

# NEW RUSSIA TOWNSHIP

## ZONING REGULATIONS



LORAIN COUNTY RECORDER

VOLUME 658

PAGE 718

#930215612

I hereby certify that these documents represent zoning amendments adopted by the New Russia Township Board of Trustees, and are copied from the Boards Record of Proceedings.

8.16.2022

DATE

A handwritten signature in blue ink, which appears to read "Lisa Akers". The signature is fluid and cursive.

Lisa Akers, Fiscal Officer

New Russia Township

Lorain County, Ohio

## **NEW RUSSIA TOWNSHIP BOARD OF TRUSTEE MEMBERS**

**Members of the Board of Trustees of New Russia Township, Lorain County, Ohio, at the time of adoption of the New Russia Township Zoning Regulations on January 1, 2022**

**Andrew Gulish, Chairman**

**Patti Brubaker, Trustee**

**Scott Justin, Trustee**

**Lisa Akers, Fiscal Officer**

## **NEW RUSSIA TOWNSHIP ZONING BOARD OF COMMISSION MEMBERS**

**Dawn Essex**

**James Griner**

**Marita George**

**Jina Jordan**

**Cynthia Breda**

**Kimberly Guelker - Alternate**

**Gary Szuch - Alternate**

## **REVISED NEW RUSSIA TOWNSHIP**

### **ZONING RESOLUTION**

#### **ADOPTED NOVEMBER 4, 1952**

Entire Text and Map Amended September 17, 1973;  
Adopted November 7, 1973; Effective January 1, 1974.

Map (B-C Land Co. L1-1 to R1-1)  
Amended May 13, 1975;  
Adopted June 6, 1975; Effective July 9, 1975.

Map (Walker & Tingler R1-3 to GB-1)  
Amended April 11, 1977;  
Adopted June 20, 1977; Effective July 20, 1977.

Map (Yacyszyn R1-2 to GB-1)  
Amended September 11, 1978;  
Adopted October 17, 1978; Effective November 17, 1978.

Text Amended June 11, 1979;  
Adopted August 6, 1979; Effective September 6, 1979.

Map (Worcester/Starbuck R1-2 to GB-1)  
Amended June 2, 1981;  
Adopted July 13, 1981; Effective August 13, 1981;  
(Court released October 13, 1982)

Text and Map (Crystal Inn R1-1 to GB-1) (Midway Golf Course R1-1 to GB-1)  
Amended February 1, 1982;  
Adopted March 2, 1982; Effective April 1, 1982.

Text and Map (Graham R1-3 to R1-1)  
Amended August 9, 1982;  
Adopted September 13, 1982; Effective October 13, 1982.

Map (Crystal Inn R1-1 to GB-1)

New Russia Township Zoning Regulations – Adopted June 14, 2022 Effective August 16, 2022

Amended March 14, 1983;  
Adopted April 11, 1983; Effective May 11, 1983.

Text Amended (Sanitary Landfill R1-1) August 8, 1983;  
Adopted October 3, 1983; Effective November 2, 1983.

Text and Map (GB-1 expanded area Rte. 20)  
Amended August 5, 1985;  
Adopted September 16, 1985; Effective October 16, 1985.

Text Amended (Article II Article 202 Definitions) - June 9, 1986;  
Adopted - July 15, 1986; Effective - August 15, 1986.

Text Amended (Article IV Article 419 SubArticle jj;  
Landfill Volume of Operation) - March 20, 1990;  
Adopted - March 20, 1990; Effective - March 20, 1990.

Entire Text and Map Amended - January 3, 1992;  
Adopted - January 3, 1992; Effective - January 1, 1992.

Text Amended and Definitions Numbered - June 30, 1992;  
Adopted - July 21, 1992; Effective - July 21, 1992.

Text Amended (Veterinary Animal Hospital/Clinic R1-1, GB-1)  
Amended June 8, 1993;  
Adopted July 6, 1993; Effective July 6, 1993.

Text Amended (Solid Waste Composting Facility & Transfer Station)  
Amended December 28, 1993;  
Adopted January 24, 1994; Effective January 24, 1994. VOID DUE TO ERRORS IN PROCEDURE

Text Amended (Solid Waste Composting Facility)  
Amended March 29, 1994;  
Adopted May 17, 1994; Effective May 17, 1994.

Text and Map (Article IV-Articles 405 & 419; Article XII-Articles 1202 & 1203; GB-1 rezoning areas of State Route 58) Amended June 27, 1995;  
Adopted August 15, 1995; Effective September 14, 1995.

Text Amended (Article IV-Article 419-SubArticles "ii", "jj", "ll")  
Amended April 3, 1997;  
Adopted May 1, 1997; Effective June 1, 1997.

Text and Map (Article II-Definitions; Article IV-Article 401.01; Article XII-Article 1203; R1-1 rezoning areas of Russia Road)  
Amended February 22, 2000;  
Adopted April 4, 2000; Effective May 4, 2000.

Text Amended (Article IV-Article 419-SubArticle "jj")  
Amended October 5, 2000;  
Adopted November 7, 2000; Effective December 7, 2000.

Text Amended (Article IV-Article 409-SubArticles "e", "f", "g";  
Article VI-Article 603; Article XII-Article 1202)  
Amended November 6, 2001;  
Adopted December 18, 2001; Effective January 17, 2002.

Text Amended (Article IV- Article 409; Article III - Article 307.02 - SubArticle "b"; Article XXI - Article 2105.0601)  
Amended June 4, 2002;  
Adopted July 16, 2002; Effective August 15, 2002

Text Amended (Article II - Article 202.1140; Article III - Article 307.02 (b); Article IV - Article 401.01; Article VI - Article 602; Article VII - Article 702; Article VIII - Article 802; Article IX - Article 902)  
Amended December 3, 2002;  
Adopted December 17, 2002; Effective January 16, 2003.

Text Amended (Article VIII – Article 802; Article IX – Article 902)  
Amended March 4, 2003;  
Adopted April 1, 2003; Effective May 1, 2003.

Text Amended (Article IV – Article 419 – SubArticle "jj")  
Amended July 18, 2003;  
Adopted September 22, 2003; Effective October 22, 2003.

Text Amended (Article IV-Article 401.01; Article III-Article 309.04; Article XII-Articles 1202 and 1203)  
Amended November 4, 2003;  
Adopted December 4, 2003; Effective January 1, 2004.

Text Amended (Article II; Article III-Article 309.04; Article XII-Article 1202; Article XIX-Article 1919.03) Amended February 26, 2004;  
Adopted April 6, 2004; Effective May 6, 2004.

Text Amended (Article IV – Article 424; Article XII – Article 1202 and 1203)  
Amended July 27, 2004;  
Adopted August 31, 2004; Effective September 30, 2004.

Text Amended (Article IV – Article 419 Sub Article jj)  
Amended January 13, 2009;  
Adopted March 3, 2009; Effective April 2, 2009.

Text Amended (Article XX – Article 2007.14 and 2007.15)  
Amended June 30, 2009;  
Adopted July 28, 2009; Effective August 27, 2009.

Text Amended (Article II – Articles 202.0125, 202.0335, 202.0464, 202.0465; Article III – Article 309.05; Article IV – Articles 405, 409, 425, 426; Article VI – Articles 602 and 603; Article VII – Articles 702 and 703; Article VIII – Articles 802 and 803; Article IX – Articles 902 and 903; Article X – Article 1003; Article XII – Article 1203)  
Amended September 9, 2009;  
Adopted October 5, 2009; Effective November 4, 2009.

Text Amended (Article II – Articles 202.0995.01, 202.0995.02, 202.0995.03, 202.0995.04, 202.0995.06, 202.0995.07, 202.0995.08, 202.0995.09, 202.0995.10; Article III – Article 309.04; Article IV – Article 401.01; Article XII – Article 1202 ; Article XIII – Article 1302.01; Article XIX – Article 1919.03)  
Amended July 6, 2010;  
Adopted August 3, 2010; Effective September 3, 2010.

Text Amended (Article II – Articles 204; Article XXVI)  
Amended November 8, 2011;  
Adopted December 6, 2011; Effective January 6, 2012.

Text Amended (Article II – Article 0625; Article IV Article 427; Article XII – Article 1203)  
Amended June 12, 2012;  
Adopted July 9, 2012; Effective August 9, 2012.

Text Amended (Article III – Article 309.03; Article IV – Article 416)  
Amended July 8, 2014;  
Adopted August 12, 2014; Effective September 10, 2014

Text Amended (Article III – Article 309.032; Article IV – Article 428, 428.01)

New Russia Township Zoning Regulations – Adopted June 14, 2022 Effective August 16, 2022

Amended May 5, 2015;  
Adopted June 2, 2015;                      Effective July 2, 2015

Map Amended - 2018;  
Adopted - January 15, 2019;              Effective - January 15, 2019.

Text Amended (Article II-Article 202.0631; Article XIX – Article 1911)  
Amended August 11, 2020  
Adopted - September 15, 2020    Effective – October 16, 2020

Text Amended (Article IV, Article 414 and Article III, Article 307.14)  
Amended, August 19, 2021  
Adopted - September 21, 2021    Effective –

Entire Text & Map – Revised and Updated  
Amended, June 1, 2022  
Adopted – June 14, 2022              Effective – August 16, 2022

## **ZONING RESOLUTION AS SET FORTH BY THE NEW RUSSIA TOWNSHIP TRUSTEES - LORAIN COUNTY, OHIO**

A Resolution providing for the zoning of the unincorporated area of New Russia 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 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 New Russia 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 New Russia Township.



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## **ARTICLE I**

### **TITLE AND PURPOSE**

#### **101 TITLE**

This resolution shall be known and may be cited as the Zoning Resolution of New Russia 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.

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**204**

**RENEWABLE ENERGY**

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**204.06 Wind Turbine Energy System (WTES) 01/06/2012**

**ARTICLE II**

**INTERPRETATIONS AND DEFINITIONS**

**201 INTERPRETATION OF TERMS OR WORDS**

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

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

## 202 DEFINITIONS

- 202.0010 Accessory Building - See Building, Accessory**
- 202.0020 Accessory Use - See Use, Accessory**
- 202.0021 Adult Book Store - See Sexually Oriented Media Store 05/06/2004**
- 202.0022 Adult Cabaret –See Sexually Oriented Cabaret/Movie House 05/06/2004**
- 202.0023 Adult Entertainment Business –See Sexually Oriented Business 05/06/2004**
- 202.0024 Adult Material –See Sexually Oriented Material 05/06/2004**
- 202.0025 Adult Motion Picture Drive-In –See Sexually Oriented Cabaret/ Movie House 05/06/2004**
- 202.0026 Adult Motion Picture Theater –See Sexually Oriented Cabaret/ Movie House 05/06/2004**
- 202.0027 Adult Only Entertainment Establishment – See Sexually Oriented Cabaret/Movie House 05/06/2004**
- 202.0030 Agriculture**  
The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.
- 202.0040 Alterations**  
As applied to a building, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- 202.0050 Alterations, Structural**  
Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- 202.0060 Apartment House**  
A building arranged, intended or designed to be occupied by three or more families living independently of each other.
- 202.0070 Area, Building**  
07/21/1992 The total of area taken on a horizontal plane at the main grade level of the dwelling and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.
- 202.0080 Area, Net Site**  
The total area within the property lines excluding external streets.

**202.0090 Area, Sign - See Sign Area**

**202.0100 Automobiles**

09/06/1979 Means a four (4) wheel land motor vehicle designed for use principally upon public roads.

**202.0110 Auto Court - See Motel**

**202.0115 Back Yard Composting**

05/17/1994 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 cheese, salad dressings and cooking oils. Maximum backyard compost site or bin size should not exceed 15 cubic yards; 10 ft. x 10 ft. x 4 ft. high. The Ohio Cooperative Extension Service guidelines on composting shall be followed.

**202.0116 Bar, Tavern, or Saloon**

05/06/2004 An area primarily devoted to the sale and serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverage.

**202.0120 Basement**

09/06/1979 A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

**202.0125 Bed and Breakfast/Tourist Home**

11/04/2009 Any private owner-occupied residence not open to the public as a hotel, motel or apartment hotel which is used for the provision of short-term lodging not longer than one (1) continuous week, for compensation. See Article 425 under Article IV, Conditionally Permitted Uses.

**202.0130 Board - Removed by Resolution 09/06/1979**

**202.0140 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 or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

**202.0150 Building**

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

**202.0160 Building, Accessory**

07/21/1992 A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the dwelling.

**202.0170 Building, Detached**

A building surrounded by open space on the same lot.

**202.0180 Building, Front Line Of**

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

**202.0190 Building Height**

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

**202.0200 Building, Principal - Removed by Resolution 07/21/1992**

**202.0210 Burial Building**

Any building used for the interment of bodies or other remains of persons who have died, including mausoleums and vaults.

**202.0220 Camp**

Any one or more of the following, other than a hospital, place of detention or school offering general instruction:

- a. Type 1 - Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or
- b. Type 2 - Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

**202.0230 Camping Ground**

A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of travel trailers, tents or movable temporary dwellings, rooms or sleeping quarters.

**202.0240 Cell**

Compacted refuse completely enveloped by cover material.

**202.0250 Cellar**

A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground.

**202.0260 Church**

A building designed for the purpose of assembly and worship.

**202.0270 Club**

A building or portion thereof or premises owned or operated by an organization catering exclusively to members and their guests for social, literary, political, educational or recreational purposes which are not conducted primarily for gain, providing that vending stands, merchandising, or commercial activities are not conducted except as required generally for the membership and purposes of such club.

**202.0275 Composting**

05/17/1994 Composting is the biological reclamation of organic materials by a natural decomposition process. Compost results in the physical breakdown of organic matter known as aerobic disintegration. The matter is broken down by bacteria and fungi of decay until it is part of the soil mass. Organics permitted for use in composting are limited to grass clippings, fallen leaves, garden and flower bed plant remains, Christmas trees and trimmings from hedges. Also included, but are restricted by special permit are paper, wood scraps and some fiber materials.

**202.0276 Composting Facility – Commercial**

05/17/1994 Any composting facility which is operated on a larger scale than a back yard compost bin. Maximum bin size of 15 cubic yards; 10 ft. x 10 ft. x 4 ft. high. 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/regulations developed by this township and the Ohio Environmental Protection Agency and shall comply with any changes/directives that are adopted by this township or the Ohio EPA.

- a. Any person/agency/community composting more than fifteen (15) cubic yards or an area of 10 ft. x 10 ft. x 4 ft. high will be required to petition for a conditional use operating permit as a solid waste composting facility.

**202.0280 Conditional Use - See Use, Conditional**

**202.0290 Court**

An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**202.0300 Court, Inner**

A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

**202.0310 Court, Outer**

A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**202.0320 Coverage**

That percentage of the plot or lot area covered by the building area.

**202.0330 Cul-De-Sac**

09/06/1979 A street having one open end and being permanently terminated by a public vehicle turn around. (According to specifications of Lorain County Engineer.)

**202.0335 Child Day-Care Center – (MR-1, GB-1)**

11/04/2009 Child day-care center, as defined in Article 5104.01(L) of the Ohio Revised Code, shall include any place in which child care or publicly funded child care is provided for thirteen or more children at one time which is not the permanent residence of the licensee or administrator. The remaining descriptions and exclusions contained in R.C. 5104.01 (L) as well as (H) and (K) are incorporated by reference. See Article 405 under Article IV, Conditionally Permitted Uses.



**202.0340 Density**

A unit of measurement; the number of dwelling units per acre of land.

**202.0350 Detached Building - See Building, Detached**

**202.0360 Dump**

A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**202.0370 Duplex - See Dwelling, Two-Family**

**202.0380 Dwelling**

07/21/1992 Any building or structure (except a house trailer or mobile home as defined by the 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.

**202.0390 Dwelling, Single-Family**

07/21/1992 A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**202.0400 Dwelling, Two-Family (Duplex)**

07/21/1992 A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**202.0410 Dwelling, Multi-Family**

07/21/1992 A dwelling unit consisting of three or more dwelling units including condominiums with varying arrangements of entrances and parting walls. Multi-family housing may include public housing and industrialized units.

**202.0420 Dwelling, Group**

A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having any yard in common.

**202.0430 Dwelling Unit**

07/21/1992 Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**202.0440 Dwelling, Industrialized Unit**

07/21/1992 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 Articleal unit but not a mobile home.

**202.0450 Dwelling, Rooming House (Boarding House, Lodging House, Dormitory)**

07/21/1992 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, Article 5104.01. See Article 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, Article 5104.01, and which is exempt from conditional use permitting as per 5104.054. See Article 309.05 under Article III, General Regulations, 309 Special Requirements.

**202.0470 Farm**

09/06/1979 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.

**202.0510 Floor Area Of A Non-Residential Building**

The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**202.0520 Floor Area, Usable**

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

**202.0530 Garage, Private**

07/21/1992 A detached accessory building or portion of the dwelling for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- a. Not more than one space is rented for parking to persons not resident on the premises;
- b. No more than one commercial vehicle per dwelling unit is parked or stored; and
- c. The commercial vehicle permitted does not exceed two tons capacity.

**202.0540 Garage, Public**

Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

**202.0550 Garage, Storage**

07/21/1992 A 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.

**202.0560 Garbage**

Rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attended the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

**202.0570 Gasoline Station**

Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

**202.0580 Group Residential Facility**

07/21/1992 A group residential facility is a community residential facility, licensed and/or approved and regulated by the STATE OF OHIO, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

- a. **CLASS I** - Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for physically handicapped disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
- b. **CLASS II** - Any state, federal, or locally approved dwelling, or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutions sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

**202.0590 Home Occupation**

07/21/1992 Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises without any significant adverse effect upon the surrounding neighborhood. A Conditional Use Permit is required.

**202.0600 Hospital**

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home and any other place for the diagnosis, treatment or other care of human ailments.

**202.0610 Veterinary Animal Hospital / Clinic**

07/06/1993 A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**202.0620 Institution**

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

**202.0625 Internet Sweepstakes Cafés**

08/09/2012 See Article 427

**202.0630 Junk**

Any worn-out, cast-off, or discarded article or material which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforementioned purposes. Any article or material which unaltered or

unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

**202.0631 Junk Motor Vehicles**

08/11/2020 It is resolved that a junk motor vehicle means a motor vehicle meets all the following criteria:

- a. Three years or older
- b. Apparently inoperable;
- c. Extensively damaged including, but not limited to, any of the following; missing wheels, tires, motor or transmission.

**202.0640 Junk Yard**

07/15/1986 Junk Yards are not a permitted use in any District. A Junk Yard is the use of more than one hundred (100) square feet of any land, 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, rags, rubber, cordage, barrels, etc. are sold, bought, exchanged, baled, packed, disassembled, dismantled or handled. One or more disabled motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard.

**202.0641 Juveniles**

05/06/2004 An unmarried person under the age of eighteen.

**202.0642 Juveniles, Harmful To**

05/06/2004 Any sexually oriented material or performance is harmful to juveniles if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

- a. It tends to appeal to the prurient interest of juveniles;
- b. It contains a display, description, or representation of specified sexual anatomical areas of specified sexual activities;
- c. It makes repeated use of foul language; and
- d. It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being.

**202.0650 Kennel**

A structure used for the harboring, grooming, breeding, boarding, training or selling of more than three domestic animals that are more than six months old.

**202.0660 Launderette**

A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment motel.

**202.0670 Lift**

A series of cells arranged in a linear pattern or layer.

**202.0680 Line, Street**

The dividing line between the street and the lot.

**202.0690 Living Area**

09/06/1979 The total square footage of usable living floor space within the defined areas created by the walls for a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages, carports and/or basements.

**202.0700 Lot**

07/21/1992 A parcel of land occupied or to be occupied by a dwelling or group of dwellings and accessory buildings together with such yards, open spaces, lot width and lot area as are required by this Zoning Resolution and having not less than the minimum required frontage upon a public street, either shown and identified by lot number of a plat of record, or considered as a unit of property and described by metes and bounds. (Boundary lines)

**202.0710 Lot, Corner**

A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

**202.0720 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.

**202.0730 Lot, Depth Of**

A mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Unless otherwise specified, length shall be measured from the edge of street right of way. Lot length and lot depth have the same meaning.

**202.0740 Lot Frontage**

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yard regulations.

**202.0750 Lot, Interior**

A lot other than a corner lot with only one frontage on a street.

**202.0760 Lot of Record**

A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**202.0770 Lot, Through**

A lot having frontage on two parallel or approximately parallel streets.

**202.0780 Lot, Width Of**

The mean width measured at right angles to its depth.

**202.0790 Lot Lines**

Any line dividing one lot from another.

**202.0800 Mobile Home**

A detached dwelling unit designed to be repeatedly transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection operations, but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. The unit shall be considered as real property if such reconstruction is undertaken.

**202.0810 Motel, Hotel and Apartment Hotel**

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**202.0820 Motor Vehicle Repair Shop**

A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

**202.0830 Nonconforming Use**

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.

**202.0831 NUDITY or NUDE**

04/04/2000 The showing of either of the following:

- a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
- b. The female breast with less than a fully opaque covering on any part of the nipple.

**202.0840 Nursery School**

A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

**202.0850 Nursing Home**

09/06/1979 A residence for persons who are unable to care for themselves, aged or infirm.

**202.0851 Obscene**

05/06/2004 Any sexually oriented material or performance that when considered as a whole and judged with reference to ordinary adults or, if it is designed for sexual deviates or other especially susceptible group, is judged with reference to that group, is "obscene" if it contains a series of displays or descriptions of specified sexual anatomical areas or specified sexual activities, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

**202.0860 Open Space**

An unoccupied space open to the sky on the same lot with the building.

**202.0870 Parking Space**

An off-street space available for the parking of one motor vehicle with room for opening the doors on both sides together with properly related access to a public street or alley and maneuvering room.

**202.0880 Principal Building – Removed by Resolution 07/21/1992**

**202.0881 Public Display**

05/06/2004 The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than sexually oriented materials are on display to the public.

**202.0890 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.

**202.0900 Quasi-Public Uses**

Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**202.0910 Recreational Vehicle (Self Propelled Or Towed)**

07/15/1986 A motor vehicle or towed recreational vehicle shall not be used as a permanent dwelling; often referred to as a camper trailer, trailer coach, travel trailer motor home or trailer house.

**202.0920 Refuse**

Putrescible and non-putrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes.

**202.0930 Residential Hotel**

A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally for the public.

**202.0940 Riding Academy**

09/06/1979 The use of any portion of the area of any lot or of any building for the keeping of horses to be rented for riding purpose or to be rented for instructional purposes. (Conditional Use 416 applicable).

**202.0950 Salvage Yard - (Article XV H1-1 See Article 418)**

07/15/1986 A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as a part of a manufacturing operation.



**202.0960 Sanitary Landfill**

A method of disposing of refuse on land without creating nuisances or hazards to public health, safety or welfare by using the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

**202.0970 Scavenging**

The picking of materials from disposed refuse.

**202.0980 Service Station - See Gasoline Station**

**202.0990 Setback**

The minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line or, in the case of an arc street, measured along the radius of such arc. For lots abutting on a thoroughfare as shown on the Major Thoroughfare Plan for Lorain County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan for Lorain County.

**202.0991 Sexual Activity**

04/04/2000 Sexual conduct or sexual contact, or both.

**202.0992 Sexual Conduct**

04/04/2000 Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

**202.0993 Sexual Contact**

04/04/2000 Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

**202.0994 Sexual Excitement**

The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

**202.0995.01 Sexually Oriented Business - (MS-1)**

09/03/2010 An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Sexually oriented businesses include, but are not limited to the following uses: sexually oriented cabaret/movie houses, sexually oriented media stores, and sexually oriented motels; more specifically defined hereunder by this regulation. Other businesses which feature sexually oriented materials which are prohibited, include: sexually oriented encounter centers; sexually oriented escort agencies; sexually oriented nude modeling studios, sexually oriented spas; and sexually oriented viewing booths, more specifically defined hereunder by this ordinance.

**202.0995.02 Sexually Oriented Cabaret/Movie House - (MS-1)**

09/03/2010 An auditorium, bar, concert hall, movie house, nightclub, restaurant, indoor or outdoor theater, or similar adult-oriented business establishment which for any form of consideration, features sexually oriented materials to patrons in a seating area exceeding 150 square feet as a substantial portion of its

entertainment or presentation time. Entertainment or presentations may include on-site live performances, such as exhibitions, dance routines, gyrational choreography, strippers (male or female), female impersonators, lingerie modeling, or lingerie dancers; or other adult media, including films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions or media.

**202.0995.03 Sexually Oriented Encounter Center - (MS-1)**

09/03/2010 An establishment that for any form of consideration, offers activities or physical contact between male and female persons and/or persons of the same sex in a private or semi-private area when one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities, including wrestling or tumbling, lap dancing, or body painting.

**202.0995.04 Sexually Oriented Escort Agency - (MS-1)**

09/03/2010 An establishment which for a fee, tip, or other consideration advertises to furnish, or furnishes as its primary business a companion, guide, or date for a service which includes specified sexual activities or the exposure of specified sexual anatomical areas. This service also includes the private modeling of lingerie or private striptease performances.

**202.0995.05 Sexually Oriented Material**

05/06/2004 Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities or which are otherwise harmful to juveniles or obscene. Such materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVD's, computer files or software, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.

**202.0995.06 Sexually Oriented Media Store - (MS-1)**

09/03/2010 A business establishment which offers sexually oriented materials for retail sale or rental for any form of consideration as a substantial portion of its stock in trade, including books, magazines, periodicals, or other printed matter, visual representations, instruments, devices or paraphernalia.

**202.0995.07 Sexually Oriented Motel - (MS-1)**

09/03/2010 A hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration which provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVD's, slides, or other photographic reproductions that are characterized by the depiction or description of sexually oriented materials; and which:

- a. Has a sign visible from the public right-of-way that advertises the availability of sexually oriented materials along with room rentals;
- b. Or, offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**202.0995.08 Sexually Oriented Nude Model Studio - (MS-1)**

09/03/2010 An establishment where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or partly by taxation, or in a structure, provided such institution meets all of the following criteria:

- a. There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing; and
- b. In order to participate in a class a student must enroll at least three days in advance of the class; and
- c. No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.

**202.0995.09 Sexually Oriented Spa (MS-1)**

09/03/2010 An establishment not operated by medical professionals or certified massage therapists which for a fee, tip, or other consideration advertises to furnish, or furnishes as its primary business a massage, bath, sauna, exercise equipment, shower, or hot tub service, and which includes sexually oriented material or engages in or offers to engage patrons in specified sexual activities commonly associated with a sexually oriented encounter center.

**202.0995.10 Sexually Oriented Viewing Booth (MS-1)**

09/03/2010 Any booth, cubicle, stall, or compartment less than or equal to 150 square feet in area that is primarily designed, constructed, or used to hold or seat patrons therein, who are charged a fee or some other form of consideration for viewing sexually oriented materials, such as live entertainment, motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines, or periodicals).

