

# **CARLISLE TOWNSHIP ZONING RESOLUTION**

## **TABLE OF CONTENTS**

### **Goals and Objectives of Carlisle Township Zoning Resolution**

#### **ARTICLE I**

**101 TITLE**

**102 PURPOSE**

#### **ARTICLE II**

**201 INTERPRETATION OF TERMS OR WORDS**

**202 DEFINITIONS**

#### **ARTICLE III - GENERAL REGULATIONS**

**301 PURPOSE**

**302 CONFORMANCE REQUIRED**

**303 GENERAL LOT AREA REGULATIONS**

303.01 EXEMPTIONS FOR CERTAIN LOTS NOT MEETING STANDARD SPECIFICATIONS

303.01A SPECIFICATIONS FOR STRUCTURAL ALTERATIONS

303.02 CORNER LOTS

303.03 STREET CONSTRUCTION

**304 GENERAL YARD REQUIREMENTS**

304.01 YARD FOR SINGLE BUILDING

304.02 CLEAR VIEW OF INTERSECTING STREETS

**305 YARD EXCEPTIONS**

305.01 FENCES AND WALLS

305.02 ACCESSORY BUILDINGS

305.03 GARAGE, RUMMAGE AND YARD SALES (RI-1, RI-2)

305.04 EXCEPTION TO FRONT YARD SETBACK

305.05 FRONT YARD SETBACK FOR STATE AND US HIGHWAYS

**306 WATER IMPOUNDMENT FACILITIES**

306.01 PRIVATE SWIMMING POOLS (RI-1, RI-2, RI-3)

306.02 COMMUNITY OR CLUB SWIMMING POOL (MR-1, NB-1, GB-1)

306.03 PONDS (ALL DISTRICTS)

**307 BUILDING REGULATIONS**

307.01 GENERAL

307.02 DWELLING – EARTH SHELTER UNIT (RI-1, RI-2)

307.03 BUILDINGS UNDER CONSTRUCTION PRIOR TO ENACTMENT

307.04 TEMPORARY BUILDINGS

307.05 REAR HOUSES

307.06 HEALTH BOARD APPROVAL

307.07 AIRPORT HAZARD ZONES

307.08 FLOOD PLAIN ZONES

- 307.09 MUNICIPAL PLANNING COMMISSION AUTHORITY
- 307.10 SUBMISSION TO STATE HIGHWAY DIRECTOR
- 307.11 FRONTAGE REQUIRED FOR BUILDINGS
- 307.12 EROSION AND SEDIMENTATION CONTROL DURING CONSTRUCTION
- 308 NONCONFORMING USE OF BUILDING OR LAND**
  - 308.01 CONTINUANCE
  - 308.03 DISCONTINUANCE
  - 308.04 CHANGE
  - 308.05 EXTENSION, ENLARGEMENT, REMOVAL
  - 308.06 DESTRUCTION, DAMAGE AND RECONSTRUCTION
- 309 SUBMISSION OF PLANS**
  - 309.01 APPLICABILITY
  - 309.02 ACTION BY ZONING COMMISSION AND APPLICANT
  - 309.05 PRELIMINARY SUBMITTAL PROCEDURES AND REQUIREMENTS
- 310 PERFORMANCE STANDARDS**
  - 310.01 FIRE HAZARDS
  - 310.02 RADIOACTIVITY OR ELECTRICAL DISTURBANCE
  - 310.03 NOISE
  - 310.04 VIBRATION
  - 310.05 SMOKE
  - 310.06 ODORS
  - 310.07 AIR POLLUTION
  - 310.08 GLARE
  - 310.09 EROSION
  - 310.10 WATER POLLUTION
  - 310.11 REGULATION OF OFFENSIVE MATERIALS
- 311 ENFORCEMENT PROVISIONS**
  - 311.01
  - 311.02
- 312 ENVIRONMENTAL AND ECONOMIC ASSESSMENT**
  - 312.01 EXISTING DEVELOPMENT
  - 312.02 DEVELOPMENT IMPACT ON THE TOWNSHIP'S GOALS & OBJECTIVES
  - 312.03 DEVELOPMENT IMPACT ON PUBLIC SERVICES & UTILITIES
  - 312.04 IMPACT ON ENVIRONMENTAL FACTORS
  - 312.05 IMPACT OF DEVELOPMENT ON QUALITY OF LIFE

## **ARTICLE IV - CONDITIONALLY PERMITTED USES**

- 401 GENERAL REQUIREMENTS**
- 402 MOTOR VEHICLE WASH STATION (NB-1, GB-1)**
- 403 MOTOR VEHICLE REPAIR GARAGE (GB-1)**
- 404 CEMETERIES (RI-1)**
- 405 DAY CARE CENTER (RI-1, GB-1)**
- 406 EXTRACTION OF STONE, MINERALS AND TO SOIL (GB-1, LI-1)**
- 407 FUNERAL HOME (NB-1, GB-1)**
- 408 GOLF COURSE (RI-1, LI-1)**
- 409 HOME OCCUPATION (RI-1, RI-2, RI-3)**
- 410 MINIATURE GOLF COURSE (GB-1)**
- 411 PARKS AND PLAYGROUNDS (RI-1)**
- 412 PLANT NURSERY (RI-1, NB-1, GB-1)**

- 413 DRILLING AND EXPLORATION FOR GAS AND OIL (ALL DISTRICTS)**
  - 413.01 PRIVATE GAS WELLS
- 414 RECREATIONAL CAMPGROUNDS (RI-1)**
- 415 RIDING, BOARDING, & SHOW STABLE INCLUDING RIDING ARENA (RI-1)**
- 416 ROADSIDE STANDS (RI-1, RI-2, RI-3)**
- 417 SERVICE STATIONS, FUEL MARTS & CONVENIENCE PLAZAS (GB-1)**
- 418 VETERINARY HOSPITAL OR CLINICS (RI-1, GB-1)**
- 421 MOBILE HOME AND RECREATIONAL VEHICLE STORAGE, SALES, & SERVICE (GB-1)**
- 422 TRANSITION PROVISIONS AND REQUIRMENTS FOR EXISITING BUILDINGS ONLY**
- 423 NURSING HOMES (RI-1, GB-1)**
- 425 WIRELESS TELECOMMUNICATIONS FACILITY (RI-1, RI-2, RI-3)**
  - 425.01 SOLE USE ON LOT
  - 425.02 COMBINED WITH ANOTHER USE
  - 425.03 COMBINED WITH AN EXISTING STRUCTURE
  - 425.04 LOCATED WITHIN ELECTRIC HIGH TENSION POWER LINE EASEMENT
- 426 JUNK YARDS (LI-1)**
- 427 SEWAGE AND SLUDGE APPLICATION**
- 428 LIVING QUARTERS FOR SECURITY GUARD/GROUNDSKEEPER IN MINI-U-STORE WAREHOUSE AND WAREHOUSES (GB-1, LI-1)**
- 429 AUTOMOTIVE DISMANTLING & RECYCLING OPERATION (GB-1, LI-1)**
- 430 COMMERCIAL COMPOSTING FACILITY (SW-1)**
- 431 COMMERCIAL LANDFILL FACILITY (SW-1)**
- 432 WIND ENERGY CONVERSION SYSTEMS (GB-1, LI-1, RI-1, RI-2)**
- 433 INTERNET SWEEPSTAKES CAFÉ'S (GB-1, LI-1)**

**ARTICLE V - ESTABLISHMENT OF DISTRICTS**

- 501 PURPOSE**
- 502 DISTRICTS**
- 503 ZONING MAPS**
- 504 INTERPRETATION OF DISTRICT BOUNDARIES**

**ARTICLE VI**

- 600 LOW DENSITY RI-1**
- 601 PURPOSE**
- 602 PERMITTED USES**
- 603 CONDITIONALLY PERMITTED USES**
- 604 LOT AND YARD REQUIREMENTS**
- 605 MAXIMUM BUILDING HEIGHT**
- 606 REQUIRED MINIMAL LIVING AREA**
- 607 PERMITTED SIGNS**
- 608 OFF-STREET PARKING AND LOADING**
- 609 GENERAL REGULATIONS**

- 610 LOW DENSITY RI-2**

- 611 PURPOSE**
- 612 PERMITTED USES**
- 613 CONDITIONALLY PERMITTED USES**
- 614 LOT AND YARD REQUIREMENTS**
- 615 MAXIMUM BUILDING HEIGHT**
- 616 REQUIRED MINIMAL LIVING AREA**
- 617 PERMITTED SIGNS**
- 618 OFF-STREET PARKING AND LOADING**
- 619 GENERAL REGULATIONS**

**620 LOW DENSITY RI-3**

- 621 PURPOSE**
- 622 PERMITTED USES**
- 623 CONDITIONALLY PERMITTED USES**
- 624 LOT AND YARD REQUIREMENTS**
- 625 MAXIMUM BUILDING HEIGHT**
- 626 REQUIRED MINIMAL LIVING AREA**
- 627 PERMITTED SIGNS**
- 628 OFF-STREET PARKING AND LOADING**
- 629 GENERAL REGULATIONS**

**630 RPD RESIDENTIAL PLANNED DEVELOPMENT**

- 631 PURPOSE**
- 632 STANDARDS**
  - 632.01 USES
  - 632.02 DENSITY
  - 632.03 LOTS AND SETBACK DIMENSIONS
  - 632.04 RESTRICTED OPEN SPACE
  - 632.05 ROADS AND UTILITIES
  - 632.06 MINIMUM PROJECT AREA AND FRONTAGE
  - 632.07 PROFESSIONAL LANDSCAPE PLANS REQUIRED
- 633 PROCEDURES FOR MAP AMENDMENTS AND DEVELOPMENT PLANS**
  - 633.01 PRE-APPLICATION REVIEW OF GENERAL DEVELOPMENT PLAN
  - 633.02 APPLICATION FOR ZONING AMENDMENT AND SUBMISSION OF GENERAL DEVELOPMENT PLAN
  - 633.04 SIGNIFICANCE OF APPROVED GENERAL DEVELOPMENT PLAN
  - 633.05 FINAL DEVELOPMENT PLAN
  - 633.06 FEES

**640 COTTAGE HOUSING DISTRICT (CHD)**

- 641 PURPOSE**
- 642 PERMITTED USES**
- 643 LOT AND YARD REQUIREMENTS**
- 644 MAXIMUM BUILDING HEIGHT**
- 645 REQUIRED MINIMAL LIVING AREA**
- 646 PERMITTED SIGNS**
- 647 OFF STREET PARKING**
- 648 GENERAL REGULATIONS**
- 649 BUFFERING REQUIREMENTS**



**ARTICLE VII - MULTIPLE FAMILY RESIDENCE – MR-1**

- 701 PURPOSE**
- 702 PERMITTED USES**
- 703 CONDITIONALLY PERMITTED USES**
- 704 LOT AND YARD REQUIREMENTS**
  - 704.01 LOT DEVELOPMENT AREA
  - 704.02 MULTIPLE FAMILY (FOUR OR MORE)
- 705 MAXIMUM BUILDING HEIGHT**
- 706 MINIMUM GROSS FLOOR AREA PER DWELLING UNIT**
- 707 ACCESSORY STRUCTURES**
- 708 PERCENTAGE OF LOT COVERAGE**
- 709 MINIMUM LIVABLE OPEN SPACE**
- 710 MINIMUM RECREATION SPACE**
- 711 DISTANCE BETWEEN BUILDINGS ON THE SAME LOT**
- 712 REQUIRED COURT DEMENSIONS**
  - 712.01 INNER COURTS
  - 712.02 OUTER COURTS
- 713 BUFFER YARDS**
- 714 SUBMISSION OF PLANS**
- 715 OFF STREET PARKING AND LOADING**
- 716 PERMITTED SIGNS**
- 717 GENERAL REGULATIONS**

**ARTICLE VIII – NEIGHBORHOOD BUSINESS NB-1**

- 801 PURPOSE**
- 802 TYPICALLY PERMITTED USES**
- 803 CONDITIONALLY PERMITTED USES**
- 804 BUILDING HEIGHT**
- 805 YARDS REQUIRED**
- 806 PERCENTAGE OF LOT COVERAGE**
- 807 SUBMISSION OF PLANS**
- 808 PERMITTED SIGNS**
- 809 OFF STREET PARKING**
- 810 GENERAL REGULATIONS**

**ARTICLE IX – GENERAL BUSINESS GB-1**

- 901 PURPOSE**
- 902 TYPICALLY PERMITTED USES**
- 903 CONDITIONALLY PERMITTED USES**
- 904 BUILDING HEIGHT**
- 905 REQUIRED LOT AREA**
- 906 YARD REQUIRED**
- 907 PERCENTAGE OF LOT COVERAGE**
- 908 SUBMISSION OF PLANS**
- 909 PERMITTED SIGNS**
- 910 OFF STREET PARKING AND LOADING**

**911 GENERAL REGULATIONS**

**ARTICLE X - PLANNED SHOPPING CENTER DISTRICTS**

**1001 INTENT AND PURPOSE**

**1002 USES**

**1003 LOT REQUIREMENTS**

**1004 YARD REQUIREMENTS**

**1005 DEVELOPMENT REQUIREMENTS**

**1006 SITE PLAN APPROVAL REQUIRED**

**1007 MARKET ANALYSIS REQUIRED FOR ZONING CHANGE REQUESTS**

**ARTICLE XI - INDUSTRIAL DISTRICT REGULATIONS LIGHT INDUSTRIAL LI-1**

**1101 PURPOSE**

**1102 PERMITTED USES**

**1103 BUILDING HEIGHT**

**1104 LOT AND YARD REQUIREMENTS**

1104.01 LOT AREA

1104.02 CORNER LOTS

1104.03 YARDS REQUIRED

1104.04 PERCENTAGE OF LOT COVERAGE

**1105 SUBMISSION OF PLANS**

**1106 STREETS, SEWERS AND WATER LINES**

**1107 BUFFERING**

1107.01 INTENT

1107.02 PURPOSE

1107.03 DEFINITIONS

1107.04 GENERAL PROVISIONS

1107.05 APPLICABILITY

1107.06 PROCEDURES

1107.07 PERMITTED SIGNS

1107.08 OFF STREET PARKING AND LOADING

1107.09 GENERAL REGULATIONS

1107.10 SUBMISSION OF PLANS

**ARTICLE XI - 1110 - SOLID WASTE DISTRICT SW-1**

**1111 PURPOSE**

**1112 CONDITIONALLY PERMITTED USES**

**1113 BUILDING HEIGHT**

**1114 LOT AND YARD REQUIRMENTS**

1114.01 LOT AREA

1114.02 CORNER LOTS

1114.03 YARDS REQUIRED

1114.04 PERCENTAGE OF LOT COVERAGE

**1115 SUBMISSION OF PLANS**

**1116 STREETS, SEWERS AND WATER LINES**

**1117 BUFFERING**

1117.01 INTENT

- 1117.02 PURPOSE
- 1117.03 DEFINITIONS
- 1117.04 GENERAL PROVISIONS
- 1117.05 APPLICABILITY
- 1117.06 PROCEDURES
- 1117.07 PERMITTED SIGNS
- 1117.08 OFF STREET PARKING AND LOADING
- 1117.09 GENERAL REGULATIONS
- 1117.10 SUBMISSION OF PLANS

## **ARTICLE XI - 1118 - ENTERTAINMENT OVERLAY DISTRICT EO-1**

- 1118.01 PURPOSE
- 1118.02 PERMITTED USES
- 1118.03 BUFFER REQUIREMENTS
- 1118.04 BUILDING HEIGHT LIMIT
- 1118.05 REQUIRED LOT AREA
- 1118.06 YARDS REQUIRED
- 1118.07 PERCENTAGE OF LOT COVERAGE
- 1118.08 SUBMISSION OF PLANS
- 1118.09 PERMITTED SIGNS
- 1118.10 OFF STREET PARKING
- 1118.11 GENERAL REGULATIONS
- 1118.12 BOUNDARIES
- 1118.13 SEVERABILITY
- 1118.14 EFFECTIVE DATE
- 1118.15 COMPLIANCE WITH OPEN MEETINGS LAW

## **ARTICLE XII - FLOOD PLAIN ZONE REGULATIONS FP-1**

- 1201 PURPOSE
- 1202 PERMITTED USES
- 1203 CONDITIONALLY PERMITTED USES
- 1204 SUBMISSION OF PLANS
- 1205 TOWNSHIP LIABILITY
- 1206 PERMITTED SIGNS
- 1207 OFF STREET PARKING AND LOADING
- 1208 GENERAL REGULATIONS
- 1209 CONSTRUCTION REQUIREMENTS

## **ARTICLE - XIII CLUSTER SUBDIVISIONS**

- 1301 INTENT
- 1302 LOCATIONS
- 1303 GENERAL REQUIREMENTS
  - 1303.01 MINIMUM DWELLING UNITS AND HOUSING TYPES
  - 1303.02 GROSS RESIDENTIAL DENSITY
  - 1303.03 ACCESS TO COMMON LAND
  - 1303.04 COMMON LAND
  - 1303.05 REQUIREMENT REDUCTIONS
  - 1303.06 DEVELOPMENT DESIGN

**1304 METHOD OF PROCEDURE**

- 1304.01 APPLICATION INFORMATION
- 1304.02 FINDINGS OF ZONING BOARD
- 1304.03 DECISION OF THE TOWNSHIP TRUSTEES

**ARTICLE - XIV SIGNS**

- 1401 PURPOSE
- 1402 DEFINITIONS
- 1403 GENERAL
- 1404 RESIDENTIAL DISTRICTS
- 1405 TEMPORARY SIGNS – RESIDENTIAL (RI-1, RI-2, MR-1)
- 1405 GENERAL BUSINESS DISTRICTS (GB-1)
- 1407 LETTERING SIZE GB-1 DISTRICTS
- 1408 LIGHT INDUSTRIAL DISTRICTS (LI-1)
- 1409 LETTERING SIZE LI-1 DISTRICTS
- 1410 ILLUMINATIONS GB-1 AND LI-1 DISTRICTS
- 1411 PROHIBITED DEVICES
- 1412 ADMINISTRATION

**ARTICLE XV - OFF STREET PARKING AND LOADING FACILITIES**

- 1501 GENERAL REQUIRMENTS
- 1502 PARKING SPACE DIMENSIONS
- 1503 LOADING SPACE REQUIREMENTS AND DIMENSIONS
- 1504 PAVING
- 1505 DRAINAGE
- 1506 MAINTENANCE
- 1507 LIGHTING
- 1508 LOCATION OF PARKING SPACES
- 1509 SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY
- 1510 REQUIRED TRASH AREA
- 1511 DISABLED VEHICLES
- 1512 MINIMUM DISTANCE AND SETBACKS
- 1513 JOINT USE
- 1514 WHEEL BLOCKS
- 1515 WIDTH OF DRIVEWAYS
- 1516 ACCESS
- 1517 STRIPING
- 1518 PARKING SPACE REQUIREMENTS
- 1519 GENERAL INTERPRETATIONS
- 1520 PLOT PLAN REVIEW

**ARTICLE XVI - ADMINISTRATION – ENFORCEMENT**

- 1601 ZONING PERMITS
  - 1601.01 ZONING PERMITS REQUIRED
  - 1601.02 CONTENT OF APPLICATION FOR ZONING PERMIT

- 1601.03 APPROVAL OF ZONING PERMIT
- 1601.04 SUBMISSION TO STATE HIGHWAY DIRECTOR
- 1601.05 EXPIRATION OF ZONING PERMIT
- 1605 FAILURE TO OBTAIN A ZONING PERMIT**
- 1606 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS**
- 1607 COMPLAINTS REGARDING VIOLATIONS**
- 1608 SCHEDULE OF FEES, CHARGES AND EXPENSES**
- 1609 ZONING AMENDMENTS**
  - 1609.01 GENERAL
  - 1609.02 INITIATION OF ZONING AMENDMENTS
  - 1609.03 CONTENTS OF APPLICATION
  - 1609.04 TRANSMITTAL TO THE ZONING COMMISSION
  - 1609.05 SUBMISSION TO THE STATE HIGHWAY DIRECTOR
  - 1609.06 PUBLIC HEARING BY THE ZONING COMMISSION
  - 1609.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER
  - 1609.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION
  - 1609.09 SUBMISSION TO REGIONAL PLANNING COMMISSION
  - 1609.10 RECOMMENDATIONS BY THE ZONING COMMISSION
  - 1609.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES
  - 1609.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER
  - 1609.13 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES
  - 1609.14 ACTION BY THE TOWNSHIP TRUSTEES
  - 1609.15 EFFECTIVE DATE AND REFERENDUM

## **ARTICLE XVII - ZONING BOARD OF APPEALS**

- 1701 PURPOSE**
- 1702 ORGANIZATION AND PROCEDURE**
  - 1702.01 APPOINTMENT
  - 1702.02 ORGANIZATION AND RULES
  - 1702.03 MEETINGS
  - 1702.04 VOTING
  - 1702.05 MINUTES AND RECORDS
  - 1702.06 WITNESS AND OATHS
  - 1702.07 DEPARTMENT ASSISTANCE
- 1703 GOVERNING GUIDELINES**
- 1704 JURISDICTION AND POWERS**
- 1705 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**
  - 1705.01 APPEALS
  - 1705.02 FEES
  - 1705.03 STAY OF PROCEEDINGS
  - 1705.04 VARIANCES
  - 1705.05 APPLICATION AND STANDARDS FOR VARIANCES
  - 1705.06A CONDITIONS FOR GRANTING USE VARIANCES
  - 1705.06B CONDITIONS FOR GRANTING AREA VARIANCES
  - 1705.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS
  - 1705.08 CONDITIONS IMPOSED BY THE ZONING BOARD OF APPEALS
  - 1705.09 LAPSES OF VARIANCES
  - 1705.10 PUBLIC HEARINGS BY THE ZONING BOARD OF APPEALS
  - 1705.11 NOTICE OF PUBLIC HEARING IN NEWSPAPERS

- 1705.12 NOTICE TO PARTIES OF INTEREST
- 1706 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES**
  - 1706.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT
  - 1706.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES
  - 1706.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS
  - 1706.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS
  - 1706.06 NOTICE OF PUBLIC HEARING
  - 1706.07 NOTICE TO PARTIES OF INTEREST
  - 1706.08 EXPIRATION OF CONDITIONAL USE PERMIT
- 1707 DECISIONS OF THE BOARD OF ZONING APPEALS**
- 1708 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, TOWNSHIP TRUSTEES COURTS ON MATTERS OF APPEAL**
- 1709 APPEAL TO COURTS**

### **ARTICLE XVIII - PENALTY FOR VIOLATION**

- 1801 PENALTIES FOR VIOLATION**
- 1802 CIVIL ACTION**
- 1803 REMEDIES CUMULATIVE**

### **ARTICLE XIX - MISCELLANEOUS PROVISIONS**

- 1901 INTERPRETATION**
- 1902 VALIDITY**
- 1903 EFFECTIVE DATE**
- 1904 REPEAL**

### **ARTICLE XX - VERTICAL AXIS WIND ENERGY CONVERSION SYSTEMS**

- 2000 PURPOSE**
- 2001 APPLICABILITY AND DEFINITION**
- 2002 STANDARDS**
- 2003 INSTALLATION, AESTHETICS AND MAINTENANCE**
- 2004 REPAIR AND REMOVAL OF WIND TURBINES**
- 2005 MOUNTING OF VERTICAL AXIS WIND TURBINES**
- 2006 COMPLIANCE WITH REGULATIONS**

### **ADOPTION OF ORIGINAL ZONING RESOLUTION**

### **ZONING MAPS**

### **ZONING FEES SCHEDULE**

**ZONING RESOLUTION AS SET FORTH BY THE**

**CARLISLE TOWNSHIP TRUSTEES**

**LORAIN COUNTY, OHIO**

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

WHEREAS, the Trustees of Carlisle Township deem it in the interest of the public health, safety and economic stabilization of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township.

NOW, THEREFORE, BE IT RESOLVED by the Trustees of Carlisle Township

# **CARLISLE TOWNSHIP ZONING RESOLUTION**

**Adopted 11-9-1953**

**Amended 5-20-1974**

**Amended 8-1-1983**

**Amended 7-16-2007**

**Amended 7-15-2009**

**Amended 9-13-2011**

**Amended 3-19-2012**

**Amended 01-01-2015**

## **ZONING MAP**

**Revised 11-21-1983**

**Revised 4-26-2002**

**Revised 7-24-2007**



**BOARD OF TRUSTEES  
OF  
CARLISLE TOWNSHIP**

**Office Of  
ELIZABETH C. BLAIR  
CARLISLE TOWNSHIP CLERK  
LORAIN COUNTY  
131 Yunker Court, Elyria, Oh. 44035  
(216) 458-5603**

**ELEANOR H. PRYCE  
4002 Diagonal Rd.  
LaGrange, Oh. 44050  
(458-4368)**

**JOHN C. RADEBAUGH  
10273 E. River Rd.  
Elyria, Oh. 44035  
(322-6503)**

July 25, 1986

**EDMUND J. WITBECK, SR.  
1760 Indian Hollow Rd.  
Wrafton, Oh. 44086  
(458-4212)**

TO WHOM IT MAY CONCERN:

The undersigned, as Custodian of the records of  
Carlisle Township, certifies that the attached is a  
true and accurate copy of the original minutes of the  
Carlisle Township Board of Trustee meeting held  
August 1, 1983, which are on file with the  
Township.

\*\*\*\*\*

**RAYMOND R. HILDEBRANDT  
Fire Chief  
1969 LaGrange Rd.  
LaGrange, Oh. 44050  
(458-5178)**

**JOHN S. PIWINSKI  
Road Superintendent  
1969 LaGrange Rd.  
LaGrange, Oh. 44050**

**DAVID P. STREET  
Zoning Inspector  
106 Yunker Ct.  
Elyria, Oh. 44035  
(458-6920)**

**SALLY A. HILDEBRANDT  
Zoning Clerk  
11 Yunker Ct.  
Elyria, Oh. 44035  
(458-5814)**

*Elizabeth C. Blair*  
Elizabeth C. Blair  
Carlisle Township Clerk

AFFIDAVIT

THE STATE OF OHIO  
City of Elyria  
Lorain County

ss.

I, the undersigned, being duly sworn, do upon my oath depose and say for the publishers of THE CHRONICLE-TELEGRAM (a newspaper printed and published and of general circulation in Lorain County) that said newspaper had a bona fide circulation of more than twenty-five thousand (25,000) at the time the advertisement was published, and that the price charged in the attached bill for same does not exceed the rates authorized by law to be charged.

Affiant further says that THE CHRONICLE-TELEGRAM is a newspaper meeting the requirements of Sections 7.12 and 5721.01 Ohio Revised Code as amended effective September 14, 1957, and that the notice hereunto attached, was published in said newspaper, once a week, on the same day of the week for

period of 1 ~~consecutive~~ weeks,  
~~from the~~ 6th day of June  
A.D., 19 83 ~~to the~~  
~~date of~~ June 19 ~~1983~~  
inclusive.

Betty J. Wasserman  
Legal Clerk - THE CHRONICLE TELEGRAM

Sworn and subscribed before me

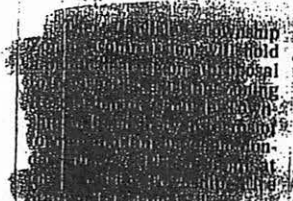
this 7th day of June 19 83

Mark E. Brown  
Notary Public

MARK E. BROWN, Notary Public  
My Commission Expires April 23, 1984

Public notice  
in this space

NOTICE OF PUBLIC  
HEARING



DESCRIPTION: The existing Zoning Resolution of Carlisle Township, Lorain County, Ohio originally adopted on Nov. 9, 1953, and amended and updated May 20, 1974, and subsequently, is being considered at this time for amendment as to its legal format, language and district regulations. The corresponding map will be amended to reflect the new district designations. There is also being considered the creation of a TRANSITIONAL DISTRICT with boundaries as follows: S.R. 20 from Elyria City limits south to Black River Bridge; the east boundaries to also be the Elyria City Limits; the west boundaries to be the River; to include the north side of Wanda Street to the center of S.R. 20.

A copy of the proposed Zoning Resolution and corresponding zoning map may be viewed at the Carlisle Fire Station 9 a.m. to 9 p.m.

Mrs. Elizabeth C. Blair  
Carlisle Township Clerk  
C.T. 6/6/83

Printer's Fees \$ 24.32

Notary Fees \_\_\_\_\_

Proofs \_\_\_\_\_

TOTAL \$ 24.32

The Carlisle Township Board of Trustees met in regular session at the Townhall/Town Station on Monday, August 1, 1983, at 8 p.m. for the purpose of transacting the business of the Township with Trustee Chairman Edmund J. Witbeck, Sr., presiding. In attendance, Trustees Ted E. Robson, Frederick Eppley, Clerk Elizabeth Blair, Legal Counsel Garrett Murray, Lorain County Engineer Lawrence McGlinchy, Sanitary Engineer Fred Nelson and 81 persons signing the attendance sheet.

BRENTWOOD LAKE VILLAGE/LARRY ROWE/TED BANSEK

Mr. Bansek reported to the Trustees that there were 220 homes surveyed in Brentwood and that 70 of these reported inadequate drainage.

Trustees pointed out to the group that problem we had encountered obtaining an easement for placing of two new catchbasins in the Meadowbrook area.

Mr. Bansek indicated that they would like a solution for the whole area; an assessment of the current system; what is in their drains. Mr. Bansek also indicated that the overflow on the dam is plugged, as there was a diver there on Sunday to check same.

Discussion followed on the authority of Trustees to care for road water. When questioned, Mr. Cartwright said that he had not yet received the requested easement from Lissis.

George Godenschwager, 116 Edgewood, maintained that he had given Township an easement and that nothing was accomplished.

County Engineer McGlinchy asked certain questions of Attorney Murray: Would Township maintain storm sewer in public right-of-way. Murray responded that if it drains road water - as long as they can establish that they will drain the roads. The Engineer said that he could get involved if the Trustees would request the Co. Commissioners to become involved. He thought it would be in order for the Trustees to request the Commissioners for the Engineer to help with Brentwood Lake Village.

MOTION BY EPPLEY THAT THE TOWNSHIP REQUEST THE COUNTY COMMISSIONERS TO SEEK ASSISTANCE FROM THE COUNTY ENGINEER IN ALLEVIATING THE WATER FLOODING PROBLEM IN BRENTWOOD LAKE VILLAGE. SECONDED BY ROBSON. AYES: ALL. MOTION CARRIED.

GEORGE SCATES, 109 WALKER DRIVE

Addressed the Trustees on the dumping site at the end of Walker Drive which he felt might have an effect on flooding, including Brentwood. He mentioned that Lorne Elbert had said that he was going to build to the River. He asked about Attorney Murray representing both the Township and Lorne Elbert.

At this point, Mr. Murray referred to a letter he had sent to the Township on June 25, 1982, wherein he stated: "This is to confirm my telephone conversation with Mr. Ted Robson on Thursday, June 24, 1982, regarding an alleged zoning violation by one Lorne Elbert to the effect that I am currently representing Lorne J. Elbert in several matters, and therefore should not represent either the Township nor Mr. Elbert in connection with this matter..."

Mr. Scates presented pictures taken. Eppley felt that the Health Department and EPA could possibly use pictures.

Discussion followed on what is being put into this "dump" or "landfill."

BRENTWOOD LAKE VILLAGE MEETING WITH COUNTY ENGINEER AND SANITARY ENGINEER.

At this time, approximately 8:45 p.m., the Brentwood Lake residents met with the engineers to discuss the various aspects of their drainage problem.

Other persons joined the Trustees if the front part of the Fire Station to continue the meeting.

PURCHASE OF COLUMBIA TOWNSHIP TRUCK - The Agreement as prepared by Attorney Murray for purchase of same, and as approved by Resolution No. 83-3, adopted April 18, 1983, and motion preceding that Resolution, was signed.

EAST AVENUE CONTINUING RUMMAGE SALE - In vicinity of 1369-1372 East Ave. this has been going on the past 1½ months. Eppley responded that Vanek had brought this to attention of Board. Presently, our Zoning does not cover rummage sales, but the new zoning, which will be considered this evening, does have some provision for same.

~~PUBLIC HEARING - PROPOSED REVISION TO EXISTING ZONING RESOLUTION OF COLUMBIA TOWNSHIP. THE FOLLOWING NEW TERMS, WORDS AND LANGUAGE, ADDITIONAL AND UNUSUAL, WERE PRESENTED AT 9 P.M. WAS NOW HELD.~~

The audience was asked if anyone wished to speak in favor the the proposed Zoning Resolution. There was no one.

When asked for anyone wishing to speak against same, Don Yunker commented that he had voiced his objections many times, and he would not prolong the meeting but was sure the Trustees understood his feelings on the matter.

Dave Williams commented that he thought it was too complicated. He thought it should be more simplified.

Trustee Robson said he that he did not like it, but was going to vote for it, pointing out the history behind the update. That we had originally turned down the first recommendation of the Zoning Commission, and that the combined Zoning Commission, Board of Appeals and Board of Trustees had gone over the entire book making recommendations and changes agreed to by majority vote.

~~When the foregoing was read, MOTION BY ROBSON THAT THE NEW ZONING RESOLUTION BE APPROVED AS PRESENTED AND SENT TO TAKE ITS COURSE. SECOND BY EPPLEY. AYES: ALL. MOTION CARRIED.~~

There was general discussion on some of the new regulations. Such Zoning will not be effective for 30 days, and Eppley mentioned that a referendum could be circulated by anyone who wished to have this put on ballot for vote.

At this point, Mr. ELBERT and neighboring persons of the Walker Drive vicinity carried on an informal meeting regarding some of the matters of disagreement - previous burning; changing of course of River; property owners being allowed to raise their property; tarring and chipping of Walker Drive; motor cycles racing down this private drive; water drainage; ash; chemical analysis of the ash; flooding which occurred in 1930 and

regarding how far back Carlisle Equipment is to be paved.

YUNKER COURT DRAINAGE - Ray Stevens thanked the Trustees for the help with their water problem, hoping that it had finally been solved.

LASSO, 12424 ROBSON RD. - reported a culvert right at his driveway which is in need of cleaning. Last time it was cleaned, approximately 13 years ago, by the County Engineer. This will be referred to the road crew.

At 9:30 p.m. the Trustees met in Executive Session with Attorney Garrett Murray.

At 10:30 p.m., the regular meeting of the Board resumed.

APPROVAL OF MINUTES - minutes of the July 18, 1983, meeting were approved as submitted.

MEADOWBROOK - BRENTWOOD LAKE

The Trustees discussed the comments of Mr. Godenschwager made earlier in the meeting that he had given an easement to the Township and that nothing was accomplished. Robson thought that Witbeck was going to also seek an easement from Veslings, but apparently this did not materialize.

Regarding Meadowbrook, MOTION WAS MADE BY ROBSON THAT WE SEEK THE COUNSEL OF THE COUNTY ENGINEER, THROUGH THE COUNTY COMMISSIONERS, ON THE DRAINAGE OF MEADOWBROOK KEEPING THE WATER ON OUR ROAD RIGHT OF WAY. (wanting to withdraw from backyard tiles, can we handle it that way?) Seconded by Eppley. AYES: ALL. MOTION CARRIED.

CONTINUING REPORT OF ASSISTANT ZONING INSPECTOR VANEK

1) Questioned where we stood on Elbert. Mentioned that the Game Warden has authority over conservation of wildlife. Feels we should not drag our feet any longer.

2) Asked about contacting the Health Department for spraying.

Mrs. Blair reported that she had contacted Keith Ferguson of the County Health Department who is in charge of the mosquito control program. Mr. Ferguson relayed that the Department will take requests from individuals for spraying of areas with standing water. Requests for fogging of areas, which should be some streets together in order to be effective, should come from the political entity.

MOTION BY EPPLEY, SECOND BY ROBSON THAT THE CLERK REQUEST THE HEALTH DEPARTMENT TO INSTITUTE A FOGGING PROGRAM IN THE FOLLOWING AREAS: BRENTWOOD LAKE VILLAGE, YUNKER/JERROL COURTS; COUNTRY CLUB ALLOTMENT; EAST RIVER ALLOTMENT; ROBSON RD./BUTTERNUT RIDGE.

AYES: ALL. MOTION CARRIED.

3) Eppley asked about Ege and Plas.

4) Vanek reported that he had checked complaint about filling in at LaForte Food Mart. Apparently it is okay.

5) Behind Silos, tires are being dumped; cannot determine who owner is or who might be doing dumping. Did contact Sheriff's Department. Tires could be potential fire hazard. Eppley advised that he had no objections to his finding out who the owner was and to following thru on same.

