildings and any modifications recommended by the Township Architect comply with the design criteria in Section 2203.b.3; and
- K. The plan, to the extent practical, will preserve and be sensitive to the natural characteristics of the site including, but not limited to, streams, rivers or other water bodies; and wooded areas.

During the review process, the Zoning Commission may ask for additional information in order to adequately evaluate the proposal and its compliance with this Resolution and may defer action on the application to subsequent work sessions or further discussion. The Zoning Commission may refer the application to other Township officials, Lorain County officials and/or other private consultants for their review and comment.

7 Zoning Commission Action.

- A. Following its review, the Zoning Commission shall either approve the application, approve the application with modifications or deny the application. If the application is

approved, the Zoning Commission shall direct the Zoning Inspector to issue a zoning permit pursuant to the regulations in Section 1801. Such permit only authorizes the use as specified on the approved site plan application.

- B. An approved plan shall remain valid for a period of 18 months following the date of its approval. If, at the end of that time, construction has not begun, then such plan shall be considered as having lapsed and shall be of no effect unless resubmitted and reapproved by the Zoning Commission. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.

2204 DESIGN REVIEW FOR SINGLE FAMILY STRUCTURES.

- a. Submission Requirements. All zoning permit applications for single family homes subject to design review pursuant to Section 2202.b shall submit the following to the Zoning Inspector:
1. A site plan indicating any existing buildings on the site, the proposed dwelling, parking, drives, landscaping and any other site features;
 2. Four elevations including a front, rear and two side elevations, together with additional views or cross sections, if necessary, to indicate completely the exterior appearance of the structure. All elevations shall be drawn to the same scale, which shall be not less than one-quarter of an inch to the foot. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, an accurate finish grade line, existing topography and major vegetation features;
 3. Samples of colors and building materials to be used, renderings and other illustrative material to convey exterior design elements; and
 4. Photographs of the site and adjacent buildings within 200 feet of the site.
- b. Administrative Review. The Zoning Inspector shall review the application for completeness pursuant to subsection (a) and inform the applicant which items from the submission requirements have not been received or are incomplete. Such application must be submitted at least 15 days prior to any regularly scheduled meeting of the Zoning Commission. If any submission requirements are incomplete or missing the application will not be processed further until the

necessary items are submitted. When the application is deemed complete, the Zoning Inspector shall forward the application to the Zoning Commission and the Township Architect.

- c. Design Review Criteria. The Township Architect shall review the application to determine whether or not the application complies with the following criteria:
1. The exterior architectural character of the proposed structure, when erected, will not be at such variance with existing structures, or structures currently being built, in the immediate neighborhood or zoning district as to cause substantial depreciation in the property values of such existing structures or structures currently being built.
 2. The orientation of the proposed structure is reasonably integrated with existing roads, driveways and pedestrian walkways abutting the property on which the proposed structure is to be built.
 3. The structure shall not be substantially like any neighboring structure in existence, or for which a building permit has been issued. In partial fulfillment of this section, it is required that the proposed house will not have more than two of the following six characteristics similar to the two neighboring homes:
 - A. Similarity of the roof style of the proposed to the neighboring dwellings;
 - B. The roof pitch of the proposed structure being within three vertical units in twelve from a neighboring structure;
 - C. More than half of the exterior surface materials of the proposed structure being similar to an adjacent dwelling;
 - D. The relative location of an attached garage, porch, portico, breezeway, gable or other major design feature attached to the proposed structure is similar to an adjacent dwelling;
 - E. The relative location of entry doors, windows, shutters or chimneys in the proposed structure being similar to an adjacent dwelling;
 4. The structure has no more than the equivalent of three single vehicle garage doors facing the street with the exception that structures located on corner lots are permitted a maximum of three vehicle garage doors facing the side street provided that at least one of the garage doors has a