**202.1000 Sign**

Any letters, pictorial representation, symbol, flag, emblem, illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to any object, subject, place, person, activity, product, service, institution, organization or business.

**202.1010 Sign Area**

The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. Only one side of a freestanding or projecting double faced sign shall be included in calculating surface area, providing that the two display surfaces are joined at an angle no greater than 60 degrees. All sides of multifaced signs, visible from any one street, shall be included in the calculation of surface area.

**202.1015 Solid Waste**

05/17/1994 Solid waste is anything not defined by composting or yard waste. (See 202.0275 COMPOSTING and 202.1225 YARD WASTE).

**202.1016 Specified Sexual Activities**

05/06/2004 Includes the display of any of the following activities as part or in connection with any of the uses of an establishment set forth in this ordinance:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sexual activity, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, bestiality, sadomasochistic activities, or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;
- c. Actual or simulated masturbation, or the penetration of an orifice with a sex toy; or
- d. Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.

**202.1017 Specified Sexual Anatomical Areas**

05/06/2004 The showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, anal cleft, testicles, or human male penis in a discernible turgid state even if completely and opaquely covered; the showing of the lower portion of the female breast below a horizontal line across the top of the areola at its highest point, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

**202.1020 Story**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above.

**202.1030 Story, Half**

A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**202.1040 Story, Height Of**

The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**202.1050 Street**

09/06/1979 A dedicated public way which affords the principal means of vehicle access to abutting properties.

**202.1060 Street Line**

The right-of-way line of any road, street, or highway as proposed on the Major Thoroughfare Plan of Lorain County, Ohio, as amended. All setback distances on the Zoning Map shall be measured from the street line.

**202.1070 Structure**

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

**202.1071 Substantial Portion (Sexually Orientated Business)**

05/06/2004 A measurement, count, or ratio used in the determination whether an establishment is a sexually oriented business, and is computed as follows:

- a. For sexually oriented materials in displays visible, or self-accessible, to the public – more than ten (10) percent of the content, stock-in-trade, shelf-space, or inventory of the establishment.
- b. For sexually oriented materials in separate rooms or areas with access controls which isolate the room or area from other parts of the store and prevents patrons from viewing sexually oriented material from the rest of the establishment – more than twenty-five (25) percent of the gross floor area of the establishment;
- c. For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions – more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are characterized by the depiction or description of:
  1. Presentations emphasizing specified sexual activities, specified sexual anatomical areas, or sexually oriented material that is harmful to juveniles or obscene; or
  2. The showing of movies where the Motion Picture Association of America Movie Rating System or a rating system using similar constitutionally acceptable standards would apply an “adults only” rating, including, but not limited to; “NC-17,” “X,” “XX,” or “XXX,” or unrated films with comparable content.

**202.1080 Surface Water**

A body of water whose top surface is exposed to the atmosphere including a flowing body as well as a pond or lake.

**202.1090 Theater, Outdoor**

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

**202.1100 Tourist Cabins**

A group of buildings, including either separate cabins or a row of cabins which contain living and sleeping accommodations for transient occupancy, and which have individual entrances.

**202.1110 Tourist Home**

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**202.1120 Trailer, Travel - Removed by Resolution 07/15/1986**

**202.1130 Use**

The specific purpose for which land or a building is designed arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**202.1140 Use, Accessory**

01/16/2003 A use incidental to the principle use of a building. In buildings restricted to residential use, the office of a professional man, home occupations and workshops shall be deemed accessory uses.

**202.1150 Use, Conditional**

A use of land that is of such nature that its unlimited operation could be detrimental to the health, safety, morals and general welfare of residents in the surrounding area or to property or property values, and on which the public has reserved the right to permit the use, subject to certain general and specific conditions stated in the Resolution which are deemed necessary to protect the permitted uses of other affected properties.

**202.1160 Variance**

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

**202.1170 Waste**

Useless, unwanted or discarded materials resulting from normal community activities. Wastes include solids, liquids and gases.

**202.1180 Way**

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**202.1190 Yard**

An unoccupied space open to the sky, on the same lot with a building or structure.

**202.1200 Yard, Front**

An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**202.1210 Yard, Rear**

An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the center line of the alley, if there be an alley, and the rear line of the building.

**202.1220 Yard, Side**

An open unoccupied space on the same lot with a main or accessory building situated between that building and the side line of the lot and extending from the front yard to the rear yard.

**202.1225 Yard Waste**

05/17/1994 Grass clippings, fallen leaves, garden and flower plant remains, weeds, Christmas trees, and trimmings from hedges.

**202.1230 Zoning Inspector**

The Zoning Inspector of New Russia Township, Ohio.

**202.1240 Zoning Resolution**

The officially adopted zoning regulations as contained in the Zoning Resolution of New Russia Township.

**204 DEFINITIONS – RENEWABLE ENERGY 01/06/2012**

**204.01 Drop Zone**

An 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 the turbine is located.

**204.02 Noise Measuring Device**

A device used to measure noise levels on site, also known as a sound meter.

**204.03 Off Grid**

No interconnection with the electrical grid of the public utility company.

**204.04 On Grid**

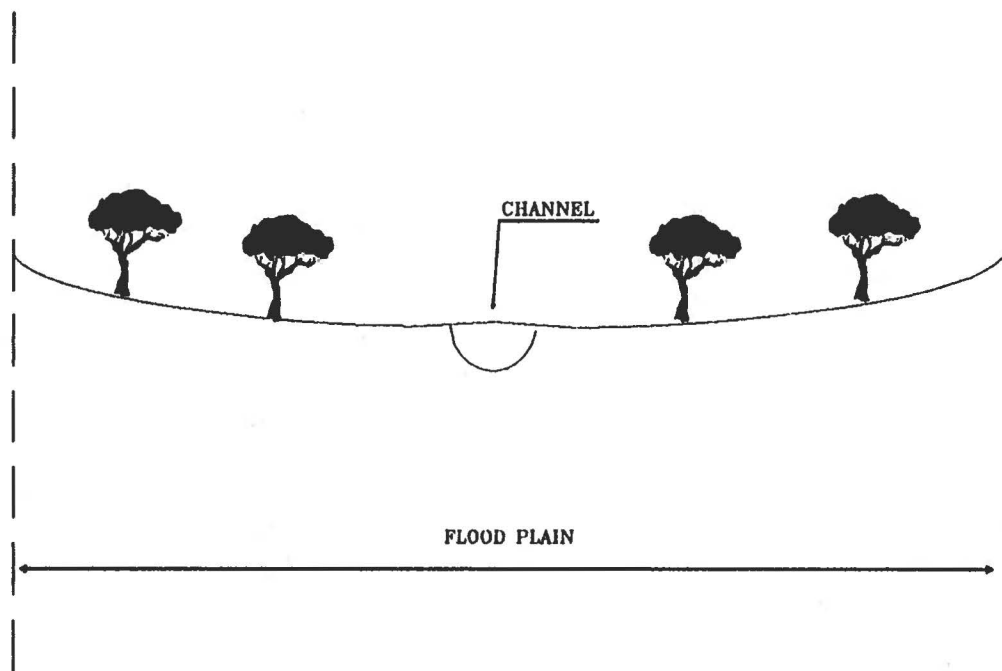
An interconnection with the electrical grid of the public utility company, thereby allowing a buy back opportunity.

**204.05 Tower height**

The distance from the rotor blade at its highest point to the ground.

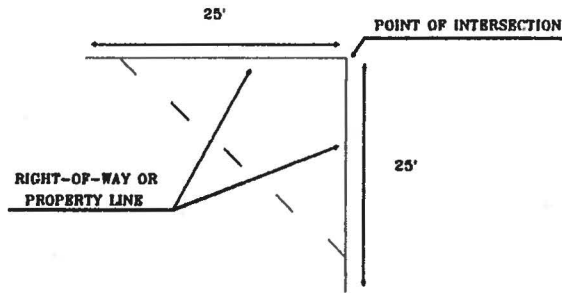
**204.06 Wind Turbine Energy System (WTES)**

A wind energy conversion system consisting of a wind energy turbine, a tower and associated control or conversion electronics, all of which is intended to primarily reduce on-site consumption of utility power.

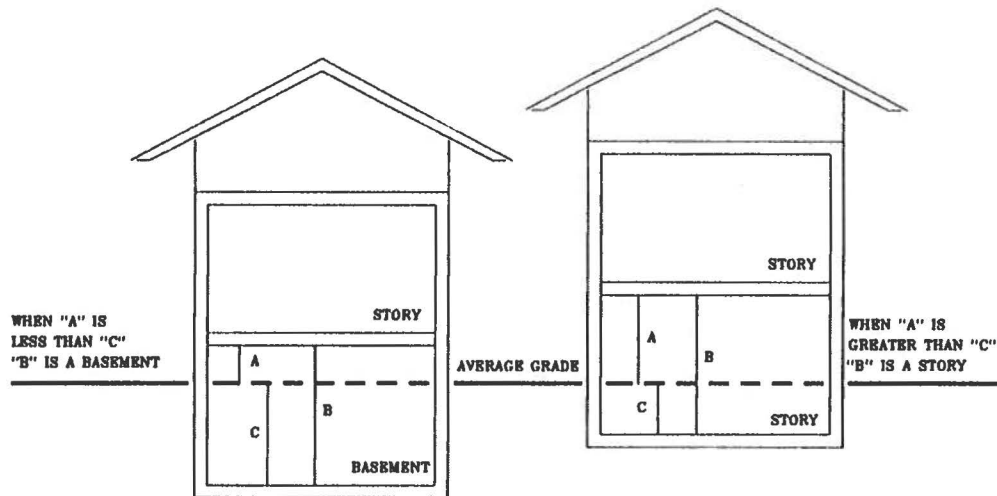


## FLOOD PLAIN TERMS

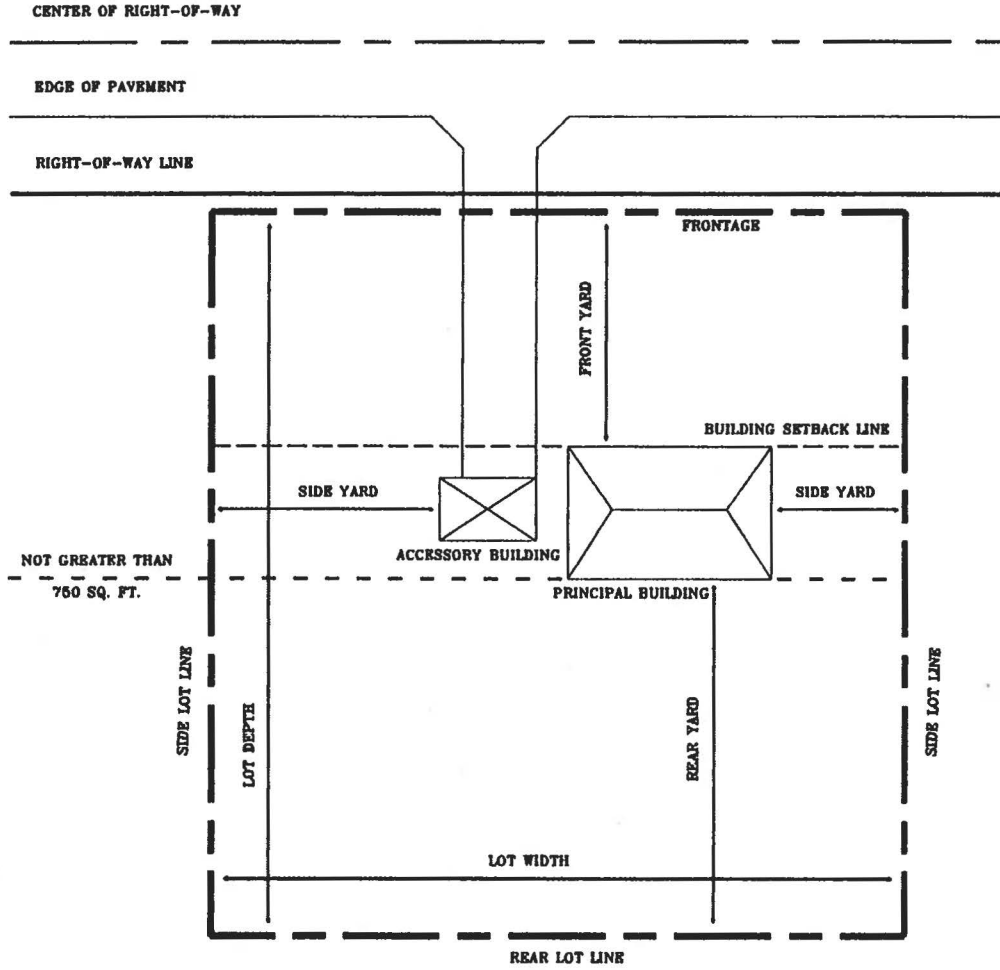




Section 304.02 CLEAR VIEW OF STREETS - Nothing greater than three (3) ft. in heights shall be located in the triangular area as shown in the above diagram.



## BASEMENT & STORY



LOT AREA – TOTAL HORIZONTAL AREA

LOT COVERAGE – PERCENT OF LOT OCCUPIED BY BUILDING

INDICATE – NORTH

# LOT TERMS

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## 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 Article 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 CORNER LOTS

09/06/1979 The setback building line on a corner lot shall be in accordance with provisions governing the road or street on which the building faces. The side yard clearance on the side street shall be not less than the front yard requirements of a specified district.

##### 303.02 STREET CONSTRUCTION

09/06/1979 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 non-compliance with the setback building requirements outlined in this or any other Article of the Zoning Resolution.

##### 303.03 Duplex Minimum Lot Area

09/06/1979 The minimum lot area for a duplex shall be 1 1/2 times the minimum lot area in any district.

##### 303.04 Vehicle Parking

09/06/1979 See Article 1911

#### 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 (3) 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.

**305 YARD EXCEPTIONS**

**305.01 Fences, Hedges And Walls**

03/02/1982 In all districts, except industrial, fences, hedges, and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard. Beginning at the building setback line no fence, hedge or wall shall obstruct vision. No fence, hedge or wall shall exceed three and one-half (3 1/2) feet in height in any required yard abutting a street. All hedges, growing walls and trees shall be set back a minimum of five (5) feet from all lot lines.

**305.02 Garages And Accessory Buildings - Removed by Resolution 07/21/1992**

**306 EXCEPTIONS TO HEIGHT LIMITS**

The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials. Such uses shall be approved by the Board of Zoning Appeals.

**307 BUILDING REGULATIONS**

**307.01 General**

No building or other structure shall hereafter be erected or structurally altered:

- a. To exceed the height required.
- b. To accommodate or house a greater number of families than that permitted by the provisions of this Resolution.
- c. To occupy a greater percentage of lot area than permitted.
- d. To have narrower or smaller rear yards, side yards, front yards or lot width at the building line than those permitted in this Resolution.

**307.02 Dwelling - Accessory Building**

- a. 07/21/1992 The dwelling shall be framed and the roof completed prior to the issuance of an Accessory Building Permit.
- b. 01/16/2003 In residential districts a detached garage or an accessory building shall be located not less than twenty (20) feet from the side or rear property lines. Said accessory building dimensions shall be limited to two-and-one half percent (2 ½%) of actual acreage, from less than one (1) to three (3) acres; not to exceed a **maximum** of three thousand three hundred (3,300) square feet for over three

(3) acres and less than five (5) acres. Accessory building dimensions for five (5) acre parcels or greater shall not exceed a **maximum** of four thousand eight hundred (4,800) square feet.

**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 construction is prosecuted diligently and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

**307.04 Temporary Buildings**

- a. 09/06/1979 **DURING CONSTRUCTION** - Any structure, temporary basement home or not more than one trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than eighteen (18) months. A separate zoning certificate shall be required for the use of temporary dwelling quarters. Such certificate shall not be renewed or extended. A performance bond is required and the amount shall be established by the Trustees in the New Russia Township Zoning Fee Schedule and shall be filed with the application for such certificate.
- b. 09/06/1979 **WITH OCCUPIED DWELLING** - A separate zoning certificate is required for a trailer or mobile home used temporarily as a residence in conjunction with an occupied dwelling. Said use shall not exceed ninety (90) days in any calendar year. A performance bond is required and the amount shall be established by the Trustees in the New Russia Township Zoning Fee Schedule and shall be filed with the application for such certificate. Approved sanitary facilities must be provided in all instances.
- c. 09/06/1979 **LIMITED USE** - Visitor's trailers or mobile homes shall be permitted for a period not to exceed two (2) weeks in any calendar year. Approved sanitary facilities must be provided.
- d. 09/06/1979 **EMERGENCY USE** - When a dwelling on any lot is destroyed or rendered inhabitable 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 being repaired or reconstructed. A separate zoning certificate shall be required for such emergency use. A performance bond is required and the amount shall be established by the Trustees in the New Russia Township Zoning Fee Schedule and shall be filed with the application for such certificate within sixty (60) days of the date of application for such certificate. Approved sanitary facilities must be provided.

**307.05 Removed by Resolution 09/06/1979**

**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 - (See Appendix A)**

The provisions of the Lorain County Regional Airport Zoning Regulations are 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. Areas subject to predictable flooding shall conform to the requirements of Article XVII.

**307.09 Municipal Planning Commission Authority**

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

**307.10 Bureau Of Inspection**

The provisions required by the State of Ohio Bureau of Inspection are in full effect where applicable.

**307.11 Submission To State Highway Director (See 2001.04)**

The provisions of Article 2001.04 are in full effect where applicable.

**307.12 Frontage Required For Building**

07/21/1992 No dwelling shall be erected on a lot which does not abut on a street meeting requirements of the LORAIN COUNTY ENGINEER. The frontage requirement shall be the same as the required lot width, except for cul-de-sac developments which shall maintain a minimum frontage of forty (40) feet. Frontage required shall be defined as continuous unbroken land from lot line to lot line.

**307.13 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 a 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:

- a. The smallest practical area of land should be exposed at any one-time during development.
- b. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- d. 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.
- e. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- f. The permanent final vegetation and structures shall be installed as soon as practical in the development.
- g. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
- h. Wherever feasible, natural vegetation should be retained and protected.

**307.14 Private Gas Well**

09/21/2021 Private gas wells are exclusively for the use of the residents and/or business on the property on which the well is located, and they must comply with all State requirements.

## **308 NONCONFORMITIES**

### **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 provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a residential district.

### **308.02 Nonconforming Lots Of Record**

09/06/1979 In any "R" District, notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of this Resolution, provided that no adjoining land was under the same ownership on said date and provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements may be obtained only through action of the Zoning Board of Appeals.

### **308.03 Discontinuance**

03/02/1982 If any nonconforming use of land is discontinued or abandoned for any reason for a period of six (6) months, 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 to be discontinued for a period of at least six (6) months, such nonconforming use shall not thereafter be reestablished and the future use shall be in conformity with the provisions of this Resolution.

### **308.04 Change**

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

### **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, provided such building or structure is not damaged to the extent of more than fifty percent of replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution.

### **308.07 Maintenance**

On any building or structure devoted in whole or in part to a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10%) percent of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution shall not be increased.

## 309 SPECIAL REQUIREMENTS

### 309.01 Churches

- a. **BUILDING SETBACK** - All buildings, structures, accessory buildings including parking areas or garages shall be set back 50 feet from the side and rear lot lines.
- b. **LIGHTING** - Lights shall be shielded and directed away from adjacent property.
- c. **LANDSCAPING** - Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.
- d. **ACCESS** - Ingress and egress shall be provided from a secondary street where possible with a minimum of two access points 70 feet center to center. All points of entrance or exit shall be located no closer than 200 feet from two intersecting major streets or 100 feet from the intersection of a major and a minor street, or two minor streets.
- e. **LOT AREA** - 1 acre per 100 seats with a minimum development of three acres shall be provided.
- f. **PARKING** - 09/06/1979 Churches and other places of religious assembly shall have one parking space for each for (4) seats.

### 309.02 Private Swimming Pools

- a. **DEFINITION** - 09/06/1979 A private swimming pool as regulated herein, shall be any open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half feet. No such swimming pool shall be allowed in any "R" District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements.
- b. **EXCLUSIVE PRIVATE USE** - 07/21/1992 The swimming pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling of the property on which it is located and their guests.
- c. **DISTANCE REQUIREMENTS** - 09/06/1979 The swimming pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than twenty (20) feet to any property line of the property on which located; provided further that pump and filter installations shall be located not closer than twenty (20) feet to any property line. Setback from the road right-of-way shall be a minimum of seventy (70) feet.
- d. **FENCING** - 09/06/1979 Below ground swimming pools, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.
- e. **DRAINAGE** - Adequate provision for drainage shall be made subject to approval by the County Engineer.
- f. **LIGHTING** - Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- g. **PERMIT REQUIRED** - No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector and the Health Board.

### 309.03 Ponds R1-1, R1-2

09/06/1979 Man-made ponds, lakes and any other open reservoir for containing water are permitted in all districts allowing residential use provided that:

- a. It is located on a lot which has a residential dwelling as its main use.

- b. 03/02/1982 Setback from the road right-of-way shall be a minimum of seventy (70) feet to the highest water mark.
- c. 03/02/1982 Permitted use in R1-1, R1-2 Districts only; side and rear lot lines clearance shall be 50 ft.
- d. All pumping and filtration equipment shall be located so as to conform to the yard requirements as set forth in each district.
- e. 09/10/2014 Ponds, lakes and other open reservoirs constructed by artificial means must follow the latest Pond Construction Process as out lined by Lorain Soil and Water Conservation District Guidelines. A consulting engineer (PE) must also be utilized to assist the landowner in the design, construction, and inspection phases if the Lorain Soil and Water Conservation District does not offer this service.
- f. A pond must be designed by a registered civil engineer or by the Lorain Soil and Water Conservation District (SWCD) to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
- g. 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.
- h. Ponds designed by private engineers can be reviewed by the Lorain SWCD for technical adequacy (at the request of the Township).
- i. Ponds are to be limited to minimum lot size of two (2) acres.

**309.032 Sludge Ponds**

07/02/2015 No Pond, Lagoon, Impoundment area or Storage Vessel shall be constructed or used to store sewage, industrial waste, or human waste, treated or untreated, is permitted except by obtaining a conditional use permit as provided in Article 428. This Article does not apply to waste generated on premise, either human, animal or industrial. This Article does not apply to sanitary units serving buildings or structures located upon the premises which have been approved by the Lorain County Health Department or other regulatory agency with authority to approve sanitary unit installation.

**309.04 Sexually-Oriented Businesses (Ms-1) Regulation Of Sexually-Oriented Businesses Purpose For Regulation Of Sexually-Oriented Businesses 09/03/2010**

Additional regulations are imposed upon sexually-oriented businesses to: preserve and protect the public health and safety; prevent the spread of communicable or sexually transmitted diseases; reduce and eliminate the negative impact that adult uses may have on property values and the character and quality of residential neighborhoods; prevent sexually-oriented businesses from diminishing or destroying the use of public facilities, particularly facilities expected to be used by children or used for religious purposes, etc. These regulations are not adopted for the purpose of restricting or prohibiting any protected speech associated with sexually-oriented business land uses. The Supreme Court and lower federal courts have recognized a number of possible secondary effects of sexually-oriented businesses, including:

- I. Decline of character of a community's neighborhoods and quality of life.
- II. Increase of crime (e.g., prostitution, drug sales).
- III. Spread of disease, particularly sexually transmitted diseases.
- IV. Degeneration of the social and moral order.
- V. Harm to children.

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

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

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

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

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

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

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

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

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

**a. Permitted Uses (MS-1)**

Permitted sexually-oriented businesses include, but are not limited to the following uses: sexually-oriented cabaret/movie houses, sexually-oriented media stores, and sexually-oriented motels, more specifically defined herein. (MS-1)

**b. Prohibited Uses and Activities**

Specifically prohibited sexually-oriented businesses include: sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented nude modeling studios; sexually-oriented spas; and sexually-oriented viewing booths, more specifically defined herein. Other prohibited uses include:

1. Accessory or Second Principal Uses. A sexually-oriented business use may not be an accessory use. No two sexually-oriented business uses may be located on the same premises or on the same lot.
2. Gambling. No sexually-oriented business establishment games, machines, tables, or implements shall be used for gambling.
3. Sexual conduct. No employee, patron, or any other person shall perform or conduct any specified sexual activity with or upon the person of any other employee, patron, or any other person at a business establishment in the Township.

**c. Age Restrictions**

1. No person under the age of 18 years shall be admitted to or employed by a sexually-oriented cabaret or theater.
2. No person under the age of 18 years shall be allowed or permitted to purchase or receive, whether for consideration or not, any sexually-oriented material or other goods or services at or from any sexually-oriented business establishment.
3. No person under the age of 21 years shall be admitted to a sexually-oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a liquor license.

**d. Required Separation of Uses**

1. No sexually-oriented business shall be permitted in a location which is within five hundred (500) feet of any boundary of any residential district. This regulation shall not apply to the boundary of the R1-1 Agricultural-Residential District.
2. No sexually-oriented business shall be permitted in a location that is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Township.
3. No sexually-oriented business shall be established within a radius of one thousand (1,000) feet of any school, training facility for persons with mental or physical disabilities, library, museum, child day care facility, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
4. No sexually-oriented business shall be permitted in a location which is within one thousand (1,000) feet of any park, playground, swimming pool, pool and billiard halls, video arcades, pinball arcades, any religious land use, social service facility or neighborhood center, or other public gathering places, family-oriented uses, or recreational facility attended by persons under eighteen (18) years of age.
5. No sexually-oriented business shall be permitted in a location that is within fifteen hundred (1,500) feet of another sexually-oriented business.
6. No sexually-oriented business shall be permitted within a one thousand (1,000) foot radius of any bar, tavern, or other establishment regulated by the Ohio division of liquor control offering the sale of beer or intoxicating liquor for consumption on the premises in combination with live entertainment.
7. Measurement. For the purpose of this Article, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest point of a property line where a sexually-oriented business is conducted, to the nearest property line of the protected district or

premise listed above. The presence of a municipal, township, or other political subdivision boundary shall be irrelevant for the purpose of calculating and applying the distance requirements of this Article.

**e. External Visual Impact**

All building openings, entries, windows, etc. for sexually-oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from, or audio impact on, any public or adjacent privately-owned areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from, or audio impact on, any public or privately-owned areas.

**f. Separation Requirement for Live Performers**

No person shall engage in a live performance of sexually-oriented material except upon a stage elevated at least eighteen (18) inches above floor level:

1. All parts of the stage, or a clearly designated area thereof within which a person engages in a live performance of sexually-oriented material, shall be a distance of at least six (6) feet from all parts of a clearly designated area in which patrons may be present.
2. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three feet above floor level.
3. No person engaging in such live performances or patron may extend any part of his or her body over or beyond the barrier or railing. This requirement shall be noted in a sign affixed to the stage, barrier, or railing in such a manner to be easily visible and legible to patrons.
4. Tips or other gratuities shall not be given to performers or employees of a sexually-oriented business establishment by placing such tips or gratuities directly on the performer or employee or in or on the performer's or employee's costume or clothing. Any such tips or gratuities shall be placed by patrons into a receptacle provided by management for receipt of such tips or gratuities.