- 3) Hildebrandt requested permission to take Trucks Nos. 1 and 8 to Elyria's 150th Anniversary Parade.  
 MOTION BY EPPLEY, SECONDED BY WITBECK THAT PERMISSION BE GRANTED.  
 AYES: ALL. MOTION CARRIED.

INSURANCE - certain papers were received from Burnham & Flower updating the Township's "Townpak."

STATE AUDITOR - advised of passage of H. B. 291, which provides for State Auditor to contract for all audits that he determines not to conduct.

40th ANNIVERSARY COMMITTEE - received thank you for co-operation that was extended.

INHERITANCE TAX MONEYS - MOTION BY EPPLEY, SECONDED BY ROBSON THAT THE CLERK SEEK AN ADVANCE OF THE INHERITANCE TAX MONEYS DUE TO THE TOWNSHIP.  
 AYES: ALL. MOTION CARRIED.

TAX EXEMPTION STATUS - ELYRIA TELEPHONE CO. PROPERTY - Clerk advised that she had sent reply to State Department of Taxation regarding this matter.

ROADS

- 1) Eppley mentioned need for repair of new surface on Ethel.
- 2) Witbeck wanted roadsides mowed.
- 3) Robson wanted grassplanted at 30 Edgewood.
- 4) Witbeck wants stop sign at Meadowbrook & Lakeview, going east.
- 5) Witbeck wants "Zoned Township" sign at Hale & Parsons.

HISTORICAL COMMISSION - extended an invitation to the Trustees to attend a picnic at Bruce Lake on August 9th at 6 p.m.

The Trustees agreed to meet at 8:30 p.m. on August 15th rather than at the regularly-scheduled 8 p.m. meeting time.

The following bills were approved for payment:

(The Zoning Inspector turned in fees totaling \$455.60 and a copy of his monthly report was forwarded to each Trustee.)

8175	R. R. HILDEBRANDT	472.52
8176	J. A. BURRER	427.96
8177	J. K. SIMMS	412.50
8178	R. F. TOMAZIC	439.40
8179	POLICE & FIREMEN'S FUND	3,439.17
8180	FREDERICK EPPLEY	426.99
8181	TED E. ROBSON	426.99
8182	E. J. WITBECK, SR.	366.66
8183	E. C. BLAIR	397.16
8184	BLUE CROSS	1,708.16
8185	GARRETT J. MURRAY CO., LPA	125.00
8186	GRAFTON AMBULANCE	100.00
8187	ELYRIA TELEPHONE CO.	324.67
8188	COLUMBIA GAS OF OHIO, INC.	139.45
8189	ELYRIA PUBLIC UTILITIES	1,135.00
8190	CHRONICLE TELEGRAM	30.02
8191	C & S LIMESTONE, INC.	61.75
8192	U. S. POSTMASTER	20.00

rage 03-72, August 1, 1983

There being no further business to come before the Board at this time,  
the meeting was adjourned at midnight.

Edmund J. Mitchell  
Chairman

Elizabeth C. Blaw  
Clerk

## **ARTICLE I**

### **TITLE AND PURPOSE**

#### **101 TITLE**

This resolution shall be known and may be cited as the Zoning Resolution of Carlisle Township.

#### **102 PURPOSE**

For the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economic provisions of public improvements, all in accordance with a comprehensive plan, the Township Trustees find it necessary and advisable to regulate the location, bulk, and size of buildings and other structures and the uses of land for trade, industry, residence, recreation or other purposes, and for such purposes, divide the unincorporated area of the Township into districts or zones.



## ARTICLE II

### DEFINITIONS

#### 201 INTERPRETATION OF TERMS OR WORDS

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" and "occupied" include the words "intended, designed, or arranged to be used, or occupied".
5. The word "lot" includes the words "plot" or "parcel".

#### 202 DEFINITIONS

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing sexual activities or specified anatomical areas.

**Adult Bookstore, Adult Novelty Store, or Adult Video Store:** A commercial establishment which has a significant or substantial portion of its stock in, trade in, or derives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales display space to the sale or rental, for any form of consideration, to any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are distinguished or characterized by their emphasis upon the exhibition or

description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

**Adult Motel:** A motel, hotel or similar commercial establishment which: (1) offer public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, DVDs, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets, or leaflets, radio or television; and (2) offers a sleeping room for rent for a period of time less than ten (10) hours.

**Adult Motion Picture Theatre:** A commercial establishment where films, motion pictures, videocassettes, DVDs, slides or similar photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

**Adult Nightclub:** A bar, cabaret, juice bar, nightclub, restaurant bottle club or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (1) persons who appear nude or semi-nude; (2) live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities; (3) films, motion pictures, videocassettes, digital video discs ("DVDs"), slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified anatomical areas or specified sexual activities.

**Adult Theatre:** A theatre, concert hall, auditorium, or similar commercial establishment, which, for any form of consideration, regularly features: (1) persons who appear nude or seminude, or (2) live performances, which are distinguished or characterized by an emphasis upon the exposure of, specified anatomical areas or specified sexual activities.

**Agriculture Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by raising, harvesting, and selling of crops and forage; by feeding or breeding or management of and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floriculture use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock and vegetables.

**Agricultural Land- Prime:** The land that is best suited (typically capability Class I and II) for agricultural production (as defined). It is now or could be available for such uses and could be cropland, pasture land, forest and other land. It does not include urban buildup or water areas.

**Agricultural Land- Unique:** Land other than prime agricultural land (land utilized that is other than Class I and II that is being used for specific high value agricultural production (as defined). It has the special combination of soil quality, location, climate, exposure, air drainage, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods.

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

**Alley:** See Thoroughfares

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

**Area Variance:** Variance of area, size, setback requirements and anything relating to area.      Adopted 5/20/96      Effective 6/20/96

**Arterial Street:** See Thoroughfares

**Attached Structure:** An attached structure is any structure permanently affixed by nailing, mechanical fasteners, welding or any other method, to the main structure or building, and which cannot be supported independently of the main structure or building; and which is directly connected by common wall or roof.  
Adopted 5/1/95      Effective 6/1/95

**Automotive Dismantling & Recycling:** The use of land with the sole purpose of dismantling motor vehicles for the sale of usable parts. This use does not include a junkyard or overnight outside storage of vehicles

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicle or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Automotive, Mobile Home, Trailer and Farm Implement Sales and Service:** The sale, rental or service of new and used motor vehicles, mobile homes, trailers, or farm implements.

**Backyard Composting:** The breakdown of organic matter in a pile, preferably in a composting bin of the homeowner's choice. A layered pile of organic yard

waste and kitchen scraps with the exception of meat, bones, and fatty foods such as cheeses, salad dressings and cooking oils. Maximum backyard compost site or bin size should not exceed fifteen (15) cubic yards, 10' x 10' x 4' high. The Ohio Cooperative Extension Service guidelines on composting shall be followed.

**Basement:** That portion of a building, which is partly or completely below grade (see Story Above Grade).

**Boarding House, Rooming House, Lodging House, or Dormitory:** A building or part thereof, other than a hotel, motel or restaurant where meals and /or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

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

**Building Accessory:** A subordinate building detached from, but located on the same lot as the principal building, or use of which is incidental and accessory to that of the main building or use.

**Building Area for Cottage Housing District:** The area used for the total number of cottage housing units per lot

Adopted

Effective

**Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to be the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the main height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line:** See Setback Line.

**Building Principal:** A building in which is conducted the main or principle use of the lot on which said building is situated.

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barbershops, carryouts, dry cleaning and laundry pickup facilities, and in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require, locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but

need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, foot wear, appliances, and furniture; department stores; and discount stores. Highway business uses include, but need not be limited to, such activities as service stations, truck and auto sales and service; restaurants and motels; and commercial recreation.

**Business Services:** Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

**Capability:** The ability of the land to accommodate certain land uses without creating significant problems for either the inhabitants of the area or its environment.

**Cemetery:** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

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

**Club:** A building or portion thereof or premises owned or operated by person(s) for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Commercial Composting:** A composting site, which is operated by any business, corporation, municipality, or government agency for the purpose of handling yard waste.

**Commercial Landfill Facility:** A facility incorporating the best available technology (BAT) specifically designed for collection and storage of non-hazardous refuse, trash, rubbish and other waste materials.

**Common Open Area for Cottage Housing District:** Shall be four hundred (400) square feet pr unit with fifty percent (50%) of the units to abut the Common Open Area.

Adopted

Effective

**Composting:** The biological reclamation of organic materials by a natural decomposition process.

**Conditional Use:** A use of buildings or land, which by the nature of it, requires review by the Board of Zoning Appeals, as set forth in Article XVII in order to determine its affect upon adjacent existing uses.

**Corner Lot:** See Lot Types.

**Cul-de-sac:** See Thoroughfares

**Dead –end Street:** See Thoroughfares

**Demolition Materials:** Means materials from construction operations and from demolition operations including 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.

**Development Plan:** A proposal for the development of land as an RPD Residential Planned Development, represented by drawings and other documents as required to illustrate the proposed design, layout and features of the development and to document compliance with the requirements of this Resolution. Adopted 6/6/05 Effective Date 7/6/05

**Disabled Vehicle:** Any vehicle meeting the following two (2) conditions:

1. Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission.
2. Apparently inoperable

Amended 2/16/87

Effective Date 3/16/87

**Distinguished or Characterized by an Emphasis Upon:** The dominant or principle theme of the object described by such phrase. For instance, when the phrase refers to films, "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those in which the dominant or principle character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

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

**Dwelling-Detached Single Family:** A building designed and used exclusively for one dwelling unit and physically separated from any other dwelling.

**Dwelling- Earth Shelter Unit:** Shall mean a building either partially or completely below grade having fixed and completed construction of walls, foundation and roof, serving as a habitable home, containing living, dining, sleeping room or rooms, storage closets, as well as space and equipment for

cooking, bathing and toilet facilities, all used by only one family and it's household employees.

**Dwelling- Farm:** Any building or portion thereof, which is designated as the primary dwelling structure on the farm and designed for human habitation.

**Dwelling- Farm Related:** Any building which is designed for and occupied by one family; other than the primary residence, which is occupied by either the owner or operator; or operation exists as a separately deeded property, whether by the same owner of the farm or separate owners, conforming to the County Subdivision Regulations, County Health Code and this zoning text.

**Dwelling- Multifamily:** A building consisting of four or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**Dwelling- Single Family:** Any group of rooms located within a residential building (No. 1 below) or within an industrialized unit (No. 2 below) that is placed upon a permanent foundation with tie-downs and industrialized steps or better and rails at wall entrances which is utilized by one family as opposed to two families for it's living, sleeping, cooking and eating needs.

1. Residential – Building: Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without appurtenances which is designed for occupancy as a dwelling and conforms to the County Building and Health Codes.
2. Industrialized- Units: Any portable structure (excluding recreational vehicles) which is an assembly of materials or products comprising all or part of a total structure which when constructed, whether on a chassis or not, is self-sufficient or substantially self-sufficient, and when installed constitutes the structure or part of a structure, except for it's preparations for placement, which will permit the use thereof for human habitation and which is approved and complies with the Department of Housing and Urban Development Regulations (part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974 Public Law 93-383 as amended and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

**Dwelling-Two Family:** A building consisting of two (2) dwelling units, which may be either attached side by side or one above the other and each unit having separate or combined entrance or entrances.

**Dwelling Unit:** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and it's household employees.

**Entertainment Facility:** Any profit making activity, which is generally related to the entertainment field.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other government agencies of underground gas, electrical steam or water transmission, or distribution systems, collection, communications, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare, but not including buildings.

**Extraction, Mineral:** Any mining, quarrying, excavation, processing, storing, separating, cleaning or marketing of any mineral or natural resource.

**Family:** One or more persons occupying a single dwelling, provided that there shall not be more than three (3) persons in addition to those related by blood, adoption or marriage or who are children placed in the dwelling by a social agency.

**Farm:** Includes tracts, lots and/or parcels of land totaling not less than five (5) acres, which are devoted exclusively to commercial agricultural production.

**Financial Institution:** Those institutes engaged in receiving, exchanging, lending and safeguarding moneys.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas.

1. **Base Flood:** Means the flood having one (1) percent chance of being equated or exceeded in any given year.
2. **Flood Plain:** Means any land area susceptible to being inundated from any source.
3. **Flood Way Fringe:** Is that portion of the base flood plain located outside the regulatory flood way.
4. **Regional Flood Plain:** Is the area inundated by the base flood. This is the flood plain area, which will be regulated by the standards and criteria of this resolution.
5. **Regulatory Flood Way:** The channel of a river or the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than .5 foot.

**Floor Area of a Residential Dwelling:** The sum of the gross horizontal area of the several floors of residential dwelling, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed



*New Russia Twp.*

Interpretations and Definitions

202

- 202.0440 DWELLING, INDUSTRIALIZED UNIT  
7/21/92 An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.
  
- 202.0450 DWELLING, ROOMING HOUSE (Boarding House, Lodging House, Dormitory)  
7/21/92 A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.
  
- 202.0460 FAMILY  
One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.
  
- 202.0464 TYPE A FAMILY DAY-CARE HOME (R1-1, R1-2, R1-3)  
11/04/2009 Any adult administering to the needs of seven to twelve non-related children or non-related adults at one time, or four to twelve children at one time if four or more of the children at one time are under two years of age, within the permanent residence of the administering adult. Day care for children shall comply with the requirements for "Family Day-Care Home, Type A" as defined in the Ohio Revised Code, section 5104.01. See Section 426 under Article IV, Conditionally Permitted Uses.
  
- 202.0465 TYPE B FAMILY DAY-CARE HOME (R1-1, R1-2, R1-3, R2-1)  
11/04/2009 Any adult administering to the needs of one to six non-related children at one time within the permanent residence of the administering adult. Day care for children shall comply with the requirements for "Type B Family Day-Care Home" as defined in the Ohio Revised Code, section 5104.01, and which is exempt from conditional use permitting as per 5104.054. See Section 309.05 under Article III, General Regulations, 309 Special Requirements.
  
- 202.0470 FARM  
9/6/79 Any parcel of land containing at least five (5) acres which is used for raising of agricultural products; livestock, poultry and dairy products from which \$1,000.00 or more of agricultural products are sold or would normally be sold during a year. It includes necessary farm structures and the storage of equipment used subject, however, to applicable regulations.
  
- 202.0480 FILLING STATION - See GASOLINE STATION
  
- 202.0490 FLOOD STAGE  
The highest point at which flood waters have risen in the specific area in question.
  
- 202.0500 FLOOR AREA OF A RESIDENTIAL BUILDING  
The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**OFFICE OF THE PROSECUTING ATTORNEY**

**DENNIS P. WILL**  
Lorain County Justice Center  
225 Court Street, 3rd Floor  
Elyria, Ohio 44035  
(440) 329-5398  
FAX: (440) 329-5430

**FAX TRANSMITTAL**

TO:

Bill Oliver	Fax: (440) 458-5179
	Office:

FROM:

Thomas Mangan, Assistant Prosecuting Attorney	Fax: (440) 329-5430 Office: (440) 329-5412
---	---

SUBJECT:

--

DATE:

November 30, 2015
-------------------

NO. OF PAGES (including cover sheet)

(2)
-----

MESSAGE:

--

PLEASE CALL Jorja AT (440) 329-5398 IF YOU EXPERIENCE TROUBLE WITH THIS TRANSMITTAL, HAVE QUESTIONS OR COMMENTS, OR RECEIVE THIS INFORMATION IN ERROR. THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND INTENDED ONLY FOR THE INDIVIDUAL NAMED ABOVE.

terraces. All dimensions shall be measured along the outside foundation area less the garage areas.

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

**Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the outside walls.

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

**Garage, Private:** A detached accessory building or portion of principle building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises, provided that not more than one (1) commercial vehicle per dwelling is parked or stored.

**Garage, Public:** A principle or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**Grade Plane:** A reference plane representing the average finished ground level adjoining the building at all exterior walls.

**Hazardous Waste:** Means materials as are described in Ohio Revised Code Section 3734.01 (J) or is such statute as it may hereafter be amended.

**Highway Major:** A Street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

**Home Occupation:** An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

1. Home occupation within a dwelling. Such occupation shall be clearly incidental and subordinate to its use for residential purposes and not more than twenty (20) percent of the floor area of the dwelling unit and shall be used in the conduct of the home occupation. See criteria in Section 409.

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the

public in contrast to a boarding house, a lodging house or an apartment, which are herein separately defined.

**Infectious Waste:** Means such materials as are described in Ohio Revised Code section 3734.01 @ or in such statute as it may hereafter be amended.

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

**Junk Yard:** Is the use of more than one hundred (100) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled. One or more disabled motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard.

**Kenel or Cattery:** Any lot or premises on which four (4) or more dogs or cats more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold.

**Loading Space:** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by forty (40) feet and vertical clearance of at least fourteen (14) feet.

**Local Street:** See Thoroughfare

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

1. A single lot of record  
Amended 7/17/89

Effective 8/17/89

**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.

**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 provided as indicated Yards in this section.

**Lot, Minimum Area Of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public street.

**Lot Measurements:** A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight 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 be equal to the lot front unless otherwise specified herein.

**Lots of Record:** A lot, which is recorded in the office of the County Recorder, or a lot or parcel described by, metes and bounds, the description of which has been so recorded.

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

1. A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one (1) frontage on a street.
3. A through lot is a lot other than a corner lot with frontage lot.
4. A reversed frontage lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Major Thoroughfare Plan:** The plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the unincorporated areas.

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

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures and generating little industrial traffic and noise.

**Manufacturing-Extractions:** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

**Mezzanine:** (1) An intermediate level or levels between the upper surface of a finished floor and the top of the ceiling joists. (2) An intermediate level or levels between the upper surface of a finished floor and the top of the roof rafters when there is not a ceiling. (3) Exceeding 1/3 of the total area of the room in which it is located.

**Mineral Extraction, Storage and Processing:** See Extractions.

**Mobile Home:** Any portable structure having no foundation other than wheels, jacks or skirting and so designed or constructed to be towed on it's own chassis and running gear and also designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public Law 93-383 and subsequent and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

**Mobile Home Park:** Any site, or tract of land of not less than ten (10) acres, under single ownership, upon which twenty or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park.

**Modular Units:** Any portable structure which is an assembly of material or products comprising all or part of a total structure except for it's preparations for placement and so designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public Law 93-282 as amended, and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

**More Restrictive:** In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards etc., or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.

**Motor Vehicle:** Any device in, upon, or by which any person or property may be transported or drawn upon a highway under its own power.

Effective 01/01/2015

**Non-Conformities:** A building, structure or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

**Nude Model Studio:** Any place where a person who regularly appears nude or semi-nude is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, except that such a modeling class operated: (1) by a college, junior college, or university supported entirely or partly by taxation; (2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or (3) in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing and where, in order to participate in a class a student must enroll at least three days in advance of the class, is not a "Nude Model Studio."

**Nudity, State of Nudity, or Nude:** The showing of the human male, or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the areola.

**Nursery:** A home or facility for the care and or treatment of babies and children. Also called a day care facility.

**Nursing Home:** 1) A long-term healthcare facility that provides full-time care and medical treatment for people who are unable to take care of themselves; 2) A residential facility for persons with chronic illness or disability, particularly older people who have mobility or eating problems. Also called a convalescent home or long-term care facility.

**Office:** A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is transacted.

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

**Open Space Uses:** Uses approved in the development plans for a Residential Planned Development which may include and are generally intended to be such uses as: conservation of significant natural, historical and cultural features; agriculture; outdoor recreation; storm water management; utilities; buffers and landscaping.

**Owner:** Includes but is not limited to any person owning a fee simple, fee title, life estate, or a buyer on a land installment contract.



**Parking Space- Off-Street:** For the purposes of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening all doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Parsonage:** The official residence of a parson, rector, minister, or other director of worship as provided them by their religious institution.

**Personal Services:** Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershop, beauty parlors and similar activities.

**Planned Unit Developments:** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, then those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**Pond:** A water impoundment made by constructing a dam or embankment or by excavating a pit or dugout, i.e. man made ponds, lakes, reservoirs, retention basins or other bodies of water.

Adopted 1/20/92

Effective 2/20/92

**Printing and Publishing:** See Manufacturing, Light.

**Private Road:** A local private road which is not dedicated as a public right-of-way, but which is owned and maintained by a homeowner's association.

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

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

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.



**Recreation Camp:** An area of ten (10) acres or more of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Facilities-Noncommercial:** Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, hunting and trapping, and other private community swimming pools.

**Recreational Facilities- Restricted Commercial:** Boat dock and fishing piers, boat launching, maintenance repair and fueling facilities; concessions for sale of food, nonalcoholic beverages and boating and fishing supplies and accessories.

**Recreational Vehicle:** A vehicle regardless of its size, which was not designed to be used as a permanent dwelling, and in which the plumbing, heating, electrical and air-conditioning systems included within the structure may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle for use as a temporary dwelling for travel, recreation, and vacation use such as travel trailers, folding tent trailers, pickup campers and motorized homes, and for the purpose of this resolution, it must carry a current vehicle license as required by law.

**Rectory:** The official residence of rector, minister, parson or other director of worship as provided them by their religious institution.

**Regularly Featured or Regularly Shown:** A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of films or performances offered as a part of the ongoing business of the sexually oriented business.

**Religious Institution:** Any building used solely for the purpose of worship by a legally established nonprofit sect or denomination. The term religious institution does not include uses such as schools, facilities for temporary or permanent residence, which are connected or related to religious institutions, the principle buildings on the site or located on the same site, even if the curriculum or service is offered as part of such use includes religious services and/or training.

**Restricted Open Space:** A lot or lots designed, platted and regulated or held in common ownership in perpetuity by a homeowners association or other approved entity for the purposes of open space uses as required by this Resolution.

**Restricted Open Space for Cottage Housing District:** Established to encourage the maintenance of natural features of the land and limit building to a compact state to allow for pavilions, gardening, and limited recreational uses.

Adopted

Effective

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

**Road:** See Thoroughfare

**Roadside Market:** A permanent structure designed or used for the display or sale of agricultural and related products.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products. Motor vehicles and trailers shall not be considered roadside stands.

**Seasonal Commercial:** Sale of produce in season, a majority of which was raised on the land owned or leased by the same organization as where the sale is occurring.

**Seasonal Dwelling:** Summer cottages and similar housing occupied less than six (6) months during a year.

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

**Semi-Nude or State of Semi-Nudity:** A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**Semipublic Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other structures of an educational, religious, charitable or philanthropic nature.

**Service Station:** Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts, accessories and motor replacements, but not including major repair work, such as body and fender repair or spray painting.

**Setback Line:** A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard for each district and extending across the full width of the lot. Where the right-of-way shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from the proposed right-of-way line.

**Sewage Sludge:** The stabilized sludge end product of a sewage treatment plant (2/15/88)

**Sewers, Central or Group:** An approved sewage disposal system, which provides a collection network, and disposal system and central sewage treatment facility for a single development, community or region.

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

**Sexual Encounter Establishment:** A business or commercial establishment, that as one of its principle business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or when one or more of the persons is nude or semi-nude. The definition of sexual encounter establishment shall not include any establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**Sexually Oriented Business:** An adult arcade, adult bookstore, adult novelty store, adult nightclub, adult motel, adult motion picture theatre, adult theater, sexual encounter establishment, or nude model studio.

**Shopping Center:**

**Neighborhood Shopping Center:** Sale of convenience goods and personal services (leading tenants-super market and drugstore 5 to 20 stores.)

**Community Shopping Center:** Some functions of the Neighborhood Center plus sale of shopping goods, e.g. wearing apparel, appliances, etc. (leading tenants-variety store and small department stores-15-40 stores.)

**Regional Shopping Center:** Some functions of Community Shopping Center plus sale of general merchandise, apparel, furniture etc. (leading tenants one or more large, major department stores-40-80 stores.)

**Sign:** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

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

**Solid Waste:** Means such materials as are described in Ohio Revised Code, section 37345.01 (E) or in such statute as it may hereafter be amended.

**Specified Anatomical Areas:** The human genitals, anus, cleft of the buttocks, or the female breast.

**Specified Sexual Activity:** Any of the following: (1) sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or (2) excretory functions as a part of or in connection with any of the activities described in (1) above.

**Stable, Private:** A building for the feeding and lodging of domesticated animals, especially having stalls for horses.

**Story:** (1) That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (2) The vertical distance from top-to-top of two (2) successive tiers of beams or finished floor surfaces. (3) The vertical distance from the top of the finished floor surface to the top of the roof rafters where there is not a ceiling. (4) A horizontal division of a building extending from a floor to a ceiling directly above it. (5) All the rooms on the same level of a building.

**Story Above Grade:** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is (1) More than 6'0" above the grade plane (2) When 51% of the total building perimeter is more than 6'0" above the finished ground level (3) More than 12'0" above the finished ground level at any point.

**Street:** See Thoroughfare

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

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

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.
2. **Community:** Operated with a charge for admission; a primary use.  
Adopted 10/15/90 Effective 11/15/90

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

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-end Street:** A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns

are not more than one thousand (1,000) feet from said arterial or collector street, not normally more than six hundred (600) feet from each other.

- 8. Marginal Access Street:** A local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection for arterial or collector streets. (Also called Frontage Street).

**Transportation and Trucking:** See Manufacturing, General.

**Trailer:** Any unpowered vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle.  
Effective 01/01/2015

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

**Use Variance:** Variance of use of land, building or other structure.  
Adopted 5/20/96 Effective 6/20/96

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

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnostic and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Warehousing:** Any building or structure used for the storage of goods, raw or finished materials.

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

- 1. Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principle building.

2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot line and from the rear lot line to the rear of the principal buildings.

3. **Yard, Side:** A yard extending from the principle building to the side lot line on both sides of the principle building between the lines establishing the front and the rear yards.

**Total Planned Area:** The total area of land included within an approved RPD, Residential Planned Development.

**Zoning Permit:** The document issued by the Zoning Inspector authorizing the use of the land or buildings.

## **ARTICLE III**

### **GENERAL REGULATIONS**

#### **301 PURPOSE**

The general regulations as set forth herein shall apply to all districts. Where the requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

#### **302 CONFORMANCE REQUIRED**

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. The Board of Zoning Appeals may issue conditional zoning certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

#### **303 GENERAL LOT AREA REGULATIONS**

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.

##### **303.01 EXEMPTIONS FOR CERTAIN LOTS NOT MEETING STANDARD SPECIFICATIONS**

Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution, may be used as a building site even when of less area or frontage than that required by the regulations for the district in which located.

Amended 10/07/02

Effective 11/07/02

##### **303.01A SPECIFICATIONS FOR STRUCTURAL ALTERATIONS**

- A. Frontage of property must be sixty-nine feet wide or less.
- B. Minimum side yards will not be less than eight (8) feet.
- C. Rear yard setback minimum of thirty (30) feet.
- D. Front yard setback minimum of thirty (30) feet.
- E. Height restriction maximum of twenty-four (24) feet.



F. All buildings, including accessory buildings shall not exceed thirty (30) percent lot coverage.

G. Structural alterations to buildings up to five hundred (500) square feet.

H. Only one story accessory buildings permitted.

Amended 10/07/02

Effective 11/07/02

### **303.02 CORNER LOTS**

The setback line on a corner lot shall be in accordance with the provisions governing the district in which the proposed dwelling will be located. The minimum setback will be maintained on both streets' right-of-way.

Amended 10/07/02

Effective 11/07/02

### **303.03 STREET CONSTRUCTION**

No new streets or roads shall be permitted to be constructed, neither shall the same be accepted as public roads, in a residential district which will permit any already existing structure to remain in noncompliance with the setback building requirements outlined in this or any other section of the Zoning Resolution.

### **304 GENERAL YARD REQUIREMENTS**

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution.

#### **304.01 YARD FOR SINGLE BUILDING**

No required yard or other open space around a building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

#### **304.02 CLEAR VIEW OF INTERSECTING STREETS**

In all zones which require a front yard, no obstruction in excess of three and one half (3 ½) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersect of the street property lines of the projected point.

**CARLISLE TOWNSHIP ZONING DEPARTMENT  
ZONING PERMIT APPLICATION FOR ACCESSORY  
BUILDINGS OR DETACHED GARAGES FOR RI-1 DISTRICTS**

**Carlisle Township Zoning Department - Phone # 440-458-5667**

**Office Location: 11950 LaGrange Road, LaGrange, OH 44050**

**Mailing Address: 11969 LaGrange Road, LaGrange, OH 44050**

**305.02 ACCESSORY BUILDINGS-RESIDENTIAL RI-1**

**In residential districts, one (1) story detached garages or other accessory buildings shall not exceed a maximum the (10) feet side wall height and a maximum fifteen (15) feet to peak and be located less than five (5) feet from the side and rear property lines. The total area of all accessory building(s) shall not exceed the maximum of 1,000 square feet for lots less than one (1) acre. On lots one (1) acre to four (4) acres the total area of accessory building(s) shall not exceed 1,500 square feet per floor and may not exceed two (2) stories. Detached garages and accessory buildings shall not exceed two (2).**

**The use of semi-trailers, ocean containers, cube vans, and railroad boxcars shall be prohibited for use as an accessory building. An exemption shall be given for CAUV residents for agricultural use only.**

**Amended 5-15-2006**

**Effective date 6-15-2006**

**SETBACK REQUIREMENTS:**

60 feet from road right of way

5 feet from side and rear property lines

20 feet from the dwelling

10 feet from other buildings or structures

**PERMIT INFORMATION:**

On the reverse side graph paper, show location of current dwelling and proposed building.

Show dimensions of proposed building, including the height

Show measurement of proposed building to all four (4) lot lines and dwelling

State owner's name, address, and permanent parcel number

State valuation of proposed structure (cost of construction)

Attach fee of \$.20 per square foot including any area with a covered porch (CASH OR CHECK)

**Amended 10-5-2009**

**Effective date 11-5-2009**

**DOUBLE FEE PENALTY FOR CONTRUCTION/OPERATION WITHOUT  
FIRST OBTAINING A PERMIT**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



**CARLISLE TOWNSHIP ZONING DEPARTMENT  
ZONING PERMIT FOR ACCESSORY BUILDINGS OR  
DETACHED GARAGES FOR RI-2 DISTRICTS**

**Carlisle Township Zoning Department - Phone # 440-458-5667**

**Office Location: 11950 LaGrange Road, LaGrange, OH 44050**

**Mailing Address: 11969 LaGrange Road, LaGrange, OH 44050**

**305.02 ACCESSORY BUILDINGS-RESIDENTIAL RI-2**

**In residential districts, one (1) story detached garages or other accessory buildings shall not exceed a maximum ten (10) feet side wall height and a maximum fifteen (15) feet to peak and be located less than five (5) feet from the side and rear property lines. The total area of all accessory building(s) shall not exceed the maximum of 1,000 square feet for lots less than one (1) acre. On lots one (1) acre to four (4) acres the total area of accessory building(s) shall not exceed 1,500 square feet per floor and may not exceed two (2) stories. Detached garages and accessory buildings shall not exceed two (2).**

**The use of semi-trailers, ocean containers, cube vans, and railroad boxcars shall be prohibited for use as an accessory building. An exemption shall be given for CAUV residents for agricultural use only.**

**Amended 5-15-2006**

**Effective date 6-15-2006**

**SETBACK REQUIREMENTS:**

50 feet from road right of way

5 feet from side and rear property lines

20 feet from the dwelling

10 feet from other buildings or structures

**PERMIT INFORMATION:**

On the reverse side graph paper, show location of current dwelling and proposed building.

Show dimensions of proposed building, including the height

Show measurement of proposed building to all four (4) lot lines and dwelling

State owner's name, address, and permanent parcel number

State valuation of proposed structure (cost of construction)

Attach fee of \$.20 per square foot including any area with a covered porch (CASH OR CHECK)

Amended 10-5-2009

Effective date 11-5-2009

**DOUBLE FEE PENALTY FOR CONTRUCTION/OPERATION WITHOUT  
FIRST OBTAINING A PERMIT**

Applicant's Signature

Date

Revised Nov. 2011 LLJ



**CARLISLE TOWNSHIP ZONING DEPARTMENT  
ZONING PERMIT FOR ACCESSORY BUILDINGS OR  
DETACHED GARAGES FOR RI-3 DISTRICTS**

**Carlisle Township Zoning Department - Phone # 440-458-5667**

**Office Location: 11950 LaGrange Road, LaGrange, OH 44050**

**Mailing Address: 11969 LaGrange Road, LaGrange, OH 44050**

**305.02 ACCESSORY BUILDINGS-RESIDENTIAL RI-3**

**In residential districts, one (1) story detached garages or other accessory buildings shall not exceed a maximum ten (10) feet side wall height and a maximum fifteen (15) feet to peak and be located less than five (5) feet from the side and rear property lines. The total area of all accessory building(s) shall not exceed the maximum of 1,000 square feet for lots less than one (1) acre. On lots one (1) acre to four (4) acres the total area of accessory building(s) shall not exceed 1,500 square feet per floor and may not exceed two (2) stories. Detached garages and accessory buildings shall not exceed two (2).**

**The use of semi-trailers, ocean containers, cube vans, and railroad boxcars shall be prohibited for use as an accessory building. An exemption shall be given for CAUV residents for agricultural use only.**

**Amended 5-15-2006**

**Effective date 6-15-2006**

**SETBACK REQUIREMENTS:**

30 feet from road right of way

5 feet from side and rear property lines

20 feet from the dwelling

10 feet from other buildings or structures

**PERMIT INFORMATION:**

On the reverse side graph paper, show location of current dwelling and proposed building.

Show dimensions of proposed building, including the height

Show measurement of proposed building to all four (4) lot lines and dwelling

State owner's name, address, and permanent parcel number

State valuation of proposed structure (cost of construction)

Attach fee of \$.20 per square foot including any area with a covered porch (CASH OR CHECK)

**Amended 10-5-2009**

**Effective date 11-5-2009**

**DOUBLE FEE PENALTY FOR CONTRUCTION/OPERATION WITHOUT  
FIRST OBTAINING A PERMIT**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Owner's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Permanent Parcel Number(s) \_\_\_\_\_

Cost: \_\_\_\_\_ Date \_\_\_\_\_

A large grid of graph paper, consisting of approximately 30 columns and 40 rows of small squares, intended for calculations or data entry.

## **305 YARD EXCEPTIONS**

### **305.01 FENCES AND WALLS**

In all districts, except industrial districts, fences and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard beginning at the building lot line and to a height of three and one half (3 ½) feet on any required yard abutting a street.

### **305.02 ACCESSORY BUILDINGS**

In residential districts, one (1) story detached garages or other accessory buildings shall not exceed a maximum of ten (10) feet side wall height and a maximum of fifteen (15) feet to peak and be located no less than five (5) feet from side and rear property lines. The total area of all accessory building or buildings shall not exceed the maximum of 1,000 square feet for lots under one (1) acre. On lots one (1) acre to four (4) acres, the total area of accessory building or buildings shall not exceed 1,500 square feet per floor and may not exceed two (2) stories. Detached garages and accessory buildings shall not exceed two (2).

The use of semi-trailer, ocean containers, cube vans, and railroad boxcars shall be prohibited for use as an accessory building. An exemption shall be given for CAUV residents for agricultural use only.

Amended 5/15/06

Effective 6/15/06

### **305.03 GARAGE, RUMMAGE AND YARD SALES (RI-1, RI-2)**

Garage, rummage and yard sales are not classified as a Home Occupation or business. No more than two (2) sales per year and not to exceed five (5) days in duration per sale per residence shall be permitted.

Amended 2/16/87

Effective 3/16/87

### **305.04 EXCEPTION TO FRONT YARD SETBACK**

The front yard setback can be waived by the Zoning Inspector to allow for the alteration of porches on existing single-family dwellings with non-conforming setbacks, as long as there is no further encroachment into the front yard.

Amended 9/04/01

Effective 10/04/01



### **305.05 FRONT YARD SETBACK FOR STATE AND US HIGHWAYS**

A one hundred (100) foot front yard setback shall be maintained adjacent to any State or US highway.

Amended 9/13/06

Effective 10/13/06

### **306 WATER IMPOUNDMENT FACILITIES**

#### **306.01 PRIVATE SWIMMING POOLS (RI-1, RI-2, RI-3)**

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

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principle building of the property of which it is located and their guests.
- B. The pool may be located anywhere on the premises except in required front yards; provided it shall not be located closer than twenty (20) feet from any property line on lots one half (1/2) acre or larger and it shall not be located closer than ten (10) feet from any property line on lots under one half acre (1/2)
- C. Fencing –The swimming pool or the entire property on which it is located shall be so walled or fenced with a rigid material that is gated and locked to a height of no less than four (4) feet so as to prevent uncontrollable access. If the total measurement from the ground to the top edge of the pool is forty-eight (48) inches or more, fencing is not required.
- D. Lighting- Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from adjoining properties.
- E. Drainage- Adequate provision for drainage shall be made.
- F. Permit required- No person, firm or corporation shall construct or install a swimming pool or make any alterations therein or in the appurtenances thereof without having submitted an application and plans therefore to the Zoning Inspector.
- G. Maintenance- The swimming pool and surrounding swimming pool area shall be maintained. Maintenance shall include covering the pool when not in regular active use; keeping the water clean and free from odor, insects

and animals; and keeping the pool and surrounding area structurally sound and safe.