- setback from such side street at least two feet greater or lesser than the other garage doors.
5. Simulated chimneys and exterior flues of contrasting and incompatible materials which do not complement the primary architectural style are prohibited.
 6. Central air conditioning units are prohibited on or adjacent to exterior wall surfaces facing a street. When located in a side or rear yard, decorative fences shall be used to screen the unit.
- d. Township Architect's Recommendation. The Township Architect's opinions and recommendations shall be submitted to the Zoning Commission for their consideration. The Township Architect's recommendation may include suggested modifications to the application so that, in the opinion of the Township Architect, the application complies with the design review criteria set forth in the above subsection.
- e. Zoning Commission Action. The Zoning Commission shall consider the recommendation of the Township Architect in making its decision.
1. Following its review, the Zoning Commission shall either approve the application, approve the application with modifications or deny the application. If the application is approved, the Zoning Commission shall direct the Zoning Inspector to issue a zoning permit pursuant to the regulations in Section 1801. Such permit shall authorize only the use and building design as specified on the approved application.
 2. Approval of the proposed dwelling shall remain valid for a period of 12 months following the date of its approval. If, at the end of that time, construction has not begun, then such approval shall be considered as having lapsed and shall be of no effect unless the application is resubmitted and reapproved by the Zoning Commission. Construction is deemed to have begun when all necessary excavation and piers or footings of the proposed dwelling have been completed.

2205 ENVIRONMENTAL STANDARDS AND CRITERIA APPLICABLE TO ALL DEVELOPMENTS.

- a. General Requirements. A drainage and erosion control plan, along with any easements or rights of way required, shall be included with other plans upon application for a zoning certificate for:

1. The construction of all principal buildings.
2. The construction of accessory buildings when the grade is changed.
3. Any alteration of existing terrain to the extent that such alteration may cause erosion and/or drainage damage.

This plan must address both temporary and permanent measures for controlling erosion and drainage during and after construction.

The plans shall be submitted by the applicant to the Zoning Inspector. If additional review is required by this Resolution or at the request of the Zoning Inspector, the application shall be forwarded to the Zoning Commission. If it is determined by the Zoning Inspector that such additional review is needed, at the request of the Zoning Inspector the application shall be deemed incomplete until the results of such additional review have been completed by the Zoning Commission.

b. General Site Development Requirements.

1. The smallest area of land practical shall be disturbed and exposed at any one time during development.
2. Natural ground cover vegetation should be retained, protected, and maintained as much as possible during the construction process.
3. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
4. The development plan shall be fit to the topography and soils so as to create the least potential for erosion and drainage problems. For all buildings and improvements, low wet areas, small drainage courses, and areas subject to slippage should be avoided.
5. The Township encourages an open/natural drainage solution when it relies primarily on natural contours and the preservation of existing environmental resources and does not require severe ditching, trenching or regrading. If the criteria in this section cannot be satisfied without significant disruption to the natural flow, then drainage courses (but not necessarily retention or detention ponds) shall be enclosed.

c. Soil Stabilization Requirements.

1. For erosion and sediment control purposes, the following areas shall have a temporary seeding:
 - A. Any area that will be left disturbed for longer than ninety (90) days, with such seeding being completed as soon as practical during the period of March 1 to October 31.
 - B. Any area disturbed prior to October 31 which will be left bare over the winter, with such seeding being completed by October 31.
 - C. Erodible areas (areas consisting of slopes of greater than four [4] percent) and any bank cuts, with such seeding being completed within thirty (30) days of disturbance unless it is impossible to complete such temporary seeding by October 31, in which case straw bales or mulch shall be used to control erosion over the winter.

All temporary seedings shall be maintained until permanent seedings are done. Temporary seedings shall not be needed if permanent seeding is done.

Temporary seedings are not required in a construction area which is within fifty (50) feet of the building.

2. The cut face of earth excavations, which is to be vegetated, shall not be steeper than two feet horizontal to one foot vertical.
3. Final grading and permanent seeding (or sodding) of construction sites, yards, ditches, swales, and cuts shall be done within thirty (30) days of completion. However, construction completed between October 1 and April 30 shall not have to have permanent seeding or sodding completed until May 30.

d. Drainage and Run-Off Control.

1. Existing ditches, streams or channels crossing through the property may need to be cleaned, enlarged or regraded to accommodate storm water. Ditches will be seeded and have other permanent erosion control and drainage features installed by the date specified in consultation with the Zoning Commission.