**g. Signage**

Exterior identification signage is permitted in accordance with **Article XVIII** of these regulations. However, to limit exposure of sexual images to minors, no exterior signage shall include verbal or written messages, graphics, drawings, or other illustrations, which publicly display specified sexual anatomical areas or specified sexual activities.

**h. Other Regulations**

1. No animals, except registered service animals, shall be permitted at any time at or in any sexually oriented business establishment.
2. All restrooms in a sexually oriented business establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No sexually oriented materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually oriented business establishment employees and patrons.

**309.05 Type B Family Day Care (R1-1, R1-2, R1-3, R2-1) 11/04/2009**

See 202.0465 under Article II, Interpretations and Definitions, 202 Definitions

Any Type B Family Day-Care Home must comply with the following:

- a. **NUMBER OF CHILDREN** – *Type B Family Day-Care Home* means a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of the division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted, as per ORC 5104.01 (SS).
- b. **MINIMUM SITE SIZE** – One third acre up to six children.
- c. **INTERIOR FLOOR SPACE** – No less than 100 square feet per child.
- d. **YARD REQUIRED** – Side yards shall be a minimum of 20 feet and rear yards shall be a minimum of 50 feet.
- e. **RECREATION AREA** – There shall be provided on the site a usable outdoor recreation area of 75 square feet per day care child exclusive of front yard, required side yards, driveways and parking areas.
- f. **FENCING** – The recreation area shall be fenced for safety.
- g. **CPR CERTIFIED** – *Type B Family Day-Care Home* provider must be certified in CPR and first aid.

## **310 SUBMISSION OF PLANS**

### **310.01 Applicability**

This procedure is to be applied when specified in the District Regulations and on developments of five (5) acres or more.

### **310.02 Action by Zoning Board and Applicant**

Application for developments in all multi-family, commercial (business) and industrial development districts, shall be reviewed by the Zoning Board in four stages:

- a. Application submission of general plan including sketches;
- b. Submission of preliminary development plans and preliminary architectural drawings and site plans;
- c. Submission of final development plans and final architectural drawings and site plans;
- d. Decision of Zoning Board given in writing to Zoning Inspector.

### **310.03 Re-Zoning**

Re-zoning from another district to the proposed classification shall be considered during the submission of the preliminary site development plans. No zoning permits shall be issued and no building shall be permitted within the designated districts until the final site development plans and the final architectural drawings and plans have been submitted to and approved by the Zoning Board. Prior to the granting of the permit, the Zoning Inspector shall receive from the Zoning Board and the State Building Inspector an advisory report approving the proposed development plans as presented in final form as required herein.

### **310.04 Construction and Use to be as Provided in Applications**

Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Board and the building inspector of the State, or other applicable agencies as designated by the Zoning Board, authorize only the use and arrangement set forth in such approved plans and applications and amendments thereto, and no other use, arrangements, or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided herein.



**310.05 Application Procedure**

- a. The developer shall meet with the Zoning Board 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 all buildings; type and location of parking facilities; access points and location of public and private streets; location, type and approximate acreage of all required open spaces. Three copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Board to clarify their general intentions in regard to the applicable zoning district regulations and requirements before a considerable amount of time and expense has been invested. A formal application and an application fee are required.
- b. The zoning Board shall discuss with the developer the changes if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Board'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.
- c. All application submissions shall be submitted to the Zoning Board not less than two weeks prior to the regularly scheduled meeting.

**310.06 Preliminary Submittal Procedure and Requirements**

After the application stage, the developer shall submit preliminary development plans to the Zoning Board. These plans shall include site development and architectural plans and drawings in preliminary form which shall conform with the requirements set forth in this Resolution.

**310.07 Submittal of Preliminary Architectural Drawings**

- a. The preliminary drawings for each type of structure shall be submitted for the purpose of portraying conceptually the intended uses within the development. The submittal shall contain the height of the structures, number of units, number of square feet and elevations.
- b. All architectural drawings must be prepared by a licensed registered architect. Such drawing must be affixed with the seal of said architect.

**310.08 Preliminary Submittal to the Zoning Board**

- a. The Zoning Board shall submit in writing to the petitioner the necessary revisions to be shown prior to approval of the preliminary plan, whereupon, the petitioner will submit the revised site plan and architectural drawings to the Zoning Board on or before the last day of the month if it is to be reviewed the following month at the next regular meeting.
- b. Upon approval of the preliminary plans by the Zoning Board, the final plans may be prepared and submitted for review.
- c. Approval of the preliminary plans shall be conditional upon compliance with all other applicable statutes, ordinances, and regulations of New Russia Township, County and State.

**310.09 Final Submittal Procedures and Requirements**

If the final site plans and architectural drawings are to be reviewed the following month by the Zoning Board, they shall be submitted on or before the last day of the preceding month. The final site plans and

architectural drawings, if not submitted in consecutive months, shall be submitted fifteen (15) days prior to any regular meeting of the Zoning Board. All final plans must be filed in triplicate.

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## 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 XXI, the Submission of Plans as set forth in Article III, Article 310 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 each application for said permit.
- c. **INSPECTION** - The Zoning Inspector may inspect the premise at any time. Failure to comply with the regulations as established herein and such others as the Board of Appeals may add will be considered reason for revocation of the conditional permit.
- d. **VIOLATIONS** - Conditional use permits shall be revoked after 30 days from date of written notice of violation unless said violation has been corrected.

#### 401.01 Adult Entertainment Businesses - Removed by Resolution 09/03/2010

#### 402 AUTOMOBILE AUTOMATIC WASH STATIONS - (NB-1, GB-1)

- a. **OFF-STREET RESERVE SPACE** - Reserve space for not less than ten automobiles per washing lane shall be provided.
- b. **REQUIRED OFF-STREET PARKING** - One space for each two employees plus one space for the owner or manager.
- c. **LIGHTING** - All outside lighting shall be shielded from adjacent properties.
- d. **FRONTAGE AND DEPTH** - A minimum frontage of 125 feet and a depth of 200 feet are required.
- e. **SAND TRAP** - A sand trap for waste water with a minimum capacity of 120 cubic feet shall be provided within the building for protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board practices. Said use shall be located one hundred feet from any lot in a residential district.
- f. **RETAIL SALES** - Retail sales of related commercial products shall be permitted.
- g. **REPAIR WORK** - Repair work shall not be permitted.
- h. **SERVICES** - Services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.
- i. **HOURS OF OPERATION** - Facilities located adjacent to a residential area shall be used only during the hours of 7 a.m. to 10 p.m.
- j. **DISTANCE FROM SIDE LOT LINE** - The building shall be a minimum of 40 feet from the side lot line.
- k. **FENCING** - A permanent screening fence or wall not less than six feet in height shall be constructed along any property line which abuts property zoned for residential use.

**403 AUTOMOBILE REPAIR GARAGES - (GB-1)**

- a. **FENCING** - When such use abuts a lot in any residential district, a three-foot solid wall, chain link fence, or painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a six-foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of not more than three feet from the street right-of-way to the building line and a minimum of six feet along the remainder of the property line.
- b. **DISTANCE FROM RESIDENTIAL AREAS** - Buildings used for such purposes shall not be nearer than 75 feet from any residential district.
- c. **REPAIRS** - Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.
- d. **ACCESS** - No more than two driveway openings shall be permitted directly from any major thoroughfare nor more than one driveway opening from any minor street, each of which shall not exceed thirty feet in width at the property line at its intersection with the property line. No part of any access way shall be nearer than 100 feet to the intersection of any two street right-of-way lines, nor shall any such part be nearer than 50 feet to any side or rear property line.
- e. **OFF-STREET PARKING** - One space for each employee shall be provided in addition to one space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles repaired and to be repaired.
- f. **STORAGE** - No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the building on the premises.
- g. **SIGNS** - The area of all permanent advertising signs on a building or parcel may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building or part of a building, but shall not exceed a maximum area of 100 square feet.

**404 CEMETERIES (R1-1; R1-2; R1-3) - REMOVED BY RESOLUTION  
09/06/1979**

**405 CHILD DAY-CARE CENTER – (MR-1, GB-1)**

11/04/2009 See 202.0335 under Article II, Interpretations and Definitions, 202 Definitions.

Any Child Day-Care Center must comply with the following:

- a. **NUMBER OF CHILDREN** – A child day-care provides child care or publicly funded child care for thirteen or more children at one time. In counting children, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premise of the center shall be counted. The maximum number of children, per child-care staff member must comply with Ohio Revised Code 5104.011(B)(3) Adoption of rules.
- b. **MINIMUM SITE SIZE** – One-half acre for up to 10 children enrolled in care plus an additional 200 square feet for each additional child enrolled in care.
- c. **INTERIOR FLOOR SPACE** – No less than 100 square feet per child enrolled in care.

- d. **YARDS REQUIRED** – Side yard shall be a minimum of 20 feet and rear yards shall be a minimum of 50 feet.
- e. **RECREATION AREA** – There shall be provided on the site a usable outdoor RECREATION area of 75 square feet per child enrolled in care exclusive of front yard, required side yards, driveways and parking areas.
- f. **FENCING** – The RECREATION 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.
- h. **CPR CERTIFIED** – Child Day-Care Center licensee, administrator and employees must be certified in CPR and first aid.

#### **406 EXTRACTION OF MINERALS AND TOP SOIL - (R1-1)**

- a. **GENERAL REQUIREMENTS** - Any owner, lessee or other person having an interest in mineral lands may file with the Board 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 placed closer than 50 feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of 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 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 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 manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer
- f. **PROCESSING** - Crushing, washing and refining or other similar processing may be authorized by the Board 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 top soil from land within New Russia 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 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 or cause to

be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such bond shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.

- h. **APPLICATION--CONTENTS, PROCEDURE** - An application for such operation shall set forth the following information:
  - 1. Name of the owner or owners of land from which removal is to be made.
  - 2. Name of the applicant making request for such permit.
  - 3. Name of the person or corporation conducting the actual removal operations.
  - 4. Location, description and size of the area from which the removal is to be made.
  - 5. Location of processing plant to be used.
  - 6. Type of resources or materials to be removed.
  - 7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
  - 8. Description of equipment to be used.
  - 9. Method of rehabilitation and reclamation of the mined area.
- i. **PUBLIC HEARING** - Upon receipt of such application, the Board shall set the matter for a public hearing
- j. 09/06/1979 See Article 310 Submission of Plans (Applicable).

#### **407 FUNERAL HOME (MR-1, GB-1)**

- a. **SITE SIZE** - Minimum site size shall be one acre with a minimum width of one hundred fifty (150) feet.
- b. **ACCESS** - The proposed site shall front upon a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare.
- c. **YARDS REQUIRED** - Each front, side and rear yard shall be at least fifty 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 XIX 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 percent of the gross 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 XIX. 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 at least four feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

#### **408 GOLF COURSE (R1-1, R1-2, R1-3, MR-1, FP-1)**

- a. **SITE SIZE AND FRONTAGE** - The site shall contain a minimum 35 acres for a par 3 - 9 hole golf course, a minimum of eighty acres for a nine-hole golf course and one hundred and sixty acres for an eighteen-



- hole course. Lot frontage shall be a minimum of sixty feet in addition to the width needed for any desired sign.
- b. **DISTANCE FROM ROAD RIGHT-OF-WAY** - 07/21/1992 All buildings shall be located not less than one hundred (100) feet from the road right-of-way side line.
  - 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 feet in width and constructed of a hard-surfaced material.
  - d. **HEIGHT** - No structure shall be erected in excess of thirty-five 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 Zoning Board or 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 Zoning Board of Appeals.
  - f. **DISTANCE FROM RESIDENTIAL AREAS** - Buildings and parking areas shall be not less than two hundred feet from any property line of abutting residentially zoned land.
  - g. **SIGNS** - All signs shall be located at least twenty feet from all road right-of-way side lines and seventy-five feet from any abutting residential property lines. No signs shall be greater than three 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 parking spaces per hole shall be provided in addition to one space per thirty-five square feet of floor area for public assembly. All parking spaces shall be located not less than seventy-five feet from any residential district and fifty feet from the road right-of-way side line.
  - j. **FENCING** - A minimum of six feet in height shall be provided around all recreation areas (tennis courts, swimming pools and shuffle board courts), thereby permitting access only to members or users of the golf course.
  - k. **RETAIL SALES** - 07/21/1992 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 building.

#### **409 HOME OCCUPATION - (R1-1, R1-2, R1-3, R2-1)**

- a. **DEFINED** - 8/15/2002 Home Occupation means an accessory use is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises without any significant adverse effect upon the surrounding neighborhood. A Conditional Use Permit is required.
- b. **EMPLOYEES** - Not more than one person outside the family shall be employed in the Home Occupation.
- c. **EXTERIOR DISPLAY** - 07/21/1992 There shall be no exterior display, no exterior sign (except as permitted under Article XVIII), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the dwelling.
- d. 05/17/1994 An applicant for a Home Occupation shall adhere to the Ohio Basic Building Code and all other relevant federal, state and local laws and regulations.
- e. 01/17/2002 There shall be no more than one permit per residence and only one home occupation per permit.

- f. 11/04/2009 Home Occupation must be reviewed and approved annually by the New Russia Township Zoning Board of Appeals. Each applicant will be reviewed during the first quarter, January 1 through March 31, of each calendar year and operational fee paid.
- g. 01/17/2002 Home Occupation permit must be displayed prominently for inspection by the New Russia Township Zoning Inspector.

#### **410 MINIATURE GOLF COURSE - (R1-1, R1-2, R1-3, MS-1)**

- a. **MINIMUM SETBACK** - 100 feet from road right-of-way, with minimum side and rear yards of at least 15 feet each. The course shall be located no closer than 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** - Loud speakers which cause a hazard or annoyance shall not be permitted.
- d. **ACCESS** - All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.
- e. **SIGNS** - There shall be no more than one advertisement oriented to each abutting street identifying the activity.
- f. **LIGHTING** - No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- g. **HOURS OF OPERATION** - Under no condition shall activities continue past 11 p.m.
- h. **RETAIL SALES** - The sale of pre-packaged food and beverages and commercial products clearly incidental to the use shall be permitted.
- i. **PROHIBITED ACTIVITIES** - No intoxicating beverages may be sold or permitted. No mechanical amusement devices or games of chance shall be allowed.
- j. **PARKING** - No parking shall be permitted on the public right-of-way.

#### **411 Removed by Resolution 03/02/1982**

#### **412 PARKS AND PLAYGROUNDS - (R1-1, R1-2, R1-3, MR-1, FP-1)**

- a. **PERMITTED USES** - Uses permitted shall be softball/baseball fields, multiple-use paved area, landscaped areas, picnic areas, playground apparatus areas, and field house.
- b. **SITE SIZE** - The minimum total site size shall be five acres and the minimum total width shall be not less than three hundred feet.
- c. **ACCESS** - A minimum of two access points to the site shall be provided maintaining a distance of 200 feet, center line to center line.
- d. **PARKING** - Ten parking spaces shall be provided for each acre of playground area.
- e. **SETBACK REQUIREMENT** - Setback requirements for all buildings and accessory structures shall be seventy-five feet from side and rear lot lines and one hundred 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 fifty feet from any bounding street right-of-way or side lot line.
- f. **LIGHTING** - When lighting is provided it shall be shielded from adjacent properties.
- g. **NOISE** - 09/06/1979 No amplification equipment shall be allowed except as specified in the permit.

- h. **RETAIL SALES** - The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.
- i. **DEVELOPMENT PLAN** - A development plan must be submitted at the time of application for a conditional use permit.

### **413 PLANT NURSERY (R1-1, R1-2, R1-3, FP-1)**

- a. **MINIMUM SITE SIZE** - five acres.
- b. **PARKING** - A minimum of five 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 feet from any road right-of-way side line and seventy-five feet from all other property lines.
- d. **DEAD PLANT MATERIAL** - No burning or storage 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.

### **414 PROSPECTING, DRILLING, EXTRACTION, INJECTION (R1-1, GB-1, MS-1, LI-1, NB-1) 09-21-2021**

#### **a. APPLICABILITY**

These conditions apply to commercial prospecting, exploring for oil and gas, oil and gas wells and service wells accessory thereto, and the storing and transportation of crude oil and natural gas.

#### **b. GENERAL REQUIREMENTS**

09-21-2021 All operations shall be in accordance with the rules and regulations of the State of Ohio, Division of Mines, Department of Industrial Relations, Federal/State EPA approval and provisions pertaining thereto the Ohio Revised Code as amended. The operator shall furnish a copy of the Application for Permit to Drill (as filed with the Division of Oil and Gas Resources Management pursuant to O.R.C. Chapter 1509) to the landowner and to the Zoning Inspector. Drilling operations shall be prosecuted with due diligence in keeping with good oil field practice as determined by the Deputy Gas and Oil Well Inspector of the State of Ohio for the district in which such well is located. Plans must be submitted to the Zoning Inspector and Zoning Board of Appeals for a permit.

#### **c. SETBACK REQUIREMENTS**

All wells, storage tanks and other accessory structures shall be located 300 feet from any house, barn or other building, road right-of-way line, or property line and shall be equipped with safety devices necessary for the safe handling and storing of oil and gas.

**d. OPERATING REQUIREMENTS**

09-21-2021 The operator shall always conduct operations and maintain equipment in such a manner to maintain property values, provide maximum safety conditions, and shall not create any hazard to health nor create a public nuisance. All unnecessary noise, smoke, and odors are to be avoided. Accumulation and disposition of waste materials shall be in a manner conducive to good sanitation and the restoration of all ground surfaces to their natural condition. The Fire Department and County EMA must be notified.

**e. PIPE LINES**

All pipe line for the transportation of oil and /or gas shall be buried below a depth of 48 inches.

**f. RESTORATION**

After prospecting is complete or upon the abandonment of any well, each hole shall be plugged within thirty (30) days in a manner that will protect all fresh water horizons and the surface of the ground used in connection with the drilling and production of such well shall be restored to its original condition as nearly as practicable. The Zoning Inspector shall be notified by the operator at the time of plugging of an oil and gas well.

**g. 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 the 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 a 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.

**414.01 Private Gas Well – 09-21-2021 Moved to 307.14 Private Gas Well**

**415 RECREATIONAL CAMPGROUNDS (R1-1, FP-1)**

- a. **AREA** - No campground shall be developed on a lot of less than ten acres. The minimum campsite shall contain 7,260 square feet. Ratio of campers to total area is based on six units or campsites per acre. No campsite shall be located on land having a slope in excess of twenty percent.
- b. **SETBACK** - Buildings shall be located no closer than 300 feet to the right-of-way and 200 feet to the side or rear lot line.
- c. **SANITATION** – The general criteria for sanitary facilities shall be:
  - 1. Toilet fixtures - 1 for each 17 people.
  - 2. Showers - 1 for each 50 people.
  - 3. One restroom with six toilets per campground of 25 units.
  - 4. One restroom with 6 toilets, and one combination building with 6 toilets, 4 showers, and laundry facilities per campground of 50 units.
  - 5. Adequate garbage and rubbish cans with tight fitting lids shall be provided for each campsite.
  - 6. The 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:
  - 1. With showers and flush toilets - 40 gallons per camper per day.

2. With flush toilets only - 25 gallons per camper per day.
3. Without showers or flush toilets - 5 gallons per camper per day.
4. Emergency storage - The capacity of the water storage reservoir or tank should provide for double the expected daily use. If a pressure system is developed, a "standby" or emergency supply of water should be provided
5. 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 or permitted on the campgrounds. No mechanical amusement devices or games of chance shall be allowed.
- g. **HOURS OF OPERATION** - 07/21/1992 Under no conditions shall activities continue past 11:30 p.m., at which time all lights in halls, buildings, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.
- h. **NOISE** - No outside areas amplification equipment shall be permitted. Radios, television sets and phonographs shall be permitted providing that in the judgement of the Zoning Inspector these are not operating louder than normally operated in a residence.
- i. **RETAIL SALES** - The sale of soft drinks shall be permitted provided that the vending equipment is wholly enclosed within a building.
- j. **PARKING** - The following parking space must be provided:
  1. Car - 300 square feet.
  2. Car and trailer - 600 square feet.
  3. One space or hard stand per camper unit, minimum space for 2 cars, or car and trailer.
  4. Optimum space for 3 cars must be provided at each restroom.
- k. **HARD STAND AREAS** - To accommodate self-contained camping trailers, all-weather hard stand areas, 10 feet x 40 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. **TRAILER LENGTH** - Camping trailers are limited to a length of 28 feet, except self-propelled camper vehicles.
- m. **ACCESS ROADS** - All access roads shall be maintained in an all-weather, dust-free condition.
- n. **SIGNS** - A sign shall be permitted provided the area of such sign shall not exceed 16 square feet.
- o. **LIGHTING** - All outdoor lighting shall be shielded to prevent glare to adjoining properties.
- p. **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. Travel or camping trailers shall not be allowed to exceed a stay of seven months, and only between the periods of April 15th and November 15th.

**416 Removed By Resolution 9/10/2014**

**417 ROADSIDE STANDS - (R1-1)**

- a. **GENERAL** - Road side stands shall be used for the sale of products grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the non-growing season.
- b. **SETBACK** - Said use shall be set back 20 feet from any right-of-way side line.

- c. **PARKING** - Adequate off-street parking shall be provided for a minimum of 4 vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.
- d. **SIGNS** - The provisions of **Article XVIII** shall apply.

#### **418 SALVAGE YARDS - (HI-1)**

- a. **FENCING** - All outdoor storage areas shall be screened or fenced with a solid fence at least 8 feet in height. Said fence shall be maintained in sound condition, painted and presenting a neat and inconspicuous 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.
- b. **PARKING** - A minimum of two parking spaces plus one parking space per employee in addition to one space for each 100 square feet of retail floor area shall be provided.
- c. **BUFFER STRIP** - All outside salvage or stored material shall be located no closer than 75 feet to the side and rear property lines when located adjacent to a non-residential district and a 200 feet transition area measured from the fence to any residential district boundary shall be maintained. Such strip shall be planted with trees, grass and shrubs.
- d. **SITE SIZE** - 09/06/1979 - A minimum of three acres shall be provided.
- e. **FRONT YARD** - A front yard of 100 feet from the right-of-way line shall be maintained. Said front yard shall be planted with trees, grass and shrubs.
- f. **HEIGHT** - No material shall be stocked above the fence height, except the movable equipment used in the operation.
- g. **OPEN BURNING AND INDUSTRIAL PROCESSES** - 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.
- h. **DEVELOPMENT PLAN** - A development plan shall be submitted at the time of application showing: building location, location of accessory buildings, fence location, fence type and specifications, planting plan, parking area and street access point or points, all drawn to scale.

#### **419 SANITARY LANDFILL - (R1-1)**

- a. **ENGINEERING STUDY** - 11/02/1983 Before sanitary landfill operations may be permitted within New Russia Township, an engineering study of the landfill site shall be submitted to the New Russia Township Board of Appeals, Township Trustees and Zoning Board, the Lorain County Health Department, State Health Department, the Lorain County Planning Commission, and Lorain County Soil and Water Conservation Services for review and approval; and subsequent applications to the Ohio Environmental Protection Agency for permits to install and copies of Ohio Environmental Agency permits issued shall be submitted to these same offices. This survey shall include a topographic map of the entire site and adjacent lands at a scale of not over 200 feet to the inch with 5 foot contour intervals showing:
  - 1. Location of existing buildings on site and adjacent property, including the location of their water supply.
  - 2. Location of access road, type of surface and maintenance.
  - 3. Location of equipment facilities.
  - 4. Location of employee facilities.

5. Location of property lines and periphery fences.
  6. Wind direction data for 5-year period and velocity (wind rose).
  7. Location of communications.
  8. Location of water supply for drinking and fire protection.
  9. Location of test borings and resulting data.
  10. Acreage.
  11. General description of land.
  12. Drainage.
  13. Rainfall data spring, summer, fall and winter for past five years.
  14. Outfall conditions up to 1 mile downstream of open drains, etc.
  15. Agricultural soil classification of site (U.S.D.A. classification).
  16. Utility locations.
  17. Zoning of site and adjacent lands.
  18. Condition, load limit and location of nearby bridges.
  19. Population to be served.
  20. Life of site.
  21. Type of Railroad crossings.
  22. Landfill method used and procedure of fill.
  23. Capacity of site.
  24. Typical cross Article of lift.
  25. Location of weighing facilities.
  26. Grades for proper drainage and special drainage devices.
  27. Water movements - ground water and surface water.
  28. Number and type of equipment.
  29. Number of personnel, jobs.
  30. Safety program.
  31. Inspection procedures.
  32. Firefighting agreement with fire control agency.
  33. Routing procedure.
  34. Policing routine.
  35. Equipment and maintenance check.
  36. Any other pertinent information as deemed necessary by the governing agency.
  37. Final proposed elevation.
  38. Plans for use of site before, during and after operation.
- b. **ACCESS ROADS** - All-weather, dirt-free access roads, negotiable by loaded collection vehicles, shall be designed and constructed so that traffic will flow smoothly and not be interrupted during inclement weather.
  - c. **EMPLOYEE FACILITIES** - Suitable shelter and sanitary facilities shall be provided for employees including safe drinking water, sanitary hand washing and toilet facilities, and suitable heating facilities.
  - d. **MEASURING FACILITIES** - All refuse entering the landfill shall be measured and records kept to determine depletion rates.
  - e. **COMMUNICATIONS** - Telephone or radio communications shall be provided at the sanitary landfill site.