Adopted 7-16-07

Effective 8-16-07

### **306.02 Community or Club Swimming Pool (MR-1, NB-1, GB-1)**

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

- A. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the area used by bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
- C. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.
- D. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
- E. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10.00 p.m. in the evening.

Adopted 10/15/90

Effective 11/15/90

### **306.03 PONDS (ALL DISTRICTS)**

DEFINITION: A water impoundment made by constructing a dam or embankment or by excavating a pit or dugout, i.e. man made ponds, lakes, reservoirs, retention basins or other bodies of water. Ponds are permitted in all districts provided that:

A. Permit required. No person, firm or corporation shall construct or install a pond without having first submitted an application and plans thereof to the Zoning Inspector. Ponds will be designed and constructed according to plans reviewed and approved by the Lorain Soil and Water Conservation District.

1. The landowner obtains a pond application packet from the Lorain Soil and Water Conservation District office.
2. The landowner or contractor completes the Pond Construction Plan standard form and returns it to the Lorain Soil and Water Conservation District office along with a \$800.00 fee for site review, soils investigation and final review.
3. The Lorain Soil and Water Conservation District will review the Pond Construction Plan to ensure that all required information is complete and meets current standards.
4. The landowner or contractor make the contact with the Ohio Utilities Protection Service (OUPS) at least 48 hours prior to Lorain Soil and Water Conservation District site visit and record the reference number (This step must be completed prior to submitting plan.)
5. The Lorain Soil and Water Conservation District will make a visual on site inspection to determine if the pond site appears as drawn on the plan and no apparent drainage problems will be created by the construction of the proposed pond. The contractor digs test holes with a backhoe at this time to determine if subsurface soil conditions will support a pond.
6. The Lorain Soil and Water Conservation District completes the review of the Pond Construction Plan and provides a copy to the appropriate Township Zoning Inspector.

**CONSTRUCTION MAY BEGIN.**

7. The landowner submits the reviewed Pond Construction Plan and Application to the township's Zoning Inspector.
8. The contractor or landowner contacts the Lorain Soil and Water Conservation District office to obtain an inspection for the completed pond.
9. The final inspection report will be mailed to the landowner and a copy to the township's Zoning Inspector.

ADDITION TO 306.03

LORAIN COUNTY SWCD PACKET

“NEW PONDS”

APPROVED & ADOPTED

BY CARLISLE TOWNSHIP TRUSTEES

06/18/2012

Due to Lorain County SWCD  
Turning Enforcement Over to Townships

## POND CONSTRUCTION PROCESS – LORAIN COUNTY SWCD DESIGN

### **Minimum Requirements:**

- ¼ acre surface areas
- 25% with an 8 ft depth
- Minimum width – 80 ft
- No ponds in designation 100 – year floodplain

- Lorain SWCD will **not** accept a 48 – hour OUPS call from contractors
- Lorain SWCD will make all OUPS calls with approval taking up to 10 – working days
- Test holes for ponds is a minimum of 10 –working days
- Final design is approximately 14 working days or longer after test holes are completed.

### **Required Steps –**

**Note: Pond Construction Cannot Begin Until Steps 1 – 6 Are Completed**

1. Landowner completed application for SWCD pond design assistance and **landowner** pays an \$800.00 fee. Application can be found at: [www.lorainswcd.com](http://www.lorainswcd.com) use the Pond Tab to locate Application and Rules.
2. Landowner contacts township about pond construction permit and local setback requirements.
3. Landowner arranges for backhoe to dig test holes.
4. SWCD conducts site visit and soils investigation. If pond site is denied at this time by the SWCD staff, a letter of refusal will be sent along with a \$700.00 refund.
5. SWCD staff conducts survey, design and engineering plan preparation.
6. SWCD send completed plan and construction requirements to landowner and township zoning inspector.



**Construction May Begin**

7. Landowner hires contractor and notifies SWCD when construction will begin.
8. SWCD stakes the site for the pond and discusses construction requirements with contractor
9. Contractor constructs pond according to SWCD plan.
10. SWCD inspects finished pond and conducts final survey.
11. SWCD sends litter completion or deficiency as follows:
  - A. If the pond s constructed according to plan, a letter of completion is sent to the landowner and a \$300.00 refund is made to the landowner.
  - B. If the pond was not constructed according to plan, a letter of deficiency is sent. The landowner then has 12-months (from the time of the initial application) to correct the deficiency and receive the refund, otherwise the refund is forfeited.
12. SWCD notifies the township of the appropriate action.

**Lorain Soil & Water Conservation District  
42110 Russia Road – Elyria Ohio 44035  
440-326-5800**

Revised 12/2010

**POND CONSTRUCTION PLAN**

Landowner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Pond site location \_\_\_\_\_ Township \_\_\_\_\_

\_\_\_\_\_

<input type="checkbox"/> Application complete/fee paid	By: _____	Date _____
<input type="checkbox"/> Site inspection complete	By: _____	Date _____
<input type="checkbox"/> Soils investigation complete	By: _____	Date _____
<input type="checkbox"/> Survey complete	By: _____	Date _____
<input type="checkbox"/> Plan complete	By: _____	Date _____
<input type="checkbox"/> Letter/plan mailed to landowner w/copy to zoning inspector	By: _____	Date _____
<input type="checkbox"/> Construction check complete	By: _____	Date _____
<input type="checkbox"/> Send letter of deficiency ( <u>if needed</u> ) w/copy to zoning insp.	By: _____	Date _____
<input type="checkbox"/> Final report letter to landowner w/copy to zoning inspector	By: _____	Date _____
<input type="checkbox"/> \$250.00 refund issued	By: _____	Date _____



## CRITICAL AREA SEEDING RECOMMENDATIONS

1. Critical areas include grass spillways, diversions, pond fills and cut slopes, and other exposed areas.
2. Clear the site of topsoil and stockpile for later use.
3. Preparation of seedbed:
  - a) Where possible, cover the area to be seeded with 4" to 6" of topsoil.
  - b) The area to be seeded should be smooth and free from roots, rocks, and other materials that will interfere with seedbed preparation.
  - c) Apply lime and fertilizer uniformly over the entire area to be seeded.  
Lime: Apply 150 lb. per 1000 sq. ft or 3 tons per acre  
Fertilizer: Apply 20 lb. per 1000 sq. ft. or 860 lb. per acre of 12-12-12, or equivalent.
4. Seeding:
  - a) Apply seed uniformly over the freshly prepared seedbed and press seed into soil with a cultipacker or similar tool.
  - b) Seed area with Kentucky 31 Tall Fescue at 40 lb. per acre or 1 lb. per 1000 sq. ft., or call the Lorain SWCD for alternative seeding mixtures.
5. Mulching:
  - a) Mulch uniformly all seeded areas immediately after seeding with straw or hay at the rate of 2 tons per acre or 2 to 3 bales per 1000 sq. ft.
  - b) Hold mulch in place by one of the following methods:
    1. Running a "weighted" disk with notched blades set straight to anchor the straw;
    2. On slopes too steep to disk, hold mulch in place with mulch netting, jute netting, or fiberglass matting.
6. Maintenance
  - Fertilize as needed to maintain desired vegetative stand.
  - Protect the vegetation from damage from livestock
  - Repair any damage to vegetation by filling with soil and sodding or re-seeding.
  - Clip as often as needed to control weeds and to keep grass at a desired stand and height.
  - Keep grass at least 3" tall on diversions and pond fills, and 6" tall on pond spillways.

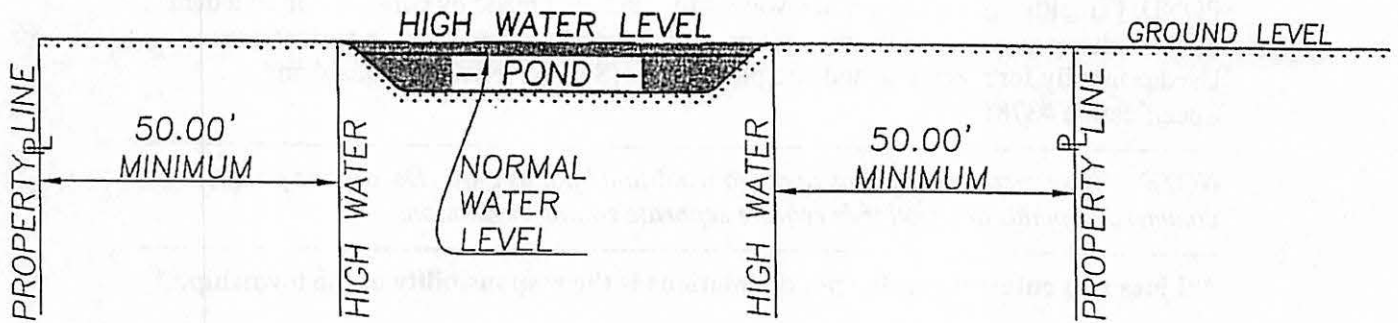


# EXHIBIT A POND SETBACK REQUIREMENTS

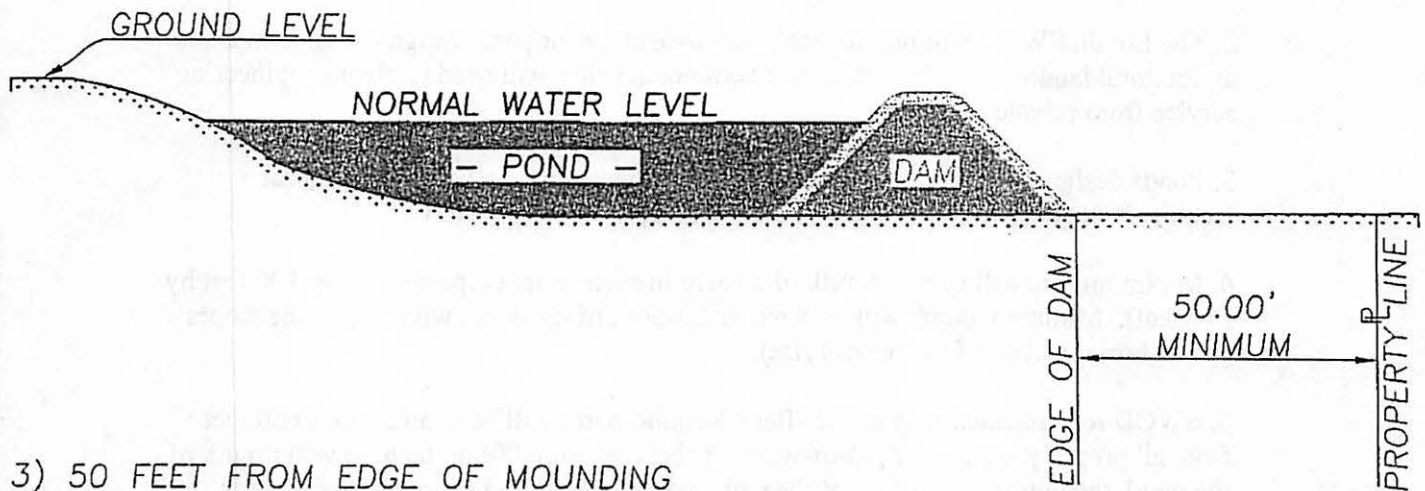
A 50 FOOT SET BACK IS REQUIRED AS SHOWN BELOW FOR ALL TRADITIONAL PONDS.

ALL SITUATIONS MUST APPLY.

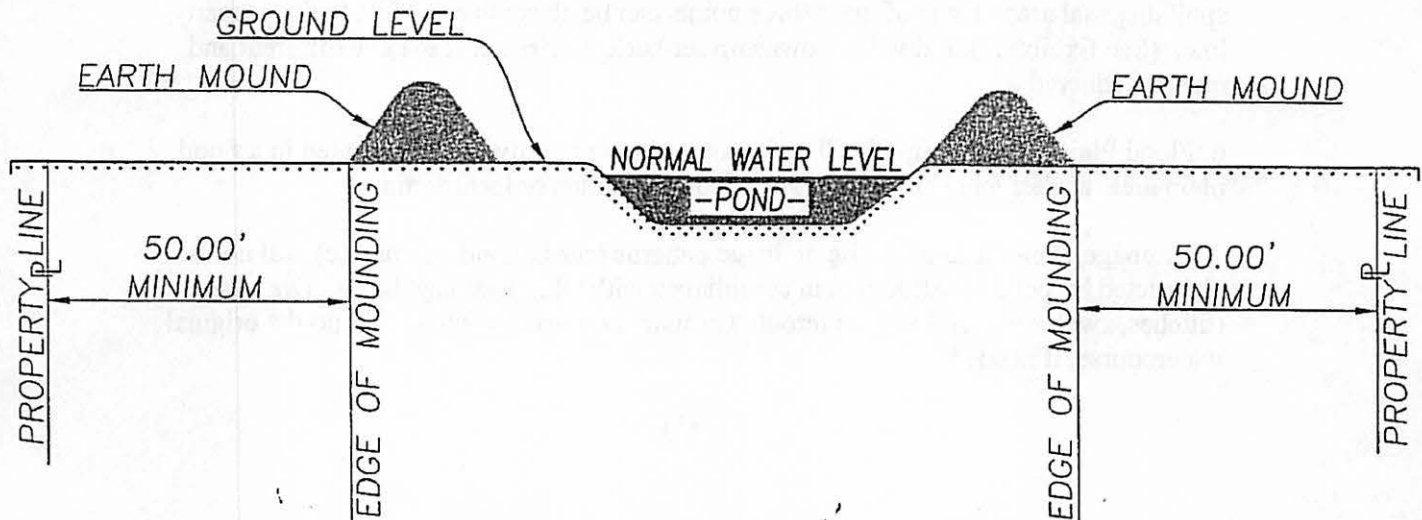
- 1) 50 FEET FROM POND EDGE (HIGH WATER MARK)



- 2) 50 FEET FROM EDGE OF DAM (EARTH FILL)



- 3) 50 FEET FROM EDGE OF MOUNDING



**PONDS  
RECOMMENDATIONS FOR ZONING  
-PONDS ONLY-**

**DEFINITION**

---

**POND: (Traditional):** 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)

---

*NOTE: These recommendations apply to traditional ponds only. Decorative ponds, commercial ponds and wetlands require separate zoning regulations.*

---

**\*\*Fines and enforcement for pond violations is the responsibility of the township.\*\***

1. A pond must be designed by a registered civil engineer or by the Lorain Soil & Water Conservation District (SWCD) to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
2. The Lorain 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.
3. Ponds designed by private engineers can be reviewed by the Lorain SWCD for technical adequacy (at the request of the township).
4. 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).
5. SWCD recommendations for 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. (See Exhibit A) Individual township set-back requirements may be different and must be adhered to.
6. Flood Plain. The Lorain SWCD will not design or approve a pond located in a flood plain area, as designated by the FEMA Flood Plain map or local zoning.
7. Drainage. 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, if needed.

8. Erosion. The construction and use of a pond will not result in additional erosion and sedimentation problems either off-site or on-site.
9. Mounding of spoil material. Maximum heights are to be determined by local zoning. Minimum top width is four feet and minimum side slopes are 3:1.
10. Spillway. All ponds will have a spillway system capable of handling storm water overflow from the pond. Overflow storm water will be discharged into the natural watercourse.
11. Proximity to sanitary systems. Ponds used as primary water supply will be a minimum of 50 feet from the sewage treatment system soil absorption area.
12. 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.
13. 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.
14. The area surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
15. Liability for the pond is the responsibility of the landowner.
16. Fines and enforcement for pond violations is the responsibility of the township. The Lorain SWCD does not issue permits nor is it responsible for enforcement action.
17. The Lorain SWCD requires a minimum of 60 days prior to construction to conduct an investigation, perform surveys and prepare final drawing of pond.
18. Public utility requirements must be adhered to regarding both underground and overhead utilities.
19. 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.

**RECOMMENDATIONS FOR ZONING**  
**-OTHER BODIES OF WATER-**

**POND DEFINITIONS:**

**\*DECORATIVE PONDS, LANDSCAPE POOLS, WATER GARDENS:** a man-made impoundment generally less than ¼ acre in size and less than eight feet deep. Will have a liner and pumps. Generally landscaped with plant materials for decorative purposes.

**\*GOLF COURSE/COMMERCIAL PONDS:** a man-made body of water generally greater than ¼ acre and eight feet deep. Used for recreation and/or landscaping purposes. In areas of commercial/ industrial development and public/private golf courses.

**\*RETENTION/DETENTION BASIN:** a dry or wet basin constructed for flood control purposes. Usually in subdivisions or on commercial/industrial property. No size/depth restriction.

**\*AQUACULTURE/AGRICULTURE POND:** A pond constructed on-farm for watering livestock, raising fish/bait or other agriculture purpose. Agricultural ponds are not subject to zoning.

**\*WETLANDS:** A natural or constructed body of water generally less than six feet deep with no minimum/maximum size. Made by constructing a dam, excavating a pit or destroying a drainage system. Constructed wetlands shall be placed in areas that are conducive to wildlife (A minimum of 500 feet from a residence).

<u>TYPE OF WATER BODY</u>	<u>SETBACK (Ft)</u>	<u>DESIGNED BY</u>	<u>REVIEWED BY</u>	<u>PERMIT NEEDED</u>
<b>DECORATIVE PONDS*</b>	25	Landscape Architect	Township	YES
<b>LANDSCAPE POOL*</b>		Landscape Designer		(ponds more than 100 Sq Ft)
<b>WATER GARDEN*</b>				
<i>*(Only applies to areas greater than 100 Square Feet, Approx 10' X 10')</i>				
<b>GOLF COURSE POND</b>	50	Registered Civil Engineer	Township	YES
<b>COMMERCIAL POND</b>	50		Zoning Board	
<b>RETENTION AND DETENTION BASIN</b>	50	Registered Civil Engineer	Township Lorain County Planning (as part of Subdivision Review process)	NO
<b>AQUACULTURE POND</b>	50	SWCD, Biologist	SWCD	NO
<b>AGRICULTURE PONDS</b>	50	Consultant		
<b>WETLAND</b>	50	SWCD, Division of Wildlife, Biologist	SWCD	YES

**CONSTRUCTION NOTES FOR -OTHER BODIES OF WATER-:**

\*The Lorain SWCD can assist the township with these reviews, if requested.

\*All constructed water bodies (Except Decorative Ponds, Landscape Pools and Water Gardens) shall be a minimum of 50 feet from all property boundaries. In addition, earthfill and/or excess spoil will be no closer than 50 feet to any property line. (See Exhibit A)

\*On-site and off-site drainage patterns (surface and subsurface) will not be obstructed by construction of any water body. Drainage will be routed around the pond and outletted into the original watercourse.

\*Wetlands will be a minimum of 500 feet from any home and constructed in an area that is compatible with wildlife.

- B. A fee shall be required as fixed by the Township Trustees for each application submitted for each water impoundment. (\$75.00)
- C. Performance Bond- a performance bond or similar surety such as a letter of credit or deposit in the amount of \$2,500.00 in the favor of Carlisle Township shall be submitted by the property owner upon application for a pond permit. The purpose of this performance bond is to insure the adherence to the plans approved by the Lorain Soil and Water Conservation District who shall be the sole authority in the decisions. Said bond shall remain in force until one (1) full year after the impoundment has achieved its designated water level.
- D. Yard Requirements- the toe of the slope of any embankment shall be a minimum of fifty (50) feet from any property line or right-of-way. In no case shall the designed high water level be closer than fifty (50) feet to any property line or right-of-way.
- E. The construction of water impoundments shall not adversely affect the drainage pattern of adjacent properties. Water impoundments shall not be discharged so as to affect the required field for any nearby on-site sanitary system or raise ground water table through infiltration so as to render ineffective any on-site sanitary system or water well.
- F. The use of dry hydrant systems or other fire department approved water systems are encouraged.
- G. Ponds used for drinking water supply or for swimming must meet the Lorain County Health Department's standards for such use.
- H. Any required pumping or filtration equipment shall be located so as not to extend into any required yard in the district in which the pond is located.

Amended 7/30/03

Effective 8/30/03

## **307 BUILDING REGULATIONS**

### **307.01 GENERAL**

No buildings or other structures shall hereafter be erected or structurally altered:

1. To exceed building height required.
2. To accommodate or house a greater number of families than that permitted by the provisions of the Resolution.

3. To occupy a greater percentage of lot area than permitted.
4. To have narrower or smaller rear yards, front yards, or lot width at the building line than those permitted in this resolution.

### **307.02 DWELLING – EARTH SHELTER UNIT (RI-1, RI-2)**

Specific conditions for Earth Shelters as written:

1. Each earth shelter shall have vehicular or pedestrian access from a public street.
2. The site plan shall be designed to fit the natural contours of the land as closely as possible and practical.
3. Existing good quality vegetation should be saved wherever possible. Construction shall take place in areas on the site with the least potential ground water hazard.
4. The building location and arrangement shall relate well:
  - A. To the natural topography, avoiding deep cuts, fills, excessive foundation wall depth, unnecessary steps and steep access gradients.
  - B. To climate conditions, assuming maximum benefit from and protection against sun, wind, temperature, precipitation, etc.
  - C. To attractive views.
  - D. To maximize undesirable noise levels.
5. Grading considerations:
  - A. Drain surface water away from buildings and off-site.
  - B. Avoid concentrating run-off onto neighboring properties.
  - C. Minimum slopes away from foundations-5 percent for pervious surfaces and 1 percent for impervious surfaces.
  - D. Minimum protective slope around building is 6 inches drop in 10 feet.
  - E. Floor grades should be chosen to avoid deep cuts and fills; allow gravity sewer service (unless otherwise approved), and minimize banks, retaining walls, etc.
6. Habitable space shall be three (3) feet above the 100-year flood level.
7. Two separate ways of escape must be provided from the building. Either two doors, or one door and one window.

8. The Soil Conservation Service should be consulted regarding soil types, drainage problems and allowable grading of the site.
9. The district requirements regarding front, side and rear yard setbacks shall apply to all exposed and covered portions of the earth shelter.  
2/16/87

### **307.03 BUILDINGS UNDER CONSTRUCTION PRIOR TO ENACTMENT**

Nothing in this Resolution shall be deemed to require any change in plans, construction or designated uses of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, provided that such building shall be completed within one (1) year from the date of passage of this Resolution.

### **307.04 TEMPORARY BUILDINGS**

1. Emergency Use – When dwelling on any 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 separate zoning certificate shall be required and such certificate shall be for a time period not to exceed twelve (12) months. Approved sanitary facilities must be provided. A performance bond of \$2,000 shall be provided when applying for a temporary permit.
2. Limited Use- Visitor's travel trailers shall be permitted for a period not to exceed four (4) weeks in any calendar year. Approved sanitary facilities must be provided.

### **307.05 REAR HOUSES**

This section removed 1/27/03

Effective Date 2/27/03

### **307.06 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 certificate has been requested.

### **307.07 AIRPORT HAZARD ZONES**

The provisions for the Lorain County Regional Airport Zoning Regulations shall be in full effect where applicable.

### **307.08 FLOOD PLAIN ZONES**

A permit may be issued with evidence that the Lorain County Soil Conservation Department or other applicable agency has certified that the site is not subject to predictable flooding.

### **307.09 MUNICIPAL PLANNING COMMISSION AUTHORITY**

The authority of village or city planning commissions shall be observed where applicable.

### **307.10 SUBMISSION TO STATE HIGHWAY DIRECTOR**

The provisions of Section 1601.04 are in full effect where applicable.

### **307.11 FRONTAGE REQUIRED FOR BUILDINGS**

No principal building shall be erected on a lot, which does not abut a street of record. The frontage requirement shall be the same as the required lot width, except for cul-de-sac development, which must maintain a minimum frontage of forty five (45) feet with a width of seventy (70) feet at the building setback line on all cul-de-sacs, radial lots, and curvilinear lots in all RI-1, GB-1, MR-1 and Cluster subdivisions.

All RI-1 districts must maintain a minimum frontage of fifty (50) feet with a width of one hundred (100) feet at the building setback line on all cul-de-sacs, radial lots, and curvilinear lots. Side yard and rear yard setbacks will be maintained as required for that particular district.

All LI-1 districts must maintain a minimum frontage of one hundred (100) feet with a width of two hundred (200) feet at the building setback line on all cul-de-sacs, radial lots, and curvilinear lots. Side yard and rear yard setbacks will be maintained as required for that particular district.

Amended 10/07/02

Effective 11/07/02

### **307.12 EROSION AND SEDIMENTATION CONTROL DURING CONSTRUCTION**

A plan for erosion and sedimentation control during and after construction shall be included with other plans upon application for zoning permit for subdivisions of five (5) acres or twenty (20) dwelling units and all commercial and industrial development of five (5) acres or more. The following principles shall be followed in developing and carrying out the plan.



1. The smallest practical area of land should be exposed at any one time during the development.
2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
5. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation should be retained and protected.

## **308 NONCONFORMING USE OF BUILDING OR LAND**

### **308.01 CONTINUANCE**

The lawful use of a building or parcel of land existing at the time of the adoption of this Resolution may be continued, although such use of a building or parcel of land does not conform to the provision hereof.

### **308.03 DISCONTINUANCE**

If any nonconforming use of land is discontinued or abandoned for any reason, for a period of two (2) years, said use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period of at least two (2) years, such nonconforming use shall conform with the provisions of this Resolution.

## **308.04 CHANGE**

Whenever a nonconforming use of a building or land has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

## **308.05 EXTENSION, ENLARGEMENT, REMOVAL**

No nonconforming use shall be enlarged, increased or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or subsequent amendment of this Resolution. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or amendment of this Resolution.

## **308.06 DESTRUCTION, DAMAGE AND RECONSTRUCTION**

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, providing the same is done within two (2) years from the date of said damage or construction. A zoning permit for such reconstruction must be obtained.

## **309 SUBMISSION OF PLANS**

### **309.01 APPLICABILITY**

This procedure is to be applied when specified in the district regulations and on development of five (5) acres or more.

### **309.02 ACTION BY ZONING COMMISSION AND APPLICANT**

### **309.05 PRELIMINARY SUBMITTAL PROCEDURES AND REQUIREMENTS**

1. The developer shall meet with the Zoning Commission prior to the submission of the preliminary plans of the development. The purpose of the meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained in the applicable district regulations; and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used; approximately the location of public streets; location, type and approximate acreage of all required open spaces. Three (3) copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable zoning district regulations before a considerable amount of time and

expense have been invested. A formal application and an application fee are required.

2. The Zoning Commission shall discuss with the developer the changes if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.
3. All application submissions shall be submitted to the Zoning Commission not less than two (2) weeks prior to the regularly scheduled meeting.

### **310 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.

#### **310.01 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.

1. The provision of the Ohio Revised Code shall be complied with, and no explosives shall be stored, used or manufactured without first submitting to the Zoning Inspector a certificate of compliance from the State Fire Marshall.
2. No gasoline or other inflammables or explosives shall be stored unless the location, plans, and construction conform to the laws and regulations of the State of Ohio and have the approval of the State Fire Marshall.

#### **310.02 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.

The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the applicable regulations of the Atomic Energy Commissioners and the Ohio EPA.

### 310.03 NOISE

Noise, which is objectionable as, determined by the Commission due to volume, frequency or beat should 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.

#### MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS

Octave Band Frequency	District GB-1	District LI-1
0-74	67	76
75-149	59	71
150-299	52	63
300-599	46	59
600-1199	40	50
1200-2399	34	45
2400-4799	32	38
4800 and over	32	36

The sound pressure level resulting from any use or activity which abuts any other zone shall not exceed the maximum permitted level for the designated octave band as provided in the above table.

### 310.04 VIBRATION

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

At no point on or beyond the boundary of any lot shall the ground transmitted steady state or impact vibration caused by any use or activity (except those not directly under the control of the property user) exceed the limits as established in the following table.

FREQUENCY Cycles per Second	DISTRICT GB-1 /LI-1 inches	DISTRICT RESIDENTIAL inches
Less than 10	.0008 .0020	.0004
10 through 19	.0005 .0010	.0002
20 through 29	.0003 .0006	.0001
30 through 39	.0002 .0004	.0001
40 through 49	.0001 .0003	.0001
50 and over	.0001 .0002	.0001

### **310.05 SMOKE**

Smoke shall be controlled as much as economically possible as determined by the County Health Department or Ohio Environmental Protection Agency.

1. In the GB-1 District, the emission of more than twelve (12) smoke units per stack in any one (1) hour period is prohibited.
2. In the LI-1 District, the emission of twenty-two (22) smoke units per stack in any one (1) hour period is prohibited. However, once during any three (3) hour period each stack may be permitted up to forty (40) additional smoke units- not to exceed Ringelmann No.2- for soot blowing and for fire cleaning. Only during fire cleaning periods, however, shall smoke of a density of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes per period.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed the rate established in the following table.

Permitted Rate of Particulate Matter Emission in Pounds per Hour, Per Acre

Height of Emission	District	
	GB-1 Pounds	LI-1 Pounds
00-49	1.00	3.00
50-99	1.01	3.00
100-149	1.06	3.50
150-199	1.10	3.80
200-299	1.16	4.20
300-399	1.30	5.00
400 and over	1.50	7.00

### **310.06 ODORS**

No malodorous gas or matter or liquid shall be permitted which is discernable on any adjoining lot or property.

An odor emitted no more than fifteen (15) minutes in any one (1) day shall not be deemed continuous, frequent, or repetitive within meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernable odor is being emitted. Any

process, which may involve the creation or emission of any odors, shall be provided with a primary and secondary safeguard system so that control will be maintained if the primary safeguard system fails. The rules and regulations of the Ohio EPA shall be complied with.

### **310.07 AIR POLLUTION**

No pollution of air by fly ash, dust vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling as per the Ohio EPA regulations

### **310.08 GLARE**

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

### **310.09 EROSION**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

### **310.10 WATER POLLUTION**

Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Commission.

### **310.11 REGULATION OF OFFENSIVE MATERIALS**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in Carlisle Township except to the extent that junkyards are conditionally permitted in an (LI-1) Light Industrial District (see section 426).

The dumping, storing, burying, reducing, disposing of **SOLID WASTE, HAZARDOUS WASTE, INFECTIOUS WASTES**, garbage, refuse, scrap metal, tires, rubbish, offal, flash, demolition materials or other waste materials.

Adopted 3/18/02

Effective 4/18/02

### **311 ENFORCEMENT PROVISIONS**

**311.01** All uses existing on the effective date of this Resolution shall conform to these performance requirements within one (1) year, provided that an extension of up to six (6) months may be granted by the Board of Zoning Appeals. Extensions may be granted by the Board of Zoning Appeals if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

**311.02** The Zoning Inspector shall refer any proposed use, which is likely to violate performance requirements to the Board of Zoning Appeals.

## **312 ENVIRONMENTAL AND ECONOMIC ASSESSMENT**

### **312.01 EXISTING DEVELOPMENT**

#### **A. Existing Land Use**

Comparisons made between the proposed use and those existing land uses adjacent to it to determine compatibility.

#### **B. Zoning Districts**

1. Is the range of zoning uses proposed in the change compatible with the range of uses allowed in the adjacent zones?
2. Is the proposed change continuing a desirable pattern of zoning?
3. Does the proposed change grant special privileges to the detriment of adjacent land owners?

#### **C. Existing Residential Densities**

1. Evaluation of the proposed parcel in relation to density of proposed area vs. density of surrounding land. Take into consideration that a 4-unit building on one (1) acre maintains the same density as four (4) single family homes on ¼ acre lots.

#### **D. Impact Areas and Vacant Land**

1. Comparison of proposed change with regard to development commitments of adjacent vacant land.
2. The affects of proposed development on the development potential of adjacent vacant land.

### **312.02 DEVELOPMENT IMPACT ON THE TOWNSHIP'S GOALS AND OBJECTIVES**

#### **A. Land Use Goals**

1. Compatibility of proposed change in relation to Land Use Goals and the Township's long range objectives.

2. Conditions may change over time thus justifying the proposed change but which is not indicated in the Plan.

B. Transportation Plan

3. The degree to which the change would help to realize or hinder the Transportation plan.
4. Determination of the ability of the change to be served adequately by future improvements.

**312.03 DEVELOPMENT IMPACT ON PUBLIC SERVICES AND UTILITIES**

A. Sanitary Sewers and Water Lines

1. Impact of change on sewerage system through study of lift station capacity. If change causes lift station to exceed capacity thus requiring additional pumping and force main capacity or use of alternative method for getting waste water to treatment plant.
2. Evaluation of location and size of lines serving the proposed area, to determine capability of handling change.

B. Fire Protection

1. The need for additional fire hydrants
2. Depending on the size of the development, water pressure may have to be increased to handle high-rise buildings.
3. The addition of more or special fire equipment.

C. Traffic Flow

1. Review of road design capacities and location of major traffic generators.

**312.04 IMPACT ON ENVIRONMENTAL FACTORS**

A. Preservation of Natural Areas

- B. Insurance that water supply is not degraded by pollutants including those transported in storm water.

C. Identification of areas suitable for development

1. Areas presently developed



2. Currently vacant land suitable for development

**D. Soils and Flooding**

1. Review of soil maps to determine the limitations of the local soils.
2. Depiction of the flood prone areas. Development will not increase the flood potential for other properties.

**312.05      IMPACT OF DEVELOPMENT ON QUALITY OF LIFE**

**A. Public Recreation.**

1. Development proposals with on-site recreation facilities will not increase demand for local neighborhood parks.

**B. Shopping and Service Establishments**

1. Impact of change on the availability of goods and services.
2. Change affecting parking facilities.

**C. Schools**

1. The amount of money brought in by the Township in relation to money expended for additional facilities needed.

**D. Property Value Stability**

1. Insuring existing residences that proposed changes will not adversely affect property values.
2. Enlisting the use of site planning to insure building relates harmoniously to terrain and existing building and roads and nearby residences.

## **ARTICLE IV**

### **CONDITIONALLY PERMITTED USES**

#### **401 GENERAL REQUIREMENTS**

- A. Board of Zoning Appeals- The Board of Zoning Appeals may allow conditionally permitted uses subject to: the general conditions as set forth in Article II, where applicable and the specific conditions set forth herein.
- B. Conditional Use Permit- A conditional use permit shall be renewed annually and a fee, as set forth in the fee schedule, shall accompany such application for said permit, unless otherwise specified herein. The following conditionally permitted uses are exempt from renewal of the permit: 404 Cemeteries; 407 Funeral Home; 408 Golf Course; Plant Nursery; and 417 Service Stations.
- C. Inspection- The Zoning Inspector may inspect the premise at any reasonable time. Failure to comply with the regulations as established herein and others as the Board of Zoning Appeals may add will be considered reason for revocation of the conditional use permit.
- D. Violations- Conditional use permits shall be revoked after thirty (30) days from date written notice of violation unless said violation has been corrected.

Amended 2-4-2008

Effective 3-5-2008

## **402 MOTOR VEHICLE WASH STATION (NB-1, GB-1**

An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

- A. Off-street reserve space for not less than three automobiles per washing lane shall be provided.
- B. Required off-street parking- one (1) space for each two (2) employees plus one (1) space for the owner or manager.
- C. All outside lighting shall be shielded from adjacent properties.
- D. The lot area shall be not less than 25,000 square feet and having a lot width and frontage of not less than one hundred (100) feet.
- E. Wastewater collection/treatment system of the best available technology (BAT) as deemed appropriate by the Ohio Environmental Protection Agency (OEPA) and the Lorain County Health Department.
- F. Retail sales of related commercial products are permitted.
- G. No repair work to motor vehicles is permitted.
- H. Hours of operation for facilities located adjacent to residential districts are between the hours of 7:00 a.m. and 10:00 p.m. only. No restrictions on facilities not located adjacent to residential districts.
- I. Building shall have a minimum setback of ten (10) feet from side and rear lot lines. Setback minimum shall be a minimum of forty (40) feet from side and/or rear lot lines where adjacent to residential districts.
- J. A permanent screening fence or wall shall be constructed along any property line, which abuts a residentially zoned district. Fence shall be three and one half feet (42") in height from road right-of-way to building line and not less than six (6) feet in height along remainder of lot lines. Fencing shall be properly maintained.
- K. Sign permitted per Section 1400.

Approved 4/5/99

Effective 5/5/99

## **403 MOTOR VEHICLE REPAIR GARAGE (GB-1)**

A building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling and/or paint and body work.