2. For construction and maintenance purposes, the property owner may be required to obtain a right-of-way easement off site in order to achieve an adequate drainage outlet.
 3. Storm water retention/detention structures may be required if it is determined that accelerated storm water run-off could damage downstream properties or if an adequate drainage outlet cannot be achieved.
 4. Existing intermittent surface drainage courses (swales) shall be maintained so as not to cause restriction or acceleration of flow that could cause damage to upstream or downstream properties.
 5. Current subsurface drains encountered or disturbed shall be reconnected or routed around the construction area if they serve surrounding properties.
 6. A maintenance program is required on all drainage systems (outlet ditches, subsurface and surface drains) that serve as drainage outlets for storm water, sanitary waste, or floodwater for multiple property owners. This does not apply to road ditches or any drainage works within the road right-of-way. This only applies to drainage systems that needed to be constructed or improved for the primary purpose of benefiting the development.
- e. Sediment Control Measures. The following temporary measures may be required to control erosion and sediment in areas of concentrated water flow and areas subject to sedimentation: temporary sediment basin; straw bale barrier; silt fence; storm drain inlet protection. These measures may be removed once permanent vegetation has become established.

**Article 2600
Enforcement and Penalty**

2601	Zoning inspector to enforce resolution.	2603	Complaints regarding violations.
2602	Construction and use to comply with approved plans, permits and certificates.	2604	Actions to bring about compliance with zoning regulations.
		2605	Penalty.

2601 ZONING INSPECTOR TO ENFORCE RESOLUTION.

It shall be the duty of the Zoning Inspector to enforce the regulations found in this Resolution (or Sections 519.01 through 519.99 inclusive of the Ohio Revised Code). In performing this duty, the Zoning Inspector may take any reasonable action necessary to substantiate the existence of a zoning violation including entering onto the site of a possible violation. The Zoning Inspector shall conduct all site inspections at a reasonable hour and in a reasonable manner and shall carry adequate identification.

2602 CONSTRUCTION AND USE TO COMPLY WITH APPROVED PLANS, PERMITS AND CERTIFICATES.

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set for in such approved plans, permits and certificates, including any specific conditions. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

2603 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

2604 ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS.

The Zoning Inspector shall, upon identification of a zoning violation, order the landowner or responsible party in writing to remedy the violation. After such order is served to the landowner or posted on the premises, no work except to correct or comply with said violation shall proceed on any building or tract of land included in the violation.

2605 PENALTY.

The penalty for violation of any section of this Resolution shall be not more than the amount specified in Section 519.99 of the Ohio Revised Code for each offense. Each day's continuation of a violation may be deemed a separate offense.

**Article 2300
Conditional Use Permits**

2301	Purpose.	2307	Action by Zoning Board of Appeals.
2302	Submission of application.	2308	Terms and duration of conditional use permit.
2303	Review for completeness.	2309	Reapplication.
2304	Distribution of application.	2310	Expiration of conditional use permit.
2305	Public hearing and notice by Zoning Board of Appeals.		
2306	Review criteria.		

2301 PURPOSE.

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the following:

2302 SUBMISSION OF APPLICATION.

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional use permit accompanied by payment of the required fee established by Trustees. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent and characteristics and shall include a site plan and associated documentation as required in Section 2203 unless specific items required in Section 2203 are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

2303 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall review the application for completeness with the submission requirements prior to the application being placed on the agenda of the Zoning Board of Appeals.

2304 DISTRIBUTION OF APPLICATION.

The application shall be transmitted to the Zoning Board of Appeals as well as other agencies as follows:

- a. The application may be transmitted to appropriate administrative departments and professional consultants for review and comment.
- b. Any department reports, comments or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Board of Appeals prior to the time of the Board's review.

2305 PUBLIC HEARING AND NOTICE BY ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall hold a public hearing within 20 days of accepting an application. Notice of such public hearing shall be given by first class mail to all owners of property, as they appear on the County Auditor's current tax list, within and contiguous to and directly across the street from such property of the proposed use, and further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

2306 REVIEW CRITERIA.

The Zoning Board of Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In making such a determination, the Zoning Board of Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Article 1500 of this Resolution, shall be satisfied by the establishment and operation of the proposed use.

In addition, the Zoning Board of Appeals shall review the site plan for the proposed conditional use according to the site plan review procedures set forth in Article 2200.

