

Boston Township

Zoning Resolution

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Boston Township, a political subdivision of Summit County, Ohio, falls under County regulations which with Boston Township complies. Any issues which arise from County Ordinance 2002-154 (Riparian Setbacks) and County Ordinance 2006-396 (Erosion & Sediment Control and Post Construction Storm Water Quality) are to be handled in conjunction with Boston Township, Summit County Planning Department and Summit Soil and Water Conservation District.

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PREAMBLE

Whereas, the Board of Trustees of Boston Township deems it in the interest of the public health, safety, morals, comfort, and general welfare of said township to establish a general plan of zoning in order to conserve and protect property and property values, to secure the most appropriate use of the land and to integrate and coordinate land uses with the National Park Service due to the proximity of the Cuyahoga Valley National Park. The Board of Trustees of Boston Township finds it necessary and advisable to regulate the location, height, size of buildings, set-back building lines, size of yard, courts and other open spaces, the use of buildings and other purposes and for such purposes divides the unincorporated area of the township into districts or zones; and to provide rules and regulations for the administration and enforcement of this Resolution.

The Authority for establishing the Boston Township Zoning Resolution is derived from Sections 519.01 - 519.99 inclusive, of the Ohio Revised Code.

CHAPTER 1: INTERPRETATION

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort and welfare of the residents of the Township of Boston; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the administration and enforcement of this Resolution; including the provision of penalties for its violation; and for any other purpose provided in the Resolution and the Ohio Revised Code.

CHAPTER 2: DEFINITIONS—GENERAL RULES OF INTERPRETATION

Words used in this Resolution are used in their ordinary English usage. For the purpose of this Resolution certain terms or words used herein shall be interpreted as follows:

- a. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- b. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement.
- c. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- d. The word "lot" includes the words "plot" or "parcel."

The following terms shall, whenever used in this Resolution, have the meaning herein indicated.

DEFINITIONS:

Accessory Use: A use incidental to, and on the same lot as, a principal use.

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

Adult Bookstore or Adult Video Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following;

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- b. Instruments, devices, paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment, which regularly features:

- a. Persons who appear in a state of nudity; or
- b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or, Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Agriculture: The use of land for agricultural purposes, including farming, dairying pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed-yard. A use shall be classified as agricultural only if it is the principal or main use of the land.

Automotive Filling Station: A facility where gasoline or other fuels (including but not limited to diesel fuel or electric charging) are sold to the public for automobiles, vans, and small trucks (but not for tractor-trailer rigs or other large vehicles) and providing no vehicle servicing or repair. Automotive filling is typically provided in combination on a site with a restaurant or other retail sales business.

Automobile Wrecking Yard: More than twenty-five (25) square feet of any land, used for the purpose of wrecking, dismantling or storing, for private and/or commercial purposes, any discarded motor vehicle, or associated parts.

Alley: A public thoroughfare which affords only a secondary means of access to a lot or abutting property.

Banks, Financial Institutions: A financial institution that is open to the public and engaged in deposit banking and that performs closely related functions such as making loans, investments and fiduciary activities.

Basement: A story having part, but not more than one-half ($\frac{1}{2}$) of its height above the grade.

Bed and Breakfast: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

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

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

Building Area (Gross Floor Area): The sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

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 one-half the distance between the eaves and the ridge for gable, hip and gambrel roofs.

Building Setback Line: A line parallel with and measured from the front lot line, which defines the front yard setback in which no building or structure may be located.

Building, Shed: A subordinate building two hundred (200) square feet or less detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use, and which otherwise satisfies the requirements for accessory structures.

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

Cellar: See Basement

Day Care Facility: Wherein five or more children or adults are cared for, other than family members of the owner or administrator of the facility, with or without compensation, and which does not provide overnight lodging of cared for children or adults.

Density: A unit of measure expressing the number of dwelling units per acre which may be permitted.

Distributor's Warehouse or Distribution Warehouse: A building where goods, materials, or equipment are received and temporarily stored for redistribution to retailers, wholesalers or directly to consumers.

District (Zoning District): A section or sections of the territory of Boston Township for which the regulations governing the use of building and premises or the height and area of buildings are uniform.

Drive-Through Facility (Drive-in/Drive-up): Any facility providing sales or services to customers in or on vehicles or for patrons who remain in or on their motor vehicles.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling may be comprised of more than one dwelling unit.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by one family living as a single housekeeping unit.

Dwelling, Single Family: A building designed for or occupied by one (1) family, separated from other dwelling units by open space.

Dwelling, Two Family: A building designed for or occupied exclusively by two (2) families, in two separate dwelling units which may be either attached side by side or one above the other.

Dwelling, Three Family: A building designed for or occupied exclusively by three (3) families in three separate dwelling units.

Dwelling, Multiple-Family: A building arranged, intended or designed to be occupied by four (4) or more families, living independently of each other in four or more dwelling units, with varying arrangements of entrances and party walls.

Dwelling Unit Floor Area: The sum of the gross horizontal areas of a building measured from the exterior faces of exterior walls or from the center line of common walls separating two dwelling units.

The " Dwelling Unit Floor Area " shall not include unfinished basement, attached garage, attic, terraces, breezeways, open porches, and covered steps.

Educational Facilities. A public or private nursery school, kindergarten, elementary school, high school, community college, college, university, or vocational school.

Family: One or more persons living together as a single housekeeping unit in a dwelling unit, which may include:

- a. Persons related to each other by blood, marriage, or legal adoption plus no more than one (1) unrelated individual; or
- b. No more than five (5) unrelated individuals.

Farm Market: a building, structure, or place used for the sale of produce raised on a farm or farms owned by the operator(s).

Fence: A structure composed of non-living material, which may be constructed for privacy, security, screening or decoration.

Floor Area Ratio: Floor area ratio is the total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage: The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Garage, Private: An accessory use for the purpose of housing non-commercial vehicles, the property of and for the use of the occupants of the lot on which the private garage is located. A detached garage is one not sharing a wall of the principal building. An attached garage is one with one wall or fifty-one (51) percent or greater thereof being an integral part of one wall of the principal building.

Garage Sales: The sale of used household items and others conducted from or on residential premises in any zone as defined in the zoning resolution. Garage sale includes, but is not limited to lawn, basement, yard, attic, porch, room, backyard, patio, tag, estate or rummage sale.

General or Professional Office. A room or suite of rooms in which a person conducts the affairs of a business, profession, service, industry, or government including but not limited to legal, architectural, engineering, finance, and real estate.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the buildings.

Group Home: A community residential facility licensed and/or approved and regulated by the State of Ohio which provides rehabilitative or habilitative services for six or more persons.

Home Occupation: 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, without any adverse affect upon the surrounding neighborhood.

Hospital: An institution where sick or injured persons are given medical care and in the course of care may be housed overnight, fed, and provided nursing and related services. The term "hospital" does not include rehab facilities, halfway houses, nursing homes, or similar facilities.

Hotel/Motel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests as distinguished from a boarding house or a lodging house.

Inoperable Motor Vehicle: Any motor propelled vehicle or accessory to same, being stored outdoors, which is wrecked or in the process of being dismantled, and which does not have a license thereon which is valid or was valid not more than six (6) months previous, shall be deemed to be an inoperable motor vehicle.

Junk Yard (Junk Building, Junk Shop): More than twenty-five (25) square feet of any land used for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, appliances, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber cordage, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

Kennel: Any lot or premises on which four or more cats or dogs, or any combination thereof more than four months of age, are housed, groomed, bred, boarded, trained, or sold provided, however, a kennel shall not include a veterinary or animal clinic.

Landscaped area: The ratio of the total of the areas of a lot permanently devoted and maintained to the growing of shrubbery, grass, and other plant material to the area of the lot, expressed as a percentage.

Library: A public nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility but are not normally offered for sale.

Light industry: An enterprise engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Lighting. *See Section 710.01 Lighting Definitions.*

Loading Facility/space: An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, equipment, and merchandise. The term shall include within its meaning any doors, docks, ramps, and maneuvering areas required for loading and unloading of trucks, including but not limited to by means of front end loaders, fork lifts, and similar equipment. The term shall not include spaces reserved for loading/unloading of automobiles, pickup trucks, and small delivery vans through a standard door not exceeding 36"x80".

Lot: A lot is a piece or parcel of land occupied or intended to be occupied or intended to be occupied by a principal building and possible accessory building(s), or utilized for a principal use and uses accessory thereto, and having frontage on a public street.

Lot Area: The area contained within the lot lines exclusive of any portion of the right-of-way of any public or private street.

Lot Coverage: The ratio of total ground floor area of all buildings on a lot to the area of the lot, expressed as a percentage.

Lot Lines: The boundary lines defining the limits of the lot.

- a. Front Lot Line: The right-of-way line separating the lot from the street right-of-way on which the lot fronts. On a corner lot, the owner or developer may elect either right-of-way line as the "front lot line" subject to the approval of the zoning inspector.
- b. Rear Lot Line: The lot line opposite and most distant from the front lot line.
- c. Side Lot Line: Any lot line which is not a front lot line or a rear lot line.

Lot Measurements: A lot shall be measured as follows:

- a. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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 recorded.

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

- a. Corner Lot: A lot located at the intersection of two or more streets, whether public or private. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.
- b. Interior Lot: A lot with only one frontage on a street.
- c. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Medical or Dental Clinic, Office or Laboratory: A building in which persons are provided medical care on an outpatient basis only, including but not limited to the services of physicians, dentists, chiropractors, psychiatrists, or other licensed practitioners of the healing arts.

Mobile Home: An industrialized building unit constructed on a chassis for towing to the point of use, designed to be used with or without a permanent foundation and intended to be occupied as a dwelling.

Mobile Home Park: A parcel of land under single ownership that has been planned and improved for the placement of mobile homes or manufactured housing for dwelling purposes.

Museum: A building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest or works of art and arranged, intended and designed to be used by members of the public for viewing with or without an admission charge.

Neighborhood-oriented personal services: An establishment which offers specialized goods and services purchased frequently by the consumer, including but not limited to establishments such as barber shops, beauty salons, dry cleaning and/or laundry establishment; self-service laundromat; tanning salon; funeral home; shoe repair, dressmaking, tailoring, photo copying establishments, travel agent; repair of household appliances, and other uses deemed similar uses by the Board of Zoning Appeals as provided in this Resolution.

Neighborhood-oriented retail business: Establishments such as drug stores, meat markets, bakeries, convenience stores, hardware stores, and other uses deemed similar uses by the Board of Zoning Appeals as provided in this Resolution.

Nursery and garden supply: The retail or wholesale handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer or at wholesale to the landscape industry.
Nonconforming Use: Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform to the use regulations of the District in which it is situated.

Nude Model Studio: Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Nudity or a State of Nudity:

- a. The appearance of a human bare buttock, anus, genitals, or aureole of the female breasts; or
- b. A state of dress which fails to cover opaquely a human buttock, anus, or genitals, or aureole of the female breast.

Nursing Care Facility: A facility that provides for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and/or those who require personal assistance but not skilled nursing care. A nursing care facility shall be licensed by the State of Ohio to provide personal assistance and skilled nursing care and to provide beds counted for certification, licensure, eligibility for Medicare or Medicaid payment formulas.

Outdoor Retail Display Area: Any outside area devoted to the viewing from the street a representative sample of retail goods and merchandise for sale, rent or lease from the premises.

Outdoor Sign: See Sign

Place of assembly: A structure where the public or membership groups assemble regularly or occasionally for an event or regularly scheduled program including but not limited to churches, theaters, auditoriums, funeral homes, stadiums, and similar.

Public Building. Any building held, used, or controlled exclusively for public purposes by any department or branch of federal, state, county, municipal, or township government. Includes but is not limited to public safety facility and public service facility.

Public Safety Facility: A public facility providing services necessary for the safety of the residents of the Township, including police, fire protection, and rescue activities.

Public Service Facility: A structure providing for public services such as power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures operated by a public utility, by a rail-road, whether publicly or privately owned, or by a municipal or other governmental agency.

Recreational Vehicle: A vehicular portable structure built on a chassis or designed to be mounted on or drawn by a motor vehicle and intended to be used for temporary occupancy for travel, recreational or vacation use.

Recreation, Commercial: Commercial recreation is land or facilities operated as a business and shall include, bicycle rental, ski or roller blade rental, pay to play athletic fields, golf courses, bowling alleys, roller skating/ ice skating rinks or swimming pools.

Recreation, Non-Commercial: Non-Commercial recreation is any land or facility operated by a governmental agency or non-profit organization and open to the public or members of the non-profit organization without a fee that shall include but is not limited to: picnic areas, bike/ hike trails, public golf courses, athletic fields or swimming pools.

Restaurant, Carry Out or Drive Through Restaurant: A retail service establishment whose principal business is the sale of foods, frozen desserts or beverages in ready to consume individual servings for carryout and/or drive through service.