- A. Required off-street parking – one (1) space for each employee shall be provided in addition to one (1) space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles.
- B. All outside lighting shall be shielded from adjacent properties.
- C. The lot area shall be no less than 25,000 square feet and having a lot width and frontage of not less than one hundred (100) feet.
- D. All motor vehicle repair work shall be conducted completely within an enclosed building.
- E. Vehicles awaiting parts for repair may be stored outside within a fenced area for a maximum of sixty (60) days. Storage area to be enclosed by a permanent screening fence or wall not less than six (6) feet in height and shall be properly maintained. Where property abuts residential zoning districts, fence or wall must be adequately buffered and properly maintained.
- F. Hours of operation for facilities located adjacent to residential zoning districts are between the hours of 7:00 a.m. and 10:00 p.m. only. No restrictions on facilities not located adjacent to residential districts.
- G. Building shall have a minimum setback of ten (10) feet from side and rear lot lines. Setback shall be a minimum of seventy-five (75) feet from side and/or rear lot line where adjacent to residential districts.
- H. Sign permitted per Section 1400.

Approved 4/4/99

Effective 5/4/99

#### **404 CEMETERIES (RI-1)**

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

- A. The site shall not interfere with the development of a locally adopted street system or public utility and shall maintain direct ingress and egress onto a public thoroughfare.
- B. The lot area shall be not less than twenty (20) acres with a minimum road frontage of not less than two hundred (200) feet.
- C. All burial buildings, vaults, mausoleums, columbariums, and accessory buildings shall have a minimum setback of seventy-five (75) feet from any street right-of-way bounding the cemetery. There shall be two (2) side yards and a rear yard of not less than fifty (50) feet.
- D. All graves or burial lots shall have a minimum setback of forty (40) feet from any street right-of-way bounding the cemetery.
- E. Existing cemeteries may continue to operate as a nonconforming use. Any future expansion of an existing cemetery not covered by a Conditional Use Permit must comply with requirements set forth above.
- F. All outside lighting shall be shielded from adjacent properties.
- G. Sign permitted as per section 1400.

Adopted 8/17/98

Effective 9/17/98

#### **405 DAY CARE CENTER (RI-1, GB-1)**

- A. Minimum Site Size- One-half acre up to ten (10) children plus an additional two hundred (200) square feet for each additional child.
- B. Interior Floor Space- No less than one hundred (100) square feet per child.
- C. Yards required- Side and rear yards shall be a minimum of fifty (50) feet.
- D. Lot Width and Depth- A 3 ½ to 1 ratio of width to depth should be maintained.
- E. Play area- There shall be provided on the site a usable outdoor play area of seventy-five (75) square feet per child enrolled exclusive of front yard, required side yards, driveways and parking areas.
- F. Fencing- The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.
- G. Development Plan- A development plan must be submitted at the time of application for a conditional use permit.

#### **406 EXTRACTION OF STONE, MINERALS AND TOP SOIL (GB-1, LI-1)**

- A. General requirements- Any owner, lessee or other person having an interest in mineral land may file with the Board of Zoning Appeals, an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located and with the following additional requirements.
- B. Distance from Property Lines- No quarrying operation shall be carried on or any stock pile planned closer than fifty (50) feet to any property line, unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, provided that his distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.
- C. Distance from Public Right-Of-Way- In the event that the site of the mining, quarrying or extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way.
- D. Fencing- Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals, such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.
- E. Equipment- All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatments as may be specified by the County Engineer.
- F. Processing- Crushing, washing and refining or other similar processing may be authorized by the Board of Zoning 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.
- G. Performance Bond- All persons or groups of persons, corporations, or private contractors wishing to extract minerals or topsoil from land within Carlisle Township shall submit to the Township Trustees, a bond for a sum to be determined by the Trustees which shall be held during the operation of the extraction process and for a period not to exceed 365 days after the removal of equipment from the site. The condition of this bond shall be that the persons or groups of persons, corporations or private contractors responsible for the extraction process shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform cause to be performed any work or labor or furnish or cause to furnished any skill, labor, equipment or material in the

execution of such contract and such bond shall be forfeited upon the failure of persons, groups of persons, corporations or private contractors to comply herewith.

- H. Applications- Contents, Procedure- An application for such operation shall set forth the following information:

Name of the owner or owners of land from which removal is to be made.  
Name of the applicant making the request for such permit.  
Name of the person or corporation conducting the actual removal is to be made.  
Location of processing plant to be used.  
Type of resources or materials to be removed.  
Proposed method of removal and whether or not blasting or other use of explosives will be required.  
Description of equipment to be used.  
Method of rehabilitation and reclamation of the mined area.

- I. Public Hearing- Upon receipt of such application, the Board of Zoning Appeals shall set the matter before a public hearing.



**407 FUNERAL HOME (NB-1, GB-1)**

- A. Site size- Minimum site size shall be two (2) acres with a minimum width of two hundred (200) feet.
- B. Access- The proposed site shall front upon a major thoroughfare. All ingress to the site shall be directly from said thoroughfare.
- C. Yards required- Each front, side and rear yard shall be at least fifty (50) feet in width and be appropriately landscaped in trees, shrubs, and grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified in Article XV and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
- D. Area Coverage- No more than thirty (30) percent of the grass site area shall be covered by buildings, including accessory buildings.
- E. Appearance of Buildings- All buildings shall be harmonious in appearance with any abutting surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.
- F. Off-Street Parking- Off-street parking shall be provided in conformance with the schedule outlined in Article XV. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by a fence of at least four (4) feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

#### **408 GOLF COURSE (RI-1, LI-1)**

- A. **Site size and Frontage-** The site shall contain a minimum of thirty-five (35) acres for a par 3-9 hole golf course, a minimum of eighty (80) acres for a nine (9) hole golf course and one hundred sixty (160) acres for an eighteen-hole golf course. Lot frontage shall be a minimum of sixty (60) feet in addition to the width needed for any desired sign.
- B. **Distance From Road Right-Of Way-** All principal and accessory buildings shall be located not less than one hundred (100) feet from the road right-of-way.
- C. **Access-** Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty (20) feet in width and constructed of hard-surfaced material.
- D. **Height-** No structure shall be erected in excess of thirty-five (35) feet in height.
- E. **Course Layout-** Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted to the Township Board of Zoning Appeals for review. The Township may request the review of the Lorain County Regional Planning Commission if desired prior to the issuance of a conditional zoning permit. Such review by the Commission shall be advisory to the Township Board of Appeals.
- F. **Distance from Residential Areas-** Buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially zoned land.
- G. **Signs-** All signs shall be located at least twenty (20) feet from all road right-of-way sidelines and seventy-five (75) feet from any abutting residential property lines. No sign shall be greater than three (3) feet in height.
- H. **Lighting-** Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.
- I. **Parking-** Ten (10) parking spaces per hole shall be provided in addition to one (1) space per thirty-five (35) square feet of floor area for public assembly. All parking spaces shall be located not less than seventy-five (75) feet from any residential district and fifty (50) feet from the road right-of-way sideline.

- J. Retail Sales- Pro-shops and sale of goods incidental to the principal use shall be permitted. The sale of food and beverages shall be permitted if contained within the principal building or structure.

Amended 1/20/92

Effective 2/20/92

#### **409 HOME OCCUPATION (RI-1, RI-2, RI-3)**

- A. Such use shall be conducted by a member(s) of the family residing on the premises with not more than one (1) employee.
- B. Such occupation shall be carried on entirely within the dwelling or an enclosed accessory building, provided that the accessory building usage is not over six hundred (600) square feet. Accessory building is not a prefabricated or movable unit. It shall be post frame construction with footer or similar type foundation. It is not living quarters and meets all current setbacks and percentage of lot coverage requirements. Usage of an attached garage shall be encouraged.
- C. Such occupation shall be clearly incidental and subordinate to its use for the residential purposes, and not more than twenty (20) per cent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. No activity, materials, goods, or equipment indicative of the occupation shall be visible from the public way or adjacent property.
- E. The proposed use shall not constitute primary or incidental facilities for a business or industrial activity conducted elsewhere.
- F. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off street parking requirements as specified in this resolution and be provided for on site.
- G. No equipment or process shall be used in such home occupation, which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference.
- H. There may be one (1) sign advertising the home occupation. See section 1400.
- I. Home Occupation shall be permitted only after is has been approved by the Board of Zoning Appeals.
- J. Renewal of the Home Occupation permit shall require a premises inspection by the Zoning Inspector, with the consent of the property owner/user, if deemed necessary by the Zoning Inspector or the Board of Zoning Appeals. Renewal of the permit can be denied if inspection is prohibited.

Amended 7-16-2007

Effective 8-15-2007

#### **410 MINIATURE GOLF COURSE (GB-1)**

- A. Minimum Setback- One hundred (100) feet from road right-of-way, with minimum side and rear yards of at least fifteen (15) feet each. The course shall be located no closer than two hundred (200) feet from any structure used for human occupancy.
- B. Landscaping- the lot shall be so landscaped as to screen the use from adjoining properties.
- C. Noise- See Trustee Noise Resolution No. 2002-40.
- D. Access- All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local collector street.
- E. Signs- There shall be no more than one (1) advertisement oriented to each abutting street identifying the activity.
- F. Lighting- when lighting is provided, it shall be directed away and shielded from adjacent properties.
- G. Hours of operation- under no condition shall activities continue past 12:00 a.m.
- H. Retail Sales- the sale of prepackaged food and beverages and commercial products clearly incidental to the use shall be permitted.
- I. Prohibited Activities- No intoxicating beverages shall be sold or permitted. No mechanical or electronic devices related to games of chance shall be allowed.
- J. Parking- no parking shall be permitted on the public right-of-way.

Amended 2-4-2008

Effective 3-5-2008

## **411 PARKS AND PLAYGROUNDS (RI-1)**

- A. Permitted Uses-** field games, multiple use paved areas, landscaped areas, picnic areas, playground apparatus areas, field houses and other low impact recreational activities.
- B. Site Size-** the minimum total site size shall be five (5) acres and the minimum total width shall be not less than three hundred (300) feet.
- C. Access-** must meet County specifications for ingress and egress.
- D. Parking-** ten (10) parking spaces shall be provided for each acre of playground area.
- E. Setback Requirements-** setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bounding road right-of-way side lines. Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back one hundred (100) feet from any bounding street right-of-way or side lot line.
- F. Lighting-** all outside lighting shall be directed away and shielded from adjacent properties.
- G. Noise-** see Trustee Resolution No. 2002-40.
- H. Retail Sales-** the sale of food and carbonated beverages shall be permitted.
- I. Development Plan-** a development plan must be submitted at the time of application for a conditional use permit.

Amended 2-4-2008

Effective 3-5-2008

#### **412 PLANT NURSERY (RI-1, NB-1, GB-1)**

- A. Minimum Site Size- Five (5) acres
- B. Parking- A minimum of five (5) off-street parking spaces shall be provided or 3.5 square feet of parking space for each square foot of floor space devoted to retailing, whichever is greater.
- C. Setback- Any building or accessory structure shall be set back one hundred (100) feet from any road right-of-way side line and seventy-five (75) feet from all other property lines.
- D. Dead Plant Material- No burning of dead plant material is allowed.
- E. Lighting- All outside lighting shall be directed away and shielded from adjacent properties.
- F. Spraying- When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized, said spraying operation shall be directed so as to not affect adjacent properties in any way.
- G. Irrigation- when irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.

## **413 DRILLING AND EXPLORATION FOR GAS AND OIL (ALL DISTRICTS)**

All drilling and exploration for gas and oil must meet all state and federal guidelines.

- A. Define "Person" as used within this section to mean any natural person, general partnership, limited partnership, corporation, firm or common place enterprise; and "drilling operation" to mean each and every well that is drilled, reopened, or plugged back or drilled for the disposal of waste.
- B. All persons drilling and /or exploring for gas and oil must first obtain a special hauling permit from the township at least ten days prior to the initiation of such drilling or exploration. The granting of a special hauling permit is conditional upon first securing a road restoration bond under the aegis of the township trustees.
- C. No person shall erect, use, and/or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet or storage tank nearer than one hundred fifty (150) feet from any and all inhabited dwellings without first obtaining written consent from all owners of said dwelling within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state that the property owner has given his consent to the erection, use and/or operation of such drilling rig or tank within such distance of said dwelling.
- D. No person shall erect, use and/or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet or storage tank nearer than one hundred fifty (150) feet from any public building which may be used as a place of resort assembly, education, entertainment, lodging, trade, manufacture, repair, storage, or occupancy by the public without first obtaining written consent of all the owners of such buildings within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state the property owner has given his consent to the erection, use and/or operation of such drilling rig or tank within such distance of said public building.
- E. No person shall erect, use, and/or operate any drilling rig nearer than three hundred (300) feet from any private water supply without first obtaining written consent of the owners of the property within that radius as measured from the center of the proposed well. The written consent form shall specifically state that the property owner has given his consent to the erection, use and/or operation of such drilling rig within such distance of said private water supply.



- F. Access routes shall be established by the trustees for ingress and egress to the drilling site.
1. Primary consideration shall be given to the route or routes, which will minimize wear and tear on township roads.
  2. Entrances to and exits from the drilling site shall be at points, which will minimize traffic congestion and hazard.
  3. No such access point to the drilling site shall be located nearer than one hundred and twenty-five (125) feet from the intersection of two (2) street lines. No more than two (2) access points shall be established to any one well.
  4. The maximum width of driveways shall be twenty-four (24) feet.
  5. A suitable size culvert pipe, as specified by the trustees shall be placed in any culvert, trench, or ditch under the supervision of the road foreman over which driveway or driveways will be placed.
  6. All driveways providing ingress and egress for the drilling site shall be maintained to minimize dust and the tracking of mud and debris onto the hard surface pavement.
  7. A turnaround for all vehicles shall be provided which will accommodate the largest vehicle used in connection with the operation or the drilling site, unless otherwise approved by the Road Foreman.
  8. There shall be absolutely no on-street parking. One off-street parking space shall be provided for each worker at the site.
  9. Where lighting is used at the drilling site, said lighting shall be placed in such a manner as to shield adjacent inhabited dwellings from direct emissions of light.
  10. The process of "fracturing", dressing tools, sharpening bits, or operation of forge is prohibited between the hours of 9:00 p.m. and 6:00 a.m. where inhabited dwellings are situated within three hundred (300) feet of such process or operation unless the written consent of the residents of such dwellings is first obtained.
  11. A written drilling log is required to be kept at the drilling site. The log shall contain the drilling depth reached at each twenty-four (24) hour interval. The dates and times at which the process of "fracturing" is

conducted shall be entered in the log. The log shall be kept and made available for inspection to any township trustee upon request.

12. A plot plan shall be prepared and shall designate in detail, and in a suitable scale drawing, the location or proposed location of all wells, shutoff valves, hearing equipment, transmission lines, electricity service entrance and circuit breakers for all electrical equipment. The plot plan shall be furnished to the township trustees prior to drilling and kept updated.
13. Suitable fire fighting equipment, as approved by the township fire chief shall be kept on the drilling site and maintained in an operable condition during drilling. Such equipment shall be placed in a location to provide ready access in the event of an emergency.
14. In connection with the operation of the drilling site, the names, mailing addresses, and telephone numbers of each of the following shall be supplied to the township trustees and kept updated.
  - a. In the case of a corporation, it's statutory agent and the managing officers.
  - b. In the case of a general or limited partnership, each of the managing partners.
  - c. In the case of any other firm or common enterprise, each individual associated therein.

In addition, the names, addresses and telephone numbers of all general contractors employed by any person in connection with the drilling operation shall also be provided to the trustees.

15. All pits used for the temporary storage of salt water and oil field waste shall be liquid tight and constructed and maintained to prevent escape of such water and waste through run-off, percolation, or otherwise. The pit shall be enclosed by a fence at least five (5) feet in height. Said fence shall be constructed and designed to prevent trespassing. A written log shall be kept detailing how, when and where salt water, oil field waste, and other noxious, harmful or hazardous discharge is disposed of and it shall not be drained into any open field, open ditch, culvert, storm sewer, running stream or other water way. At least 24 hours prior to the disposal of the above mentioned materials written notice of the method and material to be disposed of shall be furnished to the township Road Foreman for each and every well.

16. All storage tanks shall be painted and other equipment that remains at the drilling site shall be screened, by providing:

- a. An opaque wall
- b. A uniformly painted fence or
- c. A strip of land at least four (4) feet wide and densely planted with shrubs or trees or a combination thereof.

Such screening shall be at least six (6) feet in height and at least as long as that which the screening is designed to screen.

17. Written notice from the owner of the land must be given to the township trustees no later than ten (10) days prior to the commencement of drilling operations.

18. A certificate of compliance must be furnished to the township trustees at any time prior to the day on which the drilling operation is to commence. The certificate shall specifically state that:

- a. The drilling operation shall be conducted pursuant to the health and safety standards of the Township.
- b. The trustees have been furnished with all information required by condition #13.
- c. All consents required by condition #3, #4, #5 and #9 have been obtained. A copy of each consent required and received must be provided to the trustees at the time the Certificate of Compliance is required.

The certificate shall be signed by the duly authorized agent of the corporation, partnership, firm, common enterprise, or by any natural person seeking to drill.

19. A copy of the state drilling permits shall be submitted at the time the certificate of compliance required pursuant to condition #18 is filed.

20. All activities, operations, and construction, not directly governed by Ohio Revised Code Chapter 1509 and the rules and regulations adopted there under by the division of gas and oil must comply with the township zoning resolution in its entirety.

21. Any part of these conditions which is superseded by any Section of Chapter 1509 or any rule or regulation promulgated there under shall not affect the validity of any other conditions.
22. Duties of Zoning Inspector- it shall be the duty of the Zoning Inspector to consult with the Deputy Inspector of the Division of Mines relative to good practices relating to drilling, production or storage of oil and gas. Upon finding conditions, which he determines to be unsafe, unsanitary, or a menace to the health and safety of persons residing in the neighborhood of an oil or gas well, the Zoning Inspector shall order the operator of such well to cease operations until such condition is corrected.

In the event any word, phrase, sentence, or structure or portion of these conditions shall hereafter be declared invalid such invalidity shall not affect the remaining portions and parts of these conditions herein.

Amended 2/16/1987

Effective 3/16/1987

#### **413.01 PRIVATE GAS WELLS**

Private gas wells must comply with all state requirements.

#### **414 RECREATIONAL CAMPGROUNDS (RI-1, FP-1))**

- A. Area- No campground shall be developed on a lot of less than ten (10) acres. The minimum campsite shall contain 3,630 square feet. Ratio of campers to total area is based on twelve (12) units or campsites per acre. No campsite shall be located on land having a slope in excess of twenty (20) percent.
- B. Setback- Buildings shall be located no closer than three hundred (300) feet to the right-of-way and two hundred (200) feet to the side or rear lot line.
- C. Sanitation- The general criteria for sanitary facilities shall follow the Lorain County Health Department guidelines and provide:
  - Toilet Fixtures- One (1) for each 17 people
  - Showers- One (1) for each 50 people
  - One (1) restroom with six (6) toilets per campground of 25 units
  - One (1) restroom with six (6) toilets and one (1) combination building with Six (6) toilets, four (4) showers and laundry facilities per campground of 25 unitsThe campground and all permanent facilities and equipment shall be kept in a clean orderly and sanitary condition and free from any condition that will menace the health of any camper or the public or constitute a nuisance.
- D. Water Supply Requirements- Water supply requirements at campgrounds shall be fresh potable water or other commercial water supply. Distance from drinking water to unit- 300 feet maximum, 100 feet or less optimum
- E. Fire Protection- The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department, which serves the area.
- F. Prohibited Activities- No intoxicating beverages may be sold on the campgrounds.
- G. Hours of Operation-Under no conditions shall supervised activities continue past 12:00 a.m. at which time all lights in hall, buildings, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.
- H. Noise- See Trustee Noise Resolution No. 2002-40

- I. Retail Sales- The sale of prepackaged food and beverages shall be permitted.
- J. Parking- The following parking space must be provided:
  - Car – 300 square feet
  - Car and Trailer- 600 square feet
  - One space or hardstand per camper unit, minimum space for 2 cars, or one car and trailer
  - Optimum space for 3 cars be provided at each rest room.
- K. Hard Stand Areas- To accommodate self-contained camping trailers, all weather hard stand areas, 12 feet by 50 feet shall be provided and so designed that the car and camping trailer can be backed onto the hard stand area with the minimum amount of maneuvering.
- L. Access Roads- Shall meet County specifications on ingress and egress and be maintained in an all weather and dust-free condition.
- M. Signs- A sign shall be permitted provided the area of such sign shall not exceed thirty-two (32) square feet of surface and shall be subject to requirements found in Article XIV.
- N. Lighting- All outside lighting shall be directed away and shielded from adjacent properties.
- O. Camper Vehicles- All camper's vehicles shall display the current year license plates. No campground shall be used for permanent occupancy or as a mobile home park.
- P. Storage Areas for Recreational Vehicles- Areas set aside for storage of recreational vehicles shall be enclosed by a chain link fence six (6) feet in height.

Amended 2-4-2008

Effective 3-5-2008

#### **415 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA (RI-1)**

- A. **Applicability-** These conditions shall apply where one or more horses are used, kept, or maintained, for commercial leasing or hiring purposes for remuneration.
- B. **General-** All riding or exercising of horses shall be conducted solely on the premises. The use of any public road or road right-of-way as a part of a stable or riding academy shall be prohibited. All horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.
- C. **Lot Area-** The lot area required for each horse stabled in a riding stable or academy shall not be less than ½ acre and shall be not less than five (5) acres with a lot width of not less than 400 feet. Lots of five acres or more would be exempt.
- D. **Accessory Structures** such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.
- E. **Access and Parking-** Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area, a minimum design area of six hundred (600) square feet shall be used per horse being boarded or kept. All driveways and off-street parking areas shall be maintained in a dust-free, all-weather condition. Parking areas shall be located no less than one hundred fifty (150) feet from the street right-of-way. Entrance to the site shall be of sufficient width (not less than twenty-four (24) feet in order to facilitate entering and leaving the property at the same time.
- F. **Landscaping-** All outdoor areas including exercising and parking areas shall be adequately landscaped to screen and buffer the use from any abutting residentially zoned property.
- G. **Retail Sales-** The sale of commercial products clearly incidental to the intended conditional use shall be permitted. The sale of incidental products shall be conducted wholly within an enclosed building.
- H. **Lighting-**All outside lighting shall be shielded and directed away from adjacent properties.
- I. **Noise-** See Trustee Noise Resolution No. 2002-40.

J. Signs- One sign which serves to identify the use on the premises shall be permitted with a surface area not to exceed sixteen (16) square feet and shall be subject to requirements found in Article XIV.

K. Sanitation- The premises shall be maintained in a sanitary and orderly manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.

L. Hours of Operation- All activities shall terminate on before 11:00 p.m. each day.

All other requirements as set forth in the administration and enforcement section of the Zoning Resolution.

Amended 2-4-2008

Effective 3-5-2008



ORC.  
5/19/21 C1

**416 AGRICULTURAL ROADSIDE STANDS AND MARKETS  
(RI-1, RI-2, AND RI-3)**

- A. General- Roadside stands and markets shall be used for the sale of agricultural products. Roadside stands shall be portable and shall be moved back to the setback building line during the non-growing season.
- B. Setback- Roadside stands and Markets shall be setback twenty (20) feet from any right-of-way and/or side line.
- C. Parking for Roadside Stands and Markets - Adequate off-street parking shall be provided for a minimum of four (4) vehicles or more as determined by the Board of Zoning Appeals.. Off-street parking areas shall be maintained in an all-weather, dust free condition.
- D. Signs- The provisions of Article XIV shall apply.

Amended 7-2-20108

Effective 8-3-2018

**417 SERVICE STATIONS, FUEL MARTS & CONVENIENCE PLAZAS (GB-1)**

- A. Frontage- A minimum frontage on the primary street of one hundred twenty-five (125) feet is required.
- B. Building Setback- A minimum setback of one hundred (100) feet from all street right-of-way lines is required. A fifteen (15) foot unobstructed buffer strip shall be provided next to the right-of-way and parking in this strip shall be established.
- C. Rear Yard- A minimum rear yard of seventy-five (75) feet is required where the use abuts a residential area or forty (40) feet where the use abuts a nonresidential area.
- D. Site- A minimum of one (1) acre is required.
- E. Lot Coverage- maximum lot coverage of thirty (30) percent shall be permitted.
- F. Access- Maximum width of curb openings for stations.
- G. Lighting- All outside lighting shall be directed away and shielded from adjacent properties.
- H. Signage- The provisions of Article XIV shall apply
- I. Parking- The provisions of Article XV shall apply.

Amended 2-4-2008

Effective 3-5-2008

#### **418 VETERINARY HOSPITAL OR CLINICS (RI-1 AND GB-1)**

- A. **Parking and Access-** Parking shall be provided for a minimum of four (4) car and trailer combinations. Five hundred (500) square feet shall be the minimum required parking and access area for each car and trailer or van combination. Three hundred (300) square feet shall be required for parking and access space for each vehicle.
- B. **Runways, Exercise Areas-** All riding or exercising of animals shall be enclosed by a six (6) foot woven, chain link fence or an escape proof fence, maintained in clean orderly and sanitary condition free from any condition that would menace the health of the animals enclosed therein, the public or constitute a nuisance.
- C. **Buildings and Enclosures-** The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any direction. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from any property line.
- D. **Manure Piles-** Manure piles shall be disposed of daily in a sanitary, non-odorous condition. Open manure piles shall not be permitted.
- E. **Lighting-** All outside lighting shall be directed away and shielded from adjacent properties.
- F. **Retail Sales-** The sale of incidental products is permitted.

**DEFINITION- Kennel or Cattery -** Any lot or premises on which four (4) or more dogs or cats more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

Amended 2-4-2008

Effective 3-5-2008

**421 MOBILE HOME AND RECREATIONAL VEHICLE STORAGE, SALES AND SERVICE (GB-1)**

- A. Minimum Area, Minimum Frontage- The minimum area required shall be five (5) acres. Minimum frontage shall be not less than three hundred (300) feet.
- B. Related Commercial Activity- Commercial activity shall be directly related to those sales, transactions or exchanges, which are directly related to storage, sales, or services, offered on the premises. Nothing in this section shall be interpreted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.
- C. Parking Requirements- At least one (1) parking space shall be provided for each four hundred (400) square feet of building space. All other provisions of Article XV shall be complied with.
- D. Enclosure- All mobile home and recreational vehicle repairs shall be conducted in an enclosed building. Outside storage and sales are permitted provided the area is properly fenced and landscaped.
- E. Fencing and Buffering Requirements- All mobile home and recreational vehicle storage and sales areas shall be enclosed at the property line with a farm fence with gate where appropriate. Said fence shall be maintained in good repair. In addition to fencing, the commission may recommend and the Township Trustees may require suitable landscape plantings or screenings along those sides or portions of lot lines that adjoin residential areas.
- F. Sideyard Setback Requirements- All structures and activity areas shall be located no closer than fifty (50) feet from any RI-1 property line and ten (10) feet from any GB-1 property line.

Rear Yard Setback- No closer than fifty (50) feet from any RI-1 property line and no closer than ten (10) feet from a GB-1 property line.

Front Yard Setback- One hundred (100) feet from any road right-of-way.

- G. Signs, Advertising Devices- No more than one (1) sign or advertising device oriented to each abutting public road identifying the nature of the special use shall be permitted. Signs and advertising must be set back at least fifty (50) feet from the edge of the road right-of-way, and may not exceed fifty (50) square feet in area. All other provisions of Article XIV shall be complied with.

## **422 TRANSITION PROVISIONS AND REQUIREMENTS, FOR EXISTING BUILDINGS ONLY**

### **A. Intent of Transition Provisions:**

In order to provide an added measure of reasonableness and flexibility to the regulations set forth in this resolution, and in order to accommodate a natural tendency for gradual transition between two distinctly different kinds of land use activities, there are hereby provided transition zones at the periphery of certain commercial and industrial districts. Within these transition zones, restrictions for residential districts are progressively modified within a specified distance to the less restrictive requirements of a commercial or industrial district.

### **B. Limits of Transition Zones: (See zoning map for permitted locations)** Certain GB-1 and LI-1 structures and uses, as specified herein, within one hundred (100) feet of the GB-1 (General Business), and LI-1 (Light Industrial) Districts, PROVIDED that any nonresidential use allowed within the transition zone shall be permitted only by the application for the issuance of a conditional use permit, and meets the following additional requirements:

1. In reviewing any such proposed use, the Board of Zoning Appeals shall take every precaution in granting authorizations to achieve the maintenance of the essential residential character and appearance of that portion of a residential district in which transition uses are allowed.
2. The Board of Zoning Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual rights, and for insuring that the spirit and objectives of this resolution will be observed.

### **C. Uses permitted:**

Only the following uses shall be permitted in any Residential transition zone.

1. All uses permitted by right in the Residential Districts.
2. Lodges and Clubs, excepting such lodges or clubs, the chief activity of which is a service customarily carried on as a business or primarily for gain.
3. Tourist homes and or Bed and Breakfast homes for the accommodation of transient guests with no more than six (6) rooms for lodging purposes.
4. Personal services and sales of products related to principal business such as dressmaking, millinery, hairdressing, hair cutting,

beautician and massage service, PROVIDED such activity is carried on completely within the principal building.

5. Offices for occupancy of physicians, surgeons, dentists, attorneys, architects or engineers, PROVIDED that there are no resident patients.
6. Off-street parking lots, public or private, PROVIDED that all setbacks and other requirements stated in Article XV (Off Street Parking Requirements) are met.

The uses permitted by right in the GB-1 and LI-1 Districts shall be allowed as transitional uses in either district.

**D. Site Development Requirements:**

1. Yards- All yard dimensions, height, area and bulk requirements for the particular district in which the transitional use is proposed, shall be complied with.
2. Off-Street parking and loading facilities as required for the particular nonresidential use shall be provided.
3. Sign regulations for the particular district in which the transitional use is proposed shall be complied with.

**E. Additional Transition Requirements for Business Districts or Industrial Districts that Adjoin a Residential District:**

In order to mitigate the detrimental effect on residential properties immediately adjacent to business and industrial activities, the following regulations shall be complied with:

1. Any of the following land and structure uses shall be no closer than one hundred (100) feet to any residential district:
  - a. Gasoline, Service Station, Fuel Mart/Convenience Plazas shall be no closer than one hundred fifty (150) feet to any residential district.
  - b. Automobile Repair and Public Garages shall be no closer than one hundred (100) feet to any residential district.
  - c. Drive-in food or drink dispensing facilities shall be no closer than one hundred (100) feet to any residential district.
  - d. Drive-in golf ranges shall be no closer than one hundred (100) feet to any residential district.
  - e. Music or dancing schools and studios shall be no closer than one hundred (100) feet to any residential district.
  - f. Laundry, dry-cleaning establishments shall be no closer than one hundred (100) feet from any residential district.

g. Animal Hospital, clinic or kennel shall be no closer than one hundred (100) feet from any residential district.

F. The Conditional Permit shall be in effect until the transitional use terminates, there is a change in the use, or the property is transferred to a new owner, or the conditions and requirements as set forth are not complied with.

Amended 2-5-2008

Effective 3-5-2008

**423 NURSING HOMES (RI-1, GB-1)**

- A. The proposed site shall be at least four (4) acres.
- B. The proposed site shall have at least one (1) property line abutting a major thoroughfare. Must meet County specifications for ingress and egress.
- C. All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to all property or street lines. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback and additional one (1) foot for each foot of additional height above two (2) stories.
- D. No more than twenty-five (25) percent of the gross site shall be covered with buildings.
- E. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
- F. All signs shall be in accordance with the schedule outline in Article XIV.
- G. Off-street parking and loading space shall be provided in accordance with the schedule outlined in Article XV.

**424 MOBILE HOME PARK SUBDIVISION (deleted)**



## **425 WIRELESS TELECOMMUNICATIONS FACILITY (RI-1, RI-2 AND RI-3)**

A Wireless Telecommunications Facility shall be a Conditionally Permitted Use in a General Business (GB-1) District and a Light Industrial (LI-1) District.

### **PURPOSE**

The purpose of the Wireless Communications Facility section is to accommodate transmitters, towers, and antennas for use in providing public and/or personal wireless service in a variety of zoned districts, contingent upon having met specified requirements, conditions, and design criteria. This section will help minimize the visual impact of the towers and associate facilities through landscape buffering, selective design and construction, setbacks for location and the removal of such facilities when no longer in use. This section encourages collocation of installations on common towers whenever feasible, minimizing the need for additional towers. This process is directed at maintaining a balance between the Township's right to preserve its land use policies for health, safety, welfare and aesthetics, while allowing the Federal government to provide for and spur competition in the telecommunication industry.

### **425.01 SOLE USE ON LOT**

A Wireless Telecommunications Facility is a Conditionally Permitted Use as a sole use on a lot, subject to the following conditions:

#### **A. Tower**

1. The minimum lot size for a telecommunication tower shall meet the requirements of said zoning district.
2. The minimum distance to any neighboring zoned district lot line shall be three hundred (300) feet.
3. The maximum height of the tower, including antenna, shall be two hundred eight-five (285) feet.

#### **B. Accessory Building/Shelter**

1. Minimum setbacks for equipment accessory building/shelter(s) shall meet requirements of said zoning district.
2. Maximum size shall not exceed three hundred (300) square feet per accessory building/shelter. Maximum of one accessory building/shelter per provider if collocation of antennas exist.

## **425.02 COMBINED WITH ANOTHER USE**

A Wireless Telecommunications Facility shall be a Conditionally Permitted Use on a lot with an existing use subject to the following conditions:

- A. The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered a structural addition to a nonconforming use.
- B. Minimum yard requirements:
  - 1. Tower- The minimum distance to any neighboring zoned district lot line shall be three hundred (300) feet
  - 2. Accessory Building/Shelter(s)-shall comply with the minimum setback requirements for the primary lot.
- C. Access:
  - 1. The service access to the equipment accessory building/shelter(s) shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - 2. The distance between tower, accessory building/shelter(s) and any existing structure(s) shall comply with Fire Department requirements and/or requests.
- D. Maximum height of tower, including antenna, shall be two hundred eighty-five (285) feet.
  - 1. Maximum size of equipment accessory building/shelter(s) shall not exceed three hundred (300) square feet. Maximum of one accessory building/shelter per provider if collocation of antennas exists.

## **425.03 COMBINED WITH AN EXISTING STRUCTURE**

Where possible, an antenna for a Wireless Telecommunication Facility shall be attached to an existing structure or building subject to the following conditions:

- A. The maximum height of the antenna shall be twenty feet above the existing building or structure, with the maximum total combined height of antenna and structure not to exceed two hundred eighty-five (285) feet.
- B. Accessory building/shelter(s) shall meet all setback requirements for primary lot.

#### **425.04 LOCATED WITHIN AN ELECTRIC HIGH TENSION POWER LINE EASEMENT**

A Wireless Telecommunications Facility is a Conditionally Permitted Use within an electric high tension power line easement, provided the tower is incorporated into an existing high tension power line tower structure. A Wireless Telecommunications Facility is conditionally permitted in the electric high tension power line easement when the tower is not incorporated into existing high tension power line structure provided that no tower shall be located closer than one half mile from any other such tower and subject to the following conditions:

1. The maximum height of the tower, including antenna, shall be two hundred eighty-five (285) feet.

2. The maximum size of equipment accessory building/shelter(s) shall not exceed three hundred (300) square feet. Maximum of one (1) accessory building/shelter per provider if collocation of antennas exist.

#### **A Wireless Telecommunication Facility is subject to the following conditions:**

- A. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be in writing an explanation of why a tower and this proposed site is technically necessary and that the wireless telecommunication antenna(s) reasonably service the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within the developed areas of the Township.
- B. When a tower is modified, or additional equipment is to be located on an existing tower, the applicant shall provide written documentation from an Ohio Registered Engineer that the existing structure is capable of holding the modified or additional equipment and that the tower is structurally sound.
- C. All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be a buildable up to, but not including, two hundred eighty-five (285) feet above the finished grad. Such structure shall be designed to have sufficient structural loading to allow for at least three (3) antennae platforms of equal loading for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The Wireless Telecommunications Facility shall also be designed to show that the

applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least three (3) users of the facility. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three (3) users. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Board of Zoning Appeals evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this section. As an additional condition of issuing a Conditional Use Permit, the owner/operator/applicant agrees to respond to any inquiries regarding collocation within thirty days after receipt of a written inquiry.

In all circumstances owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than thirty (30) days from the date of a written request for collocation. Copies of all written requests to collocate and all written responses shall be sent to the Zoning Inspector.