- f. **FIRE PROTECTION** - Suitable measures shall be provided to prevent and control fires by providing water under pressure for a 1 1/2" fire hose and fire extinguishers on all equipment and in buildings. Open burning shall be prohibited.
- g. **LIMITED ACCESS** - Access to the sanitary landfill shall be limited to those hours when an attendant is on duty by providing chain link fencing around the entire site with a strong gate which will be locked when the sanitary landfill is not in operation. No Sunday operations are permitted.
- h. **UNLOADING OF REFUSE** - The unloading of refuse shall be restricted and controlled to provide systematic placement of refuse on the working face, facilitating the spreading and compacting of disposed refuse. No indiscriminate disposal of refuse shall be allowed.
- i. **SIZE OF WORKING FACE** - The working face of the sanitary landfill shall be confined so that it can be easily maintained with equipment and the area of refuse to be exposed and compacted lessened.
- j. **BLOWING LITTER** - Blowing litter shall be controlled by installing temporary fences near the working area and policing the entire sanitary landfill site daily and at such other times when conditions may warrant such actions. All landfill sites shall be enclosed entirely around the perimeter with an eight (8) foot high chain link fence.
- k. **SPREADING AND COMPACTING OF REFUSE** - Refuse shall be spread and compacted in shallow layers not to exceed 2 feet in depth.
- l. **DEPTH OF CLAY BOTTOM** - At least eight (8) feet of virgin clay shall be left undisturbed below the maximum depth of each excavation per Environmental Protection Agency Article 241.100.
- m. **DAILY COVER - 08/15/1995** A uniformly compacted layer of at least 6 inches of suitable cover material with the working properties of "sandy loam" as classified by the U.S. Department of Agriculture shall be placed on all exposed refuse by the end of each working day or at more frequent intervals as may be necessary or may use a brand of cover material as approved by resolution of the township board of trustees and the Ohio EPA as an alternate daily cover pursuant to terms and conditions established by Ohio EPA.
- n. **INTERMEDIATE COVER** - In all but the final lift of a landfill, a layer of suitable cover material with the working properties of "sandy loam" as classified by the U.S. Department of Agriculture, compacted to a minimum uniform depth of 1 foot shall be placed daily on all surfaces of the fill except those where operations will continue the following working day or seeded to appropriate grasses if allowed to stand more than 30 days.
- o. **FINAL COVER** - A uniform layer of suitable cover material with the working properties of "sandy loam" as classified by the U.S. Department of Agriculture compacted to a minimum depth of 2 feet shall be placed over the entire surface of each portions of the final lift no later than one week following the placement of refuse within that portion of the final lift.
- p. **EQUIPMENT MAINTENANCE** - Provisions shall be made for the routine operational maintenance of equipment at the landfill site and for the prompt repair and/or replacement of landfill equipment.
- q. **SEWAGE SOLIDS, LIQUIDS AND HAZARDOUS MATERIALS** - Shall be prohibited. Hazardous waste shall be defined as per the definitions of the Ohio Environmental Protection Agency and Federal Environmental Protection Agency, whichever shall be more stringent at any point in time.
- r. **LARGE OR BULKY ITEMS** - There shall be no disposal or large, heavy or bulky items unless special provisions are made to handle such items with heavy equipment and in a special area. Drums of ten (10) gallons or more shall have one end entirely removed before entering the landfill. Drums not meeting this requirement must be returned to the generator.
- s. **BURNING** - There shall be no burning at any landfill site.



- t. **SALVAGING** - No salvaging shall be permitted at any landfill site.
- u. **VECTOR CONTROL** - Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out operations promptly. If needed, as determined by the responsible authority, supplemental vector control shall be instituted immediately.
- v. **DUST CONTROL** - Before dust becomes a nuisance, suitable control measures shall be taken.
- w. **PLACEMENT IN GROUND WATER** - The depositing or placement of refuse in locations where continuous or intermittent contact occurs between refuse and the ground water table shall be prohibited. It shall be considered desirable to maintain a minimum vertical distance of five feet between disposed refuse and ground water.
- x. **DRAINAGE OF SURFACE WATER** - Landfill operators are to work with Lorain County Soil and Water Conservation and a County Engineer prior to the use of any land as a landfill to determine existing water flow. A plan must be developed in conjunction with the above so that the erection of a landfill will in no way deter, but in fact, may enhance the drainage of surrounding properties. Drainage should be at least as good as it was prior to the landfill being constructed. This plan is to be provided to the Zoning Board prior to issue of a zoning permit. A fifty (50) foot unoccupied zone shall surround the landfill measured from the base of the surrounding mound.
- y. **FINAL GRADING** - The completed fill shall be graded to those elevations specified on the final plan. The finished construction shall not in any way cause interference with proper drainage on adjacent lands. Seeding of finished portions shall be performed to insure the stabilization of cover material.
- z. **ANIMAL FEEDING** - All animals shall be excluded from the landfill site.
- aa. **ACCIDENT PREVENTION AND SAFETY** - Accident prevention measures shall be taken at the site and all employees shall be instructed in the principles of first aid and safety. An adequate stock of first aid supplies shall be maintained on the site.
- bb. **OPERATIONAL RECORDS AND PLAN EXECUTION** - A daily log shall be maintained by the sanitary landfill supervisor and monitor to record operational information, including the types and quantity of refuse received, the portion of landfill used each day and any deviations made from the original plans and specifications. The daily log shall be filed with the Township Trustees on a monthly basis.
- cc. **COLD WEATHER OPERATION** - To facilitate operations during the winter months, precautionary measures shall be taken to insure continued operation of the sanitary landfill. Such measures shall include:
  - 1. Sanitary landfill trenches being dug in advance of cold weather.
  - 2. Covering areas to be excavated with straw or leaves to a sufficient depth so as to prevent frost penetration.
  - 3. Stockpiling cover material loosely (without packing) or covering with straw or leaves, or mixing with straw, leaves or road salt to prevent frost penetration.
- dd. **PERFORMANCE BOND** - All persons or groups of persons, corporations, private contractors wishing to operate a sanitary landfill within the boundaries of New Russia 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 sanitary landfill and for a period not to exceed five (5) years after removal of equipment from the sanitary landfill site. The condition of this bond shall be that the persons or groups of persons, corporations, or private contractors responsible for the operations of the landfill shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such bond shall provide that the full amount thereof

- shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith
- ee. **SETBACK REQUIRED** - The working area of the sanitary landfill district shall be set back fifty (50) feet from the road right-of-way and fifty (50) feet from the property line on the sides and at the rear measured from the base of the surrounding mound.
  - ff. **SITE ACCESS** - The entrance shall be set back two hundred (200) feet from the right-of-way side line.
  - gg. **NON-EXCLUSION** - Arrangements shall be made between the Township Trustees and the operators of said landfill so that residents of Unincorporated New Russia Township shall have access to the use of the landfill for the duration of its operation.
  - hh. **BERM REQUIREMENTS** - Landfill site will have perimeter drainage installed prior to the site being used as a sanitary landfill.
  - ii. **LANDFILL LIMITS** - 05/01/1997 Total fill acreage, excluding required setback, berm area and outside drainage shall not exceed three hundred ninety-two (392) acres. This acreage is to include present and future sanitary landfills.
  - jj. **LANDFILL VOLUME OF OPERATION** - 04/02/2009 All sanitary landfills constructed in New Russia Township shall dispose of not more than amounts prescribed by facility licenses and/or permits issued by the Ohio Environmental Protection Agency or the Lorain County Health Department and by resolution of the township board of trustees.
  - kk. **IDENTIFICATION OF COMMERCIAL VEHICLES** - All commercial vehicles using any sanitary landfill in New Russia Township shall be identified by individual numbers at least eight (8) inches in height, clearly legible, in contrasting colors on both the front and rear of the vehicle.
  - ll. **LANDSCAPING** - 05/01/1997 Wherever a planting screen is deemed necessary, it shall be constructed of mounded earth not to exceed twenty (20) feet in height. It shall be seeded to appropriate grasses and appropriately landscaped as soon as is practical. The grass and landscaping shall be maintained.

#### **420 SERVICE STATIONS - (NB-1, 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 100 feet from all street right-of-way lines is required. A 15-foot unobstructed buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
- c. **REAR YARD** - A minimum rear yard of 75 feet is required where the use abuts a residential area or 40 feet where the use abuts a non-residential area.
- d. **SITE** - A minimum of 1 acre is required.
- e. **LOT COVERAGE** - A maximum lot coverage of 20% shall be permitted.
- f. **ACCESS** - Maximum width of curb openings for stations should not be more than 35 feet or less than 20 feet. No driveway or curb cut for a driveway shall be located within 10 feet of any adjoining property line or within 20 feet of an exterior (corner) lot line as extended. Any two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of 20 feet from the right-of-way line. The angle of the intersection of the center line of the driveway with the center line of the street shall be not less than 60 degrees.
- g. **FENCING AND LANDSCAPING** - Any unpaved areas of the site shall be landscaped or maintained in a dust-free condition and separated from the paved areas by a curb or other barrier. When such use

abuts a lot in any residential district, a 3-foot solid wall, chain link fence, or painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a six-foot solid wall, chain link fence, or painted fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs shall be incorporated which will attain a maximum height of three feet from the street right-of-way line to the building line and a minimum of six feet along the remainder of the property lines.

- h. **PARKING** - There shall be one parking space for each two gasoline pumps and two for each service bay plus one for each employee and one for each restroom provided.
- i. **LIGHTING** - Exterior lighting shall be shielded from adjacent properties to prevent possible glare.
- j. **SERVICE EQUIPMENT** - Gasoline pump islands, compressed air connections, and other equipment shall be set back a minimum of 30 feet from any right-of-way line. Hydraulic hoists, pits and all lubrication, washing and repair equipment shall be enclosed entirely within a building.
- k. **REPAIR WORK** - No major repair work shall be conducted in a gas station.
- l. **OUTDOOR STORAGE OF VEHICLES** - Under any and all conditions, outdoor storage of vehicles shall be limited to 72 hours.

#### **421 KENNELS - (R1-1, GB-1)**

- a. **PARKING AND ACCESS - 07/06/1993** 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 conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions 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 district. 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 shielded from adjacent properties.
- f. **RETAIL SALES** - The sale of incidental products is permitted.

#### **422 COMMERCIAL FRUIT STAND - (R1-1)**

07/21/1992 Shall be designed for the sale of fresh fruit, vegetables, and produce grown on the property or purchased for resale. The commercial fruit, vegetable, and produce sales shall be carried on wholly within the building. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced:

- a. **EMPLOYEES** - Not more than one person outside the family shall be employed in the Home Occupation.
- b. **SETBACK** - Said use shall be set back 70 feet from any right-of-way side line.
- c. **PARKING** - Adequate off-street parking shall be provided for a minimum of 4 vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.

- d. **SIGNS** - The provisions of Article XVIII shall apply.

## **423 COMMERCIAL COMPOSTING FACILITY - (R1-1) 05/17/1994**

### **423.0010 Engineering Study 05/17/1995**

Before commercial composting operations may be permitted within New Russia Township, Lorain County, Ohio, a detailed engineering study of the composting site herein referred to as facility, shall be submitted to the New Russia Township Board of Appeals, Township Trustees and Zoning Board, Lorain County Health Department, Lorain County Planning Commission, and Lorain County Soil and Water Conservation Services for review and approval; and subsequent applications to the Ohio Environmental Protection Agency and any other State agency required by the EPA for permits to install and copies of Ohio EPA permits issued shall be submitted to these same offices listed.

- a. The following detailed engineering plans, specifications and information for commercial composting facilities shall be shown by means of drawings and narrative descriptions where appropriate. The detail engineering plan shall contain at least the following information:
1. Name of the commercial composting facility; name and address and telephone number of the applicant and the facility operator; name and address and telephone of the owner(s) land to be used for the proposed facility; and the name and address and telephone of the person who prepared the plans.
  2. The precise Geographical location and boundaries of the proposed facility. The facility property line, and the two hundred (200) foot and five hundred (500) foot radii around the property line. To be shown on a 7-1/2 minute USGS topographical map.
  3. Property survey conducted by a professional, skilled in the appropriate discipline at a scale not over 100 feet to the inch with a maximum 5-foot contour intervals showing:
    - I. The North arrow.
    - II. Property lines of all land owned or leased for the facility.
    - III. Location of on-site materials placement.
    - IV. All public roads, railroads and occupied structures.
    - V. Existing and proposed topography showing types of vegetation, streams, wetlands, lakes, springs, and other surface waters of the state as defined in chapter 3745-1 of the Administrative Code, with a contour level no greater than five (5) feet.
    - VI. Location of all existing or proposed organic materials handling areas, maintenance buildings, weighing facilities, storage buildings, and other occupied structures.
    - VII. Location of existing or proposed utilities, including water, sewage and sewage treatment, electricity, gas, and telephone or other means of communication; and any utility company easements on or bordering the site. All existing public water supply wells, developed springs and/or private potable water supply wells. Fire protection water access.
    - VIII. Location of all fencing, gates and natural or other screening on the site.
    - IX. Agricultural soil classification of site (USDA Classification).
    - X. Location of test borings and resulting data.
    - XI. Acreage.

- b. The Plan Drawings shall show the following items located inside the facility boundaries and within one thousand (1,000) feet beyond the facility boundaries. A scale of one (1) inch equals no greater than one hundred (100) feet shall be used:
  - 1. All existing land uses, zoning classifications, property owners, political subdivisions, and communities.
  - 2. All existing domiciles/dwellings.
  - 3. The limits of the regulatory floodway, if the facility is located within the one-hundred (100) year flood plain.
  - 4. Any affected Federal, State, County, or Community nature preserve, park, recreation area, wildlife area or sanctuary.
  - 5. The existing direction of flow and points of concentration of all surface waters; and drainage plans which show: Grades and swales and streams and existing or proposed diversion trenches; and existing or proposed special drainage devices to be used for control of surface erosion.
  - 6. Outfall conditions of up to one mile downstream of open drains.
  - 7. Any other pertinent information as deemed necessary by the governing agency (Ohio EPA).
- c. The Facility Construction Plans shall show detailed plan drawings and operational usage through a series of plan drawings and narratives. These plan drawings shall clearly show vertical and horizontal scales used with a scale no greater than one (1) inch equals fifty (50) feet:
  - 1. Direction of prevailing winds during each season for period of five (5) years and velocity (wind rose).
  - 2. Location of on-site materials placement areas.
  - 3. Traffic patterns, including on-site and access roads.
  - 4. Measures to be utilized to control surface water run-on and run-off, sediment discharge and erosion.
  - 5. Cross-Articles and construction materials of all surfaces and facilities on or in which organic materials will be placed prior to, during or after composting.
  - 6. Sequence of processes and steps involved in converting organic materials to compost, including, but not limited to sorting, shredding, mixing, screening, composting, curing, storing and removal of end product.
- d. The Operational Information shall be presented in narrative form with necessary accompanying diagrams with explanation of how the proposed commercial composting facility will be operated. Discussion shall include, but not be limited to the following:
  - 1. Receipt of waste and method of logging in.
  - 2. The equipment to be used in the operation and maintenance of the facility.
  - 3. Waste processing rate, performance capabilities, and principal specifications of each piece of powered equipment to be used at the facility for loading, unloading, and handling or processing of materials.
  - 4. Maximum available capacity of the facility including area measurements for the thermophilic stage of composting, and curing compost.
  - 5. Proposed hours of operation and if applicable the proposed hours facility will be open to the public for receiving composting materials.
  - 6. Methods of unloading all organic composting materials from and loading cured compost into transportation vehicles at the facility.
  - 7. Traffic patterns within the facility.

8. Procedures, frequency, and the order of operations for processing organic materials into compost, including, but not limited to handling, sorting, adding water, recirculated leachate, and other liquids approved by the Zoning Board, screening, mixing, turning, composting and curing compost.
- e. The Control Measures to be taken including, but not limited to:
  1. The collection, containment, recirculation, treatment, removal, disposal and prevention of generation leachate, and how leachate will be prevented from entering surface and ground waters; including direct discharge to an approved treatment facility or leachate conveyance, recirculation, and storage structures and systems.
  2. How surface waters, birds, rodents, and other vectors will be prevented from reaching composting materials at the facility.
  3. Measures utilized to control fire, dust, scavenging, erosion, and blowing debris.
  4. Inspection procedures for incoming wastes to prevent undesirable wastes or wastes that may not be legally accepted.
  5. Inclement weather operation.
  6. Odor management plan; including discussion of anticipated odors produced, circumstances which are likely to result in serious odor production, methods which will be taken to reduce or minimize odors which are produced and methods which will be used to mitigate the effects of odors.
  7. Detailed discussion of the sources, composition, quality and quantity of organic materials to be used for composting. Include seasonal variations in the composition of the materials and identification of the service area associated with the organic materials deposited at the facility.
  8. Description and estimated quantity of all bulking agents used and a materials flow diagram for the facility showing both the type and quantities of materials received and removed.
- f. The Financial Assurance Closure information shall include an itemized estimate under current dollars to complete final closure of the facility. The costs necessary to dispose of or transfer material at the facility equal to the maximum capacity and to return the site to a safe and landscaped area fit for human habitation and the uses to which the original area was zoned for.
- g. The Hazardous Waste emergency reporting procedures.

**423.0050 Commercial Composting Facility Operations 05/17/1994**

- a. The operation of every commercial composting facility must follow the methods of composting which result in controlled biological decomposition under aerobic conditions.
- b. Facility shall not accept asbestos or asbestos-containing waste material, any infectious waste, food waste, animal waste, bulk liquid waste or lead acid batteries. If any such materials are found at the facility, they shall be removed as soon as practicable and disposed of in accordance with current state regulations, but removal from facility not to exceed seven (7) days.
- c. Live domestic animals and farm animals shall be excluded from all areas of the facility, except for animals utilized for security purposes and/or vector control. Any animals used for security and/or vector control must be licensed and have attached identification, including name and address of facility and any inoculations/vaccinations.
- d. Facility shall be operated in such a manner that:
  1. Noise, dust and odors are strictly controlled and do not cause a nuisance or health hazard.
  2. The attraction, breeding and emergence of insects, birds, rodents and other vectors are strictly controlled so as not to cause a nuisance or health hazard.

- e. Acceptable composting methods are the windrow composting method and the aerated static pile composting method.
- f. Drainage must be controlled to prevent any ponding or leachate run-off from the site; surface water drainage must be diverted away from organic materials placement area.
- g. Access roads shall be maintained at the facility in such a manner that allows passage of loaded vehicles during inclement weather conditions with minimum erosion and dust generation.
- h. All reasonable measures shall be employed to collect, properly contain and dispose of scattered litter, including the frequent policing of the area and the use of wind screens where necessary.
- i. Organic composting materials shall not be accepted at the facility until:
  - 1. All site preparations have been completed.
  - 2. Facility is adequately prepared for operation.
  - 3. Facility has acquired all necessary state/county /local operating permits and is inspected and approved by the health commissioners, township trustees, and zoning boards.
- j. There are no grandfather clauses under this type of operation. Any pre-existing site or operation is required to come into compliance with any New Russia Township zoning and/or EPA mandated regulation(s) within a timetable established by the trustees. Further, any owner/operator understands and will comply with any future directives and/or regulations concerning the Solid Waste Composting up to and including the closure and reclamation of the facility, at owner/operator's expense, should it be deemed necessary for the health and welfare of the community.
  - 1. Penalties for failure to comply can include daily fines/penalties established by the trustees until compliance is met to the satisfaction of the trustees. (See Article 2201: Penalties for Violation).
- k. Access by persons other than employees and other unauthorized persons shall be restricted.
- l. Adequate fire control equipment, material and services shall be established by the fire chief.
- m. A site contingency plan shall be established and be readily available on-site and implemented as necessary to address:
  - 1. Discovery of unauthorized wastes.
  - 2. Fire, explosion and spills.
  - 3. Equipment failure.
  - 4. Hazardous waste detection, containment, notification and removal.
- n. Facility operations shall be recorded in a daily log as prescribed by Trustees.

#### **424 SELF-SERVICE STORAGE FACILITY IN AN ENCLOSED BUILDING 09/30/2004**

- a. All storage shall be within an enclosed building. No exterior storage shall be permitted.
- b. An on-site leasing office shall be provided.
- c. A minimum of five (5) parking spaces shall be provided near the leasing office.
- d. Hours of operation for the leasing office shall be permitted between 8:00 a.m. and 6:00 p.m. Access to the storage facility units shall be limited to the hours of 8:00 a.m. to DUSK.
- e. Sufficient space of not less than twenty-five (25) feet shall be provided in the lanes serving the Storage Units to accommodate on-site movement of vehicles and the parking and loading/unloading of the trucks, vans, trailers, and automobiles of persons using the units.
- f. Activities on the site shall be limited to the storage of property only. Other activities, such as the operation of tools, rummage sales, or temporary residency, shall not be permitted.

- g. A chain link perimeter fence shall be provided around the full perimeter of the facility. Such fence shall be a minimum of six (6) feet in height, not including a barbed wire security top.
- h. Signs: See Article XVIII.
- i. Any lights used to illuminate the area shall be so arranged as to reflect the light away from the adjoining property.

**425 BED AND BREAKFAST/TOURIST HOME - (R1-1, R1-2, R1-3, R2-1) 11/04/2009**

- a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
- b. Fire exit instructions shall be posted in each sleeping room.
- c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the Conditional Use Permit Application.
- d. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week.
- e. The facility shall be part of the principal dwelling only and shall not contain more than three (3) sleeping rooms.
- f. One off-street parking space shall be available per guest room in addition to those required by the dwelling unit.
- g. A conditional use permit shall be required.

**426 TYPE A FAMILY DAY-CARE HOME (R1-1, R1-2, R1-3) 11/04/2009**

See 202.0464 under Article II, Interpretations and Definitions, 202 Definitions.

Any Type "A" Family Day-Care Home must comply with the following:

- a. **NUMBER OF CHILDREN** – Type A Family Day-Care Home means a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time, or four to twelve children at one time if four or more children are under two years of age.
- b. **MINIMUM SITE SIZE** – Two-thirds acre up to 12 children.
- c. **INTERIOR FLOOR SPACE** – No less than 100 square feet per child.
- d. **YARD REQUIRED** – Side yards shall be a minimum of 20 feet and rear yards shall be a minimum of 50 feet.
- e. **RECREATION AREA** – There shall be provided on the site a usable outdoor recreation area of 75 square feet per day care child exclusive of front yard, required side yards, driveways and parking areas.
- f. **FENCING** – The recreation area shall be fenced for safety.
- g. **CPR CERTIFIED** – Type A Family Day-Care Home administrator and employees must be certified in CPR and first aid.
- h. A Conditional Use Permit is required.
- i. As per Ohio Revised Code Article 5104.03, no Type A Family Day-Care home shall operate without a license, which shall be issued by the director of job and family services. The maximum number in each age category of children who may be cared for at one time will be determined by the director of job and family services.



## 427 INTERNET SWEEPSTAKES CAFÉS 08/09/2012

### 427.01 Purposes and Applicability

- a. **APPLICABILITY** - This amendment shall apply to the operation of computerized sweepstakes terminals and internet cafés or establishments operating such terminals. This amendment shall only apply to the operations of such terminals that are lawfully operating pursuant to the Ohio Revised Code and nothing in this amendment shall be construed to legalize, license or authorize any operation of a device that is unlawful to operate pursuant to the Ohio Revised Code. This amendment shall apply immediately to all devices, arcades and/or internet cafés that commence operation after the date of enactment of the date of this amendment. All arcades, internet cafes, or establishments in existence at the time of enactment of this amendment shall come into compliance with all Articles of this amendment no later than thirty (30) days after enactment unless otherwise stated herein.
- b. **PURPOSE** - It is the purpose of this Amendment to establish standards for regulation of computerize sweepstakes devices and arcades and/or internet cafés upon which they are located and operate. This Amendment is designed to prevent safety and fire hazards, prevent disturbances, preserve the peaceful enjoyment of neighboring establishments and residences, and prevent gambling and other criminal behavior in the Township.

### 427.02 Definitions

- a. **INTERNET/SWEEPSTAKES CAFÉ:** Any premises upon which any **computerized sweepstakes device** is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.
- b. **COMPUTERIZED SWEEPSTAKES DEVICE:** (COMPUTERIZED TERMINAL DEVICE) Any computer, machine, or apparatus which is capable of connection to the internet, regardless of whether such connection is utilized, through a wireless router, telephone lines, digital subscriber line, satellite, cellular telephone, cable connection, or any method, which is engaged or accessed upon the insertion of a coin, token, access number, magnetic card, or similar object, or similar process, or upon payment of anything of value, either directly or indirectly, and which may be operated by the public generally for use as entertainment, amusement, or a contest of skill, whether or not registering a score, and which when so utilized produces, announces, reveals, or discloses the eligibility, award, of payment of a cash prize redeemable on or at the Internet Sweepstakes Café, whether or not said prize was in fact announced, revealed, or disclosed through the usage of the Computerized Sweepstakes Device. Computerized Sweepstakes Device does not include machines designated for use by the State Lottery Commission.
- c. **ENTER or ENTRY:** The act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.
- d. **OPERATOR:** Any person or persons having authority to control the premises of an Arcade and/or sweepstakes/internet café.
- e. **OWNER:** Any person who possesses a pecuniary interest, either directly or indirectly, of twenty-five percent (25%) or more in a sweepstakes/internet café.
- f. **PREMISES:** The building or structure, or any portions thereof or locations therein used for conducting one or more components of the operations of a sweepstakes/internet café of where any function related thereto is located.

- g. **PRIZE:** Any gift, award, gratuity, good, service, credit, reward, or any other thing of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- h. **SWEEPSTAKES:** Any game, contest, advertising scheme or plan, or other promotion, but does not include bingo, whether or not consideration is required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance.

#### **427.03 Requirements**

Sweepstakes Internet Cafés as defined in Article 427.02, are subject to the regulations in this Article of the zoning ordinance and any other conditions imposed by the Board of Zoning Appeals in accordance with the provisions of Article III: General Regulations: Article 310 Submission of Plans.

Sweepstakes/Internet Cafés shall be conditionally permitted with the following conditions:

- a. **PERMIT:** No building shall be erected, constructed, or developed and no building or premises shall be reconstructed, remodeled, arranged for use, or used for an Internet Sweepstakes Café unless authorized by the issuance of a Conditional Use Permit by the New Russia Township Board of Zoning Appeals.
- b. **SIGNAGE:** See Article XVIII: Signs
- c. **PARKING:** See Article XIX: Off-street Parking & Loading
- d. **SETBACKS:** No Internet Sweepstakes Café shall be permitted in a location which is within 500 feet of another Internet Sweepstakes Café. No Internet Sweepstakes Café shall be permitted in a location which is within 500 feet of a church, public or private school, park or playground, any social services facility, state licensed daycare facility, or neighborhood center. No Internet Sweepstakes Café shall be permitted in a location which is within 500 feet of a residential district.
- e. **LIGHTING:** See Article XVIII: Article 1811 & 1813
- f. **RETAIL FOOD SALES:** All food and beverage sales shall be in conformance to Lorain County Health District Regulations. A copy of the current food permit shall be provided to the Township upon application for conditionally permitted use and annually upon application renewal of the conditionally permitted use.
- g. **SEPTIC CAPACITY:** Any location not serviced by sanitary sewers must undergo an evaluation by the Lorain County General Health District to determine if the septic system is adequate for the number of patrons. A copy of the sanitary evaluation shall be provided to the Township upon application for the conditionally permitted use.

### **428 SLUDGE PONDS 07/02/2015**

No Pond, Lagoon, Impoundment area or Storage Vessel shall be constructed or used to store sewage, industrial waste, or human waste, treated or untreated, is permitted except by obtaining a conditional use permit as provided in Article 428. This Article does not apply to waste generated on premise, either human, animal or industrial. This Article does not apply to sanitary units serving buildings or structures located upon the premises which have been approved by the Lorain County Health Department or other regulatory agency with authority to approve sanitary unit installation.

#### **428.01 Sludge Ponds 07/02/2015 (LI-1, IP-1, HI-1)**

Sludge ponds otherwise prohibited by Article 309.032 may be granted a conditional use permit in LI-1, Light Industrial, IP-1 Industrial Park, or HI-1 Heavy Industrial zoned areas subject to the following conditions:

- a. Location upon a lot or combination of lots with a minimum ten (10) acres in total size.
- b. 200 feet side and rear clearance from adjacent lots.
- c. 400 feet setback from any road right-of-way.
- d. Hours of operation between 7:00 a.m. and 5:00 p.m.