Restaurants – Table Service: A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.

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

Road, Public: A public thoroughfare which has been dedicated for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

Roadside Stand: A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored back of the building line

of the property at the conclusion of the seasonable sales.

Setback Line: A line parallel with and measured from the lot line, defining the limits of a yard in which no building, or structure may be located.

Sewerage Centralized System: An approved wastewater disposal system which provides a collection network and disposal system and central wastewater treatment facility for a single development, community, or region;

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

Sexually Oriented Business: An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theatre or adult theatre. Sexually oriented business does not include a nude model studio.

Sign: Any visual communication display, object, device, graphic, structure, or part, independently situated on the parcel, or attached to, painted on, or displayed from a building structure or vehicle in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations.

Signs, Additional Definitions. *Additional definitions relating to Signs are located in Chapter 12.*

Specified Anatomical Areas: Human genitals.

Specified Sexual Activities: Any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated.

Stable, Private: A structure for the shelter of animals.

Street: All property dedicated for public right-of-way.

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

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level.

Structures: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, bill-boards, pergolas or farmer's roadside stands.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any increase in the area or cubical contents of a building.

Theater: A building used to show motion pictures or for dramatic, dance, musical, or other live performances.

Tool and Equipment Rental: An establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment including storage and incidental maintenance. The meaning of "tool and equipment rental includes the rental of construction equipment and vehicles for commercial construction activities.

Trailer, House: See Mobile Home

Trailer, Travel: See Recreational Vehicle

Trustees: The Trustees of Boston Township.

Vehicle Wash: A building in which automobiles and small vans and trucks are washed mechanically or by hand. Vehicle wash does not include facilities with capacity to wash large trucks.

Veterinary Clinic: An establishment operated by a licensed veterinarian for the care and treatment of dogs, cats and comparable household pets. A veterinary clinic may provide overnight care of such animals when necessary in the medical treatment of the animal but shall not otherwise provide day care or overnight boarding. *See also definition for Kennel.*

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

Yard, Front: A yard extending across the front of a lot between side yard lines and being the minimum horizontal distance between the street line and the main building or projection thereof.

Yard, Rear: A yard extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any other projection other than steps. On a corner lot the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be the opposite end of the lot from the front yard.

Yard, Side: A yard between the main building and the side lines of the lot and extending from the front yard to the rear yard.

Yard, Required: The minimum yard required between a lot line and a building line in order to comply with the regulations of the district in which the zoning lot is located.

Zone Districts: The unincorporated area of the Township of Boston, Ohio, is hereby divided into three (3) districts as follows:

- a. R Residential District
- b. VR Village Residential District
- c. BC Business Corridor District

District Boundary Lines: Where boundaries apparently follow lines and are not more than ten (10) feet, there-from, the lot lines shall be construed to be such boundaries; where boundaries apparently follow streets or alleys, the center lines of such streets alleys shall be construed to be such boundaries.

Whenever any street or public way is vacated by official action of the County Commissioners or an agency of the State of Ohio, the Zoning Districts adjoining each side of the street or public way all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.

Zoning Lot: See Lot

Zoning Map: The locations and boundaries of the "Zone Districts" are shown on the map entitled "Zoning Map of Boston Township, Ohio," on file and may be purchased from the Zoning Clerk, Peninsula, Ohio. This map and all notations, references, data, and other information shown thereon are hereby incorporated and made a part of this Resolution.

CHAPTER 3: ESTABLISHMENT OF DISTRICTS

Districts and Their Boundaries

300 Purpose

The purpose of this Chapter is to establish zoning districts in order to realize the general purpose set forth in this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

301 Establishment of Districts

The following zoning districts are hereby established for Boston Township, Summit County, Ohio:

- a. R Residential
- b. VR Village Residential
- c. BC Business Corridor
- d. EAD Economic Activity
- e. SRB Seasons Road Business

302 Incorporation of Zoning Map

The districts and their boundary lines are indicated upon the Zoning Map of Boston Township, Summit County, Ohio. This said Zoning Map, together with all notations, references and other matters shown thereon are hereby declared a part of this Resolution, thereby having the same force and effect as if herein fully described in writing.

303 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map.

- a. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-lines, such center lines shall be construed to be said 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. Whenever any street or public way is vacated by official action of the County Council, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all areas included in the vacation shall thereafter be subject to all regulations of the extended district.

CHAPTER 4: GENERAL PROVISIONS

General Provisions Governing the Applicability of this Zoning Resolution

400 Interpretation of Standards

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern. If a use is not listed as a permitted or conditionally permitted use, then it is in fact prohibited.

401 Validity

If any section, subsection or any provision of this Resolution or amendment thereto be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

402 Compliance with This Resolution

No land or structure shall be used or occupied and no structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, except in conformity with all of the regulations herein specified as being applicable to such land or structure. No yard or lot existing upon the effective date of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Resolution shall meet at least the minimum requirements herein established.

403 Accessory Buildings

No accessory building shall be located on a lot without a principal building. Accessory buildings shall not be a part of the principal building, and may be built in a rear yard no less than ten (10) feet of the rear lot line and ten (10) feet of side lot lines.

An accessory building which is not a part of the principal building shall be located in line with or behind the main structure, and no closer than twenty (20) feet to the principal structure. The total square footage of any accessory building in any district shall be limited to a maximum of 1280 square feet. Limited of two (2) buildings per property.

404 Zoning Certificate

No Zoning Certificate shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been required.

405 Supplemental Regulations

405.01 No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the District regulations established by this Resolution for the District in which the building is located.

405.02 The minimum yards and other open spaces, including the density of population provisions contained in this Resolution for each and every building existing on the effective date of this Resolution or any building hereinafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building.

405.03 Exemption of Agriculture

Pursuant to Section 519.21 of the Ohio Revised Code, nothing in this Resolution shall confer any power upon the Trustees or upon the Board of Zoning Appeals of the Township to prohibit the use of any land for agricultural purposes or the construction or use of building or structures incident to the use for agricultural purposes of land on which such building or structures are located, and no zoning certificate shall be required for any such building or structure. Nothing within this section shall permit the construction or use of residential structures in violation of other sections of this Zoning Resolution. Any buildings located in such a way as to be a hazard to the traveling public or residents of this township shall not be permitted to be located in violation of setback regulations for the district in which their property is zoned.

405.04 Mobile Home Parks

No new mobile home parks shall be permitted on land within Boston Township.

405.05 Mobile homes, camp buses or other vehicles on or off wheels and occupied as a residence shall not be permitted on lots or lands in any of the district classifications herein established. However, the Board of Zoning Appeals (after notice to parties of interest) may permit a mobile home to occupy space upon a lot or lands for a period not to exceed two (2) years, providing a zoning certificate has been obtained for construction of a permanent residence, and adjacent property owners are notified in writing by the Zoning Inspector. When said residential structure is ready for occupancy said mobile home shall be removed from the premises. A recreational vehicle may be permitted on an owner-occupied premise by visitors no more than two (2) times in a twelve (12) month period and shall not to exceed twenty (20) days in total during that twelve (12) month period. A permit must be obtained from the Zoning Inspector with a signed and notarized affidavit before the recreational vehicle is moved onto the property. Failure to obtain such a permit subjects the violator to penalty as outlined in this resolution.

405.06 Junk Yards

No junk yard, automobile dismantling and/or discarded motor vehicle dumps shall be permitted within the confines of Boston Township.

405.07 Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. In business/ commercial areas such access driveways shall not be less than fifteen (15) feet nor more than twenty (20) feet in width at the sidewalk

line nor more than thirty (30) feet at the curb cut line of street. Residential use may have access-ways of not less than twelve (12) feet at highway right of way line or less than fifteen (15) feet at the ditch, or curb, or culvert line. Standard drive access for all service stations in the township shall comply with State Highway Regulations.

405.08 Public, semi-public service buildings or schools, when permitted in a district may be erected to a height not to exceed sixty (60) feet, and churches and temples may be erected to height not to exceed seventy-five (75) feet if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

405.09 Garage Sales. All Garage and Yard Sales shall be subject to the following regulations:

- a. The sale of used household items and others conducted from or on residential premises in any zone as defined in the zoning resolution. Garage sale includes, but is not limited to lawn, basement, yard, attic, porch, room, backyard, patio, tag, estate or rummage sale.
- b. There shall be no more than two (2) garage sales conducted at the same address within a calendar year. The duration of the sales event shall be a maximum of three consecutive days. The sale of fireworks, hazardous material, firearms and ammunition as defined by the ORC shall be prohibited.
- c. A limit of five (5) sale signs one (1) at the place of sale and the other four (4) at the sales operator's choice), provided they are not covering public signs or are placed on utility structures, stop signs, parking signs, or in the public right-of-way. All signs must be removed within twelve (12) hours after the event.
- d. Sale shall be during daylight hours only.
- e. After each and every Garage or Yard Sale, as listed above, property shall be cleared and all unsold sales items, trash and other remnants of sale removed from site.
- f. Parking shall not create a traffic hazard. Neighbors shall not be disturbed by excessive noise, light or traffic congestion.
- g. No zoning certificate or fee shall be required, but the Zoning Inspector shall be notified, in writing not less than seven (7) days prior to sale. Application form is available on the Boston Township website or can be requested from the Zoning Inspector, Boston Township, P.O. Box 123, Peninsula, OH 44264. (Failure to register or comply with the rules and regulations may result in a fine compounded daily until compliance is met.)

406 Non-Conforming Uses

406.01 Single Non-Conforming Lots of Record

Any lot of record whether within a recorded allotment or not, located in any of the residential districts established by this Zoning Resolution, which is served by adequate sewer and water facilities controlled or operated by a duly constituted public authority, with such sewer and water facilities connected to any dwelling located or to be located thereon, may be used for single residence purposes, including accessory building and uses, irrespective of the residential district regulations appearing elsewhere in this Resolution, provided that such lot has an area of not less than twenty thousand (20,000) square feet and that the dwelling thereon must comply with all setback requirements.

406.02 Non-Conforming Lots of Record in Combination

If two or more lots are in single ownership were lots of record at the time of passage of this Zoning Resolution and have no buildings on the lots, and do not meet the requirements established for lot width and area, the lots involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

406.03 Non-Conforming Uses of Land

Where, at the time of the adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided;

- a. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- b. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution.

406.04 Termination of Use by Damage or Destruction

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, it shall not be restored for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- a. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- b. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

407 Non-Conforming Signs

407.01 Replacement. Any sign replacing a non-conforming sign shall conform with the provisions of this Zoning Resolution, and the non-conforming sign shall no longer be displayed.

407.02 Abandonment. If a non-conforming sign associated with a use or structure has been abandoned for at least six (6) months (i.e. the structure has not been occupied for six months) then the non-conforming sign shall be removed.

408 Environmental Performance Standards

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Township, and both initial and continued compliance is required. The Environmental Performance Standards are to provide for the peaceful and quiet enjoyment of property and to set forth regulations so that no use shall be construed or operated so as to create a nuisance or to create any noxious, objectionable or other undesirable effect on persons or property outside said uses’ lot line. Materials used and products produced shall be adequately housed, shielded or screened so that the health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

408.01 Noise

No activity on private property shall emit noise in excess or sound levels indicated in the table below that creates a nuisance to surrounding properties. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as decibels (dBA). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property. In using the Table below, day time shall be considered as the hours between 7:00 A.M. and 10:00 P.M. Night time shall be considered as the hours after 10:00 P.M.

MAXIMUM PERMITTED SOUND LEVELS

NOISE SOURCE	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Residential	Day time	55 dBA	55 dBA	55 dBA
Residential	Night time	50	50	50
Commercial	Day time	55	60	60
Commercial	Night time	50	50	50
Industrial	Day time	55	60	70
Industrial	Night time	50	50	60

408.02 Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on or outside the property line of the property on which the use is located.

408.03 Glare

All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or right-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

408.04 Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

408.05 Hazardous Materials

The storage and utilization of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

408.06 Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

409 Fences, Walls, and Hedges

For residential property, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three (3) feet in height. For residential property, fences, walls or hedges may be permitted along the side or rear lot lines to a height of not more than eight (8) feet provided said fence does not extend past the front building line of the principal structure. The eight (8) feet will be measured from lots finished grading not proposed surface. Fences, walls and hedges shall not exceed eight (8) feet in height for non-residential uses.

In any zoning district on any corner lot, no fence, structure or planting shall be erected or maintained within a triangle twenty (20) feet from the intersection of the right-of-way lines which may interfere with traffic visibility across the corner.

Any fence erected on any property conforming to the requirements of this Zoning Resolution shall be constructed so that the finished side of the fence is facing all adjoining properties and/or rights-of-way.

410 Economic Activity District

The Zoning Inspector shall determine if a proposed use is substantially similar to and compatible with a use listed as a permitted use or conditionally permitted use in a district.