- D. The applicant requesting permission to install a new tower shall provide evidence there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower within the geographic area to be served. With the application for Conditional Use Permit, the applicant shall list the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower. If another existing tower is technically suitable, the applicant must demonstrate that written request to collocate on the existing tower was made and the collocation request was rejected by the owner of the tower. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocation. If another telecommunications tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Township which is owned or controlled by the applicant on reciprocal terms and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage collocation, but in no case shall a tower be located closer than one-half (1/2) mile to any existing tower.
- E. Where the Wireless Telecommunication Facility is located on a property with another principal use, the applicant shall present documentation that

the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

- F. The Wireless Telecommunications Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance except during construction or an emergency.
- G. The applicant shall provide a plot plan by a registered surveyor at a scale of 1" = 20' of the entire site and shall indicate all buildings and building uses, driveways, roadways, utilities, power lines, water wells and elevations within five hundred (500) feet of the proposed facility. Aerial photos and/or renderings may augment plot plan. The applicant shall provide a vicinity map showing the location of all towers within a three (3) mile radius of the site.
- H. Security fencing shall be a minimum of eight feet in height and shall surround the tower, equipment shelter, and guy wire anchor points.
- I. The applicant shall provide at a scale of 1"=20' a landscaping plan of the entire site and shall indicate how the Wireless Telecommunications Facility will be screened from adjoining uses.
- J. A buffer area of not less than ten feet in depth shall be placed between the Wireless Telecommunications Facility and the public right-of-way, and any property lines. The ten (10) foot buffer area shall consist of rows of evergreen trees planted five (5) feet on center with a minimum height of six (6) feet or other plantings as deemed appropriate by the Board of Zoning Appeals.
- K. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- L. The applicant must provide written certification from an Ohio Registered Engineer that the antenna(s) and/or tower(s) to be constructed are in compliance with all applicable Federal, State and Local regulations pertinent to the construction. The applicant shall provide a soil report showing compliance and verifying the design specifications of the foundation for the tower. Towers and antennas shall be designed to withstand sustained winds and ice accumulation as required by the most restrictive portions of the Ohio Basic Building Code.
- M. The tower shall be painted a non-contrasting gray or blend in with the surrounding environment, minimizing the visibility.

- N. No advertising is permitted anywhere on the facility. One identification sign, which is non-illuminating and no larger than two (2) square feet, is permitted. Four (4) "No Trespassing" signs, one per side, to be posted.
- O. Any tower one hundred (100) feet in height or more shall require lighting. The lighting for the tower shall be a red fading light or the most visually non-obtrusive lighting of the best available technology (BAT), unless otherwise required by the FAA.
- P. The owner/operator shall provide an Emergency Procedure Plan identifying who will be notified and what remedy processes will be used in case of an emergency. A copy shall be kept on file at the Carlisle Township Town Hall and with the Carlisle Township Emergency Dispatcher.
- Q. The owner/operator shall provide a plan for periodic maintenance, which details maintenance, repair and dismantling procedures that comply with good industry practices.
- R. Any decision to deny a request to place, construct, or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of proceedings of the Board of Zoning Appeals.
- S. Outdoor storage of any supplies, vehicles or equipment is prohibited, except during the initial construction period or to supply emergency power during a power outage.
- T. The owner/operator of the Wireless Telecommunications Facility shall remove a non-functioning facility within one (1) year of ceasing its use. The owner/operator of the facility shall annually, along with renewal of a Conditional Use Permit, file a declaration with the Zoning Inspector as to the continuing operation of every facility installed on the tower. The owner/operator of the facility shall annually file with the Zoning Inspector proof of inspections and compliance with current codes and standards for the tower and facility as prepared and performed by an Ohio Registered Engineer.
- U. The owner/operator of the Wireless Telecommunications Facility shall be required to post a cash or surety bond acceptable to the Trustees of not less than \$300,000.00. Said bond shall insure that an abandoned, obsolete or destroyed wireless telecommunications antenna or tower shall be removed within one (1) year of cessation of use and abandonment, and that property be restored to its original condition to a minimum of eight (8) feet below finished grade. Any successor-in-interest or assignee of the owner/operator shall be required to additionally execute such bond,

as principal, to insure that the bond will be in place during the period of time that the successor -in-interest or assignee occupies the tower.

**PERMIT FEES**

Shall be set by the Carlisle Township Trustees and are subject to change without notice.

Amended 2-4-2008

Effective 3-5-2008

## **426 JUNK YARDS (LI-1)**

All outdoor storage areas shall be screened or fenced with a solid fence at least eight (8) feet in height. Said fence shall be maintained in sound condition, painted and presenting a neat and in conspicuous appearance. In addition, the use of trees and shrubs shall be encouraged to enhance the outward appearance of said enclosed area. Storage between the street and such fence is strictly prohibited.

A minimum of two (2) parking spaces plus one (1) parking space per employee in addition to one space for each one hundred (100) square feet of retail floor areas shall be provided.

All outside salvage or stored material shall be located no closer than seventy-five (75) feet to the side and rear property lines when located adjacent to a nonresidential district and a two hundred (200) foot transition area measured from the fence to any residential district boundary shall be maintained. Such strip shall be planted with trees, grass and shrubs.

Junk yards shall be established and maintained according to all applicable State of Ohio statutes. The stricter regulations, either State or local shall prevail

A minimum of five (5) acres shall be provided.

A front yard of one hundred (100) feet from the right-of-way shall be maintained. Said front yard shall be planted with trees, grass and shrubs.

No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packing shall be conducted within a completely enclosed building.

A development plan shall be submitted at the time of application showing: building location, accessory buildings or structure locations, fence locations, fence type and specifications, planting plan, parking area, street access point or points and drawn to scale.

A junk yard operation will be permitted to operate in an approved location within only a Light Industrial (LI-1) District in Carlisle Township, provided that said use does not adversely affect the public health, safety, and general welfare.

Amended 2-4-2008

Effective 3-5-2008



## **427 SEWAGE AND SLUDGE APPLICATION**

Any land application regarding sewage and sludge must meet requirements of Lorain County Health Department. All Districts must follow general provisions.

Amended 1-15-1988

Effective 2-15-1988

**428 LIVING QUARTERS FOR SECURITY GUARD/GROUNDSKEEPER IN  
MINI-U -STORE WAREHOUSE AND WAREHOUSES (GB-1, LI-1)**

- A. Minimum of 850 square feet.
- B. Fire proof building that is well insulated with smoke detector.
- C. Sanitation facilities must meet EPA and/or Lorain County Health Department approval.
- D. A project-by-project evaluation of future proposals will be necessary.

Amended 2-4-2008

Effective 3-5-2008

## **429 AUTOMOTIVE DISMANTLING & RECYCLING OPERATION (GB-1, LI-1)**

### **DEFINITION**

Automotive dismantling and recycling is defined as the use of land with the sole purpose of dismantling motor vehicles for the sale of useable parts. This use does not include a junkyard or overnight outside storage of vehicles. This operation will be permitted with the following conditions:

### **CONDITIONS**

- A. This use shall not adversely affect the public health, safety and general welfare.
- B. A development plan shall be submitted at the time of application. The plan shall include scale drawings showing buildings and structure locations, fence type, location and specifications, buffering plan, parking areas, and street access points.
- C. The site for this use shall be a single lot or contiguous lots consisting of a minimum of five (5) acres with a maximum of ten (10) acres.
- D. The use of trees and shrubs shall be required to buffer and enhance the outward appearance of this conditional use to ensure the compatibility with neighboring property, homes and roads.
- E. Removal of usable parts from automobiles for resale will be done within an enclosed building.
- F. Recycling of any other metals and materials will be done within an enclosed building.
- G. Unusable parts will be crushed for recycling within an enclosed building.
- H. Recycler will comply with all requirements of local, state, and federal law and agencies. All current licenses or permits will be updated and displayed in a conspicuous place at all times.
- I. The maximum amounts of storage for all reclaimed liquids shall be set by the Board of Zoning Appeals and shall comply with State of Ohio guidelines for such storage.
- J. Tire storage shall be confined to an enclosed container.
- K. Any other outside storage shall be containerized.

- L. Overnight outside storage of vehicles to be dismantled will not be permitted.
- M. Vehicles to be dismantled will not be stacked outside
- N. Containerized storage and equipment used in the operation of the Automotive Dismantling & Recycling use shall be stored in the rear yard area only and shall be enclosed by an eight (8) foot fence. Said fence shall comply with district setback requirements.
- O. Outdoor storage areas, driveways and parking areas shall be maintained in a dust free condition.
- P. The area of the building used for retail sales shall be used to calculate the minimum parking requirement.
  - 1. One (1) space for each 100 square feet of floor area.
  - 2. One (1) space for each employee.
- Q. All outside lighting will be shielded from adjacent properties.
- R. Hours for dismantling and recycling, loading and unloading of vehicles shall be:
  - 1. 8:00 a.m. to 5:00 p.m. (Monday thru Friday)
  - 2. 9:00 a.m. to 3:00 p.m. (Saturday)
  - 3. No Sunday operation.
- S. The Township will keep a record of all complaints filed by residents and other interested parties. They will be reviewed with the applicant at time of permit renewal.
- T. A performance bond, the amount to be determined by the Township Trustees, in the form of cash, letter of credit or other bonafide guarantee shall be provided to the Township Trustees at the time of issuance or renewal of the conditional use permit. This performance bond will be reviewed by the Township Trustees at permit renewal time and may be adjusted up or down as needed.
  - 1. The performance bond will be used for restoring the property to its previous state.
  - 2. The performance bond will be used to pay for any needed clean up.
  - 3. The performance bond will be used in the event of any default of the owner/operator.

4. The performance bond will remain in force for one (1) year after cessation of operations to guarantee proper closing of facility.

U. Recycler will submit written quarterly reports listing the number of vehicles processed. The reports shall contain the make, model, year and serial number of each vehicle. The quarterly reports will be reviewed by the Zoning Inspector at permit renewal time

**Additional sections related to this conditional use that should be amended at the same time:**

Section 903 Conditionally Permitted Uses for GB-1

*Add Automotive Dismantling & Recycling (see section 429)*

Section 1103 Conditionally Permitted Uses for LI-1

*Add Automotive Dismantling & Recycling (see section 429)*

**Amend table of contents to include:**

Section 429 Automotive Dismantling & Recycling

**Add definitions to section 2002**

**DEFINITION:**

**Automotive Dismantling & Recycling:** The use of land with the sole purpose of dismantling motor vehicles for the sale of usable parts. This use does not include a junkyard or overnight outside storage of vehicles.

## **430 COMMERCIAL COMPOSTING FACILITY (SW-1)**

### **DEFINITION**

A composting site which is operated by any business, corporation, municipality, or governmental agency for the purpose of handling yard waste. The compost operation shall be in compliance with all rules and /or regulations developed by this Township and the Ohio Environmental Protection Agency and shall comply with any changes and/or directives that are adopted by this Township, the Ohio EPA, the Ohio Revised Code, and/or the Federal government.

### **LOT AND YARD REQUIREMENTS**

- A. The site for this use shall be a single lot or contiguous lots consisting of a minimum of ten (10) acres, in ten (10) acre increments up to, but not less than one hundred (100) feet from any County, State or Township road.
- B. Front Yard- The minimum setback shall be one hundred (100) feet from the street right-of-way and shall be appropriately buffered. Such minimum space shall remain open and unoccupied by any use other than driveway and sidewalks.
- C. Side Yards- There shall be two (2) side yards, each with a width of not less than one hundred (100) feet as measured from the side lot line. Where the lot abuts any Residential or General Business district it shall be buffered with an earthen mound (see 430E). Such side yard setback shall remain open and excluded from use.
- D. Rear Yard- There shall be a rear yard of not less than one hundred (100) feet as measured from the rear lot line. Where the lot abuts any Residential or General Business district it shall be buffered with an earthen mound (see 430E). Such rear yard setback shall remain open and shall be excluded from use.
- E. Earthen Mound- Where it is required, it shall be a minimum of six (6) feet in height, properly contoured and graded, with proper drainage. Planted with grass and properly mowed and maintained. Additional landscaping optional (trees, shrubs, evergreens, etc)

### **CONDITIONS:**

- A. This use shall not adversely affect the public health, safety or general welfare.

- B. For controlling and policing all air and ground based litter and trash emanating from the facility and all transport vehicles, commercial and non-commercial, and said vehicle's routing through the Township. All litter and trash that may accumulate must be removed at least weekly and may not be allowed to accumulate over weekends and holidays. The facility may, at its option, contract with the Carlisle Township Trustees to provide service on a reasonable fee basis.
- C. Carlisle Township, in conjunction with the county Road Department, County Sheriff and other related state and local agencies, shall designate specific roads within Carlisle Township to be used for ingress and egress from the facility.
- D. Ingress and egress shall not be closer than two hundred (200) feet from any adjacent property.
- E. Ingress and egress shall be asphalt paved or concrete for a distance of not less than one hundred (100) feet from any County, State or Township road.
- F. Carlisle Township may, at its discretion, construct a limited access road into the facility and levy a toll on incoming traffic in addition to establishing reasonable per ton fee.
- G. The Commercial Composting Facility shall be required to provide all necessary and required traffic lights, stop signs, directional signs and turning lanes at all entrances and exits where deemed necessary by any local, state or federal agency to insure the health, safety and welfare of all motorists and pedestrian traffic.
- H. Assessed fees, if imposed by Carlisle Township, must be reviewed and updated yearly and will be based on the Urban Consumer Price Index.
- I. Carlisle Township may access the Commercial Composting Facility a user fee based on the axle weights of trucks traveling on the designated access roads within Carlisle Township.
- J. The Commercial Composting Facility shall be operated in such a manner as to keep all dust, fumes, odors, smoke and debris to a bare minimum. All conflicts between Carlisle Township residents and the Commercial Composting Facility relative to dust, fumes, odors, smoke and debris may be arbitrated by a local board instituted by Carlisle Township Trustees so as to arrive at the most favorable resolution of the matter. Legal avenues shall be pursued if matter cannot be resolved amicably to the satisfaction of all parties.

- K. Base line ground water core samples are to be taken at the facility's expense (depth, number of samples and locations where samples are to be taken from will be determined by the proper governmental agency) and turned over to Carlisle Township Trustees. Additional samples are to be taken every year under same guidelines as above and forwarded, at the facility's expense, to an independent consulting agency retained by Carlisle Township for comparison with the base line core sample test results. The results of these tests will be made available to Carlisle Township's consulting engineer for review and evaluation. In addition, random sampling of not less than six (6) residential wells in Carlisle Township, within a three (3) mile radius of the Commercial Composting Facility, will be obtained at the expense of the facility by an independent consulting agency for comparison to initial base line core sample test results.
- L. Facility will be responsible for costs incurred in testing the well of any Carlisle Township resident with complaint of foul taste, smell, etc. Residents will be responsible for obtaining and retaining initial certified baseline well water sample result to be used for comparison obtained prior to site preparation.
- M. In the event that a well is found to be contaminated, the composting facility owner/operator will be responsible for providing that residence with water from the nearest available municipal water system (i.e. city, village, Lorain County Rural Water Authority) at the composting facility owner/operator's expense.
- N. No river, stream, brook, marsh or local pond in Carlisle Township shall be contaminated with run off, drainage, or seepage from the Commercial Composting Facility. All effluent from the site must be hauled to a proper waste treatment facility to be treated on site in a state of the art wastewater treatment facility.
- O. Carlisle Township officials shall conduct at least one (1) on site inspection per year.
- P. The Carlisle Township Fire Chief and/or his agent shall be permitted entry at any time during normal business hours of operation into the Commercial Compost Facility, as well as the County Sheriff and/or his agent, the County Health Services Director and/or his agent and the EPA and/or its agent.
- Q. Fire access roads along with necessary fire control devices shall be installed, maintained, inspected and updated periodically to reflect the best available technology (BAT).



- R. Daily operation logs shall be maintained by the Commercial Composting Facility indicating tonnage, traffic, and the general nature of all material received at the facility.
- S. No biohazardous/ medical waste shall be permitted in the Commercial Composting Facility.
- T. The contract with the Commercial Compost Facility shall be renegotiated at the Township's pleasure, but not less than every five (5) years unless default in said contract occurs. Carlisle Township shall contract with an independent consulting firm knowledgeable in such areas to act on its behalf. The consultant shall be a professional Environmental Sciences Engineer registered in the State of Ohio. The usual, customary and reasonable fee of the independent consulting firm retained by the Township shall be paid by the Commercial Composting Facility.
- U. Height of the final rest of the pile shall be a maximum of eight (8) feet but not to extend above the earthen mound.
- V. In addition to the earthen mound, a fence with a minimum height of four (4) feet shall be required surrounding all Commercial Composting Facilities and be properly maintained.
- W. A performance bond, the amount to be determined by the Township Trustees, in the form of cash, letter of credit, or other bonafide guarantee shall be provided to the Carlisle Township Trustees at the time of issuance or renewal of the conditional use permit. This performance bond will be reviewed by the Township Trustees at permit renewal time and may be adjusted up or down as needed.
  - 1. The performance bond will be used for restoring the property to its previous state.
  - 2. The performance bond will be used for any needed cleanup.
  - 3. The performance bond will be used in the event of any default of the owner/operator.
- X. Hours of operation to be determined at the time of application for Conditional Use Permit.
- Y. Site plan review to be conducted by the Carlisle Township Zoning Commission.

## **431 COMMERCIAL LANDFILL FACILITY (SW-1)**

### **DEFINITION**

A landfill is a facility incorporating the best available technology (BAT) specifically designed for collection and storage of non-hazardous refuse, trash, rubbish and other waste materials. The landfill operation shall be in compliance with all rules and regulations developed by this Township and the Ohio Environmental Protection Agency and shall comply with any changes and/or directives that are adopted by this Township, the Ohio EPA, the Ohio Revised Code and/or the Federal Government.

### **Lot and Yard Requirements:**

- A. The site for this use shall be a single lot or contiguous lots consisting of a minimum of one hundred (100) acres, in fifty (50) acre increments up to, but not to exceed four hundred (400) acres with a minimum road frontage of four hundred fifty (450) feet.
- B. Front Yard- The minimum setback shall be one hundred (100) feet from street right-of-way and shall be appropriately buffered. Such minimum space shall remain open and unoccupied by any use other than driveway and sidewalks.
- C. Side Yards- There shall be two (2) side yards, each with a width of not less than one hundred (100) feet as measured from the side lot line. Where the lot abuts any Residential or General Business district it shall be buffered with an earthen mound (see 431E). Such side yard setback shall remain open and shall be excluded from use.
- D. Rear Yard- There shall be a rear yard of not less than one hundred (100) feet as measured from the rear lot line. Where the lot abuts any Residential or General Business district it shall be buffered with an earthen mound (see 431E.). Such rear yard setback shall remain open and shall be excluded from use.
- E. Earthen Mound- Where it is required, it shall be a minimum of six (6) feet in height, properly contoured and graded, with proper drainage. Planted with grass and properly mowed and maintained. Additional landscaping optional (trees, shrubs, evergreens, etc.).

### **CONDITIONS:**

- 1. This use shall not adversely affect the public health, safety or general welfare.

2. This landfill facility shall be responsible for controlling and policing all air and ground based litter and trash emanating from the facility and all transport vehicles, commercial and non-commercial, and said vehicles routing through the Township. All litter and trash that may accumulate must be removed at least weekly and may not be allowed to accumulate over weekends or holidays. The facility may, at its option, contract with Carlisle Township to provide this service on a reasonable fee basis.
3. Carlisle Township, in conjunction with the county Road Department, County Sheriff and other related state and local agencies, shall designate specific roads within Carlisle Township to be used for ingress to the facility and egress from the facility. These restricted roads do not apply to normal local pickup routes with Carlisle Township.
4. Ingress and egress shall not be closer than two hundred (200) feet from any adjacent property.
5. Ingress and egress shall be asphalt paved or concrete for a distance of not less than one hundred (100) feet from any County, State or Township road.
6. Carlisle Township may, at its discretion, construct a limited access road into the facility and levy a toll on incoming traffic in addition to establishing reasonable per ton fees.
7. The landfill facility shall be required to provide all necessary and required traffic lights, stop signs, directional signs and turning lanes at all entrances and exits where deemed necessary by any local, state or federal agency to insure the health, safety and welfare of all motorists and pedestrian traffic.
8. Assessed fees, if imposed by Carlisle Township, must be reviewed and updated yearly and will be based on the Urban Consumer Price Index.
9. Daily operation logs shall be maintained by the landfill facility indicating tonnage, traffic and the general nature of all rubbish and trash received at the facility.
10. Carlisle Township may, at its discretion, require that a Township employee who will be compensated by the Commercial Landfill Facility, be positioned at the landfill weigh station so as to provide independent verification of said incoming logs.
11. Carlisle Township Trustees may access the landfill facility a user fee based on the axle weights of trucks traveling on the designated access roads within Carlisle Township. Fees shall not be assessed on vehicles

engaged in local pickup of trash and rubbish within the geographical boundaries of Carlisle Township.

12. The landfill facility shall be operated in such a manner as to keep all dust, fumes, odors, smoke, and debris to a bare minimum. All conflicts between Carlisle Township residents and the landfill facility relative to dust, fumes, odors, smoke, debris, etc., may be arbitrated by a Solid Waste Review Board instituted by Carlisle Township Trustees so as to arrive at the most favorable local resolution of the matter. Legal avenues shall be pursued if the matter cannot be resolved amicably to the satisfaction of all parties.
13. Base line ground water core samples are to be taken or test wells drilled at the facility's expense (depth, number of samples and locations where samples are to be taken from will be determined by the proper government agency) and turned over to the Carlisle Township Trustees. Additional samples are to be taken every year under the same guidelines as above and forwarded, at the facility's expense, to an independent consulting agency retained by Carlisle Township for comparison with the base line core sample last results. The results of these tests will be made available to Carlisle Township's consulting engineer for review and evaluation. In addition, random sampling of not less than six (6) residential wells in Carlisle Township, within a three (3) mile radius of the Commercial Landfill Facility will be obtained at the expense of the facility by an independent consulting agency for comparison to initial base line core sample test results.
14. Facility will be responsible for costs incurred in testing the well of any Carlisle Township resident with a complaint of foul taste, smell, etc. Residents will be responsible for obtaining and retaining initial certified baseline well water sample results to be used for comparison obtained prior to site preparation.
15. In the event that a well is found to be contaminated, the landfill owner/operator will be responsible for providing that residence with water from the nearest available municipal water system (i.e. city, village, Lorain County Rural Water Authority) at the landfill owner/operator's expense.
16. No river, stream, brook, creek, marsh, local pond or lake in Carlisle Township shall be contaminated with runoff, drainage, or seepage from the landfill facility. All effluent from the site must be hauled to a proper waste treatment facility or be treated on site in a state of the art wastewater treatment facility.

17. Carlisle Township officials shall conduct at least one (1) site inspection per year.
18. The Carlisle Township Fire Chief and/or his agent shall be permitted entry at any time during normal hours of operation into the Commercial Landfill Facility as well as the County Sheriff and/or his agent, and the EPA and/or its agent.
19. Fire access roads along with necessary fire control devices shall be installed, maintained, inspected and updated periodically to reflect the best available technology (BAT).
20. Daily operation logs shall be maintained by the Commercial Landfill Facility indicating tonnage, traffic, and the general nature of all material received at the facility.
21. No biohazardous/medical waste shall be permitted in the Commercial Landfill Facility.
22. The contract with the Commercial Landfill Facility shall be renegotiated at the Township's pleasure, but not less than every five (5) years unless default in said contract occurs. Carlisle Township shall contract with an independent consulting firm knowledgeable in such areas to act on its behalf. The consultant shall be a professional Environmental Sciences Engineer registered in the State of Ohio. The usual, customary and reasonable fee of the independent consulting firm retained by the Township shall be paid by the Commercial Landfill Facility.
23. Height of the pile-finished grade of the pile shall be no more than twelve (12) feet from existing topographical grade.
24. In addition to the earthen mound, a chain link fence with a minimum height of eight (8) feet shall be required surrounding all Commercial Landfill Facilities and be properly maintained.
25. A performance bond, the amount to be determined by the Township Trustees, in form of cash, letter of credit or other bonafide guarantee shall be provided to the Township Trustees at the time of issuance or renewal of Conditional Use Permit. This performance bond will be reviewed by the Township Trustees at permit renewal time and may be adjusted up or down as needed.
  - a. The performance bond will be used to restore the property to its previous state.

- b. The performance bond will be used to pay for any needed clean up.
  - c. The performance bond will be used in the event of any default of the owner/operator.
26. Hours of operation to be determined at time of application for Conditional Use Permit.
27. Site plan review to be conducted by the Carlisle Township Zoning Commission.

Amended 2-4-2008

Effective 3-5-2008

## **432 WIND ENERGY CONVERSION SYSTEMS (GB-1, LI-1, RI-1 AND RI-2)**

### **A. INTENT AND APPLICABILITY**

This resolution establishes minimum requirements for Wind Energy Conversion Systems and regulates the placement of such systems within Carlisle Township. This does not apply to roof mounted vertical axis wind turbines. See Article XX.

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

The requirements of this regulation shall apply to all Wind Energy Conversion Systems proposed after the effective date of this resolution with the exception of those systems that are identified in Article XX of this resolution. No preexisting system shall be altered in any manner that would increase the degree of nonconformity to the requirements of this resolution. No alterations shall be made to a nonconforming system during its life that exceeds 50% of the fair market value of the system immediately prior to its alteration unless said alteration allows it to become a conforming system. If such system is destroyed or damaged to the extent of more than 50% of its fair market immediately prior to the time of destruction or damage, it shall not be reconstructed except in conformity with this resolution.

### **B. DEFINITIONS**

1. **Wind Energy Conversion System:** a machine that converts kinetic energy in the wind into a usable form. The Wind Energy Conversion System includes all parts of the system including but not limited to, the tower, transmission equipment, the turbine and rotor, or propeller, which may be on a horizontal or vertical axis.
2. **Site:** The physical location of a Wind Energy Conversion System, including the related tower and transmission equipment.
3. **Swept Area:** The largest area of the Wind Energy Conversion System, which extracts energy from the wind stream. In a conventional propeller-type Wind Energy Conversion System, there is a direct relationship between the swept area and the rotor diameter.
4. **Total Height:** The height of the tower and the furthest vertical extension of the Wind Energy Conversion System.
5. **Over speed Control:** A mechanism used to limit the speed of the blade rotation to below the design limits of the Wind Energy Conversion System.

6. **Windmill Rotor:** Means the portion of the windmill, which includes the blades, hub, and shaft.
7. **Windmill Tower:** Means the supporting structure on which the rotor, turbine and accessory equipment are mounted.

### **C. DISTRICTS**

A Wind Energy Conversion System shall be conditionally permitted in the following zoning districts: GB-1, LI-1, on parcels of more than one (1) acre. It will also be conditionally permitted in the RI-1 and RI-2 districts with parcels in excess of two (2) acres.

A Wind Energy Conversion System shall not be permitted in the following zoning districts: RI-3 and in RI-1 with parcels less than two (2) acres and in any other zoning districts with one acre or less of land.

### **D. APPLICATION REQUIREMENTS**

1. Site plan to scale showing the location of the proposed Wind Energy Conversion System and the locations of all existing buildings, structures and property lines along with distances.
2. Site plan to scale showing the property lines and physical dimensions of the site.
3. Elevations of the site to scale showing the height, design and configuration of the Wind Energy Conversion System and the height and distance to all existing structures, buildings, electrical lines and property lines.
4. Standard drawings and an engineering analysis of the system's tower including weight capacity and wind resistance.
5. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site.
6. Location of all above ground and underground utility lines on site or within one radius of the total height of the Wind Energy Conversion System.
7. Location and size of structures above 35 feet within a 500 -foot radius of the proposed Wind Energy Conversion System. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are considered structures.
8. Specific information on the type, size, rotor material, rated power output,



performance, safety and noise characteristics of the system including the name and address of the manufacturer and model number.

9. Show the zoning designations of adjacent sites and the locations of any buildings or improvements that are within the fall zone of the proposed tower.
10. Identify the anticipated shadow flicker pattern (shadow or sunlight flicker that might be objectionable to adjacent properties).
11. Evidence that the provider of the electrical service of the property has been notified of the intent to install an interconnected electrical generator unless the system will not be connected to the electricity grid.
12. A description of the emergency and normal shutdown procedures.
13. All Wind Energy Conversion Systems shall be required to meet all fire, electrical and zoning codes.

#### **E. SETBACK DISTANCES**

1. Wind Energy Conversion Systems shall be set back from property line above ground utility line or other Wind Energy Conversion System, a distance not less than 1.5 times its total height, including blades.
2. No Wind Energy Conversion System shall be located in the front yard. At no time will it be located any closer than the clear fall zone to any road right-of-way.
3. No Wind Energy Conversion System shall be erected on any parcel less than one (1) acre in size.

#### **F. DESIGN STANDARDS AND GENERAL PROVISIONS**

1. Monopole or Freestanding Design: The Wind Energy Conversion System shall be of a monopole or freestanding design without any guy wires. A variance would be required for guy wires.
2. Access: No tower shall have a climbing apparatus within twelve (12) feet of the ground.
3. Signs: At least one (1) sign shall be posted at the base of the tower warning of electrical shock or high voltage.
4. Over speed Controls: Every Wind Energy Conversion System shall be equipped with both manual and automatic over speed controls to limit the rotational speed of the blade below the design limits of the rotor. The

application must include a statement by a registered professional engineer certifying that the rotor and over speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from an exploding wind turbine or propeller.

5. **Minimum Blade Height:** The minimum blade height of the lowest part of the swept area shall be twenty-five (25) feet. The overall height of the Wind Energy Conversion System shall be equal to or less than ninety (90) feet.
6. **Engineering Certification:** The engineer should also certify the structural compatibility of the proposed tower and rotor system. This certification would normally be supplied by the manufacturer. Approval from a state certified electrician or state of Ohio registered engineer of choice to be provided to Carlisle Township Zoning Department prior to operation of the wind turbine.
7. **Noise:** The operation of the Wind Energy Conversion System shall be conducted in a manner that does not create noise measured at the nearest residential boundary that exceeds the A weighted decibel (db(A) sound level of the street traffic noise at the location and no sound shall be objectionable due to intermittence, beat, frequency, or shrillness. The level determined shall not exceed 65 decibels.
8. **Electromagnetic or signal interference:** No Wind Energy Conversion System shall cause interference with television or other communication systems.
9. **Lighting of the Tower:** Lighting of the tower for aircraft and helicopters will conform with the Federal Aviation Administration standards for wattage and color, when required.
10. **Advertising:** No advertising signs of any kind or nature whatsoever shall be permitted on any Wind Energy Conversion System. Small incidental signs listing manufacturer of the equipment will be permitted. A sign listing the owner of the facility and the responsible person will be required.
11. **Electrical Connections:** All electrical connections or distribution lines shall be underground and comply with all applicable codes and public utility requirements. All turbine units shall be equipped with anti-islanding control with two pole breaker or physical disconnect and must be within site line of the tower. Only if connection to the public utility is desired, no Wind Energy Conversion System shall be installed until evidence has been given of a signed interconnection agreement, or letter of intent with the interconnecting utility company. Approval from a state certified electrician or state of Ohio registered engineer of choice to be provided to Carlisle Township Zoning Department prior to operation of wind turbine.

## **G. DECOMMISSIONING AND RESTORATION**

1. The applicant shall include the following information regarding decommissioning of the project and restoring the site:
  - a. The anticipated life of the project;
  - b. The estimated decommissioning costs in current dollars;
  - c. The method and schedule for updating the costs of decommissioning and restoration
  - d. The anticipated manner which the project will be decommissioned and the site restored.

## **H. NON USE:**

1. Any Wind Energy Conversion System, which complies with the terms of this resolution, which is not used for two years, excluding repairs, shall be removed within sixty (60) days. Failure to remove the system shall be deemed a violation of this resolution.
2. Any Wind Energy Conversion System, which is nonconforming and which is not used for one (1) year, excluding repairs, shall be removed.
3. Within sixty (60) days, failure to remove the system shall be deemed a violation of this resolution.

Amended 9-13-2011

Effective 10-13-2011

### **433 INTERNET SWEEPSTAKES CAFE'S (LI-1, GB-1)**

**DEFINITION: INTERNET SWEEPSTAKES CAFE:** A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals; to conduct games of odds or skill, including sweepstakes; and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Sweepstakes Cafes do not include any lottery approved by the State of Ohio.

**SETBACKS:** Determined by the zoning district (LI-1 or GB-1) the establishment is located in.

**PARKING:** See Article XV (One parking space per terminal plus one parking space for each employee) and based upon occupancy determined by the Carlisle Township Fire Chief.

**PROXIMITY TO SCHOOLS, CHURCHES AND DAYCARE FACILITIES:** Minimum 500 feet away from established schools, churches, and daycare facilities.

**PROXIMITY TO OTHER INTERNET SWEEPSTAKES CAFES:** Must be a minimum of fifteen hundred (1,500) feet.

**SIGNAGE:** Refer to Article XIV on signage regulations

**ALCOHOL PERMITTED:** Alcohol service is only allowed in facilities that have an established State of Ohio liquor license.

**MINIMUM AGE LIMIT OF PATRONS:** 18 years of age with valid driver's license or State of Ohio I.D.

**If during the course of this conditionally permitted use, sweepstakes games are deemed to be illegal by the State of Ohio, such use shall cease immediately and no refund of permit fees will be refunded.**

In the event any word, phrase, sentence, or structure or portion of these conditions shall hereafter be declared invalid such invalidity shall not affect the remaining portions and parts of these conditions herein.

**\*SPECIAL CONSIDERATIONS FOR CONDITIONAL USE PERMIT:** Fee for an application to be considered is \$1,500.00 with a yearly renewal of \$750.00

Adopted 3/19/2012

Effective 3/19/2012

## **ARTICLE V**

### **ESTABLISHMENT OF DISTRICTS**

#### **501 PURPOSE**

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

#### **502 DISTRICTS**

For the purpose of this Resolution all land areas in Carlisle Township are hereby divided into the following districts:

RI-1 Low Density Residential  
RI-2 Low Density Residential  
RI-3 Low Density Residential  
RPD Residential Planned Development District  
MR-1 Multiple Family Residential District  
NB-1 Neighborhood Business District  
GB-1 General Business District  
PSC-1 Planned Shopping Center District  
LI-1 Light Industrial District  
FP-1 Flood Plain District  
CS-1 Cluster Subdivisions

#### **503 ZONING MAPS**

The boundaries of the districts are hereby established as shown on a map entitled, "The Official Zoning Map of Carlisle Township" adopted and certified by the Fiscal Officer, which map accompanies this Zoning Resolution and which map together with all notations, references and other information shown thereon is hereby made part of this Zoning Resolution.

#### **504 INTERPRETATION OF DISTRICT BOUNDARIES**

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

- A. Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way

lines, such centerlines, street lines or highway right-of-way lines shall be considered to be such boundaries.

- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or of the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance there from 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 the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where the boundary of a district follows 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. In unsubdivided property, the district boundary lines on the map accompanying and made part of this Zoning Resolution shall be determined by dimension notes on the map, or by use of a scale appearing on said zoning map.

# CARLISLE TOWNSHIP LAND USE GOALS AND OBJECTIVES

## TOWNSHIP GOALS

1. Goal: To encourage the protection of existing development as well as the potential for suitable development of the area through good design and planning.

Objective: 1. Develop a land use policy plan which is reflective of the Township needs and desires.

2. Goal: To encourage the maximum number of development opportunities which are consistent with sound planning, good design and free enterprise.

Objective: 1. Establish a zoning plan which relates to the future land use policy plan and provides adequate land areas capable of meeting the short range needs of the Township.

3. Goal: To recognize the historical significance of the Township.

Objective: 1. Preserve identified historical structures and land sites through the careful institution of land use plans and regulatory measures.

4. Goal: To encourage the wise and efficient utilization of available resources including the diminishing land supply.

Objectives: 1. Develop those areas served by public facilities or in those areas which can be economically served by public facilities in the future.

2. Maintain controlled growth in those areas identified as prime agricultural lands.

3. Minimize the conflict of land uses.

4. Establish growth districts which correlate similar land uses in order to maintain economic integrity.

5. All growth districts shall be related to those land areas containing the soils having the necessary attributes to support the proposed land use types.

## **HOUSING**

**Goal:** To attract and maintain a variety of housing arrangements and a high quality of the housing stock.

- Objectives:**
1. Establish residential districts of varying densities and housing types.
  2. Relate the variety of residential growth districts to those either presently served or planned for future public facility services.
  3. The different residential districts shall be related to those land areas containing the soil types necessary to support such uses.
  4. Protect and preserve existing property values.
  5. Discourage residential development in Commercial and Industrial growth areas.

## **COMMERCIAL**

**Goal:** To encourage development and availability of the supply of goods and services in the most convenient locations to serve all the residents of the Township with a minimum conflict between these and other land uses.