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**ARTICLE V**

**ESTABLISHMENT OF DISTRICTS**

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## ARTICLE V

### ESTABLISHMENT OF DISTRICTS

#### 501 PURPOSE

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

#### 502 DISTRICTS

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

- R1-1 - Agricultural Residential District**
- R1-2 - Low Density Residential District**
- R1-3 - Low Density Residential District**
- R2-1 - Two Family Medium Density Residential District**
- MR-1 - Multiple Family Residential District**
- NB-1 - Neighborhood Business District**
- GB-1 - General Business District**
- MS-1 - Motorist Service District**
- LI-1 - Light Industrial District**
- HI-1 - Heavy Industrial District**
- IP-1 - Industrial Park District**

#### 503 ZONING MAPS

The boundaries of the districts are hereby established as shown on a map entitled, "The Official Zoning Map of New Russia Township" adopted on November 7, 1973, and certified by the New Russia Township Fiscal Officer and accompanies this Zoning Resolution and this 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 center lines, 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 therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- d. Where 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 a part of this Zoning Resolution shall be determined by dimension notes on the map, or by the use of the scale appearing on the map.

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## ARTICLE VI

### RESIDENTIAL DISTRICT REGULATIONS

#### AGRICULTURAL RESIDENTIAL - R1-1

##### 601 PURPOSE

The Agricultural Residential District is designed for use throughout the Township to:

- a. Reserve and protect for agricultural use those land area needed and best suited for agriculture.
- b. Prevent the indiscriminate spread of urban uses into rural areas which are incompatible with agricultural pursuits and which contribute to their premature termination.
- c. Retain land which could eventually be developed for urban uses currently in productive agricultural use.
- d. Permit orderly, efficient and economical development of land to urban uses at a time when the community can feasibly provide the required urban services.

##### 602 PERMITTED USES

- a. Agriculture (Farms)
- b. Single Family Dwellings and Duplexes
- c. Accessory Buildings 01/16/2003
- d. Churches
- e. Greenhouses
- f. Ponds 03/02/1982 (See Article 309.03)
- g. Type "B" Family Day-Care Home - as defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0465 and referred to under Article III, General Regulations, 309 Special Requirements, Article 309.05 11/04/2009
- h. Veterinary Animal Hospital / Clinic 07/06/1993

##### 603 CONDITIONALLY PERMITTED USES

- a. Article 404 - Cemeteries - Removed by Resolution 09/06/1979
- b. Article 411- Removed By Resolution 03/02/1982
- c. Bed & Breakfast/Tourist Home – 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0125 and referred to under Article IV, Conditionally Permitted Uses, Article 425.
- d. Commercial Fruit Stand (See Article 422) 10/13/1982
- e. Day Care Centers – Removed By Resolution 11/04/2009 (See Article 405)
- f. Extraction Of Minerals and Top Soil (See Article 406)
- g. Golf Courses (See Article 408) 09/06/1979
- h. Home Occupations (See Article 409) 01/17/2002
- i. Miniature Golf Courses (See Article 410)



- j. Parks and Playgrounds (See Article 412)
- k. Plant Nursery (See Article 413)
- l. Prospecting, Oil and Gas (See Article 414)
- m. Recreational Campgrounds (See Article 415)
- n. Riding, Boarding and Show Stables - Removed by Resolution 09/10/2014
- o. Roadside Stands (See Article 417)
- p. Sanitary Landfill (See Article 419)
- q. Type A Family Day-Care Home - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202.0464 and referred to under Article IV, Conditionally Permitted Uses, 426 Type "A" Family Day-Care Home.
- r. Kennels (See Article 421) 07/06/1993

## **604 LOT AND YARD REQUIREMENTS**

- a. **FARM MINIMUM AREA** - five (5) acres.
- b. **MINIMUM BUILDING LOT** - one (1) acre.
  - 1. 09/06/1979 Contingent upon Health Board Permit.
- c. **MINIMUM FRONTAGE** - 09/06/1979 125 feet.
- d. **MINIMUM DEPTH** - 250 feet.
- e. **MINIMUM FRONT YARD DEPTH** - 09/06/1979 Seventy (70) feet for all highways.
- f. **MINIMUM REAR YARD** - fifty (50) feet.
- g. **MINIMUM SIDE YARD WIDTH** - twenty (20) feet with total side yard not less than forty (40) feet.
- h. **PERCENTAGE OF LOT COVERAGE** - All buildings including accessory buildings shall not cover more than thirty (30%) percent of the net area of the lot.
- i. **DRIVEWAYS** - 09/06/1979 Must be constructed so as to have a minimum of ten (10) feet Buffer Strip from lot line.

## **605 MAXIMUM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

## **606 CONVERSION OF EXISTING SINGLE FAMILY UNITS**

A single family home may be converted to a two family home (duplex) provided that it meets the lot and area necessary for each family, off-street parking and yard requirements in addition to the sanitary regulations for two families.

## **607 REQUIRED MINIMUM LIVING AREA**

- a. **SINGLE FAMILY DWELLING** - 09/06/1979 1200 square feet.
- b. **DUPLEX** - 09/06/1979 2200 square feet.

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## ARTICLE VII

### RESIDENTIAL DISTRICT REGULATIONS

#### LOW DENSITY RESIDENTIAL - R1-2

##### 701 PURPOSE

The R1-2 District is created to provide for single family residential uses and duplexes at a density of not more than one dwelling unit per gross acre.

##### 702 PERMITTED USES

- a. Agriculture (Farms) (See Definition 202.0470)
- b. Single family dwellings and duplexes
- c. Accessory buildings 01/16/2003 (See Article 307.02)
- d. Churches
- e. Open Space
- f. Ponds 03/02/1982 (See Article 309.03)
- g. Public Schools
- h. Type B Family Day-Care Home - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0465 and referred to under Article III, General Regulations, 309 Special Requirements, Article 309.05.

##### 703 CONDITIONALLY PERMITTED USES

- a. Cemeteries (Article 404) – Removed by Resolution 09/06/1979
- b. Bed & Breakfast/Tourist Home – 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0125 and referred to under Article IV, Conditionally Permitted Uses Article 425.
- c. Golf Courses - 09/06/1979 (Article 408)
- d. Home Occupation (Article 409)
- e. Miniature Golf Courses (Article 410)
- f. Parks and Playgrounds (Article 412)
- g. Plant Nursery (Article 413)
- h. Type “A” Family Day-Care Home - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202.0464 and referred to under Article IV, Conditionally Permitted Uses, 426 Type “A” Family Day-Care Home.

##### 704 LOT AND YARD REQUIREMENTS

- a. **MINIMUM BUILDING LOT** - one (1) acre.
  - 1. 09/06/1979 Contingent upon Health Board Permit.
- b. **MINIMUM FRONTAGE** - 125 feet.
- c. **MINIMUM DEPTH** - 250 feet.

- d. **MINIMUM FRONT YARD** - 09/06/1979 70 feet.
- e. **MINIMUM REAR YARD** - 09/06/1979 50 feet.
- f. **MINIMUM SIDE YARDS** - 09/06/1979 Not less than 20 feet but the sum of two side yards shall not be less than 40 feet.
- g. **PERCENTAGE OF LOT COVERAGE** - All buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.
- h. **DRIVEWAYS** - 09/06/1979 Must be constructed so as to have a minimum of ten (10) feet Buffer Strip from lot line.

### **705 MAXIMUM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

### **706 REQUIRED MINIMUM LIVING AREA**

- a. **SINGLE FAMILY DWELLING** - 09/06/1979 1200 square feet.
- b. **DUPLEX** - 09/06/1979 2200 square feet.

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### **RESIDENTIAL DISTRICT REGULATIONS**

#### **ARTICLE VIII**

#### **LOW DENSITY RESIDENTIAL DISTRICT REGULATIONS R1-3**

<b>801</b>	<b>PURPOSE</b>
<b>802</b>	<b>PERMITTED USES</b>
<b>803</b>	<b>CONDITIONALLY PERMITTED USES</b>
<b>804</b>	<b>LOT AND YARD REQUIREMENTS</b>
<b>805</b>	<b>MAXIMUM BUILDING HEIGHT</b>
<b>806</b>	<b>REQUIRED MINIMUM LIVING AREA</b>

**ARTICLE VIII**  
**RESIDENTIAL DISTRICT REGULATIONS**  
**LOW DENSITY RESIDENTIAL - R1-3**

**801 PURPOSE**

The R1-3 District is created to provide for single family residential uses and duplexes. The minimum lot size required herein is based upon those conditions ordinarily existing in the Township at the time of adoption.

**802 PERMITTED USES**

- a. Agriculture (Farms) - Removed by Resolution 05/01/2003
- b. Single Family Dwellings And Duplexes
- c. Accessory Buildings 01/16/2003
- d. Churches
- e. Open Space
- f. Ponds – Removed by Resolution 05/01/2003
- g. Public Schools
- h. Type “B” Family Day-Care Home - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0465 and referred to under Article III, General Regulations, 309 Special Requirements, Article 309.05.

**803 CONDITIONALLY PERMITTED USES**

- a. Cemeteries (Article 404) Removed by Resolution 09/06/1979
- b. Bed & Breakfast/Tourist Home – 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0125 and referred to under Article IV, Conditionally Permitted Uses Article 425.
- c. Golf Courses and Country Clubs (See Article 408)
- d. Home Occupations (See Article 409)
- e. Miniature Golf Courses (See Article 410)
- f. Parks and Playgrounds (See Article 412)
- g. Plant Nurseries (See Article 413)
- h. Type “A” Family Day-Care Home - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202.0464 and referred to under Article IV, Conditionally Permitted Uses, 426 Type “A” Family Day-Care Home.

**804 LOT AND YARD REQUIREMENTS**

- a. **MINIMUM BUILDING LOT** - .5 acre
  - 1. 09/06/1979 Contingent upon Health Board Permit.

- b. **MINIMUM LOT DEPTH** - 200 feet
- c. **MINIMUM LOT FRONTAGE** - 100 feet.
- d. **MINIMUM FRONT YARD** - 50 feet.
- e. **MINIMUM REAR YARD** - 40 feet.
- f. **MINIMUM SIDE YARDS** - Not less than 10 feet but the sum of two side yards shall not be less than 20 feet.
- g. **PERCENTAGE OF LOT COVERAGE** - All buildings including accessory buildings shall not cover more than 30 percent of the area of the lot.
- h. **DRIVEWAYS** - 09/06/1979      Must be constructed so as to have a minimum of ten (10) feet Buffer Strip from lot line.

**805                      MAXIMUM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

**806                      REQUIRED MINIMUM LIVING AREA**

- a. **SINGLE FAMILY DWELLING** - 09/06/1979      1200 square feet.
- b. **DUPLEX** - 09/06/1979      2200 square feet.

**ARTICLE IX**

**RESIDENTIAL DISTRICT REGULATIONS**

**TWO FAMILY MEDIUM DENSITY RESIDENTIAL - R2-1**

<b>901</b>	<b>PURPOSE</b>
<b>902</b>	<b>PERMITTED USES</b>
<b>903</b>	<b>CONDITIONALLY PERMITTED USES</b>
<b>904</b>	<b>LOT AND YARD REQUIREMENTS</b>
<b>905</b>	<b>MAXIMUM BUILDING HEIGHT</b>
<b>906</b>	<b>REQUIRED MINIMUM LIVING AREA</b>



## **ARTICLE IX**

### **RESIDENTIAL DISTRICT REGULATIONS**

#### **TWO FAMILY MEDIUM DENSITY RESIDENTIAL - R2-1**

##### **901 PURPOSE**

The R2-1 District is created to provide for single family residential uses at a density of not more than two (2) dwelling units per gross acre. The minimum lot size required herein is based upon those conditions ordinarily existing in the Township at the time of adoption.

##### **902 PERMITTED USES**

- a. Agriculture (Farms) - Removed by Resolution 05/01/2003
- b. Single Family Dwellings
- c. Accessory Buildings 01/16/2003 (See Article 307.02)
- d. Churches
- e. Open Space
- f. Ponds – Removed by Resolution 05/01/2003
- g. Public Schools
- h. Type "B" Family Day-Care Home - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0465 and referred to under Article III, General Regulations, 309 Special Requirements, Article 309.05.

##### **903 CONDITIONALLY PERMITTED USES**

- a. Bed & Breakfast/Tourist Home – 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0125 and referred to under Article IV, Conditionally Permitted Uses Article 425.
- b. Home Occupations - (See Article 409)
- c. Parks and Playgrounds - (See Article 412)

##### **904 LOT AND YARD REQUIREMENTS**

- a. **REQUIRED LOT AREA** - Each single family dwelling shall be located on a lot containing not less than 1/2 acre and a lot width and frontage of not less than 100 feet.
- b. **MINIMUM FRONT YARD** - 35 feet.
- c. **MINIMUM REAR YARD** - 40 feet.
- d. **MINIMUM SIDE YARDS** - Not less than 10 feet but the sum of two side yards shall not be less than 20 feet.
- e. **PERCENTAGE OF LOT COVERAGE** - All buildings including accessory buildings shall not cover more than 30 percent of the area of the lot.

**905                      MAXIMUM BUILDING HEIGHT**

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

**906                      REQUIRED MINIMUM LIVING AREA**

- a. **SINGLE FAMILY DWELLING** - 09/06/1979                      1200 square feet.
- b. **DUPLEX** - 2200 square feet.

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**RESIDENTIAL DISTRICT REGULATIONS**

**ARTICLE X**

**MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS MR-1**

	<b>1001</b>	<b>PURPOSE</b>
	<b>1002</b>	<b>PERMITTED USES</b>
	<b>1003</b>	<b>CONDITIONALLY PERMITTED USES</b>
	<b>1004</b>	<b>LOT AND YARD REQUIREMENTS</b>
<b>1004.01</b>		<b>Two-family Dwellings</b>
<b>1004.02</b>		<b>Multiple Family (Four or more)</b>
<b>1004.03</b>		<b>Apartment House</b>
	<b>1005</b>	<b>MAXIMUM BUILDING HEIGHT</b>
<b>1006</b>		<b>MINIMUM GROSS FLOOR AREA PER DWELLING UNIT</b>
	<b>1007</b>	<b>ACCESSORY STRUCTURES</b>
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	<b>1010</b>	<b>MINIMUM RECREATION SPACE</b>
<b>1011</b>		<b>DISTANCE BETWEEN BUILDINGS ON THE SAME LOT</b>
	<b>1012</b>	<b>REQUIRED COURT DIMENSIONS</b>
<b>1012.01</b>		<b>Inner Courts</b>
<b>1012.02</b>		<b>Outer Courts</b>
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	<b>1014</b>	<b>SUBMISSION OF PLANS</b>

## **ARTICLE X**

### **RESIDENTIAL DISTRICT REGULATIONS**

#### **MULTIPLE FAMILY RESIDENCE - MR-1**

### **1001 PURPOSE**

The MR-1 District is created to provide for a variety of housing types to include garden apartments, town houses, 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 sewage treatment plants are provided in conjunction with public water.

### **1002 PERMITTED USES**

- a. Two family dwellings
- b. Multiple family dwellings
- c. Accessory uses clearly incidental and customary to the operations of the above uses
- d. Churches

### **1003 CONDITIONALLY PERMITTED USES**

- a. Child Day-Care Centers - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions 202.0335 and referred to under Article IV, Conditionally Permitted Uses Article 405.
- b. Funeral Homes - (See Article 407)
- c. Golf Courses and Country Clubs - (See Article 408)
- d. Parks and Playgrounds - (See Article 412)

### **1004 LOT AND YARD REQUIREMENTS**

#### **1004.01 Two-Family Dwellings**

- a. **MINIMUM LOT AREA** - 10,000 square feet.
- b. **MINIMUM LOT WIDTH AND FRONTAGE** - 80 feet.
- c. **MINIMUM FRONT YARD** - 40 feet (measured from the right-of-way line).
- d. **MINIMUM SIDE YARDS** - 10 feet each.
- e. **MINIMUM REAR YARD** - 40 feet.

#### **1004.02 Multiple Family - (Four or More)**

- a. **MINIMUM LOT AREA** - 3,600 square feet per unit.
- b. **MINIMUM LOT WIDTH AND FRONTAGE** - 100 feet plus 2.5 additional per unit.
- c. **MINIMUM FRONT YARD** - 40 feet.
- d. **MINIMUM SIDE YARD** - Equal to one-half (1/2) the height of the building but not less than 10 feet.
- e. **MINIMUM REAR YARD** - 40 feet.

#### **1004.03 Apartment House**

09/06/1979 No apartment house shall be erected or altered or used unless the same shall abut a public street. If an apartment house does not abut a street, or is located in the rear of another building, a permanent easement for access shall be provided. Said easement for access shall be at least sixty (60) feet in width. Said easement for access may not form a part of any lot width or lot yard or lot area required by the Zoning Resolution. If more than one apartment house is located in the rear of another building and does not abut a street, then said apartment house shall be subject to the same requirements for frontage on the easement for access and shall be subject to the same requirements for lot and yard areas as if said apartment house were

located on a public street. Said easement shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder of this County for record.

### **1005 MAXIMUM BUILDING HEIGHT**

No building hereafter erected or structurally altered shall exceed a height of forty (40) feet.

### **1006 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:

- a. **EFFICIENCY SUITES** - 500 square feet;
- b. **ONE BEDROOM DWELLING UNIT** - 650 square feet;
- c. **TWO BEDROOM DWELLING UNIT** - 900 square feet;
- d. **THREE BEDROOM DWELLING UNIT** - 1,200 square feet;
- e. **FOUR OR MORE BEDROOM DWELLING UNIT** - 1,500 square feet.

### **1007 ACCESSORY STRUCTURES**

07/21/1992 All accessory structures not attached to the dwelling shall be set back twenty (20) feet from the dwelling and not less than five (5) feet from the side and/or rear lot lines.

### **1008 PERCENTAGE OF LOT COVERAGE**

All buildings including accessory buildings shall not cover more than 30 percent of the area of the lot.

### **1009 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 areas (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.

### **1010 MINIMUM RECREATION SPACE**

07/21/1992 A minimum of ten percent (10%) 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 dwellings. 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 play fields, or tot lots.

### **1011 DISTANCE BETWEEN BUILDINGS ON THE SAME LOT**

07/21/1992 No dwelling shall be closer to any other dwelling than the average of the heights of said buildings.

## **1012 REQUIRED COURT DIMENSIONS**

### **1012.01 Inner Courts**

The least dimension of an inner court shall be not less than 40 feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passageway shall have a cross area and sufficient headroom to permit the passage of fire equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

### **1012.02 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 sides, shall be not greater than one and one-half times the width.

## **1013 BUFFER YARDS**

07/21/1992 No building shall be located closer than the height of the dwelling from each side or rear property line which adjoins any other district line.

## **1014 SUBMISSION OF PLANS**

The provisions of Article 310 shall apply in this District.

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**COMMERCIAL DISTRICT REGULATIONS**

**ARTICLE XI**

**NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS NB-1**

	<b>1101</b>	<b>PURPOSE</b>
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<b>1103</b>		<b>CONDITIONALLY PERMITTED USES</b>
	<b>1104</b>	<b>BUILDING HEIGHT</b>
	<b>1105</b>	<b>REQUIRED LOT AREA</b>
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	<b>1108</b>	<b>SUBMISSION OF PLANS</b>



## ARTICLE XI

### COMMERCIAL DISTRICT REGULATIONS

#### NEIGHBORHOOD BUSINESS - NB-1

##### 1101 PURPOSE

The Neighborhood Business 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.

##### 1102 PERMITTED USES

- a. Bank (Branch Office)
- b. Barber And Beauty Shops
- c. Bakery (Goods for Sale on Premises Only)
- d. Bicycle Repair Shop
- e. Book Store
- f. Convenience Food Stores
- g. Cleaners And Laundry (Collection and Distribution Only, Custom and Self-Service)
- h. Delicatessen
- i. Dairy Products Store (No Bottling or Drive-In Types Permitted)
- j. Drugstore
- k. Food And Grocery Stores
- l. Hardware Stores
- m. Locksmith, Lawn Mower Service
- n. Tailor Shop, Including Pressing

##### 1103 CONDITIONALLY PERMITTED USES

- a. Automobile Automatic Wash Stations - Article 402
- b. Service Station - Article 420

##### 1104 BUILDING HEIGHT

No building or structure shall be erected to a height in excess of thirty-five (35) feet.

##### 1105 REQUIRED LOT AREA

The lot area shall be not less than one acre and the lot width and frontage shall be at least 125 feet.

##### 1106 YARDS REQUIRED

- a. **REAR YARDS** - 40 Feet.
- b. **MINIMUM SIDE YARDS** - 09/06/1979      20 Feet Where There Is No Rear Access.

- c. **SIDE YARDS ABUTTING A STREET** - 100 Feet from the Road Right-Of-Way Line.
- d. **SIDE YARDS ABUTTING A RESIDENTIAL DISTRICT** - 09/06/1979 A 75-Foot Unobstructed Buffer Strip Suitable Landscaped.
- e. **ACCESSWAYS** - 09/06/1979 Each lot shall have not more than two accessways to any one street or highway with a 45-foot separation between center lines. The width of the accessways leading to or from a highway shall be not less than 20 feet nor shall it exceed 36 feet.
- f. **FRONT YARD** - Setback of 100 feet from the road right-of-way line. A 15 feet deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.

**1107 PERCENTAGE OF LOT COVERAGE**

All buildings, including accessory buildings shall not cover more than thirty percent of the area of the lot.

**1108 SUBMISSION OF PLANS**

The provisions of Article 310 shall be in full force and effect in this District.

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### **COMMERCIAL DISTRICT REGULATIONS**

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#### **GENERAL BUSINESS DISTRICT REGULATIONS GB-1**

<b>1201</b>	<b>PURPOSE</b>
<b>1202</b>	<b>PERMITTED USES</b>
<b>1203</b>	<b>CONDITIONALLY PERMITTED USES</b>
<b>1204</b>	<b>BUILDING HEIGHT LIMIT</b>
<b>1205</b>	<b>REQUIRED LOT AREA</b>
<b>1206</b>	<b>YARDS REQUIRED</b>
<b>1207</b>	<b>PERCENTAGE OF LOT COVERAGE</b>
<b>1208</b>	<b>SUBMISSION OF PLANS</b>

## ARTICLE XII

### COMMERCIAL DISTRICT REGULATIONS

#### GENERAL BUSINESS - GB-1

##### 1201 PURPOSE

The General Business 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 strip zoning. The General Business Districts 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.

##### 1202 PERMITTED USES

- a. Antique Store
- b. Automobile Accessory Store
- c. Automobile-Truck-Travel Sales Lot
- d. Bar, Grill, Cocktail Lounge, State Liquor Store
- e. Bicycle Rental Sales and Service
- f. Billboards And Signs, Subject to The Provisions of Article XVIII
- g. Boat And Sporting Goods Store
- h. Bowling Alley, Provided That Building Used for Such Purpose Is At Least 100 Feet from any Residential District.
- i. Cafe
- j. Churches
- k. Clinics, Medical and Dental
- l. Clubs (Swimming, Y.M.C.A., Etc.), Lodges
- m. Discount Stores (Variety, Drugs, Etc.)
- n. Doughnut Shop
- o. Drive-In Banks
- p. Drive-In Ice Cream Store
- q. Drive-In Restaurants
- r. Dry Cleaning, Custom and Self-Serve
- s. Egg And Poultry Store, No Killing of Fowl on Premises
- t. Exterminator Service
- u. Fabricating 01/17/2002
- v. Farm, Fruit and Produce Stands
- w. Farm Implement Sales

- x. Food And Grocery Stores
- y. Food Lockers
- z. Garden And Nursery Centers
- aa. Gift, Novelty and Souvenir Stores
- bb. Golf Courses 09/03/2010
- cc. Laundry, Custom and Self-Service
- dd. Machining Services 10/16/85
- ee. Monument Sales, Provided Cutting Is Done in an Enclosed Building
- ff. Motels, Tourist Cabins and Courts
- gg. Motorcycle Sales and Service
- hh. Offices and Administrative Buildings 08/15/1995
- ii. Pet Store, Supplies
- jj. Photographic Studio
- kk. Photostatting, Printing, Publishing
- ll. Restaurants
- mm. Sexually-Oriented Businesses – Removed by Resolution 09/03/2010 (See Article 309.04)
- nn. Supermarkets
- oo. Travel Trailer and Pick-Up Coach Sales and Services
- pp. Lawn Mower Sales and Service
- qq. Veterinary Animal Hospital / Clinic 07/06/1993

### **1203 CONDITIONALLY PERMITTED USES**

- a. Automobile Automatic Wash Stations (See Article 402)
- b. Automobile Repair Garages (See Article 403)
- c. Child Day-Care Center - 11/04/2009 As defined under Article II, Interpretations and Definitions, 202 Definitions, 202.0335 and referred to under Article IV, Conditionally Permitted Uses Article 405.
- d. Funeral Home - (See Article 407)
- e. 08/09/2012 Internet Sweepstakes Café's - (See Article 427)
- f. 9/30/2004 Self-Service Storage Facility in an Enclosed Building – (See Article 424)
- g. Service Stations - (See Article 420)
- h. 07/06/1993 Kennels - (See Article 421)

### **1204 BUILDING HEIGHT LIMIT**

No building or structure shall be erected to a height in excess of thirty-five (35) feet.

### **1205 REQUIRED LOT AREA**

The lot area shall be not less than one acre and the lot width and frontage shall be at least 125 feet.

### **1206 YARDS REQUIRED**

- a. **FRONT YARD** - Setback of 100 feet from the road right-of-way line. A 20-foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
- b. **REAR YARD** - 40 feet.
- c. **MINIMUM SIDE YARDS** - 09/06/1979 20 feet where there is no rear access to the property.
- d. **SIDE YARDS ABUTTING A RESIDENTIAL AREA** - A 75 feet unobstructed buffer strip suitably landscaped.

- e. **ACCESS WAYS** - The use of marginal roads is to be encouraged throughout the district. Each lot shall have not more than 2 access ways to any street or highway with a 45 feet separation between center lines. The width of the access way leading to or from a highway shall be not less than 20 feet nor shall it exceed 36 feet.

**1207 PERCENTAGE OF LOT COVERAGE**

All buildings, including accessory buildings shall not cover more than 30% of the area of the lot.

**1208 SUBMISSION OF PLANS**

The provisions of Article 310 shall be in full force and effect in this district.