CHAPTER 5: RESIDENTIAL DISTRICT REGULATIONS

500 Purpose and Intent of Permitted Uses

These regulations establishing a Residential District in Boston Township are intended to preserve and upgrade land use, for the purpose of providing a desirable residential community. Zoning regulations controlling dwelling construction and use for desired conditional facilities and activities are intended to protect the environmental character of the preserved natural beauty of the area.

A development density of one dwelling for every two (2) acres on unimproved property without central water and sewer will maintain the desired rural township characteristic and provide for the necessary concern over water, sewer and sanitation facilities.

501 Permitted Uses

In a residential district land and structures may be used, occupied, constructed or altered only for the use specified or conditional use as permitted and regulated herein.

- a. Agriculture, including greenhouses and the usual agriculture buildings and structures.
- b. Single family dwellings;
- c. Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one (1) sign which may not be illuminated, advertising such products. Neither stand nor sign shall be erected nearer than thirty (30) feet from any side lot line, and stand, sign and space required for off-street parking shall be located and set back from the road in such manner as not to create a traffic hazard.
- d. Accessory buildings, incidental to the principal use which do not include any activity conducted as a business. Permitted accessory uses are as follows:
 1. Private garage, private stable, storage sheds, pools, decks above ground and fencing.

502 Conditionally Permitted Uses

The categories of conditional uses which may be permitted, provided they conform to the conditions, standards, and requirements of this Chapter and are approved in accordance with the administrative provisions of Chapter 8: Conditional Zoning Certificates, and shall include the following:

- a. Churches and other places of worship, Sunday School buildings and Parish houses, and Parochial Schools.
- b. Public Elementary and High Schools;
- c. Publicly owned and operated buildings or properties including Township Halls, Community Center buildings, Fire Engine houses, Parks, Playgrounds and Conservation areas;
- d. Cemeteries, other than Township cemeteries or joint cemeteries, including mausoleum, providing that any new cemetery shall contain at least twenty (20) acres of land and the location has been approved by The Board of Zoning Appeals;
- e. National Park Service Educational Facilities
- f. Recreation Non-Commercial subject to Section 802.h
- g. Bed and Breakfast establishments subject to Section 802.g
- h. Home occupations subject to Section 802.a

- i. Two family dwellings
- j. Boarding kennels

503 Lot Requirements

- a. Minimum Lot Area: Two acres
- b. Minimum Lot Width: 100 feet
- c. Minimum Lot Frontage: 100 feet except 60 feet on cul-de-sac
- d. Maximum Lot Coverage: 10 percent

504 Yard Requirements

- a. Minimum Front Yard Depth: 50 feet Corner lots shall meet the required setback on both streets.
- b. Minimum Side Yard: 15 feet
- c. Minimum Rear Yard: 50 feet minimum

505 Building Requirements

- a. Principal building: Height limit of 35 feet
- b. Accessory building: Height limit of 18 feet

506 Floor Regulations

One Story Dwellings must have a minimum area at foundation (excluding garage, breezeways, carports and porches) of one thousand two hundred (1200) square feet.

More than one Story Dwellings must have a minimum ground area of not less than eight hundred (800) square feet of living area, and a total living area of not less than fourteen (1400) hundred square feet, exclusive of basements, porches, decks, breezeways, attics, terraces, garages and outside accessory enclosures.

507 Area Regulations

A house having a lower level more than one half ($\frac{1}{2}$) its height above the grade of surrounding land may have the lower level used for residential purposes. Such lower level shall provide two (2) means of ingress and egress.

Every part of a required yard shall be open to the sky unobstructed except for the ordinary projections of a bay window, sill, belt course, cornice, and ornamental feature projecting not to exceed twelve (12) inches.

Terraces, uncovered unenclosed unscreened porches, decks, platforms, and ornamentals may project into the yard providing no encroachment takes place on the setback requirements.

508 Supplemental Regulations

Nonresidential buildings or uses shall not be located nor conducted closer than thirty (30) feet to any residential lot line within this residential district. Screening or buffering shall be provided for any non-residential uses which abut any residential lot line within this residential district per Section 509.

509 Screening

- a. Screening may consist of one or more of the following:
 1. A solid masonry wall;
 2. A solidly constructed decorative fence;
 3. Dense vegetative plantings;
 4. A landscaped mounding or berming.
- b. Height of screening shall be in accordance with the following:
 1. Visual screening walls, fences, plantings or mounds shall be a minimum of five (5) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than three (3) feet.

510 Signage

All signs erected in this residential area will comply with the sign requirements defined in Chapter 12.

511 Parking

Parking as regulated in Chapter 11.

CHAPTER 6: VILLAGE RESIDENTIAL DISTRICT

600 Purpose

It is the primary purpose of this District to establish and maintain high quality areas for single family detached homes to maintain Village visual qualities, while also allowing for a mix of residential, recreational and limited commercial land uses to provide for local needs and eco-tourism opportunities.

601 Permitted Uses

In the Village Residential District, land and structures may be used, occupied, constructed or altered only for the use specified.

Principle Uses:

- a. Single family dwellings

601.01 Permitted accessory uses are as follows:

- a. Private garages, storage sheds, and parking areas.

602 Conditionally Permitted Uses

The categories of conditional uses which may be permitted, provided they conform to the conditions, standards and requirements of this Chapter and are approved in accordance with the administrative provisions of Chapter 8 Conditional Zoning Permits, and per Section 800.05 Special provisions for review, and shall include the following:

- a. Churches
- b. National Park Service Educational Facilities
- c. Public owned and operated buildings or properties
- d. Bed and Breakfast establishments subject to Section 802.g
- e. Home occupations subject to Section 802.a
- f. Two family dwellings
- g. Small tourist related establishments such as art shops, bike/ sport shops, antique shops.
 1. Maximum building size: 2,500 square feet.
- h. Mixed Uses including Residential and other Principal or Conditional uses as permitted in this District, provided however that residential uses shall not exceed two dwellings per mixed use structure.

603 Lot Requirements

- a. Minimum Lot area required dependent upon approval from the Summit County Health Department
- b. Minimum Lot Width: 40 feet
- c. Minimum Lot Frontage: 40 feet
- d. Maximum Lot Coverage: 40 %

604 Yard Requirements

- a. Minimum Front Yard Depth: 20 feet. Corner lots shall meet the required setback on both streets.
- b. Minimum Side Yard: 10 feet
- c. Minimum Rear yard: 30 feet

605 Building Requirements

- a. Principal building: Height limit of 35 feet
- b. Accessory building: Height limit of 18 feet

606 Floor Regulations

One Story Dwellings must have a minimum area at foundation (excluding garage, breezeways, carports and porches) of one thousand square (1000) feet.

Dwellings with more than one Story must have a minimum ground area of not less than eight hundred (800) square feet of living area, and a total living area of not less than one thousand two hundred (1200) square feet, exclusive of basements, porches, decks, breezeways, attics, terraces, garages and outside accessory enclosures.

607 Area Regulations

A house having a lower level more than one half ($\frac{1}{2}$) its height above the grade of surrounding land may have the lower level used for residential purposes. Such lower level shall provide two (2) means of ingress and egress.

608 Signage

All signs erected in this District will comply with the sign requirements defined in Chapter 12.

609 Parking

Parking as regulated in Chapter 11.

CHAPTER 7: BUSINESS CORRIDOR DISTRICT REGULATIONS

700 Purpose

It is the purpose of the Business Corridor District to accommodate office, professional, personal services, limited retail uses, and light industry while providing a buffer for the residential areas from high traffic routes and the impacts of business uses, and to enhance the financial stability of Boston Township.

701 Permitted Uses

- a. Banks, Financial Institutions.
- b. Medical or dental clinics, offices or laboratories
- c. General or Professional Offices
- d. Educational Facilities
- e. Neighborhood-oriented personal services
- f. Neighborhood oriented retail businesses
- g. Retail businesses including clothing, jewelry, florist, garden center, general merchandise
- h. Place of assembly
- i. Library, museum
- j. Public buildings
- k. Restaurants –Table Service
- l. Nursing Care Facility

702 Conditionally Permitted Uses

- a. Automobile Filling Station subject to Section 802.c
- b. Automotive and recreational vehicle sales and rental; Vehicle repair and services subject to Section 802.d
- c. Bed and breakfast establishments subject to Section 802.g
- d. Hotels and motels
- e. Restaurants -Carry-Out
- f. Distributor's warehouses and sales offices subject to Section 802.e
- g. Light Industry subject to Section 802.f
- h. Commercial Recreation subject to Section 802.k..
- i. Sexually oriented businesses as defined in Article II and subject to the conditions of Section 802.i
- j. Nurseries and garden supplies subject to Section 802.j
- k. Tool and equipment rental subject to Section 802.l and Section 802.o Outdoor Storage if applicable
- l. Day care facility–subject to Section 802.m
- m. Veterinary Clinic
- n. Similar Use
- o. Drive-Through Facility (Drive-in/Drive-up), accessory to a permitted or conditionally permitted main use, and subject to Section 802.n
- p. Loading Facility/Space, accessory to a permitted or conditionally permitted main use, on a lot located west of Akron-Cleveland Road, subject to Section 802.p
- q. Outdoor Storage. Outdoor storage of materials, parts, equipment, vehicles, or completed products may be approved as a conditional use subject to a site plan which identifies items to be stored, storage location(s), methods of enclosure, landscaping, maximum height of stored items,

and other conditions deemed necessary to minimize the impacts of outdoor storage. Subject to Section 802.o

703 Lot Requirements

- a. Minimum Lot Area: One (1) acre
- b. Minimum Lot Width: 150 feet
- c. Minimum Lot Frontage: 150 feet except for 75 feet when the full lot frontage is on cul-de-sac
- d. Minimum Lot Depth: 250 feet

704 Design Standards

- a. Lot Coverage shall be not more than 25%.
- b. Landscaped area shall not be less than 30 percent.

705 Setback Requirements

Building or use	Minimum Front Setback (Minimum depth from right-of-way)	Minimum Side Setback and Rear Setback (Minimum width from side yard line, rear yard line, or additional street frontage)		
		Abuts Residential zoning district	Abuts Lot in BC or SRB District	Abuts 2 nd Street Frontage
Any permitted main building or use	50	50	20	50
Conditional Uses:				
Buildings	50	50	20	50
Outdoor Display	30	50	10	50
Outdoor Storage	Use is not permitted in front setback	50	20	50
Accessory Building	50	50	20	50
Parking Area	30	50	10	30
Loading Facility	50	50	20	50
<ul style="list-style-type: none"> • All distances measured in feet • 2nd street means any additional street frontage where a lot has frontage on more than one street 				

- a. Minimum Front Yard Depth: Front Yards: Additional Standards
 - 1. Except for access drives and sidewalks, the front thirty (30) feet of the required front yard (s) shall be landscaped as provided in this Resolution. Note also frontage landscape strip requirements at 709(3).
 - 2. On all corner lots or other parcels having frontage on two or more streets, the minimum front yard depth and front yard landscaping shall be provided on each street frontage.

- b. Rear Yards: Additional Standards
 - 1. An accessory building shall only be located in the rear yard or in a side yard that does not abut a street frontage.
 - 2. On corner lots or other parcels having frontage on two or more streets, the rear yard shall be on the side of the lot located behind the front yard which is located on the major highway, or behind the front yard which has the most frontage on a major highway.
 - 3. On corner lots having equal or nearly equal frontage on two major highways or on no major highways, but on two or more township roads, the rear yard may be designated by the lot owner with approval of the Zoning Inspector to be opposite either one of the front yards.
 - 4. For the purposes of 2. and 3. above “major highway” means Akron-Cleveland Road or Kendall Park Road.

706 Yards Adjoining Land in a Residential District

All side and rear yards adjoining residentially-zoned land, shall be maintained as open buffer yards to a depth of at least 50 feet, shall not be utilized for any business, parking, or storage purpose, and shall be landscaped. as provided in this Resolution including but not limited to the provisions of 709(6).

707 Building Requirements

- a. The height of a permitted main building shall not exceed 35 feet except as provided below.
- b. Building height not greater than 60 feet may be approved as a conditionally permitted use provided that:
 - 1. The Board of Zoning Appeals determines on the basis of information from the Fire Department and other safety officials that the building will comply with applicable safety standards;
 - 2. The building is set back at least 200 feet from any residential zoning district.
- c. Appurtenant features such as chimneys, sky lights, domes, elevator penthouses or similar feature which are an integral part of the building may be constructed above the height limit but in no case shall such feature exceed ten feet above the maximum height of 35 feet.
- d. Accessory buildings shall not exceed 18 ft. in height.
- e. Exterior building equipment which generates noise, including but not limited to HVAC equipment, fans, pumps, engines, turbines, compressors, generators, motors, or similar devices, equipment or apparatus shall be located on the building or site in a manner which prevents noise transmission to nearby residential neighborhoods. Exterior building equipment shall not generate sound or noise which exceeds 55 db (55 decibels) as measured by a sound level meter at any line of a residential zoning district.
- f. Building equipment mounted on the roof of a building (including but not limited to air conditioning components and other ventilation equipment) shall be surrounded by parapets or other screening to prevent view of the equipment from surrounding lots.