- Objectives:**
1. Consolidated strip commercial areas.
  2. Limit the land area for commercial development to a ratio proportionate to that which the population and the existing market needs can economically support.
  3. Minimize the conflict of other land use types and other commercial types.
  4. Identify the commercial needs of the Township and develop specific growth areas to meet these needs.
  5. Commercial growth areas shall be located adjacent to major transportation routes and systems in a manner which permits ease of access for the people and goods.



## **INDUSTRIAL**

**Goal:** To encourage industrial expansion and development in the Township in order to broaden and strengthen the economic base and provide employment.

- Objectives:**
1. Provide suitable land in appropriate locations adjacent to major transportation systems, roads, rail and air.
  2. Minimize the conflict with other land uses.
  3. Encourage the establishment of industrial parks in order to maximize the potential of the land and minimize land requirement.
  4. Develop adequate zoning legislation to encourage development and create an environment of harmony with residential uses.

## **ENVIRONMENT**

**Goal:** To encourage the improvement and protection of the physical and aesthetic environment and land values within the Township.

- Objectives:**
1. Encourage the proper care and maintenance of the Township's environment.
  2. Wetlands, woodland and scenic areas should be preserved.
  3. Flood plain zoning should be established to protect those areas subject to frequent flooding from the encroachment of urban development.
  4. Growth areas based on soil suitability should be identified and zoned accordingly.
  5. Conflict of land uses shall be minimized and/or eliminated.

## ARTICLE VI

### LOW DENSITY RESIDENTIAL

#### 600 LOW DENSITY RESIDENTIAL - RI-1

##### 601 PURPOSE

The RI-1 District is created to provide for single and two family residential and agricultural uses throughout the Township. All RI Districts shall have on-site or sanitary treatment system facilities.

##### 602 PERMITTED USES

Agricultural  
Single Family Dwellings and Two Family Dwellings  
Accessory Buildings incidental to the principal use, which does not include any activity conducted as a business  
Public Schools  
Open Space  
Dwelling - Earth Shelter Unit (2/16/87)  
Religious Institutions

##### 603 CONDITIONALLY PERMITTED USES

Cemeteries (see section 404)  
Golf Courses (see section 408)  
Home Occupation (see section 409)  
Nursing Home (see section 423)  
Parks and Playgrounds (see section 411)  
Plant Nurseries (see section 412)  
Prospecting, Oil and Gas (see section 413)  
Riding, Boarding and Show Stables (see section 415)

##### 604 LOT AND YARD REQUIREMENTS

Minimum Building Lot- 20,000 square feet  
Minimum Frontage and Width- 100 feet  
Minimum Front Yard- Sixty (60) feet  
Minimum Rear Yard- Forty (40) feet  
Minimum Side Yards- not less than ten (10) feet but the sum of two (2) side yards shall not be less than twenty (20) feet

Percentage of Lot Coverage- All buildings, including accessory buildings shall not cover more than thirty (30) percent of the area of the lot

**605 MAXIMUM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.

**606 REQUIRED MINIMUM LIVING AREA**

Single Family Dwelling - 1,040 square feet  
Two Family Dwelling - 800 square feet per unit

**607 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

**608 OFF-STREET PARKING AND LOADING**

The provisions of Article XV shall apply in this District.

**609 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

## **610 LOW DENSITY RESIDENTIAL RI-2**

### **611 PURPOSE**

The RI-2 District is created to provide for single family residential and agricultural uses throughout the Township. This District can only be used where central water services are available. All RI Districts shall have on-site or sanitary treatment system facilities.

### **612 PERMITTED USES**

Agricultural

Single Family Dwellings

Accessory buildings incidental to the principal use, which does not include any activity conducted as a business

Public Schools

Open Space

Dwelling - Earth Shelter Unit (2/16/87)

Religious Institutions

### **613 CONDITIONALLY PERMITTED USES**

Golf Courses (see section 408)

Home Occupation (see section 409)

Parks and Playgrounds (see section 411)

Transition Provisions (see section 422)

### **614 LOT AND YARD REQUIREMENTS**

Minimum Building Lot - 12,750 square feet

Minimum Frontage and Width - 85 feet

Minimum Front Yard - Fifty (50) feet

Minimum Rear Yard - Thirty (30) feet

Minimum Side Yards - not less than ten (10) feet but the sum of two (2) side yards shall not be less than twenty (20) feet

Percentage of Lot Coverage - All buildings, including accessory buildings shall not cover more than thirty (30) percent of the area of the lot

**615 MAXIMIM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.

**616 REQUIRED MINIMUM LIVING AREA**

Single Family Dwelling - 1,040 square feet.

**617 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

**618 OFF STREET PARKING**

The provisions of Article XV shall apply in this District.

**619 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

## **620 LOW DENSITY RESIDENTIAL RI-3**

### **621 PURPOSE**

The RI-3 District is created to provide for single family residential and agricultural uses throughout the Township. This District can only be used where central water services are available. All RI Districts shall have on-site or sanitary treatment system facilities.

### **622 PERMITTED USES**

Agricultural  
Single Family Dwellings  
Accessory Buildings incidental to the principal use, which does not include any activity conducted as a business  
Public Schools  
Open Space  
Dwelling - Earth Shelter Unit (2/16/87)  
Religious Institutions

### **623 CONDITIONALLY PERMITTED USES**

Golf Courses (see section 408)  
Home Occupation (see section 409)  
Parks and Playgrounds (see section 411)  
Transition Provisions (see section 422)

### **624 LOT AND YARD REQUIREMENTS**

Minimum Building Lot - 8,750 square feet  
Minimum Frontage and Width - 70 feet  
Minimum Front Yard - 30 feet  
Minimum Rear Yard - 30 feet  
Minimum Side Yards - not less than eight (8) feet but the sum of two side yards shall not be less than sixteen (16) feet  
Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot

### **625 MAXIMUM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one half (2 ½) stories or thirty-five (35) feet in height.

**626 REQUIRED MINIMUM LIVING AREA**

Single Family Dwelling - 1,040 square feet

**627 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

**628 OFF STREET PARKING**

The provisions of Article XV shall apply in this District.

**629 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

## **630 RESIDENTIAL PLANNED DEVELOPMENT DISTRICT RPD**

### **631 PURPOSE**

The purpose of the RPD Residential Planned Development District is to promote the general public welfare and to pursue the purposes set forth for planned unit developments in the Ohio Revised Code through standards for residential developments which allow a creative and flexible arrangement of lots, buildings, and roads, which encourage significant areas of open space..

RPD District shall only be established in a location where it is determined that service by a public sanitary sewer system is available or will be available as provided in this Resolution.

### **632 STANDARDS**

632.01 Uses: The following shall be permitted uses in the RPD District:

- A. Detached single family dwelling on a private lot
- B. Open space uses
- C. Uses and structures accessory to the permitted uses, as provided in approve final development plan

632.02 Density: Dwellings shall be constructed as a density not greater than 3.2 units per acre of total planned area excluding:

- A. Existing public road right-of-ways
- B. That part of the total area of floodways, floodplains, wetlands, and water bodies which exceed 25% (*i.e. required open space*) of the total planned area

632.03 Lots and Setback Dimensions:

- A. Minimum lot area: 10,000 square feet
- B. Minimum lot width (at the building setback line):
  - 1. Interior lot: 80 feet
  - 2. Corner lot: 100 feet
- C. Minimum lot depth: 110 feet
- D. Minimum lot frontage: 60 feet
- E. Minimum front setback line (yard depth): 40 feet
- F. Minimum rear setback line (yard depth): 30 feet
- G. Minimum side setback line (yard width): 8 feet
- H. Setbacks from planned area boundaries: All dwellings (including decks and other structures attached to dwellings) shall be setback from the:



1. Frontage of existing road right of way: Minimum 60 feet
  2. Other boundaries of the planned area: Minimum 40 feet
  3. Public use areas, such as bikeway and walkway easements and public parks, but excluding easements for utilities or drainage: Minimum 30 feet
- I. Building height shall not exceed 2.5 stories or thirty five (35) feet
  - J. Lots in proposed RPD planned area shall be platted with access to new public or private roads within the development and shall not be platted with frontage on existing roads except where approved in the general and final development plans for purposes of compatibility with existing or planned lots on abutting properties, for efficient lot or street layout, or for other purposes of public benefit specifically stated in the approval.

#### 632.04 Restricted Open Space

- A. Minimum area – at least 25% of the total planned area shall be restricted open space.
- B. Control – Restricted open space shall be owned by a homeowners' association, condominium association, the Township, a land trust, or other conservation organization or entity provided that the Township determines that the owner and controlling authorities will have the capacity to maintain the property in perpetuity in the manner approved by the Township. Ownership or control of restricted open space shall not be altered, transferred or subdivided in any manner without approval of the Zoning Commission and Township Trustees.
- C. Location and Design – The location, design and improvement of restricted open space shall be subject to the approval of the Township in the general and final development plans as provided herein. The location and design of restricted open space shall address the following objectives to the extent feasible and appropriate for the planned area given due consideration to the configuration of the planned area and its surrounds, to the natural features thereof, and to the elements of adopted plans of the Township:
  1. Preserve natural features, including but not limited to watercourses, floodplains, wetlands, woodlands, and wildlife habitats, in a manner which promotes natural functions of the environment.
  2. Establish outdoor spaces available to residents of the project area in a manner which makes them visible and useful in terms of aesthetic value, pedestrian movement and other forms of exercises and outdoor enjoyment, and maximum accessibility thereto by all residents.

3. Establish outdoor spaces which are reasonably central and highly visible design features of the development
4. Preserve valued features of the Township, such as historic buildings, scenic vistas, and traditional activities such as agriculture.

D. No more than 50% of the restricted open space shall be developed for active recreation uses such as golf, court sports, and similar facilities as determined by the Zoning Commission.

**632.05 Roads and Utilities** – All roads in a planned area shall be public roads except that the Zoning Commission and Township Trustees may approve private roads where it is determined.

- A. That private roads will not prevent or unduly inhibit future extension and completion of public road systems.
- B. That the configuration of such private roads and the provisions for their control, operation, and maintenance will meet the needs of private properties dependent upon them for access and for the provision of public services.
- C. Substantial construction of improvements, including utilities, roads, and drainage, shall commence within one (1) year after the date of the approval of the final development plan or the approval shall become void. All construction of improvements shall be completed within five (5) years after approval of the final development plan.

**632.06 Minimum Project Area and Frontage**

- A. The land contained within a proposed RPD planned area shall be at least twenty five (25) acres, not including existing public road right of ways. The area contained within the planned area, and all parts of such area, shall be of such shape, dimension, and condition as to provide for a planned residential development which complies with the purpose and standards of Article XVIII.
- B. The RDP planned area shall have a minimum of one hundred (100) feet frontage on existing road right of ways at all locations where new intersections for new public or private roads are proposed to be constructed.

**632.07 Professional Landscape Plans Required** – The preliminary and detailed landscape plans required for submittal with the general and final development plans herein shall be prepared and stamped by a professional landscape architect licensed in the State of Ohio.

### **633 Procedures for Map Amendment and Development Plans**

The Zoning Commission shall review a proposed zoning map amendment and development plans for an RPD development according to the following provisions. The Zoning Commission shall impose such other reasonable requirement as it deems necessary to ensure compliance with the purpose and standards of Article XVIII.

#### **633.01 Pre-application Review of General Development Plan**

The applicant for an RPD District is encouraged to submit the proposed general development plan to the Zoning Inspector for preliminary review and discussion with the Zoning Commission prior to submitting an application for amendment of the zoning map. The purpose of preliminary review and discussion is to provide preliminary and non-binding information to the applicant regarding the proposed general development plan. The Zoning Commission shall not take any formal action or make any commitments with regard to the general development plan or with regard to any subsequent application for amendment of the zoning map. The applicant shall not be required to take any action or to make any commitments as a result of the preliminary reviews.

#### **633.02 Application for Zoning Amendment and Submission of General Development Plan**

The applicant shall submit to the Zoning Inspector documents as required by law for amendment of the zoning map in addition to a general development plan application. The application shall demonstrate compliance with the provisions of this Article and shall include, but not be limited to the following documents:

- A. Drawing identifying existing site characteristics, including but not limited to:
  - Boundaries of the total planned area proposed for development, dimensions and total acreage
  - Contour lines at vertical intervals not more than five (5) feet
  - Wetlands, floodways (boundaries and elevations as delineated by the Federal Emergency Management Agency), watercourse and other water bodies
  - Soil classifications
  - Wooded areas, tree lines, hedgerows, and specimen trees, including description of significant vegetation
  - Natural and man-made drainage features
  - Wells
  - Buildings, structures and man-made features on the site and within two hundred (200) feet of the boundary
  - View sheds and unique vistas

- B. General Development Plan (scale not less than 1" = 100') which shall, at minimum, illustrate the following:**
- Summary description of proposed development in the total planned development areas including but not limited to total acreage, number of residential units, density, acreage of restricted open space
  - Sketch layout of typical single family lots
  - Locations of public and private roads
  - Locations of utility systems
  - Locations and layout of storm water facilities, including major open and closed drainage facilities and detention/retention basins
  - Locations of restricted open space and any proposed recreation facilities, including descriptions of natural features to be conserved, buffer areas, and natural features to be altered or impacted
  - Preliminary landscape plan for proposed intersections/entries of new streets with existing public right-of-ways, for all areas of the project area abutting existing public right of ways, and for proposed restricted open space
- C. Outline of proposed restrictions and plan for operation and maintenance of the restricted open space including nature of the responsible entity.**
- D. Outline of proposed structure and membership of the homeowner association (if any), financial resources and expenses, and related information.**
- E. Preliminary design standards and deed restrictions regulating accessory structures and uses such as fences and sheds.**
- F. Description and/or drawing of proposed project phasing for dwellings, public improvements, and open space improvements.**
- G. A letter from a public sewer service provider which establishes, to the satisfaction of the Zoning Commission, that public sanitary sewer service will be available to the proposed development. The letter shall state the schedule on which service will be provided and explain any conditions for such service.**
- H. A written statement signed by the applicant indicating the applicant's understanding and agreement that no final development plan will be approved until evidence of firm commitment for public sanitary sewer service is provided to the satisfaction of the Zoning Commission.**

**633.03 Zoning Amendment Procedures and Review of General Development Plan**

- A. Review, hearings, and recommendations for the requested zoning map amendment shall be conducted as set forth in the Ohio Revised Code. The general development plan application shall be an integral part of the zoning map amendment application and shall be reviewed in the same process.
- B. The Zoning Inspector shall distribute the general development plan to the following for review and comment. Reports, comments, or expert opinions provided by such parties shall be made available to the Zoning Commission for review.
  - 1. Regulatory agencies having statutory authority to review and approve any aspect of the proposed development, including, but not limited to the Lorain County Planning Commission, Lorain County General Health Department, Lorain County Engineer, and the Ohio EPA
  - 2. Other agencies which the Township determines to have relevant technical expertise
  - 3. Relevant Township administrative officials, including the Township legal advisor
  - 4. Consultants retained by the Township

**633.04 Significance of Approved General Development Plan – Subsequent to amendment of the zoning map creating the requested RPD District, the approved general development plan shall:**

- A. Establish the development framework for the project, including the general location and dimensions of lots, open space, densities, recreational facilities, and street alignments.
- B. Authorize the applicant to proceed with detailed planning and design of the final development plan in reliance on the approved map amendment and general development plan.
- C. Establish a benchmark for the Zoning Commission to consider and approve or disapprove amendments to the general development plan where it determines that such amendments are equal to or better than the approved general development plan.
- D. Authorize the applicant to apply for all other regulatory approvals for the project.

**633.05 Final Development Plan – Subsequent to approval of a map amendment adopting a proposed RPD zoning district and approval of a general development**

plan, the applicant shall submit a final development plan for review and approval. The final development plan may be submitted for the entire project or for each construction phase.

- A. Submittal Requirements:** The application for final development plan shall include:
1. Site plan (scale not less than 1" = 100') illustrating:
    - Boundaries of the proposed development, accurate dimensions and total acreage
    - Exact location and dimensions of private streets, common drives and public right-of-ways
    - Exact lot lines and area of each proposed lot
    - Exact locations of environmental conservation areas and cut/no disturb areas
    - Exact dimensions of restricted open space
    - Plans for proposed open space improvements
  2. Grading plan
  3. Detailed landscaping plan for new landscaping including but not limited to: landscaping, entry features and signs for proposed intersections/entries of new streets with existing public right-of-ways; for all proposed restricted open space; and for all parts of the project area which abut existing public right-of-ways
  4. Declaration, articles of incorporation and code of regulations and other final covenants and restrictions and maintenance agreements for all common areas and restricted open space, including regulations for accessory uses and structures.
  5. Conditions imposed by other regulatory agencies
  6. A firm written commitment, to the satisfaction of the Zoning Commission, for the installation of public sanitary sewer service.
- B. Review for Completeness –** Within ten (10) days after receipt of the application, the Zoning Inspector shall determine if it includes all elements required by Section 1803.04A. On the date when it is determined complete and the fee has been paid, the Zoning Inspector shall officially accept the application.
- C. Distribution for Review:**
1. The Zoning Inspector shall distribute the application to the relevant agencies, officials, and consultants as provided in Section 1803.02B. Reports, comments, or expert opinions provided by such parties shall be made available to the Zoning Commission for review.
  2. The Township's Legal Advisor shall review the declaration, articles of incorporation and bylaws or code of regulations and any other easements, covenants, restrictions and maintenance agreements. The legal advisor shall provide an opinion to the

Zoning Commission addressing the compliance of these documents with requirements of this Article.

- D. Review and Approval by Township. The Zoning Commission shall review the final development plan and the comments received from agencies, official, legal advisor, and consultants. The commission shall determine if the final development plan is in compliance with the general development plan and with all provision of this Article and shall take one of the following actions:
1. Approve the application for final development plan as submitted
  2. Approve the final development plan subject to specific conditions deemed necessary to ensure compliance and to further the purposes of this Zoning Resolution
  3. Deny approval of the final development plan

Failure of the Zoning Commission to act within sixty (60) days from the date on which the application was officially accepted by the Zoning Inspector, or within an extended period agreed by the applicant shall at the election of the applicant be deemed a denial of the final development plan.

#### 633.06 Fees

Fees and escrow funds for Township expenses for professional counsel and consultants incurred in the review of a proposed RPD District and plans shall be as established by resolution of the Township Trustees.

## 640 COTTAGE HOUSING DISTRICT (CHD)

### 641 PURPOSE

The Cottage Housing District (CHD) is an overlay district created to provide an opportunity for the redevelopment or adaptive reuse of properties for single-family cottage housing, similar in density to the adjacent neighborhood. Renovation or rehabilitation of property shall be consistent with surrounding zoning and overall zoning plan for the Township and provide alternatives for properties under conditions where restoration in compliance with existing zoning is not economically practical. The design must provide for housing to be developed around a common open area, whereby the compact nature of the development minimizes the impact of development on the site. This district can only be used where central water and sewer services are available. This district is not to be used for undeveloped land (see RPD)

### 642 PERMITTED USES

Single family homes  
Restricted open space  
Common open area  
Detached garages  
Parking garages  
Clubhouses

### 643 LOT AND YARD REQUIREMENTS

Number of units – minimum of four (4) units and a maximum of twelve (12) units

Acreage required – minimum of two (2) acres

Density – maximum of four (4) units per acre

Minimum frontage – seventy (70) feet

Minimum front yard setback **for building area** – fifty (50) feet from the road right-of-way

Minimum side yard setback **for building area** – thirty (30) feet minimum and shall be screened and buffered as approved by Zoning Commission

Minimum rear yard **for building area** – thirty (30) feet and buffering in accordance with site plan as approved by Zoning Commission



Minimum distance between building – sixteen (16) feet

Percentage of lot coverage – thirty percent (30%) maximum

#### **644 MAXIMUM BUILDING HEIGHT**

Twenty-five (25) feet, however, anything above eighteen (18) feet shall have a sloped roof with a minimum of a 4/12 pitch.

#### **645 REQUIRED MINIMUM LIVING SPACE**

There shall be a twelve hundred (1,200) square feet minimum living space requirement, excluding basements and porches. In addition, an attached garage may be up to a maximum of four hundred (400) square feet. If there is a detached garage, it can be up to a maximum of five hundred (500) square feet and it must be on the opposite side of the dwelling away from the open space.

#### **646 PERMITTED SIGNS**

The provisions of Article XIV shall apply to this District

#### **647 OFF STREET PARKING**

Must meet provisions of Article XV and one additional parking space for visitor parking per dwelling unit shall be provided.

#### **648 GENERAL REGULATIONS**

The provisions of Article III shall apply only when more restrictive than the Cottage Housing District resolution.

- A. Sidewalks shall be a minimum of four (4) feet in width and tied to existing sidewalks where abutting the same.
- B. Safety service issues must meet Federal, State, and Local fire code restrictions.
- C. Restricted open space shall be thirty percent (30%) of lot coverage.
- D. Common open area shall be four hundred (400) square feet per unit with fifty percent (50%) of the units to abut common open area.

- E. Common drives/condominium. private drives attached to local streets or collector streets shall be maintained by owner/association for plowing, salting, repairing and any other issues.
- F. Drainage and easement – refer to Ohio Water Rights Laws, Storm water Management Phase II and Ohio Revise Code Section 504.21 Erosion Control.
- G. Porches shall be a minimum of sixty (60) square feet with a minimum depth of six (6) feet.
- H. Dumpsters/trash enclosures shall be wholly enclosed and buffered if deemed necessary per specifications during site plan review. Fencing or enclosures shall be maintained in good physical repair.

#### **649 BUFFERING REQUIREMENTS**

The provisions of Article XI, Section 1107 through Section 1107.05 shall apply.




The following definitions shall be added to Article II:

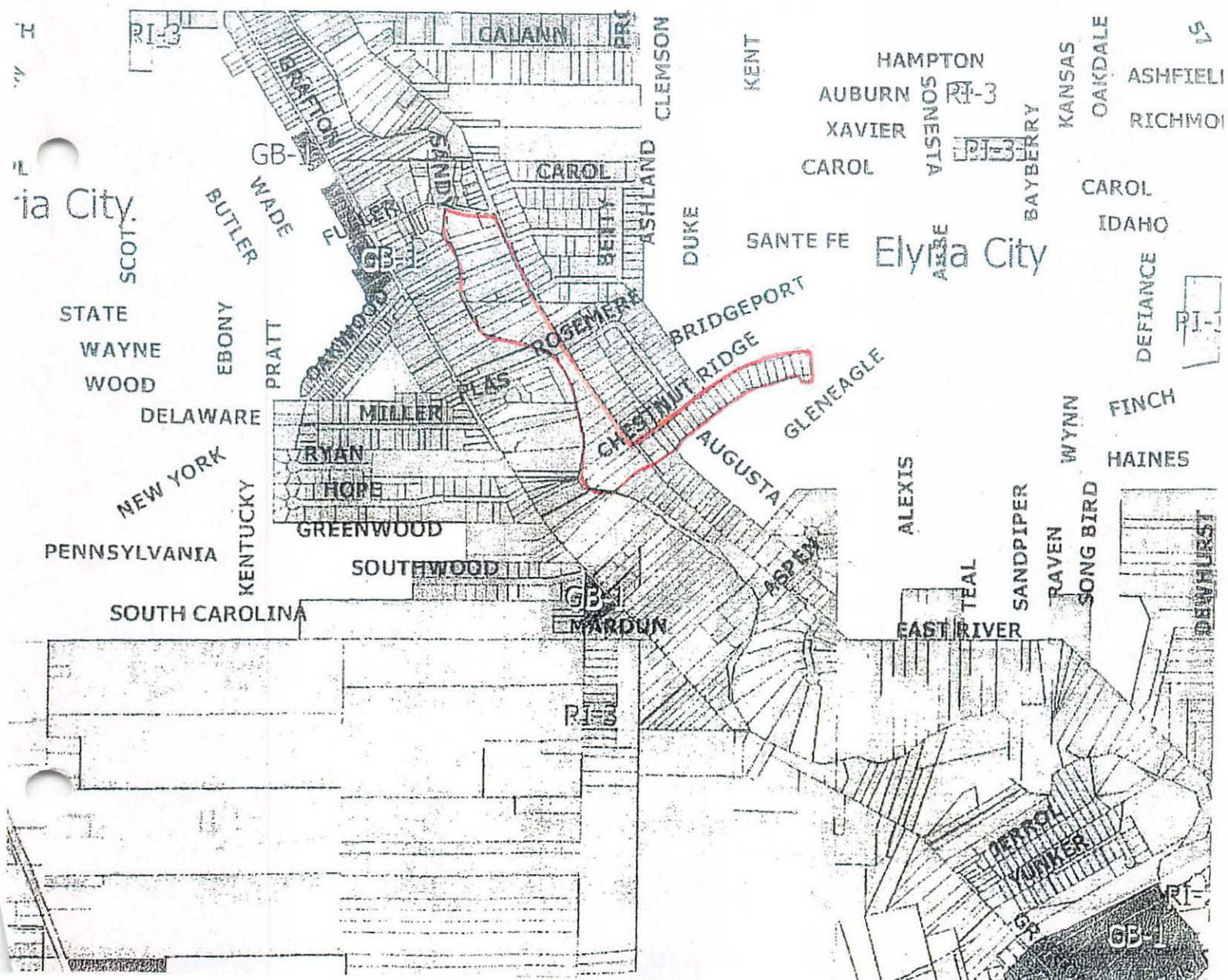
**Restricted Open Space for Cottage Housing District:** Established to encourage the maintenance of natural features of the land and limit building to a compact state to allow for pavilions, gardening, and limited recreational uses.

**Common Open Area for Cottage Housing District:** Shall be four hundred (400) square feet per unit with fifty percent (50%) of the units to abut the Common Open Area.

**Building Area for Cottage Housing District:** The area used for the total number of cottage housing units per lot.

ic.  
ip.  
es  
ing

 GB-1 General Business  
 LI-1 Light Industrial  
 RPD Residential Planned Development  
 City or Village  
 Lorain County Metro Parks



## ARTICLE VII

### MULTIPLE FAMILY RESIDENCE MR-1

#### 701 PURPOSE

The MR-1 District is created to provide for a variety of housing types to include garden apartments, townhouses, condominiums or other housing facilities of a similar character and density and in those areas suitable for such developments within the Township. This District may be used only when public sewer and water services are available or when adequate treatment plants are provided in conjunction with public water.

#### 702 PERMITTED USES

Two Family Dwelling

Multiple Family Dwelling

Accessory uses clearly incidental and customary to the operation of the above  
uses

Churches

#### 703 CONDITIONALLY PERMITTED USES

Day Care Center (see section 405)

Funeral Home (see section 407)

Golf Courses (see section 408)

Parks and Playgrounds (see section 411)

Nursing Home (see section 423)

#### 704 LOT AND YARD REQUIREMENTS

704.01 Lot Development Area - A minimum lot area of five (5) acres shall be required.

704.02 Multiple Family

A. Four or more

Minimum Lot Area – 3,600 square feet per unit

Minimum Lot Width and Frontage - 100 feet plus 2.5 additional per unit

Minimum Front Yard- 40 feet

Minimum Side Yard- Equal to one half (1/2) the height of the building but  
not less than ten (10) feet

Minimum Rear Yard –40 feet

B. Two Family – 30,000 square feet minimum

#### **705 MAXIMUM BUILDING HEIGHT**

No building hereafter erected or structurally altered shall exceed a height of thirty five (35) feet

#### **706 MINIMUM GROSS FLOOR AREA PER DWELLING UNIT**

Within the MR-1 District, no building shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum gross floor area per dwelling unit is provided:

- Efficiency Suites – 600 square feet
- One Bedroom Dwelling Unit – 750 square feet
- Two Bedroom Dwelling Unit – 900 square feet
- Three Bedroom Dwelling Unit – 1,200 square feet
- Four or More Bedroom Dwelling Unit – 1,500 square feet

#### **707 ACCESORY STRUCTURES**

All accessory structures not attached to the principal structures shall be set back twenty (20) feet from the principal building and not less than five (5) feet from the side and/or rear lot lines..

#### **708 PERCENTAGE OF LOT COVERAGE**

All buildings including accessory buildings shall not cover more than thirty (30) per cent of the area of the lot..

#### **709 MINIMUM LIVABLE OPEN SPACE**

A minimum of forty five (45) percent of the gross land area shall be livable open space for the use and enjoyment of the residents of the project. Livable open space is the minimum required non-vehicular open space unobstructed to the sky, generally in lawn area (including required yard areas that are left as lawn areas) or paved areas for recreation. The minimum recreation space performance standard listed for this district shall be included as a part of the livable open space. No parking areas, loading areas, or access drives can be included as part of the livable open space to be provided on the lot.

## **710 MINIMUM RECREATION SPACE**

A minimum of ten (10) percent of the gross land area shall be usable recreation space. The recreation space shall be counted as a part of the required livable open space. Recreation areas shall be located a minimum distance of twenty (20) feet from all principal buildings. The recreation space can include open space for both passive and active recreation. Passive recreation facilities might include common sitting areas in the form of sun decks or garden areas. Active recreation areas may include swimming pools, tennis courts, shuffle board courts, playgrounds and playfields, or tot lots.

## **711 DISTANCE BETWEEN BUILDINGS ON THE SAME LOT**

No principal building shall be closer to any other principal building than the average of the heights of said buildings.

## **712 REQUIRED COURT DIMENSIONS**

### **712.01 INNER COURTS**

The least dimensions of an inner court shall be not less than forty (40) feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passageway shall have a cross section area and sufficient headroom to permit the passage of firefighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

### **712.02 OUTER COURTS**

The width of any outer court shall be not less than the average height of the walls forming said court. The depth of an outer court formed by walls on three (3) sides, shall not be greater than one and one-half (1 ½) times the width.

## **713 BUFFER YARDS**

No building shall be located closer than the height of the principal building from each side or rear property line which adjoins any other district line.

## **714 SUBMISSION OF PLANS**

The provision of Section 309 shall apply in this District.

**715 OFF-STREET PARKING AND UNLOADING**

The provisions of Article XV shall apply in this District.

**716 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

**717 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

## **ARTICLE VIII**

### **NEIGHBORHOOD BUSINESS NB-1**

#### **801 PURPOSE**

The NB-1 District 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

#### **802 TYPICALLY PERMITTED USES**

Bank (branch office)  
Barber and Beauty Shops  
Bakery (goods for sale on premises only)  
Bicycle Repair Shop  
Book Store  
Dry Cleaners and Laundry (collection and distribution only, custom and service)  
Governmental Buildings  
Hardware Store  
Lawnmower Service  
Locksmith Service  
Accessory buildings incidental to the principal use which does not include any activity conducted as a business

#### **803 CONDITIONALLY PERMITTED USES**

Automobile Automatic Wash Stations (see section 402)  
Plant Nursery (see section 412)  
Transitional Provisions (see section 422 and the official zoning map for locations)

#### **804 BUILDING HEIGHT**

No building or structure shall be erected to a height in excess of thirty five (35) feet.

#### **805 YARDS REQUIRED**

Rear Yards – half of the building height but not less than ten (10) feet

Minimum Side Yards – twenty (20) feet where there is no rear access or half the building height but not less than ten (10) feet



Side Yards abutting a street – fifty (50) feet from road right-of-way line

Side Yards and Rear Yards abutting a Residential Zone – a fifty (50) foot unobstructed buffer strip suitably landscaped

Access Ways – Each lot shall have not more than two (2) accesses easy to any one (1) street or highway with a forty five (45) foot separation between center lines. The width of access ways leading to or from a highway shall be not less than twenty (20) feet nor shall it exceed thirty six (36) feet. Access ways shall not be closer than seventy (70) feet to the right of way sideline.

Minimum Front Yard – Setback of sixty (60) feet from the right of way line unless a more restrictive State or Federal guideline applies (see section 305.05). A twenty (20) foot deep unobstructed open buffer strip shall be provided next to the right of way and parking in this strip shall be prohibited.

#### **806 PERCENTAGE OF LOT COVERAGE**

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot..

#### **807 SUBMISSION OF PLANS**

The provisions of Section 309 shall be in full force and effect in this District.

#### **808 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

#### **809 OFF-STREET PARKING**

The provisions of Article XV shall apply in this District.

#### **810 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

Amended 6/15/2009

Effective 7/15/2009

## **ARTICLE IX**

### **GENERAL BUSINESS GB-1**

#### **901 PURPOSE**

The General Business (GB-1) District 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 the strip zoning. The GB-1 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 shall be prohibited.

#### **902 TYPICALLY PERMITTED USES**

Aircraft Sales and Services  
Antique Stores  
Appliance Stores  
Automobile Accessory Stores  
Automobile, Truck, Travel Trailer Sales Lots  
Banks  
Bars, Grills, Cocktail Lounges, State Liquor Stores  
Bicycle Rental Sales and Services  
Billboards and Signs – Subject to the provisions of Article XIV  
Boat and Sporting Goods Stores  
Bowling Alley – Provided that building used for such purpose is at least one hundred (100) feet from any residential area  
Cafes  
Churches  
Clubs (Swimming, Y.M.C.A., etc. ) Lodges  
Computer Sales and Services  
Doughnut Shops  
Dry Cleaning Custom and Self-Service  
Exterminator Services  
Farm, Fruit and Produce Stores  
Farm Implement Sales  
Floor Covering Stores  
Food and Grocery Stores  
Garden and Nursery Centers  
Gift, Novelty and Souvenir Stores  
Golf Driving Ranges

Governmental Buildings  
Hotels, Bed and Breakfasts  
Ice Cream Shops  
Internet Cafes  
Laundries, Custom and Self-Service  
Lawnmower Sales and Service  
Monument Sales and Service  
Motels  
Motorcycle Sales and Service  
Music Stores  
Other similar or like Nature Businesses  
Pet Stores and Supply Stores  
Photography Studios  
Printing and Publishing Services  
Racquet Ball Clubs  
Restaurant and Taverns  
Supermarkets  
Tax and Accounting Services  
Tennis Clubs  
Travel Trailer and Pick-Up Coach Sales and Service  
Accessory buildings incidental to the principal use, which does not include any activity conducted as a business  
NB-1 uses not listed are permitted  
Warehouses in GB-1 and LI-1

1. Air Express Service Warehouse
2. Express Company Warehouses
3. Carpet and Rugs (Wholesalers and Warehouses)
4. Freight Forwarders Warehouses
5. Furniture (Wholesale/Storage) Warehouses
6. Mini-U-Store Warehouses

Amended 2/16/1987  
Amended 3/19/2012

Effective 3/16/1987

### **903 CONDITIONALLY PERMITTED USES**

Automobile Automatic Wash Stations (see section 402)  
Automobile Repair Garage (see section 403)  
Funeral Homes (see section 407)  
Mobile Homes and Recreational Vehicle Sales and Service (see section 421)  
Transitional Provisions (see section 422 and official zoning map for location)  
Veterinary Hospital or Clinic (see section 418)

#### **904 BUILDING HEIGHT**

No building or structure shall be erected to a height in excess of thirty five (35) feet.

#### **905 REQUIRED LOT AREA**

The lot area shall not be less than 25,000 square feet and having a lot width and frontage of not less than one hundred (100) feet.

#### **906 YARDS REQUIRED**

Front Yard – Setback of sixty (60) feet from the road right-of-way line unless a more restrictive State or Federal guideline applies (see section 305.05). A twenty (20) foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.

Rear Yard – Half the height of the building, but not less than ten (10) feet

Minimum Side Yards – Half the height of the building, but not less than ten (10) feet

Side Yards and Rear Yards abutting a Residential Area – a seventy-five (75) foot unobstructed buffer strip suitably landscaped

Access Ways – The use of marginal roads is to be encouraged throughout the District. Each lot shall have not more than two (2) access ways to any marginal road with a forty five (45) foot separation between center lines. The width of the access way leading to or from a highway and/or marginal road shall not be less than twenty (20) feet nor shall it exceed thirty six (36) feet.

#### **907 PERCENTAGE OF LOT COVERAGE**

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

#### **908 SUBMISSION OF PLANS**

The provisions of Section 309 shall be in full force and effect in this District.

#### **909 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

**910 OFF-STREET PARKING**

The provisions of Article XV shall apply in this District.

**911 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

Amended 6/15/2009

Effective 7/15/2009

## **ARTICLE X**

### **PLANNED SHOPPING CENTER DISTRICTS**

#### **NEIGHBORHOOD SHOPPING CENTER - NSC COMMUNITY SHOPPING CENTER - CSC REGIONAL SHOPPING CENTER - RSC**

#### **1001 INTENT AND PURPOSE**

It is the intent of these districts to provide for and encourage the development of grouped retail sales and service establishments or logical and sound locations within the Township. Typically such planned centers are located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. The group of store units, which make up such a center, may range in size and type from the relatively small neighborhood shopping center, catering to the daily needs of immediate residential neighborhoods, to the large type of shopping center furnishing a wide range of consumer goods and services.