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### **COMMERCIAL DISTRICT REGULATIONS**

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#### **MOTORIST SERVICE DISTRICT REGULATIONS MS-1**

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<b>1302.01</b>		<b>Principal Uses</b>
<b>1302.02</b>		<b>Accessory Uses When Operated in Conjunction with the Above Principal Uses</b>
	<b>1303</b>	<b>HEIGHT REGULATIONS</b>
	<b>1304</b>	<b>REQUIRED LOT AREA</b>
<b>1304.01</b>		<b>Service Station</b>
<b>1304.02</b>		<b>Motel or Hotel with Or Without Eating, Assembly, Recreation</b>
<b>1304.03</b>		<b>Restaurant, If Separate Building</b>
<b>1304.04</b>		<b>Other Permitted Uses</b>
	<b>1305</b>	<b>PERCENTAGE OF LOT COVERAGE</b>
	<b>1306</b>	<b>LANDSCAPED AREAS</b>
	<b>1307</b>	<b>YARD REGULATIONS</b>
<b>1307.01</b>		<b>Service Station Building</b>
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**1308 OFF-STREET PARKING AND LOADING**

**1308.01 Off-Street Parking Requirements**

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**1309 ACCESS DRIVES**

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**1310.04 Pole Signs**

**1310.05 Height**

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**1310.07 Signs within 660 feet of Interstate Systems**

**1311 SUBMISSION OF PLANS**



## ARTICLE XIII

### COMMERCIAL DISTRICT REGULATIONS

#### MOTORIST SERVICE - MS-1

##### 1301 PURPOSE

The Motorist Service District has been created in order to achieve, among others, the following purposes:

- a. To provide districts on major roads in the immediate vicinity of freeway interchanges to serve the needs of the motoring public.
- b. To protect and stabilize developments from traffic congestion and hazards by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets.
- c. To provide the maximum protection to existing and proposed residential areas.

##### 1302 PERMITTED USES

###### 1302.01 Principal Uses

- a. Automobile Service Stations - Emergency Minor Repairs Only
- b. Motels And Hotels
- c. Restaurants And Eating Places Serving Food and Beverages in Wholly Enclosed Buildings
- d. Other Similar Uses Which Serve the Long-Distance Motoring Public Including - Trailer Camps, Sales, Service; Truck Service Points; Truck Terminals.
- e. Sexually Oriented Businesses - 09/03/2010 - (Refer to Article III GENERAL REGULATIONS, Article 309.04 Sexually Oriented Businesses.)

###### 1302.02 Accessory Uses When Operated In Conjunction With The Above Principal Uses

- a. Off-Street Parking
- b. Restaurant, Assembly Rooms and Auditoriums in Connection with Motels and Hotels
- c. Enclosed Snack Bar in Connection with Service Stations and Motels
- d. Swimming Pools and Other Recreational Facilities in Conjunction with Motels
- e. Signs, In Accordance with Regulations Provided Hereafter.
- f. Sale of Gifts and Novelties.
- g. Overnight Parking for Recreational Vehicles or Travel Trailers.
- h. Other Similar Accessory Use Including - Drug Store; Delicatessen; Tailor Shop; Barber Shop.

### **1303 HEIGHT REGULATIONS**

The height of any building or structure in any Motorist Service District shall not exceed thirty-five (35) feet, exclusive of towers, cornices or similar features.

### **1304 REQUIRED LOT AREA**

#### **1304.01 Service Station**

The lot area shall be not less than 3/4 acre and the lot width shall be at least 150 feet.

#### **1304.02 Motel Or Hotel With Or Without Eating, Assembly, Recreation**

- a. The lot area shall be not less than 3 acres and the lot width shall be at least 200 feet.
- b. The lot area occupied by a motel or hotel shall be not less than that set forth above, or not less than 1300 square feet of lot area for each lodging unit, whichever is greater. Each lodging unit shall be comprised of at least 275 square feet of floor area; shall contain not more than two sleeping rooms; and shall not contain cooking facilities.

#### **1304.03 Restaurant, If Separate Building**

The lot area shall be not less than 1 1/2 acre and the lot width shall be at least 200 feet.

#### **1304.04 Other Permitted Uses**

The lot area shall be not less than 3/4 acre and the lot width shall be at least 150 feet.

### **1305 PERCENTAGE OF LOT COVERAGE**

All buildings, including accessory buildings shall not cover more than 20% of the area of the lot.

### **1306 LANDSCAPED AREAS**

Each lot shall have landscaped areas which shall be part of any lot which is not covered by buildings, accessory uses, drives and parking lots. The landscaped areas shall be developed and maintained as lawns, along with trees and shrubs, or maintained in an orderly natural state.

### **1307 YARD REGULATIONS**

#### **1307.01 Service Station Building**

- a. **FRONT YARD REQUIRED** - 60 feet.
- b. **SIDE & REAR YARDS ADJACENT TO RESIDENTIAL DISTRICTS** - 100 Feet.
- c. **SIDE & REAR YARDS ADJACENT TO NON-RESIDENTIAL DISTRICT** - 35 Feet.

#### **1307.02 Service Station Pumps**

- a. **FRONT YARD REQUIRED** - 30 Feet.
- b. **SIDE & REAR YARDS ADJACENT TO RESIDENTIAL DISTRICT** - 100 Feet.
- c. **SIDE & REAR YARDS ADJACENT TO NON-RESIDENTIAL DISTRICT** - 35 Feet.

#### **1307.03 Motel, Hotel, Restaurant**

- a. **FRONT YARD REQUIRED** - 35 Feet.
- b. **SIDE & REAR YARDS ADJACENT TO RESIDENTIAL DISTRICT** - 100 Feet.
- c. **SIDE & REAR YARDS ADJACENT TO NON-RESIDENTIAL DISTRICT** - 35 Feet.

**1307.04 Parking**

- a. **FRONT YARD REQUIRED - 35 Feet.**
- b. **SIDE & REAR YARDS ADJACENT TO RESIDENTIAL DISTRICT - 30 Feet.**
- c. **SIDE & REAR YARDS ADJACENT TO NON-RESIDENTIAL DISTRICT - 10 Feet.**

**1307.05 Other Uses**

- a. **FRONT YARD REQUIRED - 60 Feet.**
- b. **SIDE & REAR YARDS ADJACENT TO RESIDENTIAL DISTRICT - 100 Feet.**
- c. **SIDE & REAR YARDS ADJACENT TO NON-RESIDENTIAL DISTRICT -35 Feet.**

**1307.06 Buffer Strip**

Within the front yard and adjacent to the street right-of-way line there shall be an open unobstructed buffer strip of twenty (20) feet in depth. Except for the access drive, no other facilities shall be located within this area. Parking of vehicles in this buffer strip shall be prohibited. Except for accessways permitted, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress and egress and shall be continuous for the entire width of the lot adjoining the street or highway right-of-way line.

**1307.07 Lighting**

All lighting shall be shielded so as not to cause glare which would be hazardous to auto drivers or would be objectionable to users of adjacent property.

**1307.08 Lots Abutting On A Thoroughfare**

For lots abutting on a thoroughfare shown on the officially adopted Major Thoroughfare Plan of Lorain County, the minimum setback shall be equal to the setbacks provided herein plus one-half of the right-of-way specified for the thoroughfare on the Major Thoroughfare Plan.

**1308 OFF-STREET PARKING AND LOADING**

**1308.01 Off-Street Parking Requirements**

Each parking space shall be not less than 200 square feet, exclusive of drives and turning spaces. All parking areas and driveways shall be graded and hard-surfaced with asphalt or concrete. Bumper guards shall be provided to establish the limit of each parking area, except at accessways. No parking shall be permitted on a thoroughfare specified as a major thoroughfare on the officially adopted Major Thoroughfare Plan of Lorain County.

**1308.02 Minimum Required Parking Spaces**

- a. Gasoline Service Station - 1 Space Per Employee, plus 1 Space Per Grease Rack, plus 1 Space Per Restroom.
- b. Motels Or Hotels - 1 Space Per Lodging Unit, plus 1 Space Per Each 2 Employees.
- c. Meeting Hall - 1 Space Per 3 Seats.
- d. Restaurant - 1 Space Per 2 Seats, plus 1 Space Per Each 3 Employees.
- e. Other Uses - As Determined by The Board of Zoning Appeals.

**1308.03 Off-Street Loading Facilities**

09/06/1979 Off-street loading facilities shall not be located in the required front, side and rear yards. The loading space shall not be used for repairing or servicing of motor vehicles.

## **1309 ACCESS DRIVES**

Access drive to major streets shall be controlled in the interest of public safety and to maintain the designed capacity of the major street system:

- a. Drives shall be so designed and located, that vehicles can safely enter and leave the facility with no need to park, stand or maneuver back and forth on the major thoroughfare right-of-way.
- b. Those portions of the access drive located within the highway right-of-way shall be paved of material equal to the highway pavement; be no greater than thirty-five (35) feet wide; be designed to prohibit surface drainage from flowing directly onto the highway pavement; include minimum 20 foot turning radii between the edge of the drive and the highway pavement; and be curbed.
- c. Each lot shall not have more than two (2) access drives to any one street or highway. The width of any access drive shall not be less than sixteen (16) feet nor shall it exceed thirty-five (35) feet. Insofar as practicable the use of common accessways by two or more uses shall be encouraged to reduce the number of such highway access points. The fronting of uses on a marginal service street shall also be encouraged.
- d. There shall be no access drives permitted for a minimum distance of 600 feet measured along road center lines from the outermost ramp terminal right-of-way to the first access drive. To accomplish this objective, marginal service roads, parallel service roads, combining the access of several developments, or other approved facilities shall be encouraged.

## **1310 SIGNS**

### **1310.01 General Provisions**

- a. In any Motorist Service District each business shall be permitted one flat or wall sign.
- b. The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise.

### **1310.02 Area**

The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of width of a building or part of building occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.

### **1310.03 Free Standing Signs**

Free standing signs serving a group of business establishments shall be permitted if they do not exceed the district height requirements, have no more than a total sign area of one hundred (100) square feet and are located not closer than either twenty (20) feet or the height of sign, whichever is greater, to any street or adjoining lot line.

### **1310.04 Pole Signs**

Pole signs of symbolic design shall be permitted for automobile service stations and other similar business establishments provided:

- a. No part of such sign shall project into the right-of-way of any street or highway.
- b. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way.
- c. The maximum area of any face of such sign shall not exceed forty (40) square feet.

d. The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District.

**1310.05 Height**

The height of the lowest member of any sign which is not integral with a wall surface shall be not less than eight and one-half (8 1/2) feet above a sidewalk or other pedestrian way and not less than fourteen (14) feet over or within three (3) feet of the vertical projection of a pavement used for vehicular traffic.

**1310.06 Lighting**

All sign and advertising structures may be illuminated internally or by reflected light provided it is a continuous source of light and the source of light is not visible and it is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

**1310.07 Signs Within 660 Feet Of Interstate Systems**

Notwithstanding any other provisions of this chapter, signs shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System.

**1311 SUBMISSION OF PLANS**

The provisions of Article 310 shall be in full force and effect in this district.

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## **ARTICLE XIV**

### **INDUSTRIAL DISTRICT REGULATIONS**

#### **LIGHT INDUSTRIAL - LI-1**

##### **1401 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 or 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 other less intensive business and residential uses.

##### **1402 PERMITTED USES**

Any of the following uses, or those of a similar nature, if conducted within an 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); asbestos and asbestos products 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; barbecue (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 shops (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); carpets and rugs (wholesale); cement products manufacturing (pipe, blocks, etc.); cement; cement storage; cesspool builders and service equipment yard; chemicals and drugs storage and distribution; cigarette manufacture; cigarette service; cigarette manufacturing (machine rolled); cigars (wholesale and storage); cleaning compounds storage; cleaning and dyeing processing; clock factory; clothing manufacturing; coffee (wholesale and storage); coin machines manufacturing; coin machines (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); crop dusting equipment yards.
- Dairies (distributing, commercial); dairies (pasteurization, commercial); decoration (workshop and equipment yard); department store warehouses; 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; drugs (wholesale, storage); dry cleaning establishments (bulk processing); dry goods (wholesale or storage).
- Eggs (storage and processing); electric contractor's shops; electric equipment assembly; electric plating; electric refrigeration lockers; electrical appliances manufacturing; electrical appliances repairs; enameling and painting (custom); engravers and electroplaters; express company warehouses; exterminating and fumigating (commercial shops).
- Farm implements and machinery assembly; feed (wholesale and storage); fences (metal, wholesale and storage); fertilizers (processed, storage only); filters fabrication; 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 foods processing; frozen foods (wholesale, storage and distribution); fruit and vegetable juice processing; fruit and vegetable market (wholesale); fruits and vegetable processing (general, see under product listing); fur warehouse; furnaces (cleaning and repairing shops); furniture cleaners; furniture (repairing and refinishing); furniture (wholesale and storage); furs 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 (warehouse); insecticides (storage and distribution); insulation (contractors equipment yard, storage and wholesale); interior decorators (workshops); iron equipment.
- Janitor supplies, storage and warehouse; jewelers (bulk manufacturing); jobbers (bulk materials).
- Knit goods manufacturing.
- Laboratories (commercial, analytical, experimental and research); ladies ware manufacturing; laundries (processing); laundry equipment and supplies (storage); leather goods (manufacturing, fabrication); limb manufacturing (artificial); lime (storage); linen supply laundry service; linoleum (storage); leather goods; 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 (exchanges of goods); meat (storage and wholesale); men's clothing manufacturing; metals, processing, 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 (re-silvering, 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, notion (manufacturing wholesale); novelties (manufacturing and wholesale); nuts (edible, processing).
  - Office equipment manufacturing (see also business machines); office furniture (storage and warehouse); oil burners (installation and repair); optical goods manufacturing; ornamental metal work (custom hand fabrication); orthopedic appliances manufacturing; overall manufacturing.
  - Packing, crating service fabrication; painters equipment and supplies (shops, 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); pipe coverings contractors shops; pipe fittings (storage and wholesale); pipe (concrete, manufacturing and storage); pipe (metal storage); plasterer (wholesale and storage); plastic and plastic manufacturing; plating works (precious metals) plumbers shops; plumbing fixtures and supplies (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 (contractor's shops; sign painter's shops; sign maintenance service shops; sign (neon and metal fabrication); skylights (custom manufacturing); slip covers (custom manufacturing); soaps (wholesale and storage); sporting goods manufacturing; soda 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 Articles); 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); trunks manufacturing.

- Underwear (wholesale and manufacturing); upholsters (custom).
- Wall board (wholesale and storage); wallpaper manufacturing; warehouses; 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 (contractors shops); waterproofing (material storage); weighers (commercial); welding (commercial); welding (equipment and supplies storage); well drilling (equipment yard); wholesale produce (storage or market); commercial winches (equipment rentals); window display (installations, studio and shops); wines (storage, bottling and wholesale); wood (storage yard); woodworking (cabinet and custom mill work); woodworking (equipment, wholesale); woven good (fabrication and assembly).
- Other uses of a like nature.

### **1403 BUILDING HEIGHT**

Buildings shall not exceed fifty (50) feet in height.

### **1404 LOT AND YARD REQUIREMENTS**

#### **1404.01 Lot Area and Width**

Every lot in an LI-1 District shall contain a minimum area of two (2) acres and a lot frontage and width of two hundred (200) feet.

#### **1404.02 Corner Lots**

The building's setback on corner lots shall be one hundred (100) feet from both street right-of-way lines. The remaining yards shall conform to the provisions contained herein.

#### **1404.03 Yards Required**

Yards of the following widths or depths shall be provided for all permitted uses unless otherwise permitted by this Resolution:

- a. **FRONT YARD - 07/21/1992** The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall be appropriately landscaped and maintained. Such minimum space shall remain open and unoccupied by any building or use other than driveways and sidewalks.
- b. **SIDE YARDS - 07/21/1992** 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 there shall be a side yard buffer strip of one hundred (100) feet on the side abutting the residential district. Such space abutting the residential district shall be appropriately landscaped and maintained. Such space shall remain open and unoccupied by any building or use.
- c. **REAR YARDS - 07/21/1992** 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 landscaped and maintained and shall remain open and unoccupied by any building.

**1404.04 Percentage of Lot Coverage**

Buildings together with their accessory uses in an LI-1 District shall cover not more than forty (40) percent of the area of any lot.

**1405 SUBMISSION OF PLANS**

The provisions of Article 310 shall be in full force and effect in this District.

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## ARTICLE XV

### INDUSTRIAL DISTRICT REGULATIONS

#### HEAVY INDUSTRIAL - HI-1

##### 1501 PURPOSE

The purpose of the HI-1 District is to encourage the development of major manufacturing, processing, warehousing and major research and testing operations. These activities require extensive community facilities, and reasonable access to arterial highways. They may have extensive open storage and service areas, generate heavy traffic, but shall be prohibited if they create nuisances beyond the limitations set by the Zoning Board.

##### 1502 PERMITTED USES

Any of the following uses, or those of a similar nature, if conducted within an enclosed building or structure, or within an area enclosed on all sides by a solid wall or uniformly painted fence not less than eight feet in height:

- Abrasives manufacturing; acoustical material manufacturing; agricultural implements manufacturing; air conditioning equipment (mass unit production); airplane manufacturing; aniline color or dye manufacturing; asbestos manufacturing; automobiles manufacturing.
- Bag cleaning, bag jobbers (burlap); bag manufacturing; balls and bearings manufacturing; barrel manufacturing; bathroom accessories manufacturing; beer (brewing); beet sugar manufacturing; belting manufacturing; blacksmith; bleacheries (cloth processing); bleaching compound manufacturing; blueing manufacturing; boat manufacturing; boilers manufacturing and repair; bottle manufacturing; bottle caps and seals manufacturing; bottled gas (shortage and distribution); box manufacturing; boxes; brake lining manufacturing; breweries; brick kilns; brushes manufacturing; burlap processing; business machines manufacturing; butane distributors; butter and cheese manufacturing; button manufacturing (metal, plastic); bottled gas manufacturing.
- Candy manufacturing; candle manufacturing; cannery; canvas manufacturing; car manufacturing (railroads); carbide sales and distribution; carpet manufacturing; carriage and wagon manufacturing; carton manufacturing; casein manufacturing; cash registers manufacturing; caskets; cast iron pipe manufacturing; cattle feed lots; chalk manufacturing; charcoal manufacturing and pulverizing; cheese manufacturing; chocolate and cocoa products manufacturing; cider and vinegar manufacturing; clay products manufacturing; cleaning compounds manufacturing; cloth, weaving and spinning; coal and coke yards; coffee roasting; coke oven manufacturing; concrete (bulk) manufacturing; condensed milk manufacturing; confectioners manufacturing; container paper manufacturing; cordage mill; cosmetics

- manufacturing; cotton seed products manufacturing; cotton spinning and weaving; crockery manufacturing.
- Dairy equipment and supplies manufacturing; dairy products manufacturing; diesel engines manufacturing; distillers; doors manufacturing; drugs manufacturing; dyeing (commercial bulk); dyestuffs manufacturing.
  - Electric equipment manufacturing (casting and molding); elevators (grain); elevators manufacturing; emery cloth and sandpaper manufacturing; enameling and painting (bulk production); engine manufacturing; envelope manufacturing; excelsior manufacturing, storing and distribution, bulk; extrusion of metal.
  - Fabrics (weaving and spinning); feed (grains, manufacturing and processing); felt (building insulation manufacturing); felt (fabric manufacturing); fences (metal, fabrication and manufacturing); firebrick (manufacturing); fire clay products manufacturing; fireproofing manufacturing; floor materials (linoleums) manufacturing; floor polish and wax manufacturing; flour and grain (storage and elevators); flour mills; furniture (bulk manufacturing, metal, wood).
  - Gas tanks (illuminating); glass blowing (bulk processing); glass manufacturing (window and plate); glucose manufacturing; grain elevators; graphite manufacturing; gums (wholesale processing); gutta-percha manufacturing.
  - Hair products factory, hat manufacturing; heavy castings manufacturing; horse-radish manufacturing; hose manufacturing; ice manufacturing; industrial truck body manufacturing; insulation material manufacturing; iron foundry, shellacking works; kerosene manufacturing or storage; kindling factory.
  - Lampblack manufacturing; lathe manufacturing; lead manufacturing (see metals); lead (white) and oil manufacturing; leather manufacturing; leather findings; linen goods manufacturing (spinning, weaving); linoleum manufacturing; linseed oil manufacturing; liquor distilleries; locomotive manufacturing; luggage manufacturing; lumber processing.
  - Machine tools manufacturing; malleable casting manufacturing; malt extracts manufacturing; marble (quarry processing); matches manufacturing (wholesale and storage); mattresses manufacturing; metals (heavy casting); metal polish manufacturing; mills (flour and grain); mill work (woodworking) manufacturing; mirrors (bulk manufacturing); molasses manufacturing; monuments manufacturing.
  - Office furniture manufacturing; oil (fuel, storage); oil (vegetable, manufacturing and processing); oil burners manufacturing; oilcloth manufacturing; oiled rubber or synthetic leather goods manufacturing; oleomargarine manufacturing; olives (processing); ore (storage, elevators); organ manufacturing; ornamental metal work (mass production).
  - Packing and crating service (sawmill operations); paint shops, automobile (see auto repairs); paint and varnish manufacturing; paper manufacturing; paper products manufacturing (cartons and containers); pencil factory; perfumery manufacturing; petroleum storage (wholesale); pharmaceutical products; phonograph records manufacturing; piano manufacturing; pickles (processing); pipe (metal, manufacturing); planing mill, plastic and plastic manufacturing; plating works, bulk galvanizing; poultry feed manufacturing; printers ink manufacturing; pumice manufacturing.

- Rags (bulk collection and storage, processing); rolling mills, rope manufacturing (rope walk); rubber products manufacturing; rubber products salvage; rubbish removal (private equipment storage); rug manufacturing.
- Salt manufacturing; sand and gravel (processing and storage); sandpaper manufacturing; sawmill; seed treatment (processing, extraction of oil); septic tanks (servicing and cleaning equipment yard); sewer pipe manufacturing (tile and terra-cotta); sewer service (equipment yard); shingle manufacturing; shell grinding; shellac manufacturing; silk manufacturing; snuff manufacturing; soda compound manufacturing; soy bean oil manufacturing; spices (processing); spinning mill, springs (metal, manufacturing), stair builders (metal); steel fabrication (heavy Articles); steel tank manufacturing; stone crushing; stone cutting and screening; stove polish manufacturing; stoves and ranges manufacturing; structural steel manufacturing; sugar refining; sweeping compound manufacturing; syrup and preserve manufacturing.
- Tank fabrication; tank farm (petroleum); tea and spice packing; terra-cotta manufacturing; textile mills; tile manufacturing (decorative); tile manufacturing (structural); time records machines manufacturing; tin products manufacturing; tinfoil manufacturing; tire manufacturing; tobacco (chewing, manufacturing or treatment); tombstone manufacturing; turpentine manufacturing; varnish manufacturing.
- Wagon manufacturing; wall board manufacturing; washing powder manufacturing; washing soda manufacturing; waste paper products manufacturing; water proofing materials manufacturing; waterproof treatment and manufacturing; wax processing; waxed container manufacturing; weaving mills; white lead manufacturing; wines (distillation); wire rope and fencing fabrication; wood products manufacturing (bulk); woodworking (sawmill, bulk, processing); wool processing, wool scouring or pulling; wool spinning and weaving; worsted goods manufacturing; woven goods manufacturing (mills); wrecking contractors yards; yeast cultivation (bulk).

### **1503                    CONDITIONALLY PERMITTED USES**

Salvage Yards (See Article 418)

### **1504                    BUILDING HEIGHT**

Building height shall not exceed fifty (50) feet.

### **1505                    LOT AND YARD REQUIREMENTS**

#### **1505.01            Lot Area and Width**

Every lot in an HI-1 District shall contain a minimum area of three (3) acres and a lot frontage of three hundred (300) feet.

#### **1505.02            Corner Lots**

The building's setback on corner lots shall be one hundred (100) feet from both the street right-of-way lines. The remaining yards shall conform to the provisions contained herein.

#### **1505.03            Yards Required**

Yards of the following widths or depth shall be provided for all uses unless otherwise permitted by this Resolution:

- a. **FRONT YARDS - 07/21/1992** The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall be appropriately landscaped and maintained. Such minimum space shall remain open and unoccupied by any building or use other than driveways and sidewalks.
- b. **SIDE YARDS - 07/21/1992** There shall be two (2) side yards, each having a width of not less than thirty-five (35) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district there shall be a side yard buffer strip of one hundred fifty (150) feet on the side abutting the residential district. Such space abutting the residential district shall be appropriately landscaped and maintained. Such space shall remain open and unoccupied by any building or use.
- c. **REAR YARDS - 07/21/1992** There shall be a rear yard of not less than fifty (50) 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 fifty (150) feet. This area shall be appropriately landscaped and maintained and shall remain open and unoccupied by any building.

**1505.04 Percentage Of Lot Coverage**

Buildings together with their accessory uses in an HI-1 District shall cover not more than forty (40) percent of the area of the lot.

**1506 SUBMISSION OF PLANS**

The provisions of Article 310 shall be in full force and effect in this District.



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## **ARTICLE XVI**

### **INDUSTRIAL DISTRICT REGULATIONS**

#### **INDUSTRIAL PARK - IP-1**

##### **1601 PURPOSE**

It is the intent of the Township in the creation of the IP-1 Industrial Park District and its appurtenant regulations to encourage in appropriate locations the development of "industrial subdivisions" which will be characterized by a park-like openness and attractive modern buildings set in a landscaped environment. Industries located therein shall be harmoniously integrated with each other and compatible to that portion of the Township within which the industrial park is located. Area requirements for the District are designed to promote the concentration of these desirable industries so that necessary common facilities may be provided and used and in order that problems of utilities, access, traffic control and other services may be more easily solved.

##### **1602 PERMITTED USES**

- a. Public utilities whether owned and operated municipally or privately.
- b. Research laboratories.
- c. Heliports.
- d. The assembly, manufacturing, compounding, processing, packaging, treatment or fabrication of bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceuticals, toiletries and food products except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.
- e. The manufacturing, compounding, assembling, or treatment of articles of merchandise from the following prepared materials; bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except planing mill), yarns and those substances or compounds which are not combustible, inflammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property. Except the foregoing, other articles, substances or compounds, may be stored and used in reasonable quantities provided such storage and use are permitted and subject to such conditions as the Zoning Board may deem necessary in the interests of public safety.
- f. Customary accessory uses to any of the foregoing, not in conflict with any other provisions of this Resolution.

- g. Other uses of a like nature as approved by the Zoning Board.

### **1603 SPECIAL PERMITTED USES**

The following special uses shall be permitted in an Industrial Park District providing that buildings and accessory buildings and uses comply with all requirements of this District and that all such uses not involving buildings or accessory buildings shall have the approval of the Zoning Board:

- a. Cafeterias or restaurants specifically designed and primarily intended for use by those employees and management of uses permitted in the Industrial Park District, but not necessarily exclusively for their use.
- b. Bowling alleys, auditoriums, meeting rooms, or other buildings primarily intended for the mutual use of the permitted uses located within the District, for meetings, programs, displays, recreation and other such uses as the industrial users of the District may deem necessary. These facilities shall be prohibited for use by organizations, clubs, and fraternities not specifically a part of the industrial users of the District.
- c. Outdoor recreational facilities designed and intended for use by employees and management of those industries within the District. These facilities and associated uses shall comply with all requirements of this Article in respect to front yard, side yard and rear yard clearances. These facilities if lighted must be shielded away from any thoroughfares and residential districts.