708 Site Access Requirements

Vehicular access facilities from public roads to lots including but not limited to curb cuts, drive aprons, and drives shall be installed in accordance with the requirements of the Summit County Access Management Manual and shall be subject to any permits required by the Summit County Engineer and Boston Township.

709 Landscaping Requirements

- a. Purpose. Landscaping, buffering, and screening shall be provided with the purposes of minimizing impacts among uses, promoting attractive properties and districts, reducing environmental impacts of buildings and pavements, and other benefits. An important purpose is reducing impacts between business uses and residential areas.
- b. General Standards
 1. Property owners are encouraged to utilize landscape design professionals to plan the landscaping of their properties with the intent of creating attractive, maintainable and durable landscapes which contribute to the value of their properties.
 2. A landscape plan shall be submitted when any new building, building addition with a floor area greater than 25% of the existing building, new parking area greater than 25% of the existing parking area, or a new loading facility is proposed to be constructed. A landscape plan shall be submitted for review with any application which requires site plan review. The landscape plan shall cover all existing developed areas of the subject lot as well as those proposed to be developed and shall demonstrate compliance in all areas with the requirements of this Resolution.
 3. Landscaping which is approved in a landscape plan shall be installed and maintained at all times during which the subject building, parking areas, or other facilities remain on the lot. Failure to replace missing, damaged or dead landscape elements shall be a violation of this Resolution. Replacement shall occur within 60 days or when soil conditions permit.
 4. Landscaping subject to a landscape plan shall be installed within 120 days of completion of building or parking lot construction or when soil conditions permit.
- c. Standards for Landscape Plants.
 1. All plants shall be living and hardy within the United States Department of Agriculture's Hardiness Zone applicable to the planting site (currently Zone 6a) and thriving in Summit County.
 2. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Horticulture Industry Association (The American Standard for Nursery Stock (ANSI Z60.1) and shall have passed any inspection required under state regulations.
 3. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root, balled and burlapped or in containers.
 4. All landscaping materials shall be free of noxious weeds, disease and pests.
 5. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the Township. If needed to assist with confirming that planted materials conform with the landscaping plan approved previously, the Township may seek the assistance of qualified landscape design professionals, including a licensed nurseryman, during the inspection of planted materials, when deemed necessary. The Township shall advise the applicant if such assistance is required and shall determine whether to accept assistance from qualified professionals engaged by the applicant or to require the applicant to deposit funds with the Township Board of Trustees as required to pay for such assistance.

6. **Native Plant Requirements.** All landscape plans must incorporate at least thirty percent (30%) of native trees, shrubs and grasses into the required plant materials to provide habitat for local flora and fauna and reduce irrigation needs.
7. **Prohibited Species.** Species that are included on the list of prohibited or invasive species that is maintained by the ODNR Division of Natural Areas and Preserves, the Nature Conservancy, or the Ohio Invasive Plants Council shall not be installed in any landscape.
8. **Drought Tolerant Plant and Water-Efficient Landscape Requirements.** Plant selection should incorporate drought-tolerant species wherever possible and must be grouped by common water needs.
9. **Energy Conservation.** Plant material placement must be designed to reduce the energy consumption needs of the development. Shade trees should be included on the exposed west and south elevations.
10. **Species Diversity.** Diversity among required plant material for on-site landscaping is required not only for visual interest, but to reduce the risk of losing a large population of plants due to diseases or pests. The table of Plant Diversity Requirements per Plant Type establishes the required percentage of diversity based on the total quantity of species being used in the approved landscape plan. "Plant types" are described in subsections k, l, and m below. *(Example: If a development requires forty-five (45) shade trees, no more than 40% or eighteen (18) trees and not less than 10% or five (5) trees can be of one (1) species. There must be a minimum of five (5) different species within the forty-five (45) trees.)*

Plant Diversity Requirements per Plant Type			
Total Number of Plants by Type	Maximum of Any Species	Minimum of Any Species	Minimum Number of Species
1-4	100%	Not Applicable	1
5-10	60%	40%	2
11-15	45%	20%	3
16-75	40%	10%	5
76-500	25%	5%	8
500-1,000	30%	5%	10
1,000 +	15%	4%	15

11. **Shade or Flowering Trees.** Shade or flowering trees shall have a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches conforming to acceptable nursery industry standards at the time of planting.
12. **Coniferous Evergreen Shrubs.** Evergreen shrubs shall be a minimum of six (6) feet in height at the time of planting. Evergreen plantings shall be designed to provide an effective, dense screen within two (2) years of planting. White pine trees are not acceptable trees for screening/buffering purposes.
13. **Shrubs, (deciduous, coniferous evergreen, or broadleaf evergreen) .** A shrub shall be defined as a woody plant smaller than a tree consisting of several small stems from the ground or small branches near the ground. Shrubs shall be at least 20 inches in height at the time of planting and have a mature height of not less than 36 inches.

14. Shrubs Planted as Hedges. Plants installed as hedges shall be at least 36 inches in height at the time of planting. All hedges shall be designed to provide an effective, dense screen and mature height of at least six (6) feet within four (4) years after the date of the final approval of each planting when used for perimeter landscaping or screening applications.
 15. Grass or Ground Cover. Grass of the fescue, bluegrass or perennial rye families shall be planted in species normally grown as lawns in Summit County. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and grass seed shall be sown for immediate protection until complete coverage is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to provide 75% complete coverage after two growing seasons.
 16. Existing Material. The Zoning Inspector, with concurrence of the Zoning Commission, may approve the use of existing plant material to comply with the landscaping and screening requirements of this Article. In reviewing such proposals, the Zoning Inspector and Zoning Commission shall consider whether the existing material is capable of performing the landscaping or screening functions required by this Article, by reason of its size, density, location, deciduous or evergreen foliage, and other characteristics. The Zoning Inspector and Zoning Commission shall also consider the likelihood that the plant material will survive construction-related disruptions, including soil compaction and changes in grading and drainage. Existing vegetation shall be preserved in accordance with acceptable nursery industry procedures.
- d. Frontage Landscaping Strip
1. A landscape strip shall be installed and maintained along the entire frontage(s) of the lot to a depth of at least thirty (30) feet from the right-of-way.
 2. Within the landscape strip, only approved trees, shrubs, other plants, earth mounds, other landscape features, permitted signs, driveways, and walkways shall be permitted.
 3. Within the landscape strip, at the rate of every 35 feet of frontage, at minimum the following shall be planted: one (1) two-inch caliper shade tree or one (1) small flowering tree; and five (5) shrubs. A creative arrangement of these elements is encouraged.
 4. Earth mounds, low walls, or other decorative elements shall not be constructed higher than two-and-one-half feet above grade.
 5. Landscape elements shall be arranged so that they do not obstruct safe vision for drivers and shall not disrupt drainage.
- e. Building Façade Landscaping
1. Landscaping shall be installed along the side(s) of buildings which are parallel to street frontages of the lot. Landscaping shall be installed within 20 feet of the sides and shall extend to a depth of at least 10 feet along at least 75% of the length of the side(s).
 2. Landscaping shall include a combination of shade or flowering trees, deciduous and evergreen shrubs, and groundcovers.
 3. Shade or flowering trees shall be planted at the rate of three (3) trees for every 100 feet of building façade.
 4. Ground surfaces in landscape areas shall be maintained in mulch, grass, or groundcover.
- f. Parking Area Landscaping
1. General

- i. Large, unbroken parking areas shall be avoided. Traffic, or directional islands in combination with trees and plantings shall be used to divide large parking areas into smaller segments
- 2. Interior of Parking Lot.
 - i. Any parking area designed with twenty (20) or more parking spaces shall provide landscaped islands and peninsulas distributed throughout the parking area (parking spaces and aisles). The area of islands and peninsulas shall be at least ten percent (10%) of the total area of the parking lot.
 - ii. Each island and peninsula shall be at least ten (10) feet wide and shall contain at least one (1) shade tree, minimum six feet height and 2-inch caliper at time of planting.
- 3. Perimeter of Parking Lot. One (1) shade tree (minimum six feet height and 2-inch caliper at time of planting) shall be planted for each thirty (30) feet of perimeter of the parking lot and not more than thirty (30) feet from the edge of pavement.
- 4. Landscaping shall be used to screen parking areas from adjacent properties to the sides and rear of the property.

g. Yards Adjoining Land in a Residential District

In all side and rear yards abutting residential districts, the following minimum landscape improvements are required to be installed and maintained:

- 1. Wood Fence(s)
 - i. A wood fence (or fences) shall be installed parallel to rear and side lot lines abutting residential districts.
 - ii. Fences shall be 6 feet in height.
 - iii. Fences shall be weather-resistant wood stockade, board-on-board, or similar design to provide opaque appearance.
 - iv. Fences shall be located at least twenty (20) feet from the residential district line.
 - v. In a side yard, the fence shall extend from a point fifty (50) feet from the right-of-way line to a point at least fifty (50) feet closer to the rear lot line than any building, parking, or other use.
 - vi. In a rear yard, the fence shall extend across the entire width of the lot except for its point of connection to a similar fence in the side yard.
- 2. Earth Mounds, Masonry Walls.
 - i. Earth mounds, masonry walls, or combinations thereof may be installed in lieu of parts or all of required fences.
 - ii. Mounds or walls shall be at least six (6) feet in height and sloped to ensure stability and minimize erosion.
 - iii. Mound surfaces shall be planted or mulched to minimize erosion.
 - iv. Mounds shall be located and constructed to prevent storm water runoff impacts on abutting properties.
- 3. Trees and Shrubs.
 - i. A minimum of one (1) evergreen shrub shall be planted on the residential district side of the fence (or mound or wall) for each ten (10) feet of fence length.
 - ii. A minimum of one (1) shade tree (minimum six feet height and 2-inch caliper at time of planting) shall be planted for each 2,500 square feet of required side and rear yard.

- iii. Locations of trees and shrubs need not be uniform or equally spaced but should be arranged to promote effective buffering of residential areas and attractive appearance.
- h. Miscellaneous
 - 1. Waste Receptacles/Dumpsters
 - i. Waste receptacles shall be screened on all sides by a six foot high solid fence/ wall.
 - 2. Fences
 - i. Fences shall be constructed of wood, vinyl, iron, decorative aluminum, stone/brick, or decorative block.
 - ii. Retaining-walls shall be stone, decorative wall systems, or brick.
 - iii. Chain link fences shall only be permitted in the side and rear yards of lots, but not in yards which abut a residential district.
 - iv. Fences shall not exceed six (6) feet in height.

710 Lighting Requirements

These lighting requirements regulate outdoor lighting with the purposes of encouraging adequate lighting needed for business uses, reducing or preventing light pollution, minimizing lighting impacts on surrounding properties (especially residential districts), and encouraging efficient lighting.

710.01 Lighting Definitions

For the purpose of this section, the following definitions shall apply.

- a. Foot-candle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- b. Luminaire. The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
- c. Fully shielded luminaire. A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- d. Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
- e. Luminance. The quantity of light arriving at a surface divided by the area of that surface measured in foot-candle.
- f. Light trespass. Light (emitted by a luminaire) that falls outside the boundaries of the property on which the luminaire is installed, where it is neither wanted or needed.
- g. Measurement
 - 1. Light levels shall be measured in foot-candles with a direct reading, portable light meter.
 - 2. Measurement shall be taken at the property line along a horizontal line at a height of three and one-half (3.5) feet above the ground.

710.02 Requirements

- a. Applicability. All outdoor luminaires in the BC District shall be subject to these regulations.

- b. Lighting Plan Required. A photogrammetric plan shall be submitted with any application for a zoning certificate, site plan, or conditional use permit. The lighting plan shall provide the following information:
 - 1. The locations of all exterior existing and proposed luminaires, including all building-mounted and freestanding luminaires and proposed luminaire heights.
 - 2. Luminaire details including manufacturer model and style, a drawing or photograph of the luminaire, and lamp types (low pressure sodium, metal halide, LED, etc).
 - 3. Hours of use of the luminaires.
 - 4. Proposed intensity levels of lighting throughout the site and an area extending a minimum of 30 feet onto adjacent properties indicating footcandle measurements.
 - 5. Any additional information required to determine compliance with this Resolution.
- c. Protection of Residential Districts.
 - 1. Exterior luminaires shall be located, screened or shielded to prevent direct illumination onto, and minimize other light trespass onto, lots in residential districts.
 - 2. Light Trespass. The maximum level of light trespass at a property line shall be 0.5 foot-candles.
- d. Fixture Standards
 - 1. Luminaires which are not fully shielded shall only be installed for decorative purposes or for general lighting of pedestrian areas and shall only be located within 30 feet of the main building. The maximum height of any shall be 12 feet.
 - 2. The maximum height of any fully shielded luminaire shall be 18 feet.
 - 3. Canopy lighting shall be by means of fully shielded off luminaires only.