The unique and changing characteristics of this type of business activity calls for standards and procedures, which cannot be adequately covered by any one of the customary business district classifications. In recognition of these unique characteristics, the requirements of this district have been designed to provide for the flexible application of protective standards so that an efficient, attractive and pleasing shopping environment can be created for both the businessman and the customer. The standards and procedures set forth within the regulations for this district are also intended to promote safe and convenient access to shopping and business facilities by the automobile conveyed customer and to avoid and minimize undue traffic congestion or other adverse effects upon property within adjacent zoning districts.

#### **1002 USES**

**A. Permitted Uses – Commercial groupings including seven (7) or more of the uses listed in this section.**

- Accounting Services
- Banks
- Camera and Photography Stores and Studios
- Churches
- Clothing and Apparel Stores
- Credit Unions
- Discount Stores
- Electrical Supply Stores

Electronic Stores  
Financial Services  
Furniture Stores  
Hobby Shops  
Home Improvement Stores  
Jewelry Stores  
Music Stores  
Office Supply Stores  
Optical Goods  
Plant Nurseries  
Tax Services  
Any of the permitted uses in the NB-1 district  
Accessory buildings incidental to the principle use, which does not include any activity conducted as a business

**B. CONDITIONALLY PERMITTED USES**

Day Care Center (see section 405)  
Service Stations, Fuel Marts and Convenience Plazas (see section 417)  
Preparation and processing of food and drink products to be retailed on the premises

**1003 LOT REQUIREMENTS**

- A. Neighborhood Center – four (4) acres
- B. Community Center – ten (10) acres
- C. Regional Center – thirty (30) acres

**1004 YARD REQUIRMENTS**

- A. Minimum front yard – forty (40) feet
- B. All other yard requirements as follows:  
No structure, with the exception of permitted signs, fences, walls, water towers and light standards, shall be located closer to any property line of the center than a distance equal to twice its height.

**1005 DEVELOPMENT REQUIREMENTS**

- A. Location, Size, and Character of Development – the following regulations, conditions and procedures shall apply to the development of shopping centers.
  - 1. The need for proposed development has been demonstrated by means of market studies and such other evidence as the Zoning Commission may require.

2. The proposed shopping center is located so that direct and adequate traffic access is supplied from principle thoroughfares and where congestion will not likely be created by the proposed center, or where congestion will be alleviated by presently projected improvements of access thoroughfares.
3. The developer shall be required to pay the cost of the construction and installation of improvements on streets abutting the shopping center, including any acceleration and deceleration lanes or traffic channelization devices deemed necessary to control traffic generated by the shopping center. Also, the developer shall pay the cost of supplying sanitary sewers if they are available.
4. The proposed plan for development of the shopping center consistent of one or more groups of establishments in building or integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, and will fit harmoniously into and will minimize adverse effects upon the adjoining or surrounding development.

**B. Design Regulations – The following regulations shall apply to an integrated shopping center:**

1. Building height: No building shall exceed three (3) stories or thirty-five feet in height.
2. Yards and screening: No building shall be less than forty (40) feet from side or rear property lines and no building shall be less than sixty (60) feet from road right-of-way, boundary or tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" district by a masonry wall or compact evergreen hedge at least six (6) feet in height. Such wall or hedge shall be placed at least five (5) feet from the property lines.
3. Tract coverage: The ground area occupied by the buildings shall not exceed in the aggregate thirty-five (35) percent of the total area of the lot or tract.
4. Access drives and illumination of parking areas: Access drives shall be a minimum interval of three hundred (300) feet, and illumination of parking areas shall be shielded and directed away from adjoining premises in any "R" Districts.
5. Signs: Each center shall be permitted two (2) freestanding signs not over thirty (30) feet in height with the bottom of the sign sufficiently high to provide adequate traffic visibility, having a maximum total area of one hundred (100) square feet and located not closer than ten (10) feet to any road right-of-way and not closer than one hundred (100) feet to the adjoining lot line. A single identification pylon or similar structure of a height not in excess of thirty (30) feet in harmony with the design of the buildings shall be permitted in a shopping center. All signs within the center shall be controlled by written agreement between the owners and the tenants of the center, or otherwise, to avoid excessive advertising and



ensure a harmonious appearance to the center as a whole. In a shopping center, all signs shall only be indirectly illuminated, and all signs shall conform to the distance requirements from property lines for the buildings in the center. The provisions of Article XIV shall also apply where applicable.

6. Lighting: All outdoor lighting shall be shielded and directed in such a manner that no illumination sources are visible outside the shopping center property lines.

7. Transition strips: All Planned Shopping Center Districts, when located in or adjacent to a school, hospital or other public institution shall include as an integral part of the site development a strip of land two hundred (200) feet or more in width on all sides except the side fronting on a major thoroughfare. No part of such land may be used for any shopping center functions, except that up to one hundred (100) feet of the strip width on the interior side may be used as part of the parking area except for the materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangements of such plantings and structures, and such proposals shall be subject to the approval of the Zoning Commission.

8. Parking areas and circulation: All automobile parking areas and interior circulation for motor vehicles shall be designed in accordance with the following requirements and the provisions of Article XV.

- a. Notwithstanding the parking space requirements specified in Article XV, there shall be provided four (4) square feet of parking space for every square foot of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purpose of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.
- b. Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Such walkways shall not intersect with a vehicular way more than once.
- c. Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.
- d. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up to traffic into any external street under condition of anticipated maximum center destined traffic.
- e. All areas accessible to vehicles or pedestrians shall be illuminated.

9. External Access: Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. Further, the owners or developers of the center shall show, to the complete satisfaction of the Zoning Commission that all access points to an external thoroughfare or street shall be fully capable of absorbing the maximum

hourly traffic anticipated to be generated by the center without undue interference to other traffic on the thoroughfare or street.

10. Surface Improvements: All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dust free surface and shall be so graded and provided with adequate drainage facilities that all collected surface water is effectively carried away from the site.

#### **1006 SITE PLAN APPROVAL REQUIRED**

To assure that the planned shopping center design and location will not be detrimental to any existing or proposed development in adjacent areas, and that the egress and ingress of vehicles of the shopping center will not intensify traffic congestion, a site plan indicating the site layout with regard to the locations and dimensions of the vehicular and pedestrian entrances, exits, driveways, walkways, and vehicular circulation patterns to and from the site, store locations and dimensions, off-street parking spaces, landscaped yards, and the location, type and lighting of signs shall be submitted to and approved by the Zoning Commission. Section 309 shall apply in this District.

#### **1007 MARKET ANALYSIS REQUIRED FOR ZONING CHANGE REQUESTS**

A request to develop a shopping center should be evaluated from evidence gathered in a market analysis setting forth economic justifications and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade area of the community and travel time from various parts thereof to the proposed center site, general development trends and anticipated competing commercial facilities, and other data and analysis which relate to the need for and feasible success and stability of the proposed center.

The purpose of this requirement is to protect the Township from the over-development of retail sales and service establishments, which could prove highly injurious to the community welfare.

Amended 6/15/2009

Effective 7/15/2009

## ARTICLE XI

### INDUSTRIAL DISTRICT REGULATIONS

#### LIGHT INDUSTRIAL LI-1

##### 1101 PURPOSE

The purpose of the LI-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and less intensive business and residential uses.

##### 1102 PERMITTED USES

Any of the following uses, or those of a similar nature, if conducted within and enclosed building or within an area enclosed on all sides with a solid wall or uniformly painted fence not less than eight (8) feet high.

Acoustical material storage; advertising display manufacturing; agriculture; agricultural implements (repair and service); agricultural tillage (contractors); air express service warehouse; airplane (repair and storage); asphalt siding, shingles, roofing storage; automobiles (assembly of bodies, sales, parts and supplies, repair, brakes, electrical, painting, radiators, upholstery, etc., storage).

Bakers and baked goods manufacturing; balls and bearing storage; barbeque (bulk preparation and sales); beer and ale distributor (wholesale and storage); belting (repairing); beverages (bottling); beverages (wholesale and storage); bicycles (repair); biscuit companies (manufacturing); biscuits (wholesale and storage); boat (pleasure, storage); boilers (storage); bookbinders, book publishing (printing); bottles (wholesale); boxes (sales) braces (orthopedic, manufacturing); brick storage yard; brooms (manufacturing); building contractors (equipment and material storage); burglar alarm systems (installation); bus line ships (garage, repair); business machines (manufacturing, repair service, storage and wholesale); button covering (fabrics)

Cabinet makers; candy (wholesale distribution); canvas goods (fabrication); carpenter's shops and power woodworking; carpet and rug cleaners and storage; carpets and rugs (warehouse); carpet and rugs (wholesale); cement products manufacturing (pipe, blocks, etc.); cement; cement storage; cesspool builders and service equipment yard; cigarette manufacturer (machine rolled); cigars

(wholesale and storage); cleaning and dyeing processing; clock factory; clothing manufacturing; coin machines manufacturing; coin machine (rental and service); cold storage; concrete contractors (storage yards); concrete products (pipe, beams manufacturing); concrete products (storage); concrete transit mixed; confectioners (wholesale); contractors equipment and supplies (storage); corsets and brassieres manufacturing; cotton seed products (storage); cranes (storage yard)

Dairies (distributing, commercial); decoration (workshop and equipment yard); department store warehouse; desks manufacturing; diaper supply service; diesel engines service, equipment and supplies (not manufacturing); disinfectants (storage and wholesale); display designers and builders shops; distillers (distribution, warehouse); doors, sash and trim wood manufacturing; draperies manufacturing, drilling company equipment yards; dry cleaning establishments (bulk processing); dry goods (wholesale or storage)

Eggs (storage and processing); electric contractor's shops (electric equipment yard)

Farm implements and machinery assembly; feed (wholesale and storage); fences (metal, wholesale and storage); fertilizers (processed, storage only); filters fabrications; fire escape contractors; firewood (storage); fish (wholesale);; flags and banners manufacturing; floor refinishing (contractors shop); food processing (general, see under product listing); food products (brokers and distributors, wholesale); food products (warehouse); freight forwarders warehouses; frozen food processing; frozen foods (wholesale, storage and distribution); fruit and vegetables (general, see under product listing); fur warehouse; furnaces (cleaning and repair shops); furniture cleaners; furniture (repairing and refinishing); furniture (wholesale and storage); fur apparel manufacturing (cutting and assembly)

Garment factory; glass blowing; grocers (warehouse); grocers (wholesale); gunsmiths (repairs)

Harness repair; hat manufacturing, hay and straw (sales and storage); heating and ventilating apparatus (assembly and storage); hoists (equipment storage); horseshoeing; hosiery manufacturing; hotel equipment (assembly and custom fabrication); house movers (equipment storage yards)

Ice cream manufacturing; imported goods (warehouses); insulation (contractor's equipment yard, storage and wholesale); interior decorators (workshops); iron (custom decorative wrought iron shops); irrigation companies and equipment

Janitor's supplies (storage and warehouse); jewelers (bulk manufacturing); jobbers (bulk materials)

## Knit goods manufacturing

Laboratories (commercial, analytical, experimental and research); ladies wear manufacturing; laundries (processing); laundry equipment and supplies (storage); leather goods (manufacturing, fabrication); limb manufacturing (artificial); lime (storage); linen supply laundry service; linoleum (storage); liquor (storage and wholesale); lithographers; livestock (supplies, storage and wholesale); locksmiths repair shops; loft builders; lubrication compounds (storage); lumber (cabinet workings); lumber storage yard; lumber (used and wholesale)

Machine shops; machine tools (storage); machinery rental ; machinery (used storage); markets (exchange of goods); meat (storage and wholesale); men's clothing manufacturing; metals, processing, light fabrication from standard shapes; machine shop operation, plating custom and replating; products fabrication and assembly; meters manufacturing; milk bottling plant (other than farm); milliners (wholesale and manufacturing); millinery and artificial flower making; mill work (sale and storage); mineral water (distillation and bottling); mining machinery (wholesale storage); mirrors (resilvering, custom work); model construction supplies and manufacturing; mortar (bulk preparation and sales); motion picture equipment (storage and manufacturing); motion picture studios; motor freight company warehouses; motorcycles (repairing and sales); mover warehouses

Newspaper printing; noodle manufacturing; notions (manufacturing, wholesale); novelties (manufacturing and wholesale); nuts (edible processing)

Office equipment manufacturing (see also business machines); optical goods manufacturing; ornamental metal work (custom hard fabrication); orthopedic appliances manufacturing; overall manufacturing

Packing, crating service fabrication; painters equipment and supplies (shop wholesale and storage); paper (storage); paper products (wholesale and storage); pattern shop; paving contractors equipment and storage; paving materials storage yard; photo-engraving company; pickles (processed, wholesale and storage); pipe (used, storage and sales); plasterer (wholesale and storage); popcorn manufacturing; potato chips manufacturing; poultry supplies (wholesale and storage); printers equipment and supplies; wholesale produce (garden); wholesale produce (warehouse); pumps (repairing and rental); printer

Quick freeze plant; quilt (manufacturing)

Radio equipment assembling; radio repair shop; refrigeration equipment custom installation; refrigerators (servicing); refrigerators (wholesale, storage); restaurant equipment installation and repair; road building equipment (storage yard); rubber stamps manufacturing

Scaffolds (equipment and storage); scales (commercial weighing); school equipment and supplies (wholesale); screens, doors and windows manufacturing; screw and bolt manufacturing; seed (wholesale and retail garden supplies); septic tanks (contractors, construction); service station equipment (wholesale); sewer pipe storage; sheet metal work (custom fabrication); shirt factory; shoe repairing equipment and supplies (wholesale); shoe manufacturing; sign erectors (contractors, shops); sign painters; sign maintenance service shops; sign (neon and metal fabrication); sky lights (custom manufacturing); slip covers (custom manufacturing); soaps (wholesale and storage); sporting goods manufacturing; sod water manufacturing; specialties (see coin machines); spices (wholesale and storage); spraying supplies equipment yard; springs (replacement and repairs); stair builders (wood); steel awnings (custom manufacturing); steel erectors equipment yards; steel fabricators (light sections); storage warehouse; storage shops; store and office fixtures (contractors shops); stove and ranges (wholesale and storage); surgical supplies (wholesale distributors)

Tank coating equipment yard; tanks (erection, contractor's yard); taxidermists; tents and awnings and manufacturing; termite control contractor shops; terrazzo contractor shops; thermometers manufacturing (wholesale. storage); tool grinding and sharpening; tools (wholesale and distribution); towels (supply and service); tractors (rentals); trailers (repairing); transfer business; truck freight movers (see express also); trucks manufacturing

Underwear (wholesale and manufacturing); upholsterers (custom)

Wall board (wholesale and storage); wallpaper manufacturing; warehouses (\*see below); watches manufacturing; water (distilled, processing); water coolers (drinking or curative, bottling and distribution); water coolers (drinking fountains, repair and service); water heaters (service and repairing); water softening equipment (service and repairing); water supply systems (contractor's ships); water proofing (material storage); weighers (commercial); welding (commercial); welding (equipment and supplies storage); well drilling (equipment yard); wholesale produce (storage and market); commercial winches (equipment rentals); window display (installations, studio and shops); wines (storage, bottling and wholesale); wood (storage yard); woodworking (cabinet and custom millwork); woodworking (equipment, wholesale); woven goods (fabrication and assembly)

Other uses of a like nature.

\*To include the seven (7) categories of "Warehouses" in GB-1 & LI-1 Districts:

1. Air Express Service Warehouses
2. Express Company Warehouses
3. Carpet and Rugs (wholesale/warehouses)
4. Freight Forwarders Warehouses



5. Furniture Wholesale/Storage Warehouses
6. Mini-U-Store Warehouses
7. Mover Warehouses

Amended 2/16/1987

Effective 3/16/1987

### **CONDITIONALLY PERMITTED USES**

- Extraction of Stone, Minerals and Top Soil (see section 406)
- Golf Courses (see section 408)
- Junk Yards (see section 426)
- Prospecting Oil and Gas (see section 413)
- Transitional Provisions (see section 422 and Zoning Map for location)

### **1103 BUILDING HEIGHT**

Building shall not exceed thirty-five (35) feet in height

### **1104 LOT AND YARD REQUIREMENTS**

#### 1104.01 Lot Area

Every lot in a Li-1 District shall contain a minimum area of two (2) acres and a lot frontage and width of two hundred (200) feet provided that central water and sewer facilities or package treatment plants are available.

#### 1104.02 Corner Lots

The building setback on corner lots shall be one hundred (100) feet from both street right-of-ways lines. The remaining yards shall conform to the provisions contained herein.

#### 1104.03 Yards Required

Yards of the following widths and depths shall be provided for all permitted uses unless otherwise permitted by this Resolution.

A. Front Yard – The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall be appropriately buffered. (see section 1107 – Buffering). Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.

B. Side Yards – There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district shall be appropriately buffered as per Section 1107 – Buffering. Such space shall remain open and unoccupied by any principal or accessory building or use.

C. Rear Yards – There shall be a rear yard of not less than seventy-five (75) feet. Rear yards used for parking shall be appropriately surfaced with a desirable dust free material and shall be graded and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting any residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately buffered as per Section 1107 – Buffering and shall remain open and unoccupied by any principal or accessory building.

#### 1104.04 Percentage of Lot Coverage

Buildings together with their accessory uses in and LI-1 District shall cover not more than forty (40) percent of the area of any lot.

### **1105 SUBMISSION OF PLANS**

The provisions of Section 309 shall be in full force and effect in this District.

### **1106 STREETS, SEWERS AND WATER LINES**

All streets, sewers and waterlines in any industrial district shall meet County standards. As a condition precedent to the issuance of a zoning certificate, streets, sewers and water lines shall be installed or performance guaranteed in an approved manner and at grades and locations in streets abutting lot lines as approved by the County Engineer. Where, however, not all or substantially all of a plot is to be utilized initially, the Zoning Board shall authorize the postponement, until further improvements are to be made of as much of the installation of streets, sewers, and water lines and other improvements as is reasonable under the circumstances of the uses to be made of the plat and the drainage and traffic problems of the area.

### **1107 BUFFERING**

1107.01 INTENT - The intent of this section is:

- A. To extend space or screen undesirable views to reduce the impact of the land use upon another.
- B. To increase soil water retention through landscape requirements.
- C. To protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses and certain multi-family uses.
- D. To supplement land use planning and not be considered as its substitution.



**1107.02 PURPOSE** – The purpose of this section is to promote the health, safety, morals and general welfare of the residents of the Township providing for space requirements and visual screen landscape buffers to remove, reduce, lessen or absorb the shock of impact of incompatible uses of real properties between one zone district and another.

**1107.03 DEFINITIONS**

- A. Landscaping – Living material including but not limited to grass, ground covers, shrubs, vines, hedges, trees and non-living durable material commonly used in landscape development.
- B. Screen – Plant material or other non-living durable material including but not limited to walls, berms, or wood fencing of a decorative type.
- C. Shrubs – Self-supporting woody, deciduous and/or evergreen plant with a well-defined central stem or species which normally grow to a height of fifteen (15) feet or more in Lorain County.
- D. Vines – Plants which normally require physical support to reach mature form.

**1107.04 General Provisions**

- A. Materials – Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or a combination thereof.
- B. Screening – Screening shall consist of plant material or other non-living durable landscape material.
- C. Buffered Areas
  - 1. Location and Width – Buffering areas shall be located on those less restrictive portions of land bordering or abutting a more restrictive zoned or use district and shall be a minimum of ten (10) feet in width.
  - 2. Use - Designated buffered areas shall be used for no other purpose than plantings or screening except necessary ingress or egress to or from the buffered area.
  - 3. Design – A buffered area shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate use of such easement areas for fire protection purposes.
- D. Fences and Walls – Fences shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate use of such easement areas for fire protection purposes.
- E. Natural Plantings Requirements – Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty (60) percent, when viewed from two (2) to ten (10) feet above ground level.
- F. Buffering Effect – The desired building effect shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be

created because of expected growth or material shortages, but in no event shall the Zoning Commission extend such period beyond five (5) years from the time initial installation was to have been installed.

G. Modification of Requirements – The Zoning Commission may modify or change the location of a buffered area contiguous to side and rear property lines where topographical problems prevent the installation thereof of buffer materials or plantings.

#### **1107.05 APPLICABILITY**

Landscaped buffering shall be mandatory between zoning districts. No existing building structure or vehicular use adjoin a single-family or multi-family zoned area shall be expanded, altered, or modified until the plans are submitted by the owner or developer to the Zoning Commission. The Zoning Commission shall review such plans to determine if the changes adversely affect any properties in a single area. The Zoning Commission after its review shall require, where necessary, the establishment of a landscaped buffering area or a revision of a previously established buffered area.

Owners or developers of off-street parking areas shall be required to include a plan for buffering the parking area which such plan shall be submitted to the Zoning Commission for approval. The buffering plan may be included as a part of the development plat plan when a submission of a development plat plan is required.

#### **1107.06 PROCEDURES**

A. When an application for Zoning Permit is made, the Zoning Inspector shall determine if the buffering requirement might be applicable. If he or she determines that the request comes under the buffering requirements, the Zoning Inspector shall advise the applicant of this fact and shall submit a request to the Zoning Commission with the following:

1. A copy of the site plan
2. Topography of the building site and surrounding areas
3. A complete description of the area to be constructed or modified

B. The applicant shall provide to the Zoning Commission a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.

C. When buffering is required a Zoning Permit shall not be issued by the Zoning Inspector until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement. The agreement between the Zoning Commission and the owner and/or developer shall include among other requirements, the following:

1. Provisions for maintenance of the landscape buffer on the part of the applicant.
2. Replacement procedures for any portion of the landscape buffer that is for any reason no longer viable.

3. For replacement of the landscape buffer involving plant material that does not extend beyond the next growing season.
4. For the replacement of landscape material such as fences and the like.
5. To replace landscape material within sixty (60) days from the date of notification by the Zoning Inspector for non compliance.

**1107.07 PERMITTED SIGNS** – The provisions of Article XIV shall apply to this District.

**1107.08 OFF-STREET PARKING AND LOADING** – The provisions of Article XV shall apply to this District.

**1107.09 GENERAL REGULATIONS** – The provisions of Article III shall apply to this District.

**1107.10 SUBMISSION OF PLANS** – The provisions of Section 309 shall be in full force and effect in this District (2/16/1987).

## **ARTICLE XI**

### **ARTICLE 1110**

#### **SOLID WASTE DISTRICT SW-1**

##### **1111 PURPOSE**

The purpose of the Solid Waste District is to promote the public health, safety and general welfare of Carlisle Township residents, as well as to conserve and protect property rights and property values of Carlisle Township residents while establishing reasonable and necessary regulations pertaining to lot and yard requirements, ingress and egress restrictions, and environmental safeguards and requirements and other regulations and/or requirements as deemed prudent by the Carlisle Township Board of trustees for the safe, effective, and efficient operation of commercial composting facilities and/or commercial landfills in Carlisle Township.

##### **1112 CONDITIONALLY PERMITTED USES**

Commercial Composting Facility  
Commercial Landfill Facility

##### **1113 BUILDING HEIGHT**

Building shall not exceed thirty-five (35) feet in height

##### **1114 LOT AND YARD REQUIRMENTS**

###### **1114.01 Lot Area**

A. Commercial Composting Facility – The site for this use shall be a single or contiguous lots consisting of a minimum of ten (10) acres, in ten (10) acre increments up to, but not to exceed fifty (50) acres with a minimum road frontage of four hundred fifty (450) feet.

B. Commercial Landfill Facility – The site for this use shall be a single lot or contiguous lots consisting of a minimum of one hundred (100) acres in fifty (50) acre increments up to, but not to exceed, four hundred (400) acres with a minimum road frontage of four hundred fifty (450) feet.

###### **1114.02 Corner Lots**

The building setback on corner lots shall be one hundred (100) feet from both street right-of-ways lines. The remaining yards shall conform to the provisions contained herein.

#### 1114.03 Yards Required

A. Front Yard – The minimum setback shall be one hundred (100) feet from the street right-of-way line, and shall be appropriately buffered. Such minimum space shall remain open and unoccupied by any use other than driveway and sidewalks.

B. Side Yard – There shall be two (2) side yards, each having a width of not less than one hundred (100) feet as measured from the side lot line. Where the lot abuts any Residential or General Business District, it shall be buffered with an earthen mound (see 430E). Such side yard setback shall remain open and shall be excluded from use.

C. Rear Yard – There shall be a rear yard of no less than one hundred (100) feet as measured from the rear lot line. Where the lot abuts any Residential or General Business District, it shall be buffered with an earthen mound (see 430E). Such rear yard setback shall remain open and shall be excluded from use.

#### 1114.04 Percentage of Lot Coverage

Buildings together with their accessory uses in an SW-1 District shall cover not more than forty (40) percent of the area of any lot.

### **1115 SUBMISSION OF PLANS**

The provisions of Section 309 shall be in full force and effect in this District.

### **1116 STREETS, SEWERS AND WATER LINES**

All streets, sewers and waterlines in any Solid Waste District shall meet County standards. As a condition precedent to the issuance of a zoning certificate, streets, sewers and water lines shall be installed or performance guaranteed in an approved manner and at grades and locations in streets abutting lot lines as approved by the County Engineer. Where, however, not all or substantially all of a plot is to be utilized initially, the Zoning Board shall authorize the postponement, until further improvements are to be made of as much of the installation of streets, sewers, and water lines and other improvements as is reasonable under the circumstances of the uses to be made of the plat and the drainage and traffic problems of the area.

## **1117 BUFFERING**

**1117.01 INTENT** - The intent of this section is:

- A. To extend space or screen undesirable views to reduce the impact of one land use upon another.
- B. To increase soil water retention through landscape requirements.
- C. To protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses and certain multi-family uses.
- D. To supplement land use planning and not be considered as its substitution.

**1117.02 PURPOSE** – The purpose of this section is to promote the health, safety, morals and general welfare of the residents of the Township providing for space requirements and visual screen landscape buffers to remove, reduce, lessen or absorb the shock or impact of incompatible uses of real properties between one use zone district and another.

**1117.03 DEFINITIONS**

- A. Landscaping – Living material including but not limited to grass, ground covers, shrubs, vines, hedges, trees and non-living durable material commonly used in landscape development.
- B. Screen – Plant material or other non-living durable material including but not limited to walls, berms, or wood fencing of a decorative type.
- C. Shrubs – Self-supporting deciduous and/or evergreen plants normally branched near the base, bushy, less than fifteen (15) feet in height, as normally grown in Lorain County.
- D. Trees – Self-supporting woody, deciduous and/or evergreen plants with a well-defined central stem or species which normally grow to a height of fifteen (15) feet or more in Lorain County.
- E. Vines – Plants which normally require physical support to reach mature form.

**1117.04 General Provisions**

- A. Materials – Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or a combination thereof.
- B. Screening – Screening shall consist of plant material or other non-living durable landscape material.
- C. Fences and Walls – Fences shall be acceptable as part of a landscape buffer, where traffic noise and light create a need for a buffer. When used, they shall have a decorative style and type. Walls and berms should be used only in most unusual cases, as one of several options to the developer to fulfill the buffering requirement.
- D. Natural Planting Requirements – Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty

(60) percent, when viewed from two (2) to ten (10) feet above ground level.

E. Buffering Effect – The desired building effect shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be created because of expected growth or material shortages, but in no event shall the Zoning Commission extend such period beyond five (5) years from the time initial installation was to have been installed.

G. Modification of Requirements – The Zoning Commission may modify or change the location of a buffered area contiguous to side and rear property lines where topographical problems prevent the installation thereof of buffer materials or plantings.

#### 1117.05 APPLICABILITY

Landscaped buffering shall be mandatory between zoning districts. The buffering plan may be included as a part of the development plot plan when a submission of a development plot plan is required.

#### 1117.06 PROCEDURES

A. When an application for Zoning Permit is made, the Zoning Inspector shall determine if the buffering requirement might be applicable. If he or she determines that the request comes under the buffering requirements, the Zoning Inspector shall advise the applicant of this fact and shall submit a request to the Zoning Commission that the matter be reviewed once the applicant has furnished the Zoning Commission with the following:

1. A copy of the site plan
2. Topography of the building site and surrounding areas
3. A complete description of the area to be constructed or modified

B. The applicant shall provide to the Zoning Commission a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.

C. Where buffering is required a Zoning Permit shall not be issued by the Zoning Inspector until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement. The agreement between the Zoning Commission and the owner and/or developer shall include among other requirements, the following:

1. Provisions for maintenance of the landscape buffer on the part of the applicant.
2. Replacement procedures for any portion of the landscape buffer that is for any reason no longer viable.
3. For replacement of the landscape buffer involving plant material that does not extend beyond the next growing season.
4. For the replacement of landscape material such as fences and the like.

5. To replace landscape material within sixty (60) days from the date of notification by the Zoning Inspector for non compliance.

1117.07 PERMITTED SIGNS – The provisions of Article XIV shall apply to this District.

1117.08 OFF-STREET PARKING AND LOADING – The provisions of Article XV shall apply to this District.

1117.09 GENERAL REGULATIONS – The provisions of Article III shall apply to this District.

1117.10 SUBMISSION OF PLANS – The provisions of Section 309 shall be in full force and effect in this District



## **ARTICLE XI**

### **ARTICLE 1118**

#### **ENTERTAINMENT OVERLAY DISTRICT EO-1**

##### **1118.01 PURPOSE**

The purpose of the creation of the Entertainment Overlay District (EO-1) is to regulate the location of sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of Carlisle Township, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually oriented businesses within the Township. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of communicative materials, including sexually oriented materials. Similarly, it is not the purpose nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

##### **1118.02 PERMITTED USES IN EO-1 (Entertainment Overlay District)**

In addition to the permitted uses in the underlying zoning districts, sexually oriented businesses, as defined in 202 of the Zoning Resolution, shall be permitted use in the EO-1 District.

##### **1118.03 BUFFER REQUIREMENTS**

A. Sexually oriented businesses are permitted as set forth in 1118.02 provided that the proposed location is greater than five hundred (500) feet from the following uses (herein referred to as "sensitive uses")

1. Any other sexually oriented business, as such use is defined in 202 or as such use is similarly defined in the zoning code adjacent political subdivision, whether or not such use is conforming, in or adjacent to the Township.

B. For purposes of this Section, the measure of the distance shall be from the outermost wall of the structure or proposed structure of the sexually oriented business that is nearest to the applicable sensitive use, to the properly line of the applicable sensitive use, along the shortest possible course, without regard to the

intervening structures or objects, regardless of any customary or common route or path of travel.

C. In reviewing an application for a zoning permit for a sexually oriented business and determining whether to issue a zoning permit, the Zoning Inspector shall consider only whether (1) the sexually oriented business is seeking to locate in the EO-1 District; and (2) the proposed location of the sexually oriented business is greater than five hundred (500) feet from the sensitive uses listed in subsection A above.

#### **1118.04 BUILDING HEIGHT LIMIT**

The provisions of 904 shall apply to sexually oriented businesses in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

#### **1118.05 REQUIRED LOT AREA**

The provisions of 905 shall apply to sexually oriented business in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

#### **1118.06 YARDS REQUIRED**

The provisions of 906 shall apply to sexually oriented business in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

#### **1118.07 PERCENTAGE OF LOT COVERAGE**

The provisions of 906 shall apply to sexually oriented business in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

#### **1118.08 SUBMISSION OF PLANS**

The provisions of 907 shall apply to sexually oriented business in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

### **1118.09 PERMITTED SIGNS**

The provisions of 1406 and 1407 shall apply to sexually oriented business in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

### **1118.10 OFF-STREET PARKING**

A. The provisions of Article XV shall apply in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

B. For purposes of determining the number of parking spaces required for a sexually oriented business, the following shall apply:

1. Adult arcades, adult bookstores, adult novelty stores and adult video stores shall be required to have the same number of parking spaces as retail stores.

2. Adult motels shall be required to have the same number of parking spaces as hotels and motels.

3. Adult nightclubs shall be required to have the same number of parking spaces as night clubs.

4. Adult motion picture theaters and adult theaters shall be required to have the same number of parking spaces as theaters.

### **1118.11 GENERAL REGULATIONS**

The provisions of Article III shall apply to sexually oriented business in this Overlay District, regardless of whether the underlying district in which the property is located is in the GB-1 District of the LI-1 District.

### **1118.12 BOUNDARIES**

A survey map, designed as the "Carlisle Township Entertainment Overlay (EO-1) District Map," shall be used to identify and define the boundaries of the EO-1 District until such time as the Official Zoning Map is updated to identify the boundaries of the EO-1 District. The survey map is attached to this Resolution and shall also be attached to, and temporarily made a part of the Official Township Zoning Map.

### **1118.13 SEVERABILITY**

Each section, subsection and provision (collectively referred to as the "provisions") of this Resolution are hereby declared to be independent provisions and, notwithstanding any other evidence of legislative intent, it is hereby

declared to be controlling legislative intent that if any provisions of said Resolution, or the application thereof to any person or circumstance is held to be invalid, the remaining provisions and the application of such provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby; and it is hereby declared that such provisions would have been passed independently of such provision(s) so known to be invalid.

#### **1118.14 EFFECTIVE DATE**

This Resolution will be effective thirty (30) days after the date of adoption unless, within thirty (30) days after the adoption of the Resolution, the Township Clerk receives a petition, signed by a number of qualified electors, residing in the unincorporated area of the Township equal to not less than ten percent (10%) of the total number of votes cast in that area for all candidates for the office of governor at the most recent general election for that office, requesting the Board of Township Trustees to submit the Resolution to the electors of the area for approval or rejection at the next primary or general election occurring at least seventy-five (75) days after the Board receives the petition, as provided for in O.R.C. 503.52 (c).

#### **1118.15 COMPLIANCE WITH OPEN MEETING LAW**

It is found and determined that all formal actions of the Zoning Commission and the Board of trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Zoning Commission and Board of Trustees, and that all deliberations that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. 121.22.

Adopted 8/18/2003

Effective 9/18/2003

## **ARTICLE XII**

### **FLOOD PLAIN ZONE REGULATIONS FP-1**

#### **1201 PURPOSE**

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the one hundred (100) and fifty (50) year floods in the flood plain of the major rivers, their branches and tributaries with 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.

#### **1202 PERMITTED USES**

In addition to any other provisions of this Resolution, no building or structure shall be erected, converted, or structurally altered and no land and/or structure shall be used except for one or more of the following uses:

- A. Open space uses, such as farms, truck gardens, and nurseries. Such other open space uses as; preserves, bridle trails, and nature paths PROVIDED no alteration is made to the existing grade level of the flood plain or structures which may interfere with the flow of the river or its flood plain capacity.
- B. Yard and setback areas required for any district within the flood plain zone.

#### **1203 CONDITIONALLY PERMITTED USES**

The following use of land and structures may be permitted by application for and the issuance of a conditional zoning permit by the Board of Zoning Appeals after recommendation by the County Engineer or other appropriate agency and further provided that the use pattern and the structures proposed 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 accompanied by the use of piles, stilts, cantilevering or other such construction methods which will place the

desired building and structure above the determined flood elevation is 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 free flow of the flood waters.

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.

Golf Courses (see section 408)  
Parks and Playgrounds (see section 411)  
Plant Nursery (see section 4112)

#### **1204 SUBMISSION OF PLANS**

The provisions of Section 309 shall apply in this District.

#### **1205 TOWNSHIP LIABILITY**

Carlisle Township shall incur no liability whatsoever by permitting any use or building within a flood plain within the Township.

#### **1206 PERMITTED SIGNS**

The provisions of Article XIV shall apply in this District.

#### **1207 OFF-STREET PARKIN AND LOADING**

The provisions of Article XV shall apply in this District.

## **1208 GENERAL REGULATIONS**

The provisions of Article III shall apply in this District.

## **1209 CONSTRUCTION REQUIREMENTS**

All construction in the Flood Plain shall be done in accordance with local regulations currently in effect as adopted and amended.

## **ARTICLE XIII**

### **CLUSTER SUBDIVISIONS**

#### **1301 INTENT**

In permitting cluster subdivisions, is the intention of the Township to make reasonable provisions through which, during the subdivision of land, natural elements of the landscape and population density within districts may be maintained, development cost may be lessened and physical living conditions within the Township improved. The provisions of this article are set forth to provide extra amenities for the Township and not as an automatic reduction of lot size requirements.

#### **1302 LOCATION**

A cluster subdivision may be permitted in the MR-1 and RI-1 Residential Districts if the following conditions are met.

#### **1303 GENERAL REQUIREMENTS**

##### **1303.01 MINIMUM DWELLING UNITS AND HOUSING TYPES**

The cluster subdivision development shall contain a minimum of twenty (20) dwelling units. The cluster subdivision development shall contain only those housing types as permitted in the zoning districts in which these cluster subdivision regulations apply.