The Board may require such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

2307 ACTION BY ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall take one of the following actions:

- a. If the proposed conditional use is determined by the Zoning Board of Appeals to be appropriate, the Zoning Board of Appeals shall approve the conditional use application. As part of the approval, the Zoning Board of Appeals may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this Resolution for the protection of individual property rights and the public health, safety, and general welfare of the community and ensuring that the intent and objective of this Zoning Resolution are observed.
- b. If the proposed use is found to be not in compliance with the specifications of this Zoning Resolution, or not appropriate to or in keeping with the purpose, policies and intent of the Comprehensive Plan, the Zoning Board of Appeals shall reject the application.

2308 TERMS AND DURATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit and requirements thereof shall apply to the current and any subsequent owners. The Zoning Board of Appeals may impose reasonable site and operational conditions on the use and may further establish a reasonable length of time within which the Board may reevaluate whether the conditional use continues to be in compliance with all conditions and requirements. The breach of any condition, safeguard or requirement shall automatically invalidate the conditional use permit granted, and shall constitute a violation of the Zoning Resolution. Such violation shall be punishable as per Article 2600. The conditional use permit shall automatically expire if for any reason the conditional use ceases or is abandoned for a period of twelve (12) consecutive months or more.

2309 REAPPLICATION.

An application for a conditional use permit which has been denied wholly or in part by the Zoning Board of Appeals and is resubmitted to the Zoning Board of Appeals shall comply with all the requirements of this Section, including payment of the required fee.

2310 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be valid for a period not to exceed one (1) year from date of issuance. Inspection and payment of a fee as set forth in the fee schedule shall be required prior to renewal of said permit. A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months.

Conditional use permits are issued each February by the Zoning Board of Appeals. If a permit is issued within three (3) months prior, than the fee for the next calendar year may be waived.

**Chapter 2400
Appeals and Variances**

2401	Appeals to the board of zoning appeals.	2405	Decision of the board.
2402	Initiation of appeal.	2406	Variance as a type of appeal.
2403	Public hearing by the board.	2407	Appeals to the court of common pleas.
2404	Stay of proceedings.		

2401 APPEALS TO THE BOARD OF ZONING APPEALS.

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Township, deeming himself or itself to be adversely affected by any decision or action of the Zoning Inspector or by any administrative officer deciding matters relating to this Zoning Resolution.

2402 INITIATION OF APPEAL.

Notice of appeal shall be filed with the officer from whom the appeal is taken and with the secretary of the Board of Zoning Appeals within 20 days after the date of any adverse order, requirement, decision, or determination. Such written notice of appeal shall specify therein the grounds and reasons for the appeal. The zoning inspector from whom the appeal is taken shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action so appealed was taken.

2403 PUBLIC HEARING BY THE BOARD.

The Board of Zoning Appeals shall hold a public hearing within 20 days of receiving the material related to the appeal. Notice of such public hearing shall be given by first class mail to all owners of property, as they appear on the County Auditor's current tax list, within and contiguous to and directly across the street from such property that is the subject of the hearing, and further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the appeal. Failure of delivery of such notice shall not invalidate action taken on such application. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing were publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney.

Any person may appear before the Board at the public hearing on the application and state their reasons for or against the proposal.

The Chairman of the Board of Zoning Appeals shall ensure all notices specified in this section are completed.

2404 STAY OF PROCEEDINGS.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by either the Board of Zoning Appeals or a court having lawful jurisdiction.

2405 DECISION OF THE BOARD.

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a certificate.

- a. The Board shall act within 30 days from the date the appeal, the conditional use, or the variance was received by the Board, or an extended period of time as may be agreed upon.
- b. The Board shall render in writing a decision on the appeal application without unreasonable delay.
- c. The Board shall keep minutes of all proceedings, showing the vote of each member thereon, and shall keep records of its official actions.

A copy of the Board's decision including all terms and conditions shall be transmitted to the Zoning Inspector and shall be binding upon and observed by him/her. The Zoning Inspector shall fully incorporate these same terms and conditions into the permit to the applicant whenever a permit is authorized by the Board.

2406 VARIANCE AS A TYPE OF APPEAL.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest according to the following procedures:

- a. Application Requirements. An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
1. Name, address and phone number of applicant(s);
 2. Proof of ownership, legal interest or written authority;
 3. Legal description of property or portion thereof;
 4. Description or nature of variance requested;
 5. Narrative statements establishing and substantiating the justification for the variance pursuant to subsection (b) below;
 6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
 7. Payment of the application fee as established by the Trustees;
 8. Any other documents deemed necessary by the Zoning Inspector.