### **1604 BUILDING HEIGHT**

09/06/1979 The maximum height of any building at each of the building lines shall be no more than fifty (50) feet, except as otherwise provided in this Resolution.

### **1605 MINIMUM LOT AREA AND LOT WIDTH**

An Industrial Park District shall be required to contain a minimum of one hundred (100) acres of land area. All buildings or structures permitted in the Industrial Park District shall be located on a lot having a minimum area of one (1) acre and a minimum frontage and width on a public thoroughfare of one hundred and fifty (150) feet.

### **1606 YARDS REQUIRED**

#### **1606.01 Front Yards**

The depth of the front yard shall be not less than seventy-five (75) feet on all minor streets. For lots fronting on streets shown as major thoroughfares on the Lorain County Major Thoroughfare Plan, the depth of the front yard shall be seventy-five (75) feet plus one half of the proposed right-of-way for such major thoroughfares as shown of the Major Thoroughfare Plan.

#### **1606.02 Access Barrier**

Within the required front yard and adjacent to the street right-of-way line, there shall be an open and unobstructed buffer strip of thirty (30) feet in depth. Parking of vehicles in this buffer strip shall be prohibited. Except for accessways permitted below, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress or egress and shall be continuous for the entire width of the lot adjoining the street or highway right-of-way line.

**1606.03 Accessways**

Each lot shall have not more than two accessways to any one street or highway. The width of such accessway shall be not less than twenty (20) feet nor shall it exceed forty (40) feet. Insofar as practicable the use of common accessways by two or more uses shall be encouraged to reduce the number of access point. The fronting of uses on a marginal service street shall also be encouraged.

**1606.04 Side and Rear Yards**

There shall be a rear yard of not less than fifty (50) feet and two (2) side yards, each having a width of not less than twenty-five (25) feet. Wherever an industrial district adjoins any other district, there shall be side and rear yard areas of not less than one hundred (100) feet along the lot lines of such other district and suitable planting shall be maintained in such area. Suitable planting shall mean a planting which will reach a height of at least seven (7) feet within a two-year period after such planting is made, and which will effectively screen the industrial use district from the adjoining lots of any other use district.

**1606.05 Heliports - Yards Required**

In addition to the yards provided herein, any heliport or part thereof lying wholly within an Industrial Park District shall provide peripheral strips, no less than one hundred (100) feet wide, interior from all building lines and no structures above surface yard improvements or vegetation above a level of eight (8) inches above ground shall be permitted thereon. The interior lines of such peripheral strip shall constitute the building lines of such heliports. All approach strips, landing pads and other facilities shall meet minimum requirements specified by the Federal Aviation Agency or other applicable agencies governing safe operation and procedure of aircraft.

**1607 PERCENTAGE OF LOT COVERAGE**

No more than thirty (30) percent of the lot area shall be covered by any main and accessory buildings.

**1608 SUBMISSION OF PLANS**

The provisions of Article 310 shall be in full force and effect in this district.

**1609 STREETS, SEWERS AND WATER LINES**

All streets, sewers and water lines in any industrial park 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 use to be made of the plat and the drainage and traffic problems of the area.

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**ARTICLE XVII**

**FLOOD PLAIN ZONE REGULATIONS - FP-1**

<b>1701</b>	<b>PURPOSE</b>
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<b>1703</b>	<b>PERMITTED USES</b>
<b>1704</b>	<b>CONDITIONALLY PERMITTED USES</b>
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<b>1706</b>	<b>TOWNSHIP LIABILITY</b>

## ARTICLE XVII

### FLOOD PLAIN ZONE REGULATIONS - FP-1

#### 1701 PURPOSE

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the 100 and 50 year floods in the flood plain areas of the major rivers, their branches and tributaries within the Township so that the carrying capacity shall not be reduced, thereby creating danger to the areas previously not so endangered in time of high water. Said regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency.

#### 1702 APPLICABILITY

See Article 307.07.

#### 1703 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, 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.

#### 1704 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 Zoning Board and report 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 accomplished by the use of piles, stilts, cantilevering or other such construction methods which will place the desired building and structures above the determined flood elevation in a safe manner. The foundation and structural supports of buildings and structures shall be so designed to withstand the anticipated level, volume and velocity of the floodwaters and to minimize the impeding of the natural free flow of the floodwaters.
- b. Be constructed under said conditional use permits so as to have minimum first floor elevation of not less than three 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 buildings 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 Article 408)
  - Parks and Playgrounds (See Article 412)
  - Plant Nursery (See Article 413)
  - Recreational Campgrounds (See Article 415)

### **1705 SUBMISSION OF PLANS**

The provisions of Article 310 shall apply in this Zone.

### **1706 TOWNSHIP LIABILITY**

New Russia Township shall incur no liability whatsoever by permitting any use or building within a flood plain within the Township.

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### **ARTICLE XVIII**

#### **SIGNS**

<b>1801</b>	<b>PURPOSE</b>
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## **ARTICLE XVIII**

### **SIGNS**

#### **1801 PURPOSE**

To establish a minimum regulation for public and private signs and lights; to encourage signing 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 systems.

#### **1802 GENERAL**

- a. Public notices and Christmas display lighting shall be exempted from the requirements of this Resolution.
- b. 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, designs or symbols.
- c. Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.
- d. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any specific "R" District shall not exceed six (6) square feet. Signs for conditional uses in any business, commercial or industrial district shall be as specified or conform to the requirement for the most similar use in the district in which it is located subject to approval of the Board of Appeals.
- e. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary 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. The total area of all free-standing signs, pole signs, or signs projecting beyond building walls shall not exceed three hundred fifty (350) square feet for any individual business establishment or use in any district.

### **1803 RESIDENTIAL DISTRICTS**

- a. One sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed sixteen (16) square feet.
- b. 09/06/1979 Real estate sign advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted provided such sign shall not exceed four (4) square feet.
- c. 09/06/1979 Sign for home occupations, professional activities and nonconforming uses, where existing or permitted, shall not exceed six (6) square feet in area in any "R" District.
- d. 09/06/1979 A bulletin board or a sign for a church, school, community or other public or semi-public institution and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed sixteen (16) square feet per face.
- e. 09/06/1979 Wall sign pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed sixteen (16) square feet.
- f. No building wall shall be used for display of advertising except pertaining to the use carried on within such building.
- g. Temporary signs shall be permitted not closer than the highway right-of-way line provided no part of the sign is more than 3 feet above ground level.

### **1804 BUSINESS DISTRICTS**

- a. In a business or commercial district, each business shall be permitted fascia or wall signs. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted within certain districts.
- b. The erection of outdoor advertising signs shall be permitted in all commercial districts provided such signs advertise a legitimate business or service conducted on the premises and the size of the sign shall be limited as provided herein.
- c. 09/06/1979 The area for all permanent signs located on the premises with any business use shall be limited to an area not to exceed one and one-half (1 1/2) square feet per lineal foot of building width, but not to exceed 200 square feet.
- d. Free-standing signs serving an individual business or a group of business establishments shall be permitted if they have no more than a total sign area of one hundred (100) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any street, right-of-way or adjoining lot line.
- e. Pole signs of symbolic design shall be permitted for automobile service stations and other similar business establishments provided:
  1. No part of such sign shall project into the right-of-way of any street or highway.
  2. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way.
  3. The maximum area of any one face of such sign located within the front yard shall not exceed fifty (50) square feet.
  4. The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District nor within twenty (20) feet of the intersecting right-of-way of any state or federal highway and major or secondary street.

### **1805 INDUSTRIAL USES**

The area for all permanent signs located on the premises with any industrial use shall be limited to an area not to exceed one and one-half (1 1/2) square feet per lineal foot of building width but not to exceed 200 square feet.

### **1806 SETBACK REQUIREMENTS**

Signs and outdoor advertising structures except as specifically permitted within this Article shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such District except for the following modifications:

- a. 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 foot but such setback need not exceed one hundred (100) feet.

### **1807 YARD PROVISIONS**

Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be permitted within fifty (50) feet of the front, side or rear lot line of any lot in any "R" District or within one hundred (100) feet of any public parkway, public square or entrance to any public park, public or parochial school, library, church or similar institution.

### **1808 FLOOD PLAIN ZONE**

One sign which shall not extend higher than three (3) feet above ground level may be permitted at the entrance of a park, and shall be set back at least twenty (20) feet from the road right-of-way line.

### **1809 ALLOWED SIGNS**

Signs whose subject matter relates exclusively to the premises on which they are located, or to products, accommodations, or activities on those premises, shall be allowed as follows:

- a. Number of signs - Each building may have one building sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use. In addition, there may be an occupancy sign and one pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.
- b. Location of signs - No sign shall overhang the public way to within 3 feet of the curb line. No sign, except on a marquee or canopy providing shelter, shall overhang more than 1/3 of the sidewalk width.
- c. No sign shall extend more than 15 feet above record grade or more than 4 feet above the lowest point of the roof of the single-story building with which it is associated, whichever is less restrictive, nor above the third floor of a multi-story building, except that motels, hotels, and other transient lodgings may display such signs up to 40 feet above record grade.
- d. The top of pedestrian signs shall be no higher than 10 feet above the sidewalk.
- e. For other than first floor occupants, occupancy signs shall be located between the second and third floors.
- f. Permanent signs on the surface of or inside display windows shall cover no more than 10% of the display window area.

- g. Portable signs shall be allowed without permit for a period not to exceed 10 days in any 30-day period provided such signs meet all other requirements of this Resolution.

**1810 LETTERING SIZE**

- a. Building signs shall not employ letters exceeding 8 inches in height in Residential Districts as defined in this Resolution or 18 inches in height elsewhere.
- b. Occupancy signs shall not employ letters exceeding 6 inches in height.
- c. Pedestrian signs shall not employ letters exceeding 3 inches in height.

**1811 ILLUMINATION**

- 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 foot-candle of illumination 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 foot-candle.

**1812 TEMPORARY SIGNS**

The following signs are allowed for a period of up to one year without a permit:

- a. Construction signs - one unlighted sign of up to 20 square feet identifying parties involved in construction of the premises where the sign is located; one illuminated sign up to 40 square feet identifying the owner's name and the activity for which the building is intended and describing the construction process, but not including the advertisement of any product. These signs must be removed within 14 days after the beginning of the intended activity.
- b. Real Estate signs other than in a residential district - one unlighted sign of up to 20 square feet pertaining to the sale, rental, or lease of the premises on which the sign is displayed, to be removed within 14 days after sale, rental or lease.
- c. Event signs - unlighted signs of up to 32 square feet displayed on private property and limited to one per each premises announcing a campaign, drive or religious organization, to be removed within 14 days after the 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 this Article provided the same are removed within ten days after the completion of the election involved. Failure to remove such signs as required herein shall be deemed a violation of this Resolution.
- e. Display window signs - signs on the surface of or inside display windows lighted only by building illumination and covering no more than 20% of the display window area.

**1813 PROHIBITED DEVICES**

- a. No sign or light shall move, flash, or make noise.
- b. Colored lights and illuminated signs employing colors in use in traffic signal lights are prohibited within view of any signalized intersection.

- c. Any imitation of official traffic signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning" are prohibited.
- d. Fluorescent colors in the yellow to red spectrum are prohibited.

**1814            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 the zoning inspector may require. All signs shall display a tag supplied by the Zoning Inspector as evidence of the permit.
- b. Fees for sign permits shall be fixed by the Township Trustees.
- c. Appeals may be made to the Zoning Board of Appeals by the same procedures governing other zoning appeals.

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### ARTICLE XIX

#### OFF-STREET PARKING AND LOADING FACILITIES

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## **ARTICLE XIX**

### **OFF-STREET PARKING AND LOADING FACILITIES**

#### **1901 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 provisions of this Resolution.
- b. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many 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.

#### **1902 PARKING SPACE DIMENSIONS**

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 Article 1919 of this Resolution.

#### **1903 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.

#### **1904 PAVING**

The required number of parking 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.



**1905 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.

**1906 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.

**1907 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.

**1908 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 Board.
- c. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

**1909 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 nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, of planting screen, and the lot line of the adjoining premises 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.

**1910 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 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.

**1911 JUNK MOTOR VEHICLE PARKING**

10/16/2020 The parking of junk motor vehicles 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.

**1912 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 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 any established street or alley right-of-way.

**1913 JOINT USE**

Two 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 shall be filed with the application for a zoning permit.

**1914 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.

**1915 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 for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

**1916 ACCESS**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways for parking areas 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 public or private 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 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-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.

**1917 Blank – Never Used 09/17/1973**

**1918 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.



## 1919 PARKING SPACE REQUIREMENTS

For the purposes of this Resolution, the following parking space requirements shall apply:

### 1919.01 RESIDENTIAL

TYPE OF USE	PARKING SPACES REQUIRED
a. Single family or two-family dwelling	Two for each unit
b. Apartment hotels, apartments, or multi-family dwellings:	Two for each unit
c. 09/06/1979 Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms	Two for each sleeping room or one for each permanent occupant

### 1919.02 COMMERCIAL

TYPE OF USE	PARKING SPACES REQUIRED
a. Automobile service stations	One for each two gasoline pumps and two for each service bay plus one for each employee and one for each restroom.
b. Hotels, motels Similar type uses of floor area in slumber rooms, parlors, or service rooms	One per each sleeping room plus one space for each two employees.
c. Funeral parlors, mortuaries and similar uses	One for each 100 sq. ft.
d. Retail stores	One for each 250 sq. ft. of floor area
e. Banks, financial institutions and similar uses	One for each 200 sq. ft. of floor area
f. Offices, public or professional administration or service buildings	One for each 400 sq. ft. of floor area
g. All other types of business or commercial uses permitted in any commercial district	One for each 300 sq. ft. of floor area

### 1919.03 RECREATIONAL OR ENTERTAINMENT

TYPE OF USE	PARKING SPACES REQUIRED
a. 09/03/2010 Dining Rooms, Restaurants, Taverns Night Clubs, Sexually Oriented Businesses, etc.	One for each 200 sq. ft. of floor area
b. Bowling Alleys	Four for each alley or lane, plus one additional for each 100 sq. ft. of the area used for Restaurant, Cocktail Lounge, or similar use
c. Dance Floors, Skating Rinks	One for each 100 sq. ft. of floor area used for the activity

d. Outdoor Swimming Pools, Public, or Community, or Club	One for each 5 persons capacity, plus one for each 4 seats, or one for each 30 sq. ft. floor area used for seating purposes, whichever is greater
e. Auditoriums, Sport Arenas, Theaters, And Similar Uses	One for each 4 seats
f. 05/06/2004 Sexually Orientated Cabarets/Movie Houses	One space per patron, based on the maximum occupancy load established by fire, building, or health code, whichever is greatest, plus one space per employee on the largest working shift

**1919.04 INSTITUTIONAL**

TYPE OF USE	PARKING SPACE REQUIRED
a. Churches and Other Places of Religious Assembly	One for each 4 seats
b. Hospitals	One for each bed
c. Sanitariums, Homes for The Aged, Nursing Homes, Children’s Homes, Asylums and Similar Uses	One for each 2 beds
d. Medical and Dental Clinics	One for every 200 sq. ft. of floor area of examination, treating room, office and waiting room
e. Libraries, Museums and Art Galleries	One for each 400 sq. ft of floor area

**1919.05 SCHOOLS**

TYPE OF USE	PARKING SPACE REQUIRED
a. Elementary and Senior High Schools	Two for each classroom and one for every 8 seats in auditoriums or assembly halls
b. High Schools	One for every 10 students and one for each teacher and employee
c. Business, Technical and Trade Schools	One for each 2 students
d. Colleges and Universities	One for each 4 students
e. Kindergartens, Child Care Center, Nursery Schools and Similar Uses	Two for each classroom, but not less than 6 for the building

**1919.06 INDUSTRIAL**

TYPE OF USE	PARKING SPACE REQUIRED
a. All Types of Manufacturing, Storage and Wholesale Uses Permitted in Any Industrial District	One for every 2 employees (on the largest shift for which the building was designed) plus 1 for each motor vehicle used in the business
b. Cartage, Express, Parcel Delivery and Freight Terminals	One for every 2 employees (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises

## **1920 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 Board.
- b. Fractional numbers shall be increased to the next whole number.

## **1921 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 location, basis and capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.

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## ARTICLE XX

### ADMINISTRATION

#### 2000 ADMINISTRATION 09/06/1979

##### 2000.01 Office Of Zoning Inspector Created

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Article 519.161, Ohio Revised Code.

##### 2000.02 Duties Of Zoning Inspector

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

- a. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
- b. Order discontinuance of illegal uses of land, buildings, or structures;
- c. Order removal of illegal buildings or structures or illegal additions or structural alterations;
- d. Order discontinuance of any illegal work being done;
- e. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on Zoning Certificates and such similar administrative duties as are permissible under the law.

##### 2000.03 Zoning Board Created

There is hereby created a New Russia Township Zoning Board of five (5) members, who shall be appointed by the Township Trustees, be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the term of the original members shall be of such length and so arrange that the term of one successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for respective unexpired term.

##### 2000.04 Organization And Rules 09/06/1979

- a. The board shall organize annually and elect a Chairman, Vice Chairman and Secretary from its membership. The Board 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 Resolution.
- b. The Chairman shall preside at all meetings of the Board. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The Chairman may appoint committees deemed necessary to carry out the business of the Board. The Chairman may administer oaths and compel the attendance of witnesses. The Chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- c. The Vice Chairman shall serve in the absence of the Chairman. He shall have all the powers of the Chairman during his absence, disability or disqualification.

- d. The Secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board.

#### **2000.05 Proceedings Of Zoning Board**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and filed in the office of the Board.

#### **2000.06 Duties Of Zoning Board**

For the purpose of this Resolution the Board shall have the following duties:

- a. Review and/or initiate and review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees;
- b. Review all disputes concerning boundary lines of Zoning Districts, to the Board of Township Trustees;
- c. Review planned Residential Districts and make recommendations to the Board of Township Trustees.

### **2001 ZONING PERMITS**

#### **2001.01 Zoning Permits Required**

09/06/1979 No building, pond, pool 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's office that does not conform with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.

#### **2001.02 Contents 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 application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half years. At a minimum, the application shall contain the following information:

- a. Name, address, and 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 and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations.
- g. Building heights.
- h. Number of off-street parking spaces or loading berths.
- i. Number of dwelling units.

- j. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

**2001.03 Approval Of Zoning Permit**

Within thirty (30) 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 one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

**2001.04 Submission To State Highway Director**

Before any zoning permit is 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 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.

**2001.05 Expiration Of Zoning Permit**

If the work described in any zoning permit has not begun within one year 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 substantially completed within two and one-half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and a written notice thereof shall be given to the persons 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.

**2002 Blank – Never Used 09/17/1973**

**2003 FAILURE TO OBTAIN A ZONING PERMIT**

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

**2004 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES**

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments

thereto, and no other use, or 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 Article XXII of this Resolution.

## **2005 COMPLAINTS REGARDING VIOLATIONS**

03/02/1982 Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person must file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

## **2006 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.

## **2007 ZONING AMENDMENTS**

### **2007.01 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, restriction, and boundaries or classification of property.

### **2007.02 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 Board.
- b. By adoption of a resolution by the Township Trustees.
- c. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **2007.03 Contents of Application**

The application for amendment shall contain at least the following information:

- a. Name, address, and 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. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning and such other items as the Zoning Inspector may require.
- h. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others who may have a substantial interest in the case.

- i. A fee as established by the Township Trustees.

**2007.04 Transmittal to the Zoning Board**

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Zoning Board.

**2007.05 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 highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five-hundred (500) feet from the point of intersection of said center line with any public road or highway, the Board shall give notice, by registered or certified mail to the Highway Director. The Board 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 shall proceed to acquire the land needed, then the Township 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.

**2007.06 Public Hearing by the Zoning Board**

The Zoning Board shall schedule a public hearing after the adoption of a motion, transmittal of 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, not more than forty (40) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.

**2007.07 Notice of Public Hearing in Newspaper**

Before holding the public hearing, notice of such hearing shall be given by the Zoning Board by at least one publication in one or more newspapers of general circulation of the Township at least thirty (30) 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 public hearing the matter will be referred to the Township Trustees for further determination.

**2007.08 Notice To Property Owners by the Zoning Board**

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

**2007.09 Submission to Regional Planning Commission**

Within five (5) days after the adoption of a motion by the Zoning Board, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Board shall

transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Board. Such recommendation shall be considered at the public hearing held by the Zoning Board.

**2007.10 Recommendations by the Zoning Board**

Within thirty (30) days after the public hearing, the Zoning Board 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 Board shall transmit its recommendation to the Township Trustees.

**2007.11 Public Hearing by the Township Trustees**

Upon receipt of the recommendation from the Zoning Board, the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Board.

**2007.12 Notice Of Public Hearing in Newspaper**

Notice of the public hearing shall be given by the Township Trustees by at least one publication in one or more newspapers of general circulation in the Township. Said notice shall be published at least fifteen days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

**2007.13 Notice To Property Owners by the Township Trustees**

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Fiscal Officer, by first class mail, at least twenty (20) days before the day of the public 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 Lorain County Auditor's current tax list or the Lorain County Treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notification, as provided in this Article shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

**2007.14 Action by the Township Trustees**

08/27/2009 Within twenty (20) days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

**2007.15 Effective Date and Referendum**

08/27/2009 The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight (8) per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of Township Trustees to submit the amendment to the

electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least seventy-five (75) days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment, resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this Article, each petition shall be governed by the rules specified in Article 3501.38 of the Ohio Revised Code. 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 Lorain County Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

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## ARTICLE XXI

### ZONING BOARD OF APPEALS

#### 2101 PURPOSE

The purpose of the Zoning Board of Appeals shall be to decide any issue involving the interpretation of the provisions contained in this Resolution, to grant variances from the strict letter of the Resolution in instances of unnecessary hardship and to authorize conditional uses as herein provided.

#### 2102 ORGANIZATION AND PROCEDURE

##### 2102.01 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 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 shall have the right to remove any members of the Board with due cause.

##### 2102.02 Organization and Rules

- a. The Board shall organize annually and elect a chairman, vice chairman and secretary from its membership. The Board 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 Resolution.
- b. The chairman shall preside at all meetings of the Board. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The chairman may appoint committees deemed necessary to carry out the business of the Board. The chairman may administer oaths and compel the attendance of witnesses. The chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- c. The vice chairman shall serve in the absence of the chairman. He shall have all the powers of the chairman during his absence, disability or disqualification.
- d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board.

##### 2102.03 Meetings

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

##### 2102.04 Voting

- a. All actions of the Board shall be taken by resolution, the 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 Board shall vote on any matter in which he is personally or financially interested.

**2102.05 Minutes and Records**

The secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

**2102.06 Witnesses and Oaths**

The Board 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.

**2102.07 Department Assistance**

09/06/1979 The Board may call on any applicable County or 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 Board. Such report shall be considered by the Board at the time and read to the public at the convening of the matter.

**2103 Governing Guidelines**

- a. The Board shall be governed by the provisions of all applicable state statutes, local laws, regulations and rules set forth herein.
- b. The Board shall become familiar with all enacted resolutions and laws of New Russia Township under which it may be expected to act as well as with applicable state enabling legislation.
- c. The Board shall uphold the Zoning Resolution and Official Zoning Map of New Russia Township as adopted and shall serve primarily as a judicial review in the performance of its duties.
- d. The Board 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 setting of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

**2104 JURISDICTION AND POWERS**

The Board 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 Board 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 regulations 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 Board by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.
- f. The Board 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.

## **2105 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**

### **2105.01 Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

### **2105.02 Fees - See Article 2012.**

### **2105.03 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 Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his 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 Board of Zoning Appeals or by a court of record on application, with a notice to the Zoning Inspector from whom the appeal is taken.

### **2105.04 Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

### **2105.05 Application and Standards for Variances**

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- a. Name, address, and phone number of applicants.
- 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:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. 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.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

#### **2105.06 Conditions for Granting Variances**

Variances may be granted by the Board 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 a variance may be made to the Board of Zoning 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 Board unless it finds that the following facts and conditions exist:

- a. 03/02/1982 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 real hardships. A hardship based on conditions created by the owner 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.
- b. 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.
- c. That because of such physical circumstances or conditions, there is not 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.
- d. That 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.
- e. That the 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.
- f. That said variance will not permit the establishment within a district of any use other than those permitted by right within that district, or any use for which a conditional permit is required.
- g. 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.
- h. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.
- i. That in no instance shall a variance be considered for the following reasons:
  1. Presence of nonconformities in the zoning district.
  2. Previous variances granted in the zoning district.

3. Uses in adjoining zoning districts.
4. The applicant's belief that the intended use would be permitted upon his purchase of the land.
5. The character standing of the applicant.
6. Hardship being demonstrated beyond the context of zoning; e.g., economics.

**2105.0601 Conditions for Granting Area Variance**

- a. 8/15/2002 "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 this 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 the 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.

**2105.07 Variations to Nonconforming Uses and Buildings**

The Board shall have no powers to authorize, as a variance, the establishment of a nonconforming building or use, extensions of or changes in nonconforming uses where none previously existed. The substitution of a nonconforming use existing at the time of enactment of this Zoning Resolution for another nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution.

03/02/1982 The Board shall adhere to regulations contained in Article 308 of this Resolution in acting upon nonconforming uses and modifications thereto.

**2105.08 Conditions Imposed by the Board**

The Board 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 XXII of this Resolution.

**2105.09 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 months, no construction has taken place in accordance with the terms and

conditions for which said variance was granted, the Zoning Inspector shall file 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.

**2105.10 Public Hearing by the Board of Zoning 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.

**2105.11 Notice of Public Hearing in Newspaper**

Before holding the public hearing, notice of such hearing shall be given in one 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.

**2105.12 Notice to Parties in Interest**

Before holding the public hearing, notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

**2105.13 Notice to Zoning Board**

09/06/1979 Before holding the public hearing, notice of such hearing shall be given to the Zoning Board and the New Russia Township Fiscal Officer at least ten (10) days before the date of said hearing, and the nature of the proposed appeal or variance.

**2106 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES**

**2106.01 Contents of Application for Conditional Use Permit**

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals and the Chairman of the Zoning Board by at least one owner or lessee 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 the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board 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.

#### **2106.02 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 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 services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- e. Will not create excessive additional requirements at public 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 or surrounding public streets or roads.
- h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

#### **2106.03 Supplementary Conditions and Safeguards**

In granting any conditional use, the Board 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.

#### **2106.04 Zoning Board Review and Comment**

The Zoning Board shall study each application for a conditional use permit and make a recommendation within twenty (20) days of receipt to the Board of Zoning Appeals.