##### **1303.02 GROSS RESIDENTIAL DENSITY**

The gross residential density (families per acre) is no greater than if the tract were developed with minimum lot sizes as specified in this Zoning Resolution for the appropriate type of residential use within the district.

To comply the gross residential density of a given subdivision, the total number of acres suitable for building is divided into the total number of dwelling units proposed, the answer being in dwelling units or families per acre. Areas not suitable for building, such as lakes, ponds, streams, swamps, hazardous topography or soils and land which are not available to the owner for development because of easements shall not be considered as part of the gross acreage in computing the maximum number of dwelling units that may be



created under this procedure, unless otherwise determined by the Zoning Board and the Township Trustees.

#### **1303.03 ACCESS TO COMMON LAND**

A minimum of sixty (60) percent of the total number of dwelling units in the subdivision have direct access to common land as open space or for recreational use and all other lots shall have public access and be in close proximity to common land.

#### **1303.04 COMMON LAND**

The location, shape, size, intended use and legal responsibility for the tenure and maintenance of common land is approved by the Zoning Board and the Township Trustees and meets the following requirements:

- A. Land dedicated to the Township shall be not less than ten (10) acres in area.
- B. The common land is publicly dedicated to the Township to a property ownership corporation or is reserved by deed for use in common by the residents of the subdivision, each property owner receiving an undivided proportionate share in such common land.

#### **1303.05 REQUIREMENT REDUCTIONS**

The proposed development is designed to produce an environment of stable and desirable character and is approved by the Zoning Board and the Township Trustees.

#### **1303.06 DEVELOPMENT DESIGN**

The proposed development is designed to produce an environment of stable and desirable character and is approved by the Zoning Board and Township Trustees.

### **1304 METHOD OF PROCEDURE**

#### **1304.01 APPLICATION INFORMATION**

A person, firm or corporation desiring to create a cluster subdivision shall apply to the Zoning Inspector for a building permit and certificated of occupancy for such subdivision. The application shall be accompanied by a map or plat of the proposed cluster subdivision showing:

- A. Dimension, location of all existing and proposed buildings, driveways, off-street parking areas, topography, abutting streets, highways and other features within two hundred (200) feet of the property line of the parcel.
- B. Architectural plans for all proposed buildings, walls and fences.
- C. Plans or reports showing the proposed collection treatment and disposal of sewage produced on the area of the cluster subdivision.
- D. Additional data which may be required by the Zoning Board and the Township Trustees to judge the subdivision and its effect upon the surrounding area and the Township.

#### 1304.02 FINDINGS OF ZONING BOARD

The Zoning Inspector shall convey such plans and reports presented by the applicant to the Zoning Board, which shall make a study and set to Public hearing.

## ARTICLE XIV

### SIGNS

#### 1401 PURPOSE

To establish a minimum regulation for public and private signs and lights to encourage signage and lighting and other communications which aid orientation, identify activities, express local history and character or serve other educational purposes, and to reduce conflict between signs and lighting, and the private and public communication system.

The display of official public notices, the flag, emblem or insignia of all governmental bodies shall not be governed by the provisions of this Resolution.

Holiday display lighting shall be exempted from the requirements of this Resolution.

#### 1402 DEFINITION

"Sign" means any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a building, person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly on a structure.

"Temporary Sign" means a sign with or without a structural frame intended for a limited period of display.

"Wall Sign" means a sign integral with the face of an exterior building wall or mansard roof, or attached to and parallel with the wall or roof.

"Projected Sign" means a sign attached to an outside building wall and which projects at a ninety degree angle there from.

"Ground Sign" means a sign whose horizontal length is greater than its vertical height and which has a supporting base designed as an integral part of the sign resting totally or primarily on or in the ground.

"Pole Sign" means a sign which is supported by or suspended from a freestanding column or columns and designed so as to permit pedestrian or vehicular movement there under.

"Canopy Sign" means a sign attached to the soffit or fascia of a canopy, covered entrance, walkway, or to a permanent awning or marquee and not projecting beyond the edges of same.

"Pylon Sign" means a sign exceeding five feet in height whose sign face area extends from the top of the sign to the ground and whose vertical height is greater than its horizontal length.

"Portable Sign" means a sign designed to be set upon the ground and which is removable, not anchored to the ground permanently.

"Roof Sign" means a sign erected and maintained above the roof of a building.

### **1403 GENERAL**

A. Area measurements for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters as if affixed to a background structure.

B. Any number of signs that are attached to a common supporting structure shall be considered one sign for determining square footage and area requirements.

C. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved.

D. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary System shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System, if such laws are more restrictive than the provisions of this Resolution, they shall apply.

E. Signs for identifying developments or subdivisions must conform to all Residential (RI-1) sign requirements.

### **1404 RESIDENTIAL DISTRICTS**

A. One pole, wall or pylon sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed nine (9) square feet per face.

B. Signs for home occupation, professional activities and non-conforming uses, where existing or permitted, shall not exceed nine (9) square feet per face.

C. The minimum setback for all residential signs other than 1404 D. shall be forty-two (42) inches from the road right-of-way with a maximum height of forty-two (42) inches.

D. Bulletin boards and signs for a church, school, community or other public or semipublic institution shall be permitted provided the area of such sign does not exceed twenty (20) square feet per face. Minimum setback shall be five (5) feet from the road right-of-way.

E. No building wall shall be used for display of advertising except pertaining to the use carried on within such building.

#### **1405 TEMPORARY SIGNS – RESIDENTIAL (RI-1, RI-2, MR-1)**

The following signs are allowed without a permit:

A. Construction or Production signs – one (1) unlighted sign of up to nine (9) square feet per face identifying parties involved in construction on the premises where the sign is located. These signs must be removed within fourteen (14) days after the completion of construction.

B. Real Estate signs - one (1) unlighted sign of up to twenty (20) square feet per face pertaining to the sale, rental, or lease of the premises on which the sign is displayed, to be removed within fourteen (14) days after sale, rental, or lease.

C. Event signs – unlighted signs of up to thirty-two (32) square feet per face displayed on private property and limited to one (1) per premise announcing a campaign drive or religious activity, not to exceed thirty (30) days per event.

D. Temporary displays or signs advocating the election of a candidate or candidates or the passage or disapproval of an issue shall not be governed by the provisions of the Article provided the same are removed within ten (10) days after the completion of the election involved. Failure to remove such signs herein shall be deemed a violation of this Resolution.

E. Temporary signs not exceeding forty-two (42) inches in height shall have a minimum setback of not closer than three (3) feet from road right-of-way. Temporary signs in excess of forty-two (42) inches in height shall have a minimum setback of not closer than twenty (20) feet from the road right-of-way.

F. Signs for garage, yard and rummage sales, etc. shall be posted on premises only, not to exceed nine (9) square feet per face. To be removed after five (5) days.

G. No sign shall overhang the public right-of-way.

H. Zoning Inspector is authorized to remove temporary signs in violation of Section 1405. Signs will be held not more than fourteen (14) days and, if not retrieved, disposed of.

#### **1406 GENERAL BUSINESS DISTRICTS (GB-1)**

A. The erection of outdoor advertising signs shall be permitted in all General Business Districts (GB-1) provided such signs advertize a business or service conducted on the premises and the size of the sign including setback requirements shall be provided as specified herein.

B. The area for all wall, roof, and canopy signs located on the premises with any general business use shall be limited to an area not to exceed one and one-half (1 ½) square feet per lineal foot of building width. Projections or wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted.

C. Free-standing pole or pylon signs serving any individual business or group of business establishments shall be permitted if they have no more than a total sign area of fifty (50) square feet per face and are located not closer than ten (10) feet to any road right-of-way or adjoining lot line. Minimum height to bottom of sign shall be fifteen (15) feet, in area of vehicular movement.

D. Ground signs – serving an individual business or group of business establishments shall be permitted if they have not more than a total sign area of thirty-two (32) square feet per face and no portion of the sign is located closer than ten (10) feet to any road, right-of-way, or adjoining lot line.

#### **1407 LETTERING SIZE GENERAL BUSINESS DISTRICTS (GB-1)**

Building signs shall not employ letters exceeding eighteen (18) inches in height.

#### **1408 LIGHT INDUSTRIAL DISTRICTS (LI-1)**

A. The erection of outdoor advertising signs shall be permitted in all Light industrial Districts (LI-1) provided such signs advertise a business or service conducted on the premises and the size of the sign including setback requirements shall be provided as specified herein.

B. The area for all wall, roof, and canopy signs located on the premises within any Light industrial Districts (LI-1) shall be limited to an area not to exceed one

and one-half (1 ½) square feet per lineal foot of building width. Projections or wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted.

C. Free-standing pole or pylon signs serving any individual business or group of business establishments shall be permitted if they have no more than a total sign area of fifty (50) square feet per face and are located not closer than twenty (20) feet to any road right-of-way or adjoining lot line. Minimum height to bottom of sign shall be fifteen (15) feet, in areas of vehicular movement.

D. Ground signs – serving an individual business or group of business establishments shall be permitted if they have not more than a total sign area of fifty (50) square feet per face and no portion of the sign is located closer than twenty (20) feet to any road, right-of-way, or adjoining lot line.

E. Signs and outdoor advertising structures or billboards except as specifically permitted within this Article shall be set back from the established right-of-way line of any road or highway at a minimum of twenty (20) feet except for the following modifications:

For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, such setback shall be increased by one-half (1/2) foot but such setback need not exceed one hundred (100) feet.

F. No sign shall overhang the public right-of-way.

G. No sign shall extend more than thirty-five (35) feet in overall height.

#### **1409 LETTERING SIZE OF LIGHT INDUSTRIAL DISTRICTS (LI-1)**

A. Building signs shall not employ letters exceeding thirty-six (36) inches in height.

#### **1410 ILLUMINATION GENERAL BUSINESS (GB-1) & LIGHT INDUSTRIAL (LI-1)**

A. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it; without causing glare for motorists, pedestrians or neighboring premises.

B. Illuminated signs, including neon signs, shall not produce more than one (1) foot candle of illumination four (4) feet from the sign.

C. All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid

glare for motorists, pedestrians, or neighboring premises. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one (1) foot candle.

#### **1411 PROHIBITED DEVICES**

- A. No sign or light shall move, flash, or make noise.
- B. Fluorescent colors in the yellow and red spectrum are prohibited.

#### **1412 ADMINISTRATION**

- A. No sign, except those specifically exempted by this Resolution shall be erected without a permit issued by the Township Zoning Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information as requested by the Zoning Inspector as evidence of the permit.
- B. Garage sale or other signs located within the right-of-way prohibited.
- C. Fees for sign permits shall be fixed by the Township Trustees.
- D. Appeals may be made to the Zoning Board of Appeals by the same procedure governing other zoning appeals.

Adopted: May 1, 1995

Effective: June 1, 1995



## **ARTICLE XV**

### **OFF-STREET PARKING AND LOADING FACILITIES**

#### **1501 GENERAL REQUIREMENTS**

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution.
- B. The provisions of this Article, except where there is a change of use, shall not apply to existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as man of such spaces as may be required by this Resolution.
- C. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### **1502 PARKING SPACE DIMENSION**

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1518 of this Resolution.

#### **1503 LOADING SPACE REQUIREMENTS AND DIMENSIONS**

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other

circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

#### **1504 PAVING**

The required number of parking spaces and loading spaces as set forth in this Article together with driveways, aisles, and other circulation areas, shall be improved with acceptable impervious material to provide a durable and dust free surface.

#### **1505 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

#### **1506 MAINTENANCE**

The owner of property ;used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

#### **1507 LIGHTING**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

#### **1508 LOCATION OF PARKING SPACES**

The following regulations shall govern the location of off-street parking spaces and areas:

A. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

B. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Zoning Board of Appeals.

C. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principle use.

#### **1509 SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. The space between such fence wall, or planting screen, and the lot line of the adjoining premise in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall or planting screen and landscaping shall be required.

No one area for off-street parking of motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.

#### **1510 REQUIRED TRASH AREAS**

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Trustees shall be required.

#### **1511 UNLICENSED, DISABLED VEHICLES OR TRAILER**

The parking of an unlicensed, or disabled vehicle, including a trailer or camper within a residential or commercial district for a period of more than two (2) months shall be prohibited, unless, such vehicle is stored in an enclosed garage or other accessory building.

Effective 01/01/2015

#### **1512 MINIMUM DISTANCE AND SETBACKS**

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably

designed screen. If on the same lot with a one (1) family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to an established street or alley right-of-way.

### **1513 JOINT USE**

Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Board of Appeals shall be filed with the application for a zoning permit.

### **1514 WHEEL BLOCKS**

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

### **1515 WIDTH OF DRIVEWAYS**

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, eighteen (18) feet wide for sixty (60) degree parking, and thirteen (13) feet wide for forty-five (45) degree parking.

### **1516 ACCESS**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a street shall be traveling in a forward motion. Access of driveways for parking area or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a street. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

A. One way traffic – For one (1) way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.

B. Two way traffic – Access roads for two (2) way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one (1) aisle or driveway shall have direction signs or markings in each aisle or driveway.

### **1517 STRIPING**

All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

### **1518 PARKING SPACE REQUIREMENTS**

For the purpose of this Resolution, the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
<b>RESIDENTIAL</b>	
Single Family or Two Family Dwelling	Two (2) for each unit
Apartment, Hotels, Apartments, or Multi-family Dwellings	Two (2) for each unit
Boarding Houses, Rooming Houses, Dormitories, and Fraternity Houses	Two (2) for each sleeping room or have Two (2) for each permanent occupant
<b>COMMERCIAL</b>	
Automobile Service Stations	One (1) for each two (2) gasoline pumps and two (2) for each employee and one (1) for each restroom
Hotels, Motels	One (1) per each sleeping room plus one (1) space for each two (2) employees
Funeral Parlors, Mortuaries	One (1) for each 100 square feet of and similar type uses floor area in slumber rooms, parlors, or service rooms
Retail Stores	One (1) for each 250 square feet of floor area

Banks, Financial Institutions	One (1) for each 100 square feet of floor area
Offices, Public or Professional	One (1) for each 400 square feet of administration or service buildings floor area
All other types of Business or Commercial	One (1) for each 300 square feet of uses permitted in any Commercial District floor area

#### RECREATIONAL OR ENTERTAINMENT

Dining Rooms, Restaurants, Taverns, Night Clubs, etc.	One (1) for each 200 square feet of floor space
Bowling Alleys	Four (4) for each alley or lane plus one (1) additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use
Dance Floors, Skating Rinks	One (1) for each 100 square feet of floor area used for the activity
Outdoor Swimming Pools, Public or Community or Night Clubs, etc.	One (1) for each five(5)persons capacity plus one (1) for each four (4) seats or one (1) for each 30 square feet of floor area used for seating purposes, whichever is greater
Auditoriums, Sport Arenas, Theaters and similar uses	one (1) for each four (4) seats

#### INSTITUTIONAL

Churches and other places of Religious Assembly	One (1) for each four (4) seats
Hospitals	One (1) for each bed
Sanitariums, Homes for the Aged Nursing Homes, Children's Homes, Asylums and similar uses	One (1) for each two (2) beds

Medical and Dental Clinics	One (1) for every 200 square feet of floor area of examination, treating room, office and waiting room
Libraries, Museums, and Art Galleries	One (1) for each 400 square feet of floor area

**SCHOOLS (PUBLIC, PAROCHIAL or PRIVATE)**

Elementary and Junior High Schools	Two (2) for each classroom and one (1) for every eight (8) seats in auditoriums or assembly halls
High Schools	One (1) for every ten (10) students and one (1) for each teacher and employee
Business, Technical, & Trade Schools	One (1) for each two (2) students
Kindergartens, Child Care Center, Nursery School & similar uses	Two (2) for each classroom, but not less than six (6) for the building

**INDUSTRIAL**

All types of Manufacturing, Storage & Wholesale uses permitted in any Industrial District	One (1) for every two (2) employees (on largest shift for which the building is designed plus one for each motor vehicle used in the business
Cartage, Express, Parcel Delivery, And Freight Terminals	One (1) for every two (2) employees (on largest shift for which the building is designed and one (1) for each motor Vehicle maintained on the premises

**1519 GENERAL INTERPRETATIONS**

In interpretation of this Article, the following rules shall govern:

- A. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Board of Appeals.
- B. Fractional numbers shall be increased to the next whole number.

**1520 PLOT PLAN REVIEW**

Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Inspector before a zoning permit can be issued. Such plans and specifications shall show the locations, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.



## **ARTICLE XVI**

### **ADMINISTRATION - ENFORCEMENT**

#### **1601 ZONING PERMITS**

##### **1601.01 ZONING PERMITS REQUIRED**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector that does not conform with the provisions of this Resolution unless he/she receives a written order from the Zoning Board of Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.

##### **1601.02 CONTENT OF APPLICATION FOR ZONING PERMIT**

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. Each applicant shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months and work shall be completed within one (1) year from the date on the permit. At a minimum, the application shall contain the following information:

- A. Name, address, phone number of applicant
- B. Legal description of property
- C. Existing use
- D. Proposed use
- E. Zoning District
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size, location and dimensions of the proposed building(s) or alteration(s)
- G. Building heights
- H. Number of off-street parking spaces or loading berths
- I. Number of dwelling units
- J. Indicate the location of underground fuel tanks.

- K. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution

#### 1601.03 APPROVAL OF ZONING PERMIT

Within ten (10) days after the receipt of an application, the Zoning Inspector shall approve, refer, or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

#### 1601.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning permit issued affecting any land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail, to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue a zoning permit. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

#### 1601.05 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; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been fully completed within one (1) year of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the person affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

## **1605 FAILURE TO OBTAIN A ZONING PERMIT**

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section 1801 of this Resolution.

## **1606 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS**

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 1801 of this Resolution.

## **1607 COMPLAINTS REGARDING VIOLATIONS**

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

## **1608 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 the Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

## **1609 ZONING AMENDMENTS**

### **1609.01 GENERAL**

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

### **1609.02 INITIATION OF ZONING AMENDMENTS**

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

- A. By adoption of a motion by the Zoning Commission
- B. By adoption of a resolution by the Township Trustees
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### 1609.03 CONTENTS OF APPLICATION

The application for amendment shall contain at least the following information, prepared in triplicate:

- A. Name, address, phone number of applicant
- B. Proposed amendment to the text or legal description
- C. Present use
- D. Present Zoning District
- E. Proposed use
- F. Proposed Zoning District
- G. Three (3) copies of plot plan approved by the Zoning Inspector showing proposed zoning and such other items as the Zoning Inspector may require
- H. A list of names and addresses of all property owners within, contiguous and directly across the street from the parcel(s) proposed to be rezoned
- I. A fee as established by the Township Trustees

#### 1609.04 TRANSMITTAL TO THE ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

#### 1609.05 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail, to the Highway Director. The Zoning Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Township that he/she shall proceed to acquire the land needed, then the Township Trustees shall refuse to approve the rezoning. If the Highway Director notifies the Township that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Township Trustees shall proceed as required by law.

#### **1609.06 PUBLIC HEARING BY THE ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal or a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) days, nor more than (40) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.

#### **1609.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such hearing the matter will be referred to the Township Trustees for further determination.

#### **1609.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least ten (10) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the

Treasurer's mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

#### **1609.09 SUBMISSION TO REGIONAL PLANNING COMMISSION**

Within five (5) days after adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such notion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or 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.

#### **1609.10 RECOMMENDATIONS BY THE ZONING COMMISSION**

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted. The Zoning Commission shall transmit its recommendation to the Township Trustees.

#### **1609.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES**

Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation of the Zoning Commission.

#### **1609.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Notice of the public hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required public hearing and a summary of the proposed amendment.

#### **1609.13 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Clerk by first class mail at least the (10) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists as may be specified by the Township Trustees. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

#### 1609.14 ACTION TAKEN BY THE TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, ~~it must do so by a unanimous~~

~~vote.~~ A MAJORITY Vote of the BOARD shall be Required. ORC §19.12(H)

#### 1609.15 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the resolution there is presented to the Township Clerk a petition, signed by a number of qualified voters residing in the Township equal to not less than eight (8) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the Zoning Resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

**ARTICLE XVII**  
**ZONING BOARD OF APPEALS**

**1701 PUROSE**

The purpose of the Zoning Board of Appeals shall be to decide any issue involving the interpretation of the provisions contained in this resolution in instances of unnecessary hardships and to authorize conditional uses as herein provided.

**1702 ORGANIZATION AND PROCEDURE**

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section 1801 of this Resolution.

**1702.01 APPOINTMENT**

The Board shall be composed of five (5) members, all of whom are residents of the Township. Members shall be appointed by the Trustees for a period of five (5) years. The terms shall be so arranged so that the term of one (1) member shall expire each year. Should any vacancy on the Board occur for any reason, the Trustees, shall appoint a successor to serve the unexpired term. The Trustees have the right to remove any members of the Board with due cause.

**1702.02 ORGANIZATON AND RULES**

A. The Zoning Board of Appeals shall organize annually and elect a chairman, vice-chairman and secretary from its membership. The Zoning Board of Appeals shall adopt rules as may be necessary to carry into effect the provisions of this resolution and to exercise the powers and jurisdiction conferred upon it by the resolutions.

B. The chairman shall preside at all meetings of the Zoning Board of Appeals. He/She shall decide on all points of order and procedure unless otherwise directed by a majority of the Zoning Board of Appeals. The chairman may appoint committees deemed necessary to carry out the business of the Zoning Board of Appeals. The Chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Zoning Board of Appeals.



C. The vice-chairman shall serve in the absence of the chairman. He/She shall have all the powers of the chairman during his/her absence, disability or disqualification.

D. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Zoning Board of Appeals.

#### 1702.03 MEETINGS

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

#### 1702.04 VOTING

A. All actions of the Zoning Board of Appeals shall be taken by resolution, vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector.

B. No member of the Zoning Board of appeals shall vote on any matter in which he/she is personally or financially interested.

#### 1702.05 MINUTES AND RECORDS

The secretary of the Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent, or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

#### 1702.06 WITNESS AND OATHS

The Zoning Board of Appeals 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.

## **1702.07 DEPARTMENT ASSISTANCE**

The Zoning Board of Appeals may call on any applicable County and State agency for assistance in the performance of its duties, and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Board may make an analysis and present a report on any matter before the Zoning Board of Appeals. Such report shall be considered by the Zoning Board of Appeals at the time of hearing on the matters.

## **1703 GOVERNING GUIDELINES**

- A. The Zoning Board of Appeals shall be governed by the provisions of all applicable statutes, local laws, regulation and rules set forth herein.
- B. The Zoning Board of Appeals shall become familiar with all enacted resolutions and laws of Carlisle Township under which it may be expected to act as well as with applicable state enabling legislation.
- C. The Zoning Board of Appeals, shall uphold the Zoning Resolution and Official Zoning Map of Carlisle Township as adopted and shall serve primarily as a judicial review in the performance of its duties.
- D. The Zoning Board of Appeals shall become familiar with the community goals, desires and policies. Through the performance of its duties, the board may not act as a legislative body, or through interpretation, the granting of variances or the settling of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

## **1704 JURISDICTION AND POWERS**

The Zoning Board of Appeals shall operate so as to carry into effect the powers and jurisdiction conferred upon it as follows:

- 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 hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this Resolution.
- C. To hear and decide upon application for variances under the terms provided in this Resolution.

D. To interpret the provisions of the Zoning Resolution or Map where there is doubt as to meaning or application. The Zoning Board of Appeals shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulation of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.

E. To exercise such other powers as may be granted to the Zoning Board of Appeals by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

F. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, not to make any change in the terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial review, interpretation, variance, or conditional use as defined in this Article.

## **1705 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**

### **1705.01 APPEALS**

Appeals to the Zoning Board of Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken twenty (20) days after the decision by filing with the Zoning Inspector and with the Zoning board of Appeals all the papers constituting the record upon which the action appealed from was taken.

### **1705.02 FEES – SEE SECTION 1608**

### **1705.03 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, with a notice to the Zoning Inspector from whom the appeal is taken.

#### 1705.04 VARIANCES

The Zoning Board of Appeals may authorize upon appeal in specific cases such variances from the terms of this Resolution as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardships. No conforming use of lands, structures, or buildings in other districts shall be considered ground for issuance of a variance.

#### 1705.05 APPLICATION AND STANDARDS FOR VARIANCES

The variance from the terms of this Resolution shall not be granted by the Zoning Board of Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Zoning Board of Appeals containing:

- A. Name, address, and phone number of applicant(s)
- B. Legal description of property
- C. Description of nature of variance requested
- D. A narrative statement demonstrating that the requested variance conforms to the following standards:

That special conditions and circumstances exist which are peculiar to the land, structures, or buildings in the same district.

That a 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 ordinance

That special conditions and circumstances do not result from the actions of the applicant

That granting the variance requested will not confer on the applicant any privilege that is denied by this Resolution to other lands, structures, or buildings in the same district

#### 1705.06A CONDITIONS FOR GRANTING USE VARIANCES

Variances may be granted by the Zoning Board of Appeals where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for variance may be made to the Zoning Board of Appeals through the Zoning

Inspector by an aggrieved property owner. A variance from the provisions or requirements of this Resolution shall not be authorized by the Zoning Board of Appeals unless it finds that all the following facts and conditions exist:

**Use Variance**

1. That unnecessary hardships would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.

2. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.

3. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

4. The said 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.

5. That granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.

6. That said variance will not permit the establishment within a district, or any use other than those permitted by right within that district, or any use for which a conditional permit is required.

7. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.

8. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building, or structure.

9. That in no instance shall a variance be considered for the following reasons:

Presence of non conformities in the zoning district

Previous variance granted in the zoning district

Uses in adjoining zoning districts

The applicant's belief that the intended use would be permitted upon his/her purchase of the land  
The character standing of the applicant  
Hardship being demonstrated beyond the contest of zoning (e.g. economics)

## 1705.06B CONDITIONS FOR GRANTING AREA VARIANCES

### AREA VARIANCE "PRACTICAL DIFFICULTIES" TEST:

The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
2. Whether the variance is substantial
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance
4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage)
5. Whether the property owner purchased the property with the knowledge of the zoning restriction
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

## 1705.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS

The Zoning Board of Appeals shall have no powers to authorize, as a variance, the establishment of a nonconforming use where none previously existed. The substitution of a nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Zoning Board of Appeals shall adhere to all regulations contained in Section 308 of this Resolution in acting upon all nonconforming uses and modification thereto.

#### **1705.08 CONDITIONS IMPOSED BY THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XVII of this Resolution.

#### **1705.09 LAPSES OF VARIANCES**

A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of six (6) months, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning Inspector shall give a notice in writing, and thirty (30) days thereafter the variance shall be deemed null and void and all regulations governing said premises in question shall revert to those in effect before the variance was granted.

#### **1705.10 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS**

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

#### **1705.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

#### **1705.12 NOTICE TO PARTIES IN INTEREST**

Before holding the public hearing, notice of such hearing shall be mailed by the Chairman of the Zoning Board of Appeals, by first class mail at least ten (10) days before the day of the hearing to all parties in interest. The notice shall

contain the same information as required of notices published in newspapers as specified in this Article.

## **1706 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES**

### **1706.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT**

An application for conditional use permit shall be filed with the Chairman of the Zoning Board of Appeals and the Chairman of the Zoning Commission by at least one (1) owner of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant
- B. Legal description of property
- C. Description of existing use
- D. Present zoning district
- E. Description of proposed conditional use
- F. A plan of proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic areas and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Zoning Board of Appeals may require to determine if the proposed conditional use meets the intent and requirement of this Resolution
- G. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan
- H. Such other information as may be required

### **1706.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find each proposed use in terms or the following standards and shall find adequate evidence showing that such use at the proposed location:



- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plan
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area
- C. Will not be hazardous or disturbing to existing or future neighboring uses
- D. Will be served adequately by essential public facilities and service such as highways, streets, police and fire protection, drainage structures, refuse disposal, water sewers, and schools; or that the person or agencies responsible for the establishment of the proposed shall be able to provide adequately any such service
- E. Will not create excessive additional requirements at public cost of facilities and services and will not be detrimental to the economic welfare of the community
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- H. Will not result in the destruction, loss, or damage of a natural, scenic, historic feature of major importance

#### **1706.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any conditional use, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable.

#### **1706.05 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall hold a public hearing within forty (40) days from the receipt of the application for a conditional use..

#### **1706.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.

#### **1706.07 NOTICE TO PARTIES IN INTEREST**

Before holding the public hearing, notice of such hearing shall be mailed by the Chairman of the Zoning Board of Appeals, by first class mail at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

#### **1706.08 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 be required prior to renewal of said permit. A conditional use permit shall be deemed to authorize only one (1) particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

#### **1707 DECISIONS OF THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall decide all applications for variances, conditional uses and appeals within thirty (30) days after the final hearing thereon. The applicant shall be notified in writing of the Board's decision and the findings of fact which were the basis for the Board's determination. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination of the Zoning Inspector as in its opinion ought to be made on the premises. The decision shall state any conditions and safeguards necessary to protect the public interest. In reading a decision, the Board shall be guided by standards specified in this Resolution. A certified 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. The Zoning Inspector shall fully incorporate these same terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

All findings and decisions shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should show that;

- A. It has considered and evaluated all available information and evidence
- B. It has heard all parties in question
- C. Any personal knowledge the Board may have of the subject under question has been taken into account
- D. The Board has received a report on the case based upon an inspection of the parcel in question

### **1708 DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Zoning Board of Appeals only an appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Zoning Board of Appeals shall be to the courts as provided by Section 1709 of this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of the interpretation and enforcement that may arise; these being the powers of the Zoning Board of Appeals. Under this Article, the Township Trustees shall have only the duties of considering, adopting, or rejecting proposed amendments or the repeal of all or part of this Resolution, as provided by law and of establishing a schedule of fees and charges. If, in the course of carrying out the intent of this Article and after review of all appeal cases brought before it, the Zoning Board of Appeals finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

### **1709 APPEAL TO COURTS**

A person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Court of Common Pleas of Lorain County, Ohio.

## **ARTICLE XVIII**

### **PENALTY FOR VIOLATION**

#### **1801 PENALTIES FOR VIOLATION**

Violations of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

#### **1802 CIVIL ACTION**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Township Trustees, the County Prosecutor, or Township legal advisor, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation may in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

#### **1803 REMEDIES CUMULATIVE**

The exercise of the rights and remedies granted in this Article and the above paragraphs shall in no way preclude or limit the Township or any person from exercising any other right or remedy now or hereafter granted to them under the laws of Ohio.

## **ARTICLE XIX**

### **MISCELLANEOUS PROVISIONS**

#### **1901 INTERPRETATION**

In interpreting and applying the provisions of the Resolution, they shall be held to be minimum requirements for the promotion of public health, safety or general welfare. Where this Resolution imposes greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure or requires larger open spaces than are imposed or required by other resolutions, rules, regulations or permits, or any easements, covenants or agreements, impose greater restrictions upon the use of a building or land, or upon the heights, bulk or size of a building or structure, or require larger open spaces that are required under the regulations of this Resolution, such provision shall govern.

#### **1902 VALIDITY**

If any section, clause, provision or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other Article or part thereof.

#### **1903 EFFECTIVE DATE**

This Zoning Resolution shall take effect and be in force at the earliest date permitted by the Ohio Revised Code.

#### **1904 REPEAL**

Resolution of Carlisle Township and any subsequent resolution amending the same and all other resolutions or parts of resolutions in conflict herewith or contrary hereto be and the same are repealed.

## **ARTICLE XX**

### **VERTICAL AXIS WIND ENERGY CONVERSION SYSTEMS**

#### **2000 PURPOSE**

It is the purpose of this regulation to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity and/or for the resale of utility power.

#### **2001 APPLICABILITY AND DEFINITION**

A. Private Use Wind Energy Conversion Systems (WECS) – means a system consisting of not more than two (2) vertical axis wind turbines, towers and associated controls or conversion electronics for the purpose of providing electrical power to a lawful principle use. The system(s) having a rated combined capacity of fifteen (15) kilowatts (kW) or less for residential use shall be considered a private use system for the purposes of the regulations. These systems are considered accessory uses in all zoning districts.

B. Wind Turbine – the individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters. This term shall include the towers or supporting structures.

C. Zoning Code(s) – all codes, resolutions, policies and procedures and standards adopted and enforced by Carlisle Township. Prior to issuance of a permit, the following documents are required:

1. Site plan to scale
2. Engineered drawings
3. Decibel rating for unit at maximum capacity
4. Maintenance schedule to be followed as per manufacturer
5. Legal easement if necessary to meet clear fall zone

D. Fire Code(s) – all codes, ordinances, policies, and procedures, and standards adopted and enforced by Carlisle Township

E. FAA – the use of this acronym shall denote the Federal Aviation Administration, or any other applicable authority that regulates air safety within Carlisle Township

F. Private use wind energy conversion systems shall be allowed as an accessory use in all Carlisle Township Zoning Districts without the requirement of a Conditional Use Permit, provided the system meets all other requirements of this section.

## **2002 STANDARDS**

- A. Vertical Axis Wind Turbine not to exceed thirty-five (35) feet in height measured from the highest point to the ground. Minimum distance of twelve (12) feet measured from the ground level to the first moving part necessary for safety.
- B. Clear Fall Zone is the area surrounding the wind turbine unit into which the turbine and/or its components might fall that shall remain unobstructed and confined within the property lines of the parcel where wind turbine is located. Attachment to owner's building(s) shall be permitted.
- C. Clear Fall Zone requires a minimum setback of the height of the wind turbine times 1.1 and shall be measured in a circular fashion from the center of the wind turbine components towards all property lines. If the fall zone on owner's land is not sufficient, a legal easement may be obtained from abutting property owner.
- D. Sound level of wind turbine shall not exceed sixty (60) decibels and shall be measured at the property lines of adjacent properties.

## **2003 INSTALLATION, AESTHETICS AND MAINTENANCE**

- A. Appearance – Vertical axis wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as silver, or white or other neutral colors, Galvanized steel or metal is acceptable for the support structures. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by Carlisle Township that the affected vertical axis wind turbine(s) shall cease operation until a color correction has been made. If the affected vertical axis wind turbine(s) is not repainted, using an appropriate color within sixty (60) days, the owner shall remove the affected vertical axis wind energy conversion system(s).
- B. Electrical Wires – All electrical wires leading from the tower to the electrical control facilities shall be located underground. This is the responsibility of the deed holder. Evidence shall be given of a signed connection agreement if applicant chooses to contract with a utility company. Approval from a state certified electrician or state of Ohio registered engineer of choice to be provided to Carlisle Township Zoning Department prior to operation of wind turbine.
- C. Maintenance – Vertical axis wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards, Deed holder shall comply with the maintenance schedule set by the manufacturer.
- D. Signs and Labels – The only advertising sign allowed on the wind turbine shall

be a manufacturer's label, not exceeding one (1) square foot size.

E. Compliance with FAA Regulations – All vertical axis wind turbines shall combine with applicable FAA regulations, including any necessary approvals for installations.

F. Certified Safe – Evidence shall be submitted with a Zoning permit application that the wind machine shall be constructed in accordance with accepted industry standards and certified safe.

#### **2004 REPAIR AND REMOVAL OF WIND TURBINES**

Any wind turbine found to be unsafe or non-operational by the Carlisle Township Zoning Inspector or an agent of the Township shall immediately cease operation upon notification by Carlisle Township and shall be repaired by the owner to meet manufacturer's specifications and local safety standards or be removed within sixty (60) days.

When the vertical axis wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purpose of this section, non-operation shall be deemed to include, but shall not be limited to, the rotating assembly of the vertical axis wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the vertical axis wind turbine is no longer connected to the public utility electricity distribution system.

#### **2005 MOUNTING OF VERTICAL AXIS WIND TURBINES**

Attachment of the vertical axis wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with the regulations of Carlisle Township.

#### **2006 COMPLIANCE WITH REGULATIONS**

A. All systems shall comply with applicable fire, electrical, and zoning codes.

B. All standards are absolute. Once vertical axis wind turbines are permitted the owners have the option of compliance with standards or discontinuation of operations. If the operation of the vertical axis wind turbine(s) does not comply with the provisions of this article, the operator shall promptly take all measures to comply with these regulations, including but not limited to, discontinued operation of one or more wind turbines.

C. Variations to the regulations and standards of this section may not be altered. Any deviations shall require an application to the Board of Zoning Appeals (i.e. variance to area, number of units and use).



Amended 7-19-2010  
2010

Effective 8-18-

## **ARTICLE XX**

### **ADDENDUM TO SECTION 2001 APPLICABILITY AND DEFINITION**

ITEM C. 6. Identify the anticipated shadow flicker pattern (shadow or sunlight flicker) that might be objectionable to adjacent properties).