710.03 Exceptions

The following shall be exempt from above regulations:

- a. Decorative outdoor lighting fixture with bulbs of less than 10 watts and 70 lumens, installed seasonally.
- b. Temporary construction or emergency lighting provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency requiring such lighting.

711 Site Plan Review and Conformance

711.1

Prior to the issuance of a zoning certificate for any permitted or conditionally permitted use listed in this Chapter, a site plan shall be prepared, submitted for review, and acted upon, all as specified in Chapter 8.

712 Loading Facility/Space Requirements

In addition to the provisions of Section 1104, Off Street Loading Space Requirements, loading facilities in the BC District shall comply with the following and with Section 802(15) if applicable:

- a. The loading facility shall be accessory to a main use.
- b. Vehicle waiting spaces and stacking lanes shall not be located in drives required for access to parking spaces.

- c. Speakers shall be installed and operated so that sound is not audible on land zoned for residential use.
- d. No part of an off-street loading space (including doors larger than 36"x80", vehicle doors, docks, truck maneuvering areas, entry and exit drives) shall be located closer than one hundred (100) feet to a residential district.
- e. Entry and exit drives providing access to loading spaces shall only access Akron-Cleveland Road or Kendal Park Road unless approved as a conditional use for a Loading Facility/Space.

CHAPTER 7A: SEASONS ROAD BUSINESS DISTRICT (SRB)

700A Purpose

- a. Recognize the special opportunities of proximity to the Seasons Road/SR8 interchange and access to the sanitary sewer system
- b. Differentiate this area from the general business corridor in terms of uses and nature of development
- c. Promote development of high valued development types in terms of real estate valuation, jobs, and tax base
- d. Encourage a compatible and symbiotic concentration of commercial uses
- e. Provide a zoning district in which planned developments may be approved
- f. Promote development coordinated and compatible with development of properties in the abutting communities to the south and east of this district
- g. Encourage large lot developments with potential for high value and mixed use

701A Permitted Uses

- a. Banks, Financial Institutions
- b. Medical or dental clinics, offices or laboratories.
- c. Hospital
- d. General or Professional Office.
- e. Restaurants – Table Service
- f. The following uses located in either a building having a ground floor area of at least 10,000 square feet or in a Planned Development.
 1. Personal services such as barber shops, beauty salons, dry cleaning and/or laundry; shoe repair, dressmaking, tailoring, photo copying, travel agent; repair of household appliances; computer services
 2. Retail sales businesses such as grocery stores, drug stores, meat markets, bakeries, convenience stores, hardware stores, clothing, jewelry, florist, garden center, and general merchandise, but not sales, rental or leasing of autos, trucks, other vehicles or heavy equipment
 3. Business services including mailing, reproduction, stenographic, word processing, data entry, computer programming, photocopying, duplicating, data processing, business machine servicing, sales of commercial equipment and supplies.
- g. Media production including motion picture studios, broadcasting and recording stations
- h. Communication towers and antennae
- i. Theater

702A Conditionally Permitted Uses

The following uses may be approved as conditionally permitted uses subject to the provisions of Chapter 8 Conditional Zoning Certificates and other applicable provisions of this Resolution.

- a. Adult or child day care center

- b. A drive through facility accessory to any use listed in 701A as a permitted use, in 702A as a conditionally permitted use, or to a use determined to be a similar use by the Board of Zoning Appeals.
- c. Outdoor storage or display accessory to any use listed in 701A as a permitted use, in 702A as a conditionally permitted use, or to a use determined to be a similar use by the Board of Zoning Appeals
- d. Restaurant, Carry Out or Drive Through Restaurant. A retail service establishment whose principal business is the sale of foods, frozen desserts or beverages in ready to consume individual servings for carryout and/or drive through service.
- e. Automotive filling station, provided no vehicle servicing or repair conducted on the site
- f. Hotels and motels
- g. A building or buildings on a single lot having a total floor area greater than 10,000 square feet. Such building or buildings approved in a Planned Development shall not require a conditional use permit.
- h. Vehicle wash
- i. Building exceeding 35 feet or three (3) stories in height, except where approved in a Planned Development
- j. Similar uses determined by the Board of Zoning Appeals as provided in this Resolution.

703A Lot and Yard Requirements

Except as otherwise approved in a Planned Development, the following lot and yard requirements shall apply:

- a. Minimum lot area: One (1) acre
- b. Minimum lot width and frontage: 150 feet
- c. Minimum lot depth: 250 feet
- d. Except as approved in a Planned Development, the yard requirements for the BC Business Corridor District shall apply in this District.

704A Building Requirements

- a. Maximum building height: 35 feet
- b. Building height greater than 35 feet may be approved as a conditionally permitted use provided that:
 - 1. The BZA determines on the basis of information from the Fire Department and other safety officials that the building will comply with applicable safety standards;
 - 2. For each additional 10 feet or portion thereof of height above 35 feet, the building is set back from front, side, and rear lot lines 20 feet more than the standard required setback;

705A Signs

Sign regulations applicable in the BC District shall apply.

706A Additional Design Standards

- a. Traffic Access/Curb Cut Requirements. Shall comply with Section 708.

- b. Landscaping Requirements. Shall comply with Section 709.
- c. Lighting Requirements. Shall comply with Section 710.
- d. Exterior building equipment which generates noise, including but not limited to HVAC equipment shall be located on the building or site in a manner which prevents noise transmission to nearby residential neighborhoods

707A Planned Development: Purpose and Qualifying Conditions

- a. Purpose. The purpose of these Planned Development regulations, Sections 707A through 711A, is to provide locations for one or more Planned Developments (hereinafter referred to as “Planned Development”) within the Seasons Road Business District for which property owner(s) may propose unique or flexible plans for development layouts, development standards, lot, area, and height requirements and other features not otherwise permitted in the SRB District subject to approval by the Township as provided herein.
- b. Qualifying Conditions for Planned Development
 - 1. Only property located within the Seasons Road Business District may be approved for a Planned Development.
 - 2. The area of land proposed for a Planned Development shall:
 - i. Contain at least 10 contiguous acres exclusive of existing public rights-of-way
 - ii. Have access to an existing improved public road and frontage thereon of not less than 300 continuous feet.
 - iii. Not be divided by existing public roads or other areas which limit use for purposes of the Planned Development.
 - 3. The land for which a Planned Development application is submitted must be in single ownership or the subject of an application filed collectively by all owners of the properties intended to be included within the Planned Development. All land included within a Planned Development shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants shall present firm evidence, at the time of application, of unified control of the entire area within the proposed development.

708A Planned Development: Specific Requirements

- a. Uses in Planned Development
Permitted and Conditional Uses shall be as provided in Section 701A and 702A for the Seasons Road Business District.
- b. Lot, Yard and Height Requirements
Lot, yard and height requirements shall be as required for the SRB District generally, as stated in Sections 703A and 704A, provided that the applicant for a Planned Development may propose alternative lot, area, yard, and height standards subject to approval in the Development Plans. The alternative standards may be approved in the Development Plans as modifications as provided in Section 711A.c.4 upon finding that they are appropriate as features of the integrated design of the Planned Development and that they will not impose undue impacts on abutting properties.

c. Parking

Parking regulations applicable in the BC District shall apply. The owner of a Planned Development may propose specific variations to the applicable parking regulations for the Planned Development to be reviewed and acted upon by the Zoning Commission. Specific variations may be approved based on finding that they are appropriate due to the uses, size, layout, and/or integrated design of the development.

d. Signs

Sign regulations applicable in the BC District shall apply. The owner of a Planned Development may propose specific variations to the applicable sign regulations for the Planned Development to be reviewed and acted upon by the Zoning Commission. Specific variations may be approved based on finding that they are appropriate due to the size and integrated design of the development and do not otherwise provide excessive or undue sign rights to the subject property.

e. Infrastructure

1. Public Utilities. The applicant for a Planned Development shall demonstrate the availability of public water and public sanitary sewer with sufficient capacity to serve the proposed development and shall either demonstrate the capacity to finance and construct any necessary off-site improvements or demonstrate that other responsible parties will finance and construct such improvements.
2. Roads. Dedicated public roads shall be constructed within Planned Developments as determined necessary for functional, safe, and effective public and private vehicular access to, within, and through the Planned Development and in compliance with applicable subdivision requirements of Summit County. Provisions for future extensions of public roads into abutting properties may be required as determined necessary for a properly coordinated system of public roads in the Planned Development and its surrounds.

Private roads may be approved where public roads are not required to comply with the above provisions. Where lots are proposed without direct frontage on public roads, easements or other legal provisions shall be established to ensure sufficient continuous vehicular access, facilities, and maintenance thereof in perpetuity.

3. Subdivision Improvements. A Planned Development shall be developed in compliance with Summit County Subdivision Regulations.

709A Planned Development: Plan Application, Review, and Approval Procedures

a. Preliminary Development Plan Procedures.

1. Pre-Application Conference. The applicant for a Planned Development is encouraged to request a meeting with the Zoning Inspector prior to submitting an application for the purposes of reviewing the applicable regulations and to obtain other information relevant to the proposal. Applicants are encouraged to confer with public officials and agencies who may be involved in review and approval of the proposed development, including but not

limited to the Summit County Health Department, County Highway Engineer, Director of Planning Services, and County Sanitary Engineer.

2. Application for Preliminary Development Plan. An application for a Preliminary Development Plan shall be submitted to the Zoning Commission by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be submitted in the form of a letter of request accompanied by *a fee and deposits established by the Township Trustees*, a Preliminary Development Plan, and a narrative containing the information specified below.
 - i. Preliminary Development Plan. A Preliminary Development Plan shall be submitted including the following:
 - Name, address, phone number and email address of the applicant.
 - Name, address, phone number and email address of the professional or firm that prepared the plan.
 - Legal description of the property.
 - North arrow, scale and title block.
 - General location map.
 - Property boundary survey.
 - Adjacent buildings and structures within two hundred (200) feet of the property boundaries.
 - All perimeter streets abutting the property, including right-of-way width.
 - Existing topographic conditions (two-foot intervals).
 - Existing natural features (including but not limited to steep slopes, woods, ponds, streams, wetlands)
 - Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan.
 - Uses proposed within the Planned Development and general locations.
 - Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common areas and facilities, areas to be developed by type of use, parking areas and easements.
 - The Zoning Commission reserves the right to request a traffic impact study to assess the impacts of proposed development on existing traffic facilities, to determine the feasibility of accommodating the traffic, and to identify necessary improvements and sources of funding for the improvements. Required improvements should be not only those directly on the frontages of the subject site, but also those which can be determined necessary to mitigate the impacts on roads and facilities utilized to access the site or area.
 - Any other information deemed necessary by the Zoning Commission to determine the character of the proposed development and compliance with these regulations.
 - ii. Project Narrative. A written statement shall be submitted providing the following information:
 - Statement of how the Planned Development meets each of the applicable provisions of this Zoning Resolution
 - Identification of the present owners of all land within the proposed project

- Explanation of the proposed character of the Planned Development, including a summary of acreage by use, number and type of buildings, minimum lot sizes by type of use
 - A general description of the proposed development schedule and anticipated phases.
 - Intended agreements, provisions and covenants to govern the use of the Planned Development, and any common areas or facilities.
- iii. Fees and Deposits.
- Planned Development Review Fee. The applicant shall submit a check payable to the Township in the amount of \$1,500.
 - Professional Assistance. In the event the Township finds it necessary to engage any planning, legal, engineering, or other expert services in the review of the application for Planned Development, all expenses shall be borne by the applicant. At the time of submitting the application for Preliminary Development Plan, the applicant shall submit a deposit of \$500. Upon determining the scope and cost of professional assistance required, the Township shall advise the applicant who shall deposit such additional funds as required to pay for such studies.
3. Zoning Commission Review. At the next regularly scheduled meeting after submission of an application, the Zoning Commission shall review the application to determine if it contains all items and information required by this Resolution. When it is determined that an application is complete, the Zoning Commission shall set the date for a public hearing.
- i. Notice of hearing. The following notices shall be provided:
- Written notice of the hearing shall be mailed by first class mail to the property owner(s) and to the owners of the properties contiguous to and directly across the street from the subject property. The notice shall be sent at least twenty (20) days before the day of the hearing and shall contain the time, place and purpose of the hearing. A failure to notify, as provided in this section, shall not invalidate any proceedings or actions taken by the Zoning Commission or Board of Trustees.
 - Notice to the general public of the Zoning Commission's agenda shall be publicized in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
- ii. Requests for Agency Reviews. Upon setting the date for a hearing, the Commission may submit the application to such agencies and professionals as it deems necessary, which may include but not be limited to the Township Fire Chief, the Summit County Highway Engineer, the Summit County Sanitary Engineer, and the Director of County Planning Services. The application shall be submitted to the Board of Zoning Appeals for comment.
- iii. Public Hearing. The Zoning Commission shall conduct the public hearing in accordance with its rules of procedure.
- iv. Recommendation. Not more than ninety (90) days after the public hearing, the Zoning Commission shall forward a recommendation to the Board of Township Trustees that the Preliminary Development Plan be approved as presented, approved with supplementary conditions, or not approved. If agreed with the applicant, the Commission may delay its recommendation.