#### **2106.05 Public Hearing by the Board of Zoning Appeals**

The Board shall hold a public hearing within forty (40) days from the receipt of the application for a conditional use.

#### **2106.06 Notice of Public Hearing in Newspaper**

Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.



**2106.07 Notice To Parties of Interest**

Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board, 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.

**2106.08 Expiration of Conditional Use Permit**

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

**2107 Decision Of The Board**

9/16/79 The Board 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 in 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.

**2108 DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS OF 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 first be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by Article 2109 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 interpretation and enforcement that may arise; these being the powers of the Board. 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 Board finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Board of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

**2109 APPEAL TO COURTS**

A person aggrieved by a decision of the Board may appeal to the Court of Common Pleas of Lorain County, Ohio.

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**ARTICLE XXII**

**PENALTY FOR VIOLATION**

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<b>2203</b>	<b>REMEDIES CUMULATIVE</b>

## **ARTICLE XXII**

### **PENALTY FOR VIOLATION**

#### **2201 PENALTIES FOR VIOLATION**

Violation of the provisions of this Resolution of 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 \$500.00 per offense 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.

#### **2202 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.

#### **2203 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.

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**ARTICLE XXIII**

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## **ARTICLE XXIII**

### **MISCELLANEOUS PROVISIONS**

#### **2301 INTERPRETATION**

In interpreting and applying the provisions of this Resolution, they shall be held to be the 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 resolution, 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 than are required under the regulations of this Resolution, such provision shall govern.

#### **2302 VALIDITY**

If any Article, 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.

#### **2303 EFFECTIVE DATE**

This Zoning Resolution shall take effect and be in force at the earliest date permitted by the Ohio Revised Code.

#### **2304 REPEAL**

Resolution of New Russia Township and any subsequent resolution amending the same and all other resolution or parts of resolution in conflict herewith or contrary hereto be and the same are repealed.

**ARTICLE XXV**

**AVAILABLE FOR NEW RESOLUTION**

## **ARTICLE XXVI**

### **RENEWABLE ENERGY**

#### **2601 WIND TURBINE ENERGY SYSTEMS (WTES) 01/06/2012**

**2601.01 Intent and Applicability**

**2601.02 Permitted Use (Not Permitted in R1-3 and R2-1)**



## ARTICLE XXVI

### RENEWABLE ENERGY

#### 2601 WIND TURBINE ENERGY SYSTEMS (WTES)

##### 2601.01 Intent and Applicability

This resolution establishes minimum requirements for WTES and regulates the placement of such systems within New Russia Township. This article does not apply to small roof mounted wind systems or systems with a tower height of less than 35 feet. Wind energy is a recognized, renewable and nonpolluting energy source and its conversion to electricity may reduce dependence on nonrenewable energy sources.

The requirement of this resolution shall apply to all WTES proposed after the effective date of said resolution. No pre-existing system shall be altered in any manner that would increase the degree of nonconformity with the requirements of this resolution and no alterations shall be made to a non-conforming pre-existing system during its life which exceeds 50% of its fair market value. If such a system is destroyed or damaged to the extent of more than 50% of its fair market value at the time of destruction or damage it shall not be reconstructed except in conformity with this resolution.

##### 2601.02 Permitted Use (Not Permitted in R1-3 and R2-1)

- a. **MINIMUM LOT SIZE:** Minimum of five (5) acres.
- b. **TOWER HEIGHT:** Tower height shall not exceed  $\frac{3}{4}$  of the property width at the tower build line or 35 ft. whichever is more restrictive shall apply (Refer to Article 306, EXCEPTIONS TO HEIGHT LIMITS)
- c. **SETBACKS:** No part of the WTES structure, including guy wires anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. A minimum set-back of the height of the tower plus the length of one blade from any structure and neighboring property lines is also required creating a clear drop zone.
- d. **NOISE:** The operation of the WTES shall be conducted in a manner that does not create noise measured at the nearest residential lot boundary that exceeds 60dB at the location when a noise measuring device is used otherwise the noise shall be kept within the confines of the property for which it stands under normal weather conditions and no sound shall be objectionable due to intermittence, beat frequency or shrillness.
- e. **COMMERCIALLY PRODUCED ENERGY SYSTEM:** The WTES must have been approved under any wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building Code and certified by a licensed professional engineer and shall also be submitted to the Zoning Inspector. A Zoning Permit must be issued prior to any construction. (Refer to Article 310, SUBMISSION OF PLANS)
- f. **ZONING PERMIT REQUIREMENTS:** Zoning permit applications for WTES shall be accompanied by:

1. Standard site plan showing the wind turbine and locations of tower, base, footings, property lines and structures within 150 ft. Evidence of "clear drop zone" must be provided on the site plan.
  2. Engineered drawings showing size, height and construction of the structure as well as the size and depth of the unit's mounting pad.
  3. An engineering report or documentation from the manufacturer of the average decibel rating of the model.
  4. A list or depiction of all safety measures that will be on the unit including anti-climb devices and lighting protection.
  5. Data specifying the kilowatt size and generating power of the unit.
  6. A maintenance schedule as well as a dismantling plan for the removal of the inoperable unit.
- g. **COMPLIANCE WITH FAA REGULATIONS:** WTES must comply with applicable FAA regulations including any necessary approvals for installations close to airports.
- h. **Compliance with National Electric Code:** Zoning permit applications for WTES shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the national Electric Code. This information is frequently supplied by the manufacturer.
- i. **UTILITY NOTIFICATION:** No WTES shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owner generator. Off-grid systems shall be exempt from this requirement.
- j. **ELECTRICAL WIRES:** All electrical wires associated with a WTES other than necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires shall be located underground.
- k. **LIGHTING:** A wind tower and generator shall not be artificially lighted unless such lighting is required by the FAA and must meet all FAA standards.
- l. **APPEARANCE, COLOR AND FINISH:** the wind tower and generator shall remain painted or finished the color or finish that was originally applied by the manufacturer unless approved in the zoning permit.
- m. **SIGNS:** All signs, other than the manufacturers or installer's identification, appropriate warning signs or owner identification on a wind tower, generator, building or other structure associated with the WTES visible from any public road shall be prohibited.
- n. **SHADOW/FLICKER:** WTES shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- o. **MAINTENANCE:** Wind turbines must be maintained in good working order. WTES that become inoperable for more than six (6) months must be removed from the property within 90 days of an issuance of the zoning violation at the property owner's expense or other body identified in the dismantling plan.

**APPENDIX A**

**LORAIN COUNTY REGIONAL AIRPORT ZONING REGULATIONS**

**APPENDIX B**

**ZONING MAP**

## APPENDIX A

### LORAIN COUNTY REGIONAL AIRPORT ZONING REGULATIONS

#### 1. DEFINITIONS

The terms used in these Lorain County Regional Airport Regulations apply to the Lorain County Regional Airport located in New Russia Township and Carlisle Township, Lorain County, Ohio, and which is generally bounded by Albrecht, Russia, West Ridge and Oberlin Roads, and are defined below:

**AIRPORT** - The Lorain County Regional Airport.

**AIRPORT ELEVATION** - The elevation of the highest point on the usable landing area. The airport elevation for these regulations is established as 793.52 feet above mean sea level.

**AIRPORT HAZARD** - Any structure or object of natural growth or use of land within the airport hazard area which obstructs the airspace required for the flight of aircraft in landing or taking-off at the airport.

**AIRPORT HAZARD AREA** - The "airport hazard area" for the Lorain County Regional Airport, as recommended by the Federal Aviation Administration Guide, Part 77, is that area wholly contained in the horizontal zone, conical zone, approach zones, and the transitional zones symmetrically positioned around a central reference point known as the airport reference point.

**AIRPORT REFERENCE POINT** - An established point having equal relationship to all landing or take-off areas of the airport, and the geographical center of these areas. Specifically, the airport reference point shall be at a point located on Runway 7-25 at latitude 41° 20' 39" and longitude 82° 10' 40".

**ADMINISTRATIVE AGENCY** - The Lorain County Airport Zoning Inspector appointed by the Board of Commissioners of Lorain County and the Airport Zoning Board.

**BOARD OF APPEALS** - The board consisting of five (5) members appointed to the Board of Commissioners of Lorain County as provided in the Revised Code of the State of Ohio.

**HEIGHT** - For purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**LANDING AREA** - The area of the airport used for the landing, take-off or taxiing of aircraft.

**NONCONFORMING USE** - Any structure, tree or use of land which is lawfully in existence at the time of the effective date of these regulations and which structure, tree or use does not meet the requirements of these regulations.

**PERSON** - Any individual, firm, co-partnership, corporation, company association, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

PLANE - A surface, real or imaginary, in which if any two points are taken, the straight line that joins them lies wholly within that surface.

POLITICAL SUBDIVISION - Any municipal corporation, township or county.

RUNWAYS - The paved or unpaved surface of an airport landing strip. The runways described herein are more particularly shown in detail on the map described in Article 3.

1. INSTRUMENT RUNWAY - A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions. For the purpose of the Lorain County Regional Airport, the instrument runway is the 7-25 Runway.
2. NON-INSTRUMENT RUNWAY - A runway other than an instrument runway. The non-instrument runway will be the alternate runway.

STRUCTURE - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

TREE - Any object of natural growth.

ZONES - The airspace above a plane or conical surface described in Article 2 of these regulations. There are several types of zones known as approach zones, transitional zones, horizontal zones and conical zones.

## 2. ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones within the airport hazard area of Lorain County. These zones are shown on the Lorain County Regional Airport Zoning Map which is attached to these regulations and made a part hereof. The various zones are hereby established and defined as follows:

### A. RUNWAY LANDING AREAS

1. NON-INSTRUMENT RUNWAY LANDING AREAS - The runway landing area is a rectangular area symmetrically about the runway center line with an overall width of 500 feet and with its length extending to a line 200 feet beyond each end of the runway which line is defined as the landing area end.
2. INSTRUMENT LANDING AREAS - The runway landing area is a rectangular area symmetrically about the runway center line with an overall width of 1,000 feet and with its length extending to a line 200 feet beyond each end of the runway which line is defined as the landing area end.

### B. APPROACH ZONES

1. NON-INSTRUMENT APPROACH ZONES - The approach zone for each end of the alternate non-instrument runway is the airspace above a plane sloping upward and outward from the end of the runway landing area to its outer boundary at the uniform rate of 1 foot in elevation for each 40 feet measured horizontally along the extended center line of said runway. This plane shall increase in width, at a uniform rate symmetrically about the extended runway center line for a distance of 10,000 feet from the end of the runway landing area measured horizontally along the extended center line of the runway. This plane is 250 feet above the elevation at the end of the runway.
2. INSTRUMENT APPROACH ZONES - The approach zone for each end of the 7-25 Instrument Runway is the airspace above a plane surface sloping upward and outward from the end of the runway landing

area a distance of 10,000 feet at a uniform rate of 1 foot in elevation for each 50 feet measured horizontally along the extended center line of said runway, then continuing at a uniform rate of 1 foot in elevation for each 40 feet of horizontal distance for another 40,000 feet for a total distance of 50,200 feet beyond each end of the runway. This plane shall increase in width, at a uniform rate symmetrically about the extended runway center line, from 1,000 feet at its beginning to 16,000 feet at its outer boundary which at 50,000 feet distant from the end of the runway landing area measured horizontally along the extended center line of the runway is 1,200 feet above the elevation at the end of the runway.

**C. TRANSITIONAL ZONES**

Transitional zones consist of the airspace above planes forming the base of the approach zones and from the sides of the runway landing areas. These planes shall be contiguous with the sides of the runway landing areas and extending upward and outwardly at the uniform rate of 1 foot in elevation for each 7 feet in horizontal distances. These planes extend upward and outward until they intersect with the planes forming, respectively, the bases of the horizontal and conical zones, which are described in the following paragraphs.

**D. HORIZONTAL ZONE**

The horizontal zone is the airspace above a circular horizontal plane 150 feet above the airport elevation having a radius of 13,000 feet measured horizontally from the airport reference point.

**E. CONICAL ZONE**

The conical zone is the airspace above a conical surface extending upward and outward at a uniform rate of 1 foot in elevation for each 20 feet in horizontal distance starting at the circumference of a circle whose radius is 13,000 feet from the airport reference point and an elevation of 150 feet above the airport elevation (this being the outer boundary of the plane forming the base of the horizontal zone) and terminating at a radius of 20,000 feet from the airport reference point and at an elevation of 500 feet above the airport elevation.

**3. MAP**

Made a part hereof is a map entitled the Lorain County Regional Airport Zoning Map consisting of one sheet showing the Lorain County Regional Airport, airport reference point, elevation, runways, zones and heights set forth herein. The designations of zones and heights set forth on such map are made a part hereof and incorporated herein by reference. A copy of the map shall be displayed and maintained in the administration offices of the Lorain County Airport.

**4. RESTRICTIONS**

**A. HEIGHT RESTRICTIONS**

Except as otherwise provided in these regulations, no structures shall be erected, replaced, constructed or altered nor shall objects of natural growth be permitted to grow to such height as to project into any of the respective zones described in these regulations. Where an area is covered by more than one height restriction, the more restrictive limitation shall prevail. Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height of up to forty-five (45) feet above the surface of the land within the airport hazard area.

**B. USE RESTRICTIONS**

Notwithstanding any other provisions in these regulations, no use may be made of land under any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers approaching, leaving or using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off or maneuvering of aircraft, or in any other manner constituting an airport hazard as may be determined by FAA or their successor administrative bodies.

**C. PUBLIC HIGHWAYS AND RAILROADS**

No public highway or railroad shall be located within 1,000 feet of the end of the runway and no public highway shall be less than 17 feet below the plane of the approach zones and no railroad shall be less than 25 feet below the plane of the approach zones.

**5. ENFORCEMENT**

**PERMITS FOR STRUCTURES OR OBJECTS OF NATURAL GROWTH OVER 45 FEET**

It shall be the duty of the Airport Zoning Board to administer and enforce the regulations prescribed herein. The Airport Zoning Board may create and fill the position of Airport Zoning Inspector to act as its administrative agent. Within the airport hazard area, no excavations shall be commenced, no wall, structures, building or any part thereof shall be built, constructed or altered, nor shall any structure be moved or an object of natural growth permitted until an application has been made to and the proper permit has been obtained from the Lorain County Airport Zoning Board or its duly authorized agent or representative. The provisions of this Article shall not apply to any obstruction or natural growth in an airport hazard area rising to a height not in excess of forty-five (45) feet above the natural grade elevation at the location of the structure or natural growth. The Airport Zoning Inspector acting as the administrative agent may grant such permits upon such terms and conditions as he shall find to be just and reasonable and with such modifications as he may prescribe.

**A. APPLICATIONS**

All applications shall be submitted in triplicate accompanied by accurate plans showing the height above ground, the height above mean sea level and the location of the proposed structure as well as such other information as may be necessary to determine and provide for the enforcement of these regulations. Application forms for permits shall be provided by the Lorain County Regional Airport Zoning Board.

**B. APPLICATION FEE**

All applications for permits shall be accompanied by a fee of \$20.00 to be paid to the Lorain County Regional Airport Zoning Board or the duly authorized agent or representative of the Board issuing such permit.

**C. PERMITS NOT GRANTED**

No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming structure to be made higher, or a nonconforming object of natural growth to become a hazard to air navigation in violation of these regulations or applicable State statutes.

**D. VIOLATION OR REGULATIONS**

It shall constitute a violation of these regulations for any person, firm, or corporation, either owner or agent, to do any of the things mentioned in the first paragraph of this Article without having first obtained the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Any person who shall proceed thereafter with the work for which the permit was issued without having obtained a new permit in accordance with this regulation shall be deemed guilty of violation thereof.

**6. PENALTIES**

Any person who violates any of the provisions of these regulations shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$100.00 and each day upon which said violation shall continue shall constitute a separate offense.

**7. NONCONFORMING USES**

**A. REGULATIONS NOT RETROACTIVE**

These regulations shall not apply to existing structures or objects of natural growth so as to require the removal, lowering or other changes or alteration of any structure or object of natural growth. However, no nonconforming structure shall be made higher nor shall any nonconforming object of natural growth be allowed to become higher or become a greater hazard than it is at the time these regulations are adopted. If any nonconforming use is discontinued for two years or more, any future use of the premises shall be in conformity with the provisions of these regulations. Any nonconforming structure or object of natural growth which is hereafter damaged by any means to an extent exceeding 50% of its then reproduction value may not be restored or reconstructed to a height greater than permitted under the provisions of these regulations.

**B. MARKING AND LIGHTING**

Notwithstanding the preceding provision, the owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Agency to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of Lorain County.

**8. LORAIN COUNTY REGIONAL AIRPORT ZONING BOARD OF APPEALS**

There is hereby created pursuant to Article 4563.13 of the Revised Code the Lorain County Airport Zoning Board of Appeals (hereinafter called Board of Appeals). The Board of Appeals shall consist of five members appointed by the Lorain County Airport Zoning Board. The members of the Board of Appeals shall each be appointed for a term of three years except that the first members of such Board of Appeals shall consist of two members appointed to serve for a term of one year, two members to serve for a term of two years and one member for a term of three years. The membership of the Board of Appeals shall be subject to removal as provided in Article 4563.13 of the Revised Code.

**A. POWERS**

The Board of Appeals shall have and exercise the following powers:

1. To adopt rules governing the organization of the Board of Appeals, its proceedings and to regulate the mode and manner of conducting hearings. All hearings shall be public.



2. To hear and decide appeals, filed pursuant to Article 4563.18 of the Revised Code, from any order, requirement, decision or determination made by the Lorain County Regional Airport Zoning Board in the enforcement of the Airport Zoning Regulations, as provided in Articles 4563.11 and 4563.12 of the Revised Code.
3. To hear and allow, refuse, or allow with modifications or conditions, any variance from the terms of the Airport Zoning Regulations which the Lorain County Regional Airport Zoning Board may be authorized to pass pursuant to such regulations.
4. To hear and decide specific variances under Article 4563.16 of the Revised Code.

#### **B. RECORD OF PROCEEDINGS**

The 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 actions, all of which shall immediately be filed in the office of the Board of Appeals and shall be a public record.

#### **C. ACTIONS**

The Board of Appeals, by a majority vote of its members, may affirm, reverse, or modify any order, requirement, decision, or determination of the administrative agency in the enforcement of the Airport Zoning Regulations.

#### **D. VARIANCES**

Any person desiring to erect any structure, or increase the height of any structure, or permit the increase in height of any object of natural growth, or otherwise use his property in any manner in conflict with airport zoning regulations adopted under Article 4563.01 to 4563.21, inclusive, of the Revised Code, may apply to the Airport Zoning Board of Appeals for a variance from the zoning regulations in question. Such variance shall be allowed where a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest or create conditions dangerous to the safety of aircraft using the airport, but would do substantial justice and would not be in conflict with factors set down for consideration in Article 4563.07 and 4563.08 of the Revised Code. The Board of Appeals may subject any variance to any reasonable conditions that they deem necessary.

### **9. JUDICIAL REVIEW**

Any person aggrieved, or any taxpayer, or any legislative authority, or any airport zoning board affected by any order of the Lorain County Regional Airport Zoning Board of Appeals may appeal within thirty (30) days to the Court of Common Pleas of the County in which the affected estate lies, as provided for by Article 4563.19, Revised Code of Ohio.

### **10. CHANGES TO REGULATIONS**

The Lorain County Regional Airport Zoning Board, by a majority vote of its members, may from time to time, on its own motion or on the written application of any affected taxpayer or political subdivision located within the airport hazard area, amend, change, or supplement these regulations. But no such amendment or change shall be made except after a public hearing at which parties in interest and citizens shall have an opportunity to be heard and after proper notice has been published, all as provided in Article 4563.06.

## **11. CONFLICTING REGULATIONS**

Where there exists a conflict between any of the regulations or limitations prescribed in these zoning regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitations of the requirement shall govern and prevail.

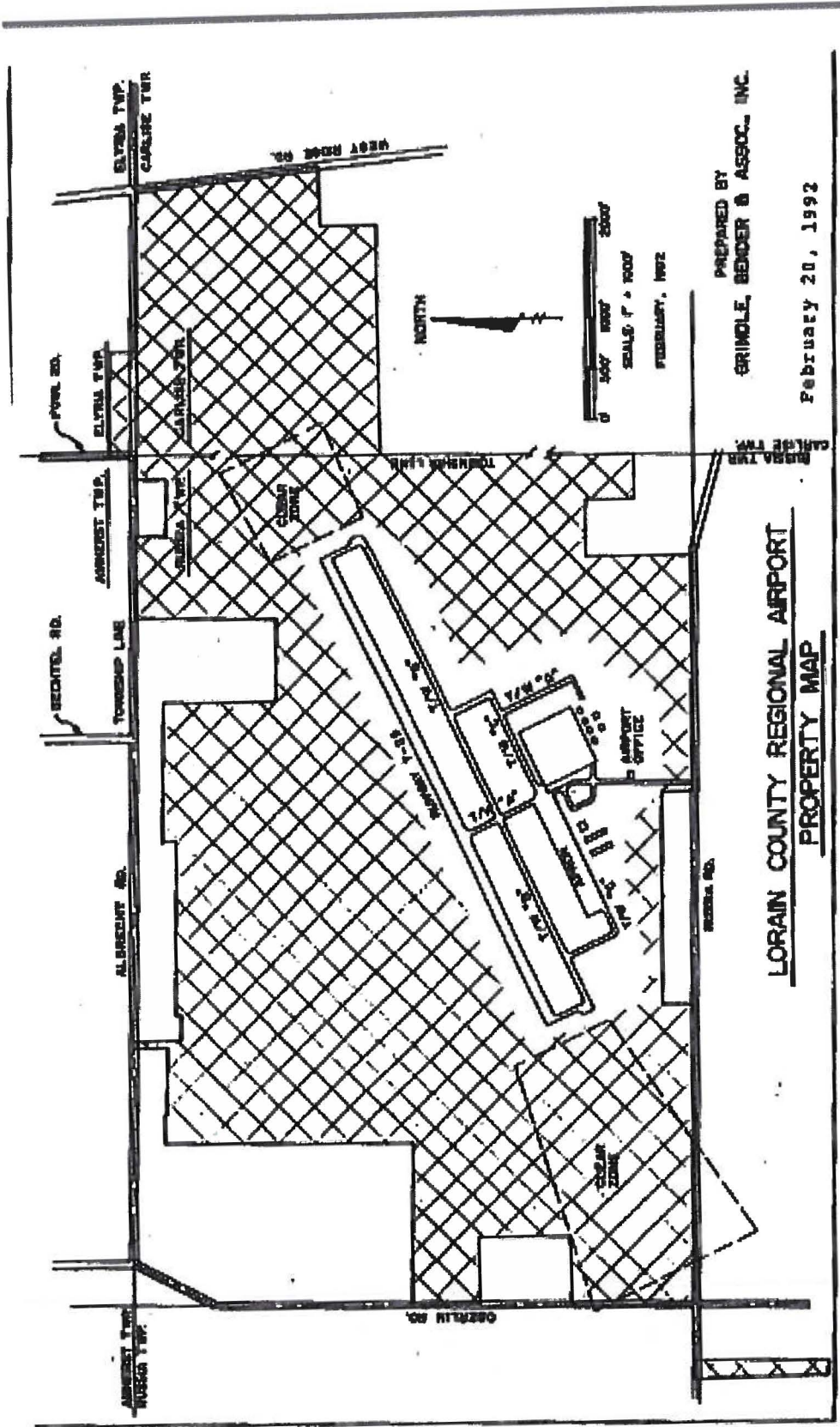
## **12. CONSTITUTIONALITY AND SEVERABILITY**

If any Article or provision of these regulations or the application thereof to any person or circumstance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so held to be unconstitutional or invalid, and to this end the provisions of these regulations are declared to be severable.

## **13. EFFECTIVE DATE.**

These regulations shall be in full force and effect from and after the earliest period allowed by law following publication, posting and passage thereof by the Lorain County Regional Airport Zoning Board.

APPENDIX A

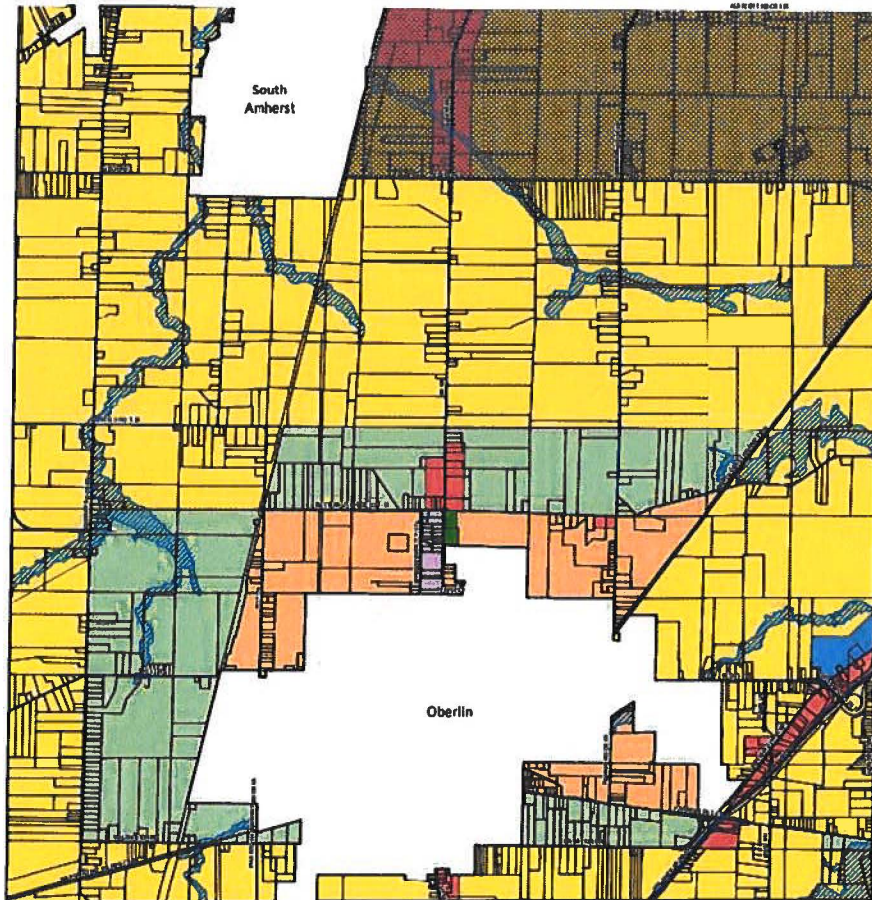


## APPENDIX B

### Official New Russia Township Zoning Map New Russia Township, Lorain County, Ohio

Adopted: January 1, 1992  
Amended: September 14, 1995  
Amended: May 4, 2000  
Amended: 2018  
Amended: August 16, 2022  
Map Adopted: January 15, 2019

#### Zoning Designations



Map Produced by:  
Lorain County Auditor  
J. Craig Swadgrass, CPA CGFM  
GIS Department  
4/2/2018 - mr



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