Upon receipt of a written request for variance, the Zoning Inspector shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

- b. Review by the Board of Zoning Appeals. According to the procedures established for appeals in Section 2403, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence demonstrates that the literal enforcement of this Resolution will result in practical difficulty. The following factors shall be considered and weighed by the Board in determining practical difficulty:
1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity,

- narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 3. Whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structures;
 4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 6. Whether special conditions or circumstances exist as a result of actions of the owner;
 7. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
 10. Whether the literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
- c. Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to adequately review and evaluate the request for a variance.
- d. Additional Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
- e. Action by the Board. The Board shall either approve, approve with supplementary conditions as specified in subsection (d), or disapprove the request for variance according to the procedures established for appeals in Section 2405. The Board

shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

A variance from the provisions or requirements of this Resolution shall not be authorized by the Board unless it finds that all the following facts and conditions exist:

1. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
2. That the granting of the variance will not be contrary to the public interest or the intent and purpose of this Resolution and other adopted plans.

If a variance has been denied by the Board, the Board need not reconsider the same request for a variance if resubmitted within six months after date of decisions, unless the underlying conditions have substantially changed.

- f. Variations to Nonconforming Uses and Buildings. The Board shall have no power to authorize, as a variance, the establishment of a nonconforming building or use, extensions of or changes in nonconforming uses where none previously existed.
- g. Term and Extension of Variance. Variances shall be non-assignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this Section.

2407 APPEALS TO THE COURT OF COMMON PLEAS.

Decisions by the Board of Zoning Appeals granting or denying variances shall be final within the Township. Appeals shall be subject to judicial review by the Court of Common Pleas of Lorain County, Ohio, in accordance with the laws of the State of Ohio.

Article 2700

Ponds

2701	Definition.	2703	Procedures.
2702	Standards and specifications.	2704	Variances and existing ponds.

2701 DEFINITION.

A man-made water impoundment made by construction of a dam or embankment, or by excavating a pit or dugout, greater than ¼ acre in surface area. Used primarily for recreation and fire protection. (Source: NRCS Standard and Specification #378)

2702 STANDARDS AND SPECIFICATIONS.

The following standards and specifications apply to traditional ponds only. Decorative ponds, commercial ponds, and wetlands require separate zoning regulations.

- a. A pond must be designed by a registered civil engineer or by the Lorain County Soil and Water Conservation District to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
- b. The Lorain County SWCD will provide technical assistance for pond design to residential and agricultural landowners. Industrial and commercial sites will need to obtain engineering service from private engineers.
- c. Ponds designed by private engineers can be reviewed by the Lorain County SWCD for technical adequacy (at the request of the township).
- d. Minimum size will be one-fourth of an acre in surface area (approximately 100 feet by 110 feet). Minimum depth will be 8 feet in 25-50% of the pond with 3 to 1 side slopes (3 feet horizontal to 1 foot vertical rise).
- e. Set back requirements will be a minimum of 50 feet from all property lines and right-of-ways. This is measured from the high water mark of the pond, the outside toe (edge) of the embankment (dam) and the outside edge of the spoil disposal area. None of these three points can be closer than 50 feet to the property line.
- f. The Lorain County SWCD will not design a pond located in a flood plain area, as designated by the FEMA Flood Plain map or local zoning.
- g. On-site and off-site drainage patterns (surface and subsurface) will not be obstructed by pond construction, in compliance with Ohio Drainage Laws. Drainage (ditches, swales, tile, etc.) will be rerouted around the pond and outletted into the original watercourse.

- h. The construction and use of a pond will not result in additional erosion and sedimentation problems either off-site or on-site.
- i. Spoil material will be mounded a minimum top width of four feet and minimum side slopes are 3:1. Maximum heights are to be determined by local zoning.
- j. All ponds will have a spillway system capable of handling stormwater overflow from the pond. Overflow stormwater will be discharged into the natural watercourse.
- k. Ponds used as primary water supply will be a minimum of 50 feet from the septic system leach field. Otherwise ponds will be a minimum of 25 feet from the nearest point of the sanitary system.

2703 PROCEDURES.

The following procedures apply to traditional ponds only. Decorative ponds, commercial ponds, and wetlands require separate zoning regulations.