4. Board of Township Trustees Action. Within sixty (60) days of receiving the recommendation from the Zoning Commission, the Board of Township Trustees shall conduct a public hearing prior to taking final action on the Preliminary Development Plan.
 - i. Notice of hearing. Notice shall be provided in the manner set forth for the Zoning Commission review above.
 - ii. Public hearing. The Board shall conduct a public hearing in accordance with its rules of procedure.
 - iii. Action. After the public hearing, the Board of Township Trustees shall vote to approve, approve with supplementary conditions or disapprove the Preliminary Development Plan.
 - iv. Failure of the applicant to comply with any conditions of approval shall be considered a violation of the Zoning Resolution and shall be subject to all applicable enforcement, remedies and penalties available to the Township in law or equity and as provided for in this Resolution.
 - v. Effect of Trustees Action. Board of Trustees action approving a Preliminary Development Plan authorizes the applicant to prepare and submit a Final Development Plan, but not to initiate construction or take any other action. Approval of a Preliminary Development Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval of the layout submitted on the Preliminary Plan and as a guide to the preparation of the Final Plan, which will be submitted for approval of the Zoning Commission upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. Board of Trustees action disapproving a Preliminary Development Plan shall halt any other action on the part of the Township with regard to the Plan. The Board may authorize the applicant to submit an amended Preliminary Development Plan.
- b. Final Development Plan Procedures.

The following procedures shall be followed for the review of the Final Development Plan.

 1. Timing. An application for Final Development Plan approval shall be filed not later than twenty-four (24) months after the effective date of Board of Trustees approval of the Preliminary Development Plan, otherwise the Preliminary Development Plan approval shall expire. Three (3) one-year extensions may be authorized by the Zoning Commission for good reason and justifiable cause. The applicant must demonstrate they have made a good faith attempt to work towards a Final Development Plan submittal. The applicant shall submit the request for extension in writing to the Zoning Commission who shall make a written determination regarding its decision to extend or deny the extension. Both the request and the determination shall be made part of the record. If the applicant fails to submit a Final Development Plan within this timeframe, the approved Preliminary Development Plan shall be deemed to have expired and the applicant must submit a new Planned Development application.
 2. Application. An application for approval of the Final Development Plan shall be submitted by the property owner or owner's authorized representative. The application shall be filed in the form of a letter, along with a fee established by the Township Trustees, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Zoning Commission.

- i. Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Development Plan shall be submitted with the required application. The Final Plan shall contain all information deemed necessary by the Zoning Commission to confirm compliance with the provisions of this Chapter and with all other applicable regulations. At minimum, the application for Final Development Plan shall include:
 - The proposed locations of all uses including but not limited to dwellings, open spaces, commercial uses, and infrastructure.
 - A subdivision plan or other survey indicating the locations of all lots, rights-of-way, easements, and other divisions of land.
 - A grading plan indicating existing and planned topography.
 - A storm water facilities plan.
- ii. Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:
 - proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - identification of the entity responsible for maintenance of common areas;
 - description of all deviations from the otherwise applicable zoning requirements;
 - the total number and locations of buildings; if a phased development, totals, types and locations by phase.
 - improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
 - an anticipated development schedule by phase, if applicable.
 - A proposed schedule or sequence for coordination of other required approvals, including but not limited to subdivision approvals which may include simultaneous applications, reviews, and approvals subject to acceptance of such schedule by the Township.
 - Performance Guarantee, Development Agreement. In conjunction with the approval of a Final Development Plan, the applicant shall be required to provide a performance guarantee for all public and common improvements, in accordance with applicable subdivision regulations. A development agreement may be required to address additional issues specific to the Planned Development.
- iii. The Zoning Commission may require additional information beyond what is specifically required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
- iv. Phased Projects. If a Planned Development is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire Planned Development was first given Preliminary Development Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Preliminary Development Plan. Each phase shall have adequate provision for access, parking, open space, storm water management, and other public improvements to serve the development. Each phase shall be provided with temporary or permanent transitional

features, buffers, or protective areas to prevent any adverse impact on completed phases, future phases, and adjoining property.

3. Zoning Commission Review. The application materials shall be forwarded to the Zoning Commission for review. At its next regularly scheduled meeting after submission of a complete application and all required plans and information, the Zoning Commission shall consider the application and take action to approve, approve with supplementary conditions or not approve the Final Development Plan, based on the review standards of Section 710A.

The Final Development Plan shall be approved if it conforms with the Preliminary Plan. Approval by the Zoning Commission shall authorize the applicant to proceed with the Planned Development subject to all applicable regulations, conditions, and agreements. Disapproval by the Zoning Commission shall halt any other action on the part of the Township with regard to the Plan unless the Commission authorizes the applicant to resubmit an amended Final Development Plan.

710A Planned Development: Plan Review Standards

In considering a Planned Development application, the Zoning Commission shall find that the development meets all applicable requirements and qualifying conditions, as well as the following:

- a. Purpose. The Planned Development shall be consistent with the stated purposes of this zoning resolution and of the SRB District
- b. Surrounding Uses. The Planned Development shall be compatible with the uses permitted on properties surrounding the subject property and/or shall provide such features as feasible to reasonably mitigate the impact of proposed uses upon surrounding properties.
- c. Natural Environment. The layout and features of the Planned Development shall, to the extent deemed reasonable, be designed and constructed in a manner which minimizes impacts upon major natural features of the site and surrounding area and shall employ best management practices to promote their conservation.
- d. Public Facilities and Services. The Planned Development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- e. Protects Health, Safety and Welfare. The Planned Development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- f. Consistent with All Applicable Standards and Requirements. The Planned Development shall conform to all applicable requirements of this Resolution.
- g. Final Development Plan. The Final Development Plan shall be substantially consistent with the representations made and plans approved during the Preliminary Development Plan stage of approval.
- h. Recognizable and Substantial Benefits. Approval of the planned unit development shall result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts.

711A Planned Development: Additional Procedures

- a. Site Plan Review Required. Prior to the issuance of a zoning certificate for any permitted or conditionally permitted use on any property located within an approved Planned Development,

site plan review shall be required as provided in Chapter 8 of this Resolution. Site plan review shall include a determination that the proposed use or construction is consistent with the approved Final Development Plan.

- b. **Commencement of Construction; Revocation of Approval**
Construction shall commence and proceed meaningfully toward completion subsequent to Final Development Plan approval, or approved phases thereof, in accordance with the following:
 1. For purposes of this section, meaningful progress toward completion shall mean, at a minimum, all of the following: site clearing, rough grading, and installation of infrastructure improvements: sanitary sewer, storm water facilities including storm water management facilities, and water mains.
 2. If construction has not commenced within twenty-four (24) months, the applicant may request one extension of up to twenty-four (24) additional months. The request shall be submitted, in writing, to the Zoning Commission prior to the expiration of the original twenty-four (24) month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the Planned Development. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the Final Development Plan shall become null and void.
 3. Following expiration of the foregoing time limits, the Board of Trustees may initiate proceedings to revoke approval of the Planned Development.

- c. **Amendments, Approval of Minor Changes**
Changes to an approved Final Development Plan shall be permitted only under the following circumstances:
 1. The holder of an approved Final Development Plan shall notify the Zoning Commission of any proposed change to the approved plan.
 2. Minor changes may be approved by the Zoning Commission upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes are one or more of the following:
 - i. Reduction in building size or increase in building size up to five percent of the total approved floor area;
 - ii. Movement of building or other structures to a location that meets all established setbacks;
 - iii. Changes in parking layout that do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area. The Zoning Commission shall not reduce the number of parking spaces below the minimum requirements of Chapter 11, Off-Street Parking and Loading.
 - iv. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
 3. A proposed change to an approved Final Development Plan that does not meet one of the criteria above shall be considered an amendment to the approved Final Development Plan and a request for modification shall be submitted to the Zoning Commission and reviewed in accordance with the procedures established for the Final Development Plan review and approval process.

4. When, in the judgment of the Zoning Commission, the proposed requested modification(s) substantially deviates from the approved Preliminary Development Plan, the requested modification(s) shall be reviewed by the Zoning Commission as an Amended Preliminary Development Plan and shall be reviewed in accordance with the provisions of this Chapter for the approval of a Preliminary Development Plan.
- d. **Modification of Minimum Requirements.**
The applicant for a Planned Development shall identify, in writing, all proposed deviations from the requirements for a Planned Development. Such modifications may be approved by the Board of Trustees during the preliminary development plan review stage, after Zoning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the Planned Development regulations set forth in Subsection 700A and the review standards in Subsection 710A.
 - e. **Expansion of Planned Development Area**
A property which is contiguous with but not contained within the area of a previously approved Planned Development may apply for approval of an expansion of the contiguous Planned Development (provided that construction of the original, contiguous Planned Development has commenced, proceeded meaningfully toward completion, or been completed). The proposed area of expansion shall contain at least two (2) acres and shall comply with all requirements of this Resolution for applications, reviews and approvals and shall demonstrate consistency and compatibility with the development plans approved for the contiguous Planned Development as determined necessary by the Zoning Commission.

CHAPTER 8: CONDITIONAL ZONING CERTIFICATES

800 Purpose and Procedures

To provide for issuance of Conditional Zoning Certificates where conditionally permitted uses are provided for in this Resolution.

800.01 The Board of Zoning Appeals may authorize, upon application, conditional uses as delineated in Sections 800 through 807. Such conditional use requests shall conform to the procedures and requirements of Sections 800 through 807 inclusively.

800.02 Application for a Conditional Use Permit

An application for a conditional use permit shall be filed with the Zoning Inspector by at least one owner or owner's agent for which such conditional use is proposed. The application shall be signed by the owner or applicant attesting to the accuracy of all information supplied by the application provided, however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:

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. Zoning district;
- e. Description of proposed conditional use;
- f. A site plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, 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 requirements of this Resolution (see Section 803.05 Contents of Site Plan).
- g. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district;
- h. Applicant shall supply the Zoning Inspector the names of property owners within 500 feet of the subject property as shown on the current record of the Summit County Auditor. Names shall be printed on gummed address labels.
- i. Each application shall be accompanied by the payment of a fee as indicated by these regulations, said fees are non-refundable.

800.03 Review by Zoning Commission

The Zoning Inspector must submit the application to the Zoning Commission and to the Board of Zoning Appeals at the same time for their review. The Zoning Commission will act as the technical review committee for the Board of Zoning Appeals regarding site plan reviews. The Zoning Commission will submit their written recommendations to the Board of Zoning Appeals within forty-five (45) days of the first meeting of the Zoning Commission following the submission of such application. For a more timely

review, it is advised that the applicant submit a complete application to the Zoning Inspector two weeks prior to the next Zoning Commission meeting.

800.04 Hearing

Within forty-five (45) days after receiving the recommendations of the Zoning Commission, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the community, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing. Also, notification to adjacent property owners shall be mailed by the Zoning Inspector, by first class mail, at least ten (10) days before the day of the hearing.

800.05 Special Provisions for the Village Residential Districts

The National Park Service will be afforded the opportunity to review and comment on all conditionally permitted use and site plan review applications, if such applications are located within the Village Residential Zoning Districts. This is for the purpose of better coordinating historic preservation related reviews. Both of the Village Residential Zoning Districts are Historic Districts. These Districts are comprised of the 1.) Boston Mills Historic District and 2.) the Everett Historic District (see Appendix).

800.06 Action by Board of Zoning Appeals

Only upon conclusion of the public hearing procedures relative to a specific application may the Board of Zoning Appeals grant a conditional zoning certificate. Within thirty (30) days after the public hearing required in Section 800.04, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the conditional use application. If approved, the applicant shall sign the conditional zoning certificate, thereby acknowledging the conditions and requirements specified thereon. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this zoning code.

800.07 Reapplication

No application for a conditional zoning certificate, which has been denied wholly or in part by the Board of Zoning Appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

800.08 Termination

All conditional zoning certificates shall become void at the expiration of one (1) year after the date of issuance, unless the use, building, or development, as provided for in the certificate, is initiated and completed through the final stages or other work equivalent to fifteen (15) percent of the total cost of the proposed project.

800.09 Conditional Zoning Certificate Extension

At least fifteen (15) days prior to the expiration of the conditional zoning certificate, application may be made to the Board of Zoning Appeals for a one (1) year extension of the certificate with the same

requirements and conditions which were part of the original certificate. Any change in the requirements and conditions requires a new application, public hearing, and full compliance with all requirements and procedures.

801 General Standards for Conditional Uses

The Board of Zoning Appeals and the Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of all the following standards and shall find adequate evidence showing the use at the proposed location;

- a. Is in fact a conditional use as established in this Zoning Resolution and appears on the official schedule of district regulations for the zoning district involved;
- 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 the 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 such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person 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 cost for 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 persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

In granting any conditional use permit, the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public welfare and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to the regulation of:

- a. Setbacks
- b. Screening and buffers
- c. Parking
- d. Landscaping and vegetation
- e. Hours of operation
- f. Access and traffic
- g. Glare
- h. Vibration
- i. Odors
- j. Dust
- k. Smoke
- l. Noise

802 Special Requirements for Conditional Uses

In addition to the requirements of this Chapter, the following conditional uses shall meet additional requirements.

- a. Home Occupations shall be subject to the following special requirements:
 1. The occupation shall be conducted only by members of the family living in the dwelling and no one from outside the family shall be employed.
 2. The occupation shall be conducted solely within the principal building and space used for sales, service, or production shall occupy no more than thirty-five (35) percent of the total floor area of the dwelling.
 3. The occupation shall not generate a significantly greater volume of traffic than would normally be expected in a residential area and all parking shall be in the resident's
 4. driveway.
 5. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of such home occupation.
 6. No home occupation, or any aspect thereof, including the storage of materials and supplies, shall be conducted in any accessory building.
 7. Said home occupation shall be clearly incidental and subordinate to the use of the property for residential purposes.
 8. There shall be no outside storage of any kind related to the home occupational use.
- b. Home Occupations in Business Corridor District
 1. If there is an existing home on property, it may be lived in by property/business owner or immediate family and used as office to business that is being run on said property.
 2. The occupation shall be conducted on said property and can have employees from outside the family.
 3. The occupation may be conducted within the principal building or accessory buildings on the property.
 4. Home occupations must comply with all setbacks and yard requirements set forth in this resolution in Chapter 7.
 5. In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, it shall not be restored for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:
 - i. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
 - ii. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
- c. Automotive Filling Stations shall be subject to the following standards:
 1. An automobile filling station shall only be located on a lot located on the east side of Akron-Cleveland Road.
 2. Except for self-service (by vehicle owners) of such activities as fuel filling, addition of oils or other fluids, addition of air to tires, and similar minor maintenance by owners, no service,

- maintenance or repair activities shall be performed at an automotive filling station. This restriction shall not apply where vehicle repair use has been approved as a conditional use.
3. Except for short-term driver stops, the parking of tow trucks, service trucks, other commercial vehicles, or rental vehicles shall be prohibited. Overnight parking of all vehicles is prohibited.
 4. Retail sales of vehicle fluids including fuels, oils, wiper fluids, and similar products are permitted. Other retail sales, including but not limited to food and drink, shall be permitted subject to applicable regulations for retail uses in this district.
- d. Automotive and recreational vehicle sales and rental; Vehicle repair and services subject to:
1. All service, maintenance and repair activities shall be performed inside an enclosed building or service area completely enclosed by a vision-obscuring fence or wall at least eight (8) feet in height.
 2. All outdoor display areas for vehicles and equipment being offered for sale, rent, or lease shall be located at least thirty (30) feet from right-of-way lines and shall be located at least a distance equal to the required front, side, and rear yards from all other property lines and township road right-of-way lines.
 3. All parts, damaged vehicles and equipment, and all vehicles and equipment under or waiting for service and/or repair shall be stored in enclosed buildings or areas completely enclosed by a vision-obscuring fence or wall at least eight (8) feet in height.
 4. All obsolete or junk vehicles and equipment and all scrap, junk parts, waste oils and other waste materials shall be disposed of offsite.
 5. Parking of tow trucks, service trucks, and other commercial vehicles operated by or associated with the business shall be located behind the minimum building setback line.
 6. All outdoor storage shall comply with the requirements for Outdoor Storage as a conditional use.
- e. Distributor's warehouses and sales offices shall be subject to the following special requirements;
1. Sales offices shall be primarily business offices with the total area devoted to display, including both the objects displayed and the floor space set aside for the persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of the sales office building or other buildings included in the business.
 2. All storage of materials, parts, or completed products shall be stored inside an enclosed building or visions-obscuring fence or walls at least eight (8) feet in height or higher if necessary to equal the height of the material stored.
- f. Light Industry. Light industrial uses shall be subject to the following special requirements:
1. .All manufacturing, fabrication, assembly, and packaging activities shall be carried out within an enclosed building, and no noise, electromagnetic interference, odor, or other nuisance shall be observable outside said enclosed building.
 2. All storage of materials, parts, or completed products shall be ~~stored~~ inside an enclosed building except as provided in c) below.
 3. Outdoor storage of materials, parts, or completed products may be approved as a conditional use subject to a site plan which identifies items to be stored, storage location(s), methods of enclosure, landscaping, maximum height of stored items, and other conditions deemed necessary to minimize the impacts of outdoor storage.
- g. Bed and breakfast establishments shall be subject to the following special requirements:

1. Fire escapes shall be provided as approved by the local Fire District Authority.
 2. Fire exit instructions shall be posted in each sleeping room.
 3. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
 4. The facility shall be operated so that guests reside at the home for not longer than one continuous week.
- h. Non-Commercial Recreation Uses shall be subject to the following special requirement:
1. All permitted structures, playing fields and other facilities within the residential districts shall not be less than one hundred and fifty (150) feet from all other residentially zoned properties.
- i. Sexually Oriented Businesses uses as defined in this Resolution may be located only in accordance with the following restrictions:
1. Such business shall only be located in the Business Corridor Zoning District within Boston Township.
 2. No such business shall be located on any parcel within five hundred (500) feet of any residentially zoned district within Boston Township.
 3. No such business shall be located on any parcel within one thousand (1,000) feet of any public library, private or public elementary or secondary school, public park, or church.
 4. No such business shall be located on any parcel within one thousand (1,000) feet of any other sexually oriented business.
 5. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
 6. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 7. No person shall establish, or operate, or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section.
 8. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
- j. Nursery and garden supplies
1. Plant materials may be displayed not less than thirty (30) feet from the street right-of-way.
 2. Landscape supplies and garden equipment may be stored outside but shall be not less than fifty (50) feet from a street right-of-way and shall be screened from public view by a fence or wall not more than eight feet in height.
- k. Commercial Recreations
1. All activities shall be conducted within enclosed buildings.
 2. Accessory uses including sales and servicing of equipment and supplies associated with the proposed activity and sale, serving, and consumption of food and beverage may be permitted.

- I. Tool and Equipment Rental
 - 1. Outdoor display or storage of tools and equipment may be permitted as provided in Section 705 provided that outdoor storage of equipment shall be screened from public view by a fence or wall not more than eight feet in height.
 - 2. Outdoor display of tools and equipment shall not be permitted in a required front yard.

- m. Day care facility subject to:
 - 1. Facilities shall not provide for overnight stay but shall provide for day care only.
 - 2. Outdoor activity areas shall be located at least seventy-five (75) feet from residential zoning districts and shall be enclosed by a landscaped fence.
 - 3. A vehicular drop off/pick up area shall be provided on the site with sufficient parking and vehicle waiting area to prevent interference on the public roads by waiting vehicles

- n. Drive-Through Facility (Drive-in/Drive-up), accessory to a permitted or conditionally permitted main use, and subject to:

The facility shall be accessory to a main use.

 - 1. Vehicle lanes, access points on public roads, and all structures associated with the facility (including but not limited to speakers, service windows, transaction sites, lighting, signs associated with the accessory facility and not visible from outside the site, cameras, canopies and overhangs) shall be subject to the conditional use permit.
 - 2. Access points on public roads, on-site drives which provide access, and vehicle waiting lanes shall be reviewed by a qualified traffic engineer who shall submit an opinion report regarding the impact of the facility on the subject public roads.
 - 3. Vehicle waiting spaces and stacking lanes shall not be located in drives required for access to parking spaces.
 - 4. Vehicle Waiting Spaces. Sufficient on-site waiting spaces shall be provided so that projected waiting vehicles shall not impact public roads, but not less than the following:
 - I. At least ten (10) vehicle waiting spaces shall be provided which shall include at least five (5) per transaction site.
 - II. Vehicle waiting spaces shall be located as required for parking spaces but not closer than two hundred (200) feet to land zoned for residential use.
 - III. Automatic car wash facilities shall provide at least ten (10) waiting spaces.
 - IV. Self-service car wash facilities shall provide at least three (3) waiting spaces per car wash bay.
 - 5. Speakers shall be installed and operated so that sound is not audible on land zoned for residential use.
 - 6. On a lot located west of Akron-Cleveland Road, transaction sites, service windows, and speakers shall only be installed on the east side of the building to limit noise impacts on residential areas and shall not be operated earlier than 7 am and not later than 11 pm.

- o. Outdoor storage subject to the following conditions:

1. Vehicles brought to and removed from the site on a daily basis which are owned by employees, customers, or persons providing services to the business may be stored in a parking area as authorized by this Resolution and shall not be subject to these provisions;
2. All materials, goods, equipment or vehicles stored on the site shall be owned, rented, or leased by the business which is the use of the site. No part of the site shall be used for the storage of materials, goods, equipment, or vehicles owned by uses which are not approved uses of the site. No outdoor storage space shall be permitted to be used, rented, leased, or otherwise authorized by the property owner or user of the site for a purpose which is not directly associated with the approved use of the site.
3. Outdoor storage shall be located at least one hundred feet (100') from any property which is located in a Residential District.
4. Outdoor storage shall be located so that it does not adversely affect the use of neighboring properties or the health or safety of persons residing and/or working in the neighborhood. Storage shall be placed in a manner which protects neighboring properties from any exposure to noise, odor, dust, lighting, or vibration.
5. Outdoor storage of any top soil, loam, sand, gravel or other erodible fill type substances on land shall be prohibited unless in conformance with a zoning permit which may include provisions for monthly inspections, a limit on the nature and volume of materials to be stored, and provisions for erosion control, elimination of standing and stagnant water, dust control, silt fences or other site storm water runoff controls necessary to control, prevent and limit storm water runoff including sediment and other pollutants into the private and public storm water ditches and facilities or the natural lakes and streams.
6. The excavation, demolition, processing or outdoor storage for sale or transfer off-site of soil, mulch, other earth substances, logs, stumps, demolition debris or other types of fill material (collectively hereinafter referred to as substances) is prohibited unless the substances are generated by, or the consequence of construction pursuant to or implementation of a presently approved construction permit for the site or subdivision improvements. The substance(s) shall not be treated, screened or otherwise processed or refined upon the site prior to storage or transfer from the site. This subsection does not apply to the importation, storage for sale, and transfer off-site of substances in a nursery and garden supply business which does not excavate, demolish, or process the substances on site.
7. The outdoor area (or areas) intended to be used for such outdoor storage is (are) clearly indicated on a site plan attached to and made part of the Zoning Permit
8. A description of the general nature of the materials, goods, equipment, or vehicles to be stored in the outdoor areas shall be attached to the Zoning Permit
9. No other part of the site is used for such purpose at any time;
10. The area(s) shall be paved with asphalt or concrete, and setback as required for buildings and outdoor uses
11. No stored materials, goods, equipment or vehicle or any part thereof shall exceed a height of ten (10) feet above natural grade
12. The total area of such designated areas shall not exceed twenty-five percent (25%) of the area of the lot on which the permitted use is located
13. The approved outdoor storage area shall be screened as follows:

- i. The entire outdoor storage area shall be enclosed on all sides (except any side where visibility is obstructed by a building on the site) by a solid wall or a minimum six (6) foot wood fence with openings no greater than fifteen percent (15%) or no less than 85% opaque, or
 - ii. A dense vegetative planting incorporating trees, evergreens, and/or hedges of a variety that are as equally effective in their screening effect, in both summer and winter, as a solid wall or solid painted fence with openings no greater than fifteen percent (15%) or no less than 85% opaque. or
 - iii. A combination of the methods described in a and b above.
 - iv. The approved screening shall be maintained in healthy and sound condition in compliance with the intended screening effect at all times that outdoor storage is conducted on the storage area.
- p. Loading Facility/Space, accessory to a permitted or conditionally permitted main use, on a lot located west of Akron-Cleveland Road, subject to:
- 1. A loading facility/space shall only be installed on the east side of the building or that side of the building most parallel to Akron-Cleveland Road to limit noise impacts on residential areas and shall not be operated earlier than 7 am and not later than 7 pm.
 - 2. Vehicle lanes, access points on public roads, and all structures associated with the loading facility (including but not limited to speakers, other noise generating devices, and lighting) shall be subject to the conditional use permit.
 - 3. Access points on public roads, on-site drives which provide access, and vehicle waiting lanes shall be reviewed by a qualified traffic engineer who shall submit an opinion report regarding the impact of the facility on the subject public roads.