- a. Ponds will not be discharged so as to affect the leach field of adjacent sanitary systems or raise the ground water so as to render ineffective any sanitary system.
- b. Ponds will be managed and maintained so as not to create nuisance and health hazards. The location of a pond shall not cause a hazard to nearby residents.
- c. The area surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
- d. Liability for the pond is the responsibility of the landowner.
- e. Fines and enforcement for pond violations is the responsibility of the township. The Lorain County SWCD does not issue permits nor is it responsible for enforcement action
- f. The Lorain County SWCD requires a minimum of 60 days prior to construction to conduct investigation, perform surveys, and prepare final drawing of pond.
- g. The landowner is responsible for payment of fees to Lorain County SWCD or other engineers for pond design/layout services.
- h. Public utility requirements must be adhered to regarding both underground and overhead utilities.
- i. Larger ponds and/or dams may be subject to review, approval, and annual inspection by the Ohio Department of Natural Resources, Division of Water, under the Ohio Dam Safety Law.

2704 VARIANCES AND EXISTING PONDS.

Request for a variance from Township Zoning Regulations shall be processed by the Township Zoning Board of Appeals. Any reconstruction of an existing pond shall meet all standards, specifications, and zoning requirements as for new ponds.

**Article 1900
Wireless Telecommunication Tower Regulations**

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|------|----------------------|------|--|
| 1901 | Purpose. | 1904 | Locations requiring variance approval. |
| 1902 | Definitions. | | |
| 1903 | Permitted Locations. | | |
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1901 PURPOSE.

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located.

The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless communication towers and related facilities for the following purposes:

- a. To protect property values;
- b. To regulate a commercial use so as to provide for orderly and safe development within the Township;
- c. To maintain the aesthetic appearance of the Township;
- d. To provide for and protect the health, safety, morals, and general welfare of the residents of the Township;
- e. To protect residential properties, parks, open spaces, and the non-intensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities;
- f. To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the Township; and
- g. To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Resolution.

1902 DEFINITIONS.

- a. Co-location: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Article 1900 - Wireless Telecommunication Tower Regulations

- b. Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
- c. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- d. Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- e. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- f. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- g. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed, and lattice construction steel structures.

1903 PERMITTED LOCATIONS.

A wireless telecommunication tower and facility may be located in the following areas.

- a. First priority: New wireless antennas may co-locate on existing towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, or cooling towers.
- b. Second priority: A wireless telecommunication tower and/or antenna facility may be located in an M-U Mixed Use District, GB-1 General Business, or LI Light Industrial District as set forth on the Zoning Map.
- c. Third priority: A wireless telecommunication tower and/or antenna facility may be located within a recorded electric high tension power line, easement, or adjacent to and within 100 feet of such and easement, as indicated on the Zoning Map.

1904 LOCATIONS REQUIRING VARIANCE APPROVAL.

Areas requiring a variance approval are Residential Districts (R-AG, R1, R2, RMF-1, and R-MHP). Refer to ORC 519.211 (ref: 147 v S 132 [Eff 9-30-98]), “Limitations on zoning power; telecommunications towers”, as excerpted below:

(A) Except as otherwise provided in division (B) or (C) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any board of township trustees or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

(B)(1) As used in this division, “telecommunication tower” means any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

(a) The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.

(b) 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.

(c) 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.

(d)(i) 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 regulation, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(ii) 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 31, 1996, or as those regulations subsequently are amended.

(e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

(B)(2) Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a

telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the power so conferred shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with division (B)(4)(a) of this section, to the person proposing to construct the tower.

(B)(3) Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide both of the following by certified mail:

(a) Written notice 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, stating all of the following in clear and concise language:

(i) The person's intent to construct the tower;

(ii) A description of the property sufficient to identify the proposed location;

(iii) That, no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

(b) Written notice to the board of township trustees of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.

(B)(4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the Fiscal Officer of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five (5) days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time prescribed by that division or no board member has an objection as provided under division (B)(4)(a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

Note: Subsections (C), (D), and (E) are not pertinent to telecommunications towers.

(F)(1) Any person who plans to construct a telecommunications tower within one hundred (100) feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

(F)(2) As used in division (F) of this section:

(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence;

(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