803 Site Plan Requirements, Review and Conformance

803.01 Site plans required

All permitted and conditionally permitted uses in the Business Corridor District, or change of use proposed to be developed, expanded, modified or otherwise established in the Business Corridor District or Residential Districts, or conditionally permitted uses in the Residential Districts shall be permitted and zoning certificate issued only after site plans and performance guarantees, as specified herein, have been submitted to the Boston Township Zoning Board of Appeals and the Zoning Commission for their review and approval. The Board of Appeals and Zoning Commission may refer any or all site plans and proposals to the County or Regional Planning Commission, County Engineer's Office, Consultant, and/or any Planning advisory or other committee of the Township for the review and recommendations prior to acting on said plans and proposals.

For a more timely review, it is advised that the applicant submit a complete application to the Zoning Inspector two (2) weeks prior to the next Zoning Commission meeting.

803.02 Review by the Board of Zoning Appeals and Zoning Commission

The Zoning Inspector shall submit each proposed development, if it is a conditionally permitted use, to both the Board of Zoning Appeals and the Zoning Commission at the same time. The Zoning

Commission will act as the technical review committee for the Board of Zoning Appeals regarding site plan reviews. The Zoning Commission will submit their written recommendations to the Board of Zoning Appeals within forty-five (45) days of the first meeting of the Zoning Commission following the submission of such application. For conditional use applications, the Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after receiving the recommendations of the Zoning Commission, (also refer to Sections 800.04 and 800.06).

The Zoning Commission shall notify owners of property within five hundred (500) feet of subject property of the proposed development and the date at which the site plan will be reviewed by the Zoning Commission. Property owners shall be notified not less than ten (10) days prior to the meeting.

If the proposal does not fall into the category of a conditionally permitted use but still requires site plan review, the Zoning Inspector shall submit the site plan to only the Zoning Commission for their review.

803.03 Action by Zoning Commission for Site Plan Review

For site plan reviews not associated with conditionally permitted use applications, the Zoning Commission will act as the reviewing body as follows:

Upon submission of the complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Zoning Commission where they shall review the site plan pursuant to Section 804 Site Plan Review Guidelines

The Zoning Commission shall act upon all site plans within thirty (30) days of the first meeting of the Zoning Commission following the submission of such application. The Zoning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty (30) day period, a majority of the members of the Zoning Commission present at a meeting thereof may vote to extend the said period of time not to exceed an additional sixty (60) days.

803.04 Pre-Submission Conference

Prior to the submission of the Site Plan to the Zoning Inspector, it is encouraged that the applicant meet with the Zoning Commission. In order to promote the orderly and appropriate development of the community through the preparation of site plans and developments consistent with the goals and objectives of the Township, the Zoning Commission and Zoning Inspector may encourage informal discussions by and with the applicant prior to formal submission of the site plan and application for a zoning or conditional zoning certificate. At that time, arrangements can be made for an on-site evaluation by the Zoning Commission and Zoning Inspector with the applicant present, if possible. One of the purposes of the pre-submission conference will be to establish the total scope of information that will be required for the applicant to submit along with the application.

803.05 Contents of Site Plan

The applicant shall submit twenty (20) copies of the following site plan contents and forms along with a digital copy:

- a. A completed application form;
The applicant shall provide the names and addresses of all property owners within five hundred (500) feet as they appear on the current records of the Auditor of Summit County.
- b. Each application shall be accompanied by the payment of a fee as indicated by these regulations; said fees are non-refundable;
- c. The site plan shall be drawn at a scale not less than one (1) inch equals twenty (20) feet;
- d. The site plan showing the total area in the development;
- e. The existing zoning of the property in question and adjacent properties;
- f. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
- g. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
- h. Location; and elevations of existing water courses and water bodies, including floodplains and wetlands;
- i. Identification of any significant site amenities or unique natural features;
- j. The finished grade of the development shown by not less than two (2) foot intervals.
- k. The locations of all existing and proposed buildings, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories. Architectural information should be included to give a clear understanding of the proposal, including front, side and rear elevation renderings;
- l. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities;
- m. Location of all existing and proposed streets, highways and alleys;
- n. Location, size and characteristics of all loading and unloading areas;
- o. Location and design of all sidewalks, walkways, bicycle paths and areas
- p. for public use;
- q. Location of all walls, fences, and buffer yards;
- r. The design and location of all existing vegetation including all trees in excess of a diameter of nine inches at five feet above grade, proposed landscaped areas, names and where applicable the size of the proposed plant materials.
- s. The location, size and height of all proposed signs to be placed on the property.
- t. The location, height, design and specifications of all proposed outdoor lighting with a lighting diagram indicating foot candle readings at the property lines.
- u. The proposed storm water management plan
- v. Location, size and specifications for screening of all trash receptacles and other solid waste facilities;
- w. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean out locations, connection points and treatment systems;
- x. Location of all other utilities on site;
- y. Seal of the registered engineer, landscape architect or surveyor licensed to practice in the State of Ohio who prepared the site plan; and
- z. The following information should also be shown on all adjacent properties to a distance of three hundred (300) feet from the site, existing buildings, parking areas, street access drives, streams, storm sewers, and significant natural features.

804 Site Plan Review Guidelines

The following principles shall guide the exercise of site plan review by the Zoning Commission and Board of Zoning Appeals:

- a. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- b. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. Storm water runoff from the development should be handled through detention and retention facilities.
- c. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams and public streets, and to minimize the possibility of erosion. Grading plans may be required to be reviewed by the County Engineer or other registered engineer, with any costs borne by the developer.
- d. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- e. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- f. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials.
- g. Screening of parking areas from surrounding properties shall be provided through landscaping and /or ornamental walls or fences to promote harmony with adjacent development and lands.
- h. Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- i. Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- j. Open spaces should be linked together.
- k. Natural separation should be preserved or created on the site by careful planning of the streets and clustering of the buildings using natural features and open spaces for separation.
- l. Short loop streets, cul-de-sacs and residential streets should be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- m. Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should be located as near as possible to be accessible to the structure.
- n. Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
- o. Parking lots and garages should be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there should be a sharing of curb cuts of more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- p. Drive through establishments such as banks should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations.
- q. Parking and loading provisions shall meet the requirements of Chapter 11, Off-Street Parking and Loading.
- r. All utilities on site shall be located underground.

- s. Compliance with Environmental Performance Standards per Chapter 4, Section 408.

805 Site Plan Review

The Boston Township Zoning Board of Appeals and Zoning Commission may authorize the issuance of a zoning or conditional zoning certificate upon finding site plans consistent with the purposes and objectives of this Zoning Resolution, consistent with any specific requirements and specifications included for the approval of a conditionally permitted use, and consistent with the requirements of this Resolution. Prior to authorizing the issuance of zoning certificates, the Board of Appeals may seek expert advice or cause special studies to be made for input to its review of any plans or proposals submitted. Likewise, the applicant may be requested to volunteer to provide additional information or re-study all or part of the proposal, or to have additional studies done. The costs of securing expert advice or studies shall be borne by the applicant, and the applicant shall be notified of the cost early on in the review process. Funds for such advice or studies shall be placed in an escrow account with the Township Board of Trustees upon the request of the Zoning Board of Appeals.

The Board of Zoning Appeals may employ a consultant having expertise in planning, development, architecture, engineering, or other land planning and design professions, to assist the Township in the administration of these regulations. Such assistance may include preliminary discussions with the applicant prior to the submission of a site plan, the review of site plans and the preparation of recommendations for consideration by the Township's officials, the review of performance and compliance during construction, and the review of the completed project prior to the issuance of an occupancy permit or the release of performance guarantees.

806 Conformance with Approved Site Plans

All aspects of the development shall conform to the approved site plan. It shall be a violation of this Resolution for any building or premises to be occupied or used prior to conformance with all applicable requirements of this Resolution and completion of all specifications of this Section including required landscaping, drainage, parking area, road, and driveway improvements according to the approved site plan. The provision of financial guarantees [performance bonds] to the Township Trustees in an amount equal to said required improvements may be required by the Board of Appeals. Said guarantees shall be for a period not to exceed two (2) years and shall provide for the complete construction of the improvements within that period.

807 Variances Procedures

Variances from the provisions and specifications of an approved site plan shall be made only upon the approval by the Zoning Board of Appeals of revised plans and specifications submitted under the provisions of this Chapter.

CHAPTER 9: ADMINISTRATION AND ENFORCEMENT PROCEDURES

Enforcement, Fees, and Penalties

900 Purpose

This article stipulates the procedures necessary to obtain permits and certificates, required by this Resolution, and sets forth the penalties for any violations to this Resolution.

901 Zoning Inspector

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Inspector. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

901.01 Duties

The Zoning Inspector shall keep accurate records of all applications for zoning certificates and action taken thereon. The Zoning Inspector shall investigate alleged violations of the Resolution, and take the necessary legal action to bring about proper enforcement of this Resolution.

902 Zoning Permits

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Appeals deciding an appeal, variance, or conditional use, or from the Zoning Commission approving a site plan or as provided by this Resolution.

902.01 Application for a Zoning Permit

Application for a Zoning Permit, including permits for Temporary Uses, shall be made to the Township Zoning Clerk prior to beginning construction. At a minimum, the application shall contain the following information, be accompanied by all required fees, and be sent to the Zoning Inspector who will notify the Appeals Board.

- a. Name, address, and phone number of applicant;
- b. Legal description of property;
- c. Address of building site;
- d. Existing use;
- e. Proposed use(s);
- f. Zoning district boundaries and designation;
- g. Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the location and dimensions of the proposed building(s) or alteration; and required yard and building setback lines;

- h. Building height;
- i. Number of dwelling units.

902.02 Approval of Zoning Permit - The Zoning Inspector shall be allowed a reasonable time, not to exceed thirty (30) days after the receipt of the application and fees (unless there is a need for conditional approval and/or site plan review) to check permit applications, property and plans before issuing or refusing to issue a Zoning Permit. The Zoning Inspector shall issue or refuse a permit on official forms approved by the Township Trustees. In all cases of refusal to issue a permit, the Zoning Inspector shall clearly state the reason or reasons for refusal.

902.03 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a certified (journalized) new highway or highway improvement or within 500 feet from the intersection of an existing public road with said centerline, the Zoning Inspector shall notify the Director of Transportation by registered or certified mail. The Zoning Inspector shall not issue a zoning permit for one hundred and twenty (120) days from the date the notice is received.

If the Director of Transportation notifies the Zoning Inspector that he intends to proceed with the acquisition of the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director provides notice that acquisition at that time is not in the public interest or at the expiration of the 120-day period or any extension, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

902.04 Inspection of Property

The permit holder shall notify the Zoning Inspector within five (5) days after construction has started. Within five (5) days from the receipt of such notification, the Zoning Inspector shall visit the building site and determine if construction is proceeding in conformance with the zoning permit.

902.05 Expiration of Zoning Permits

Zoning permits shall be effective for six (6) months and shall not be invalidated by a change in zoning during that period.

A permit shall expire at the end of six (6) months unless the footer or other base for the structure has been completed in compliance with the plans presented when the zoning permit was issued.

If, after the footer or base has been completed but construction has been stopped for more than six (6) months, the permit is automatically canceled and a new permit shall be required before construction can proceed.

903 Certificate of Occupancy

It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof, until a Certificate of Occupancy shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. A Certificate of Occupancy shall be required:

- a. Before occupancy of new residential dwellings;
- b. Before occupancy of any existing or new locations for the purpose of operating a business, except home occupations;
- c. When a full or partial change from one type of use to another occurs (such as residential to commercial);
- d. When any property in a commercial district changes from one owner/operator to another. In such case, the new owner/operator shall bring the previous Certificate of Occupancy to the Zoning Inspector and shall be subject to the same procedures and inspections as for a new building or use.
- e. When a full or partial change from one commercial use to another occurs.

903.01 Occupancy Permits

No new, remodeled, or expanded building shall be occupied until a Boston Township Occupancy Permit has been applied for and received. Application for an occupancy permit shall be made to the Boston Township Zoning Inspector by the zoning certificate holder at such time as all work specified on the Zoning Certificate and any associated plans and specifications have been completed.

904 Applications and Fees

Application forms shall be available in the office of the Zoning Inspector and all completed applications accompanied by the required fee shall be submitted to the Zoning Clerk.

The township shall, by resolution, establish a schedule of fees, charges, and expenses related to site plan review, conditional zoning certificates, zoning permits, certificates of occupancy, appeals, variances, amendments and other matters pertaining to the administration and enforcement of this Zoning Resolution. The schedule of fees shall be posted in a public location and be available from the Zoning Inspector and may be altered or amended only by 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.

905 Violations and Penalties

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto and no other use, arrangement or construction. Any other use, arrangement or construction, or failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Resolution.

905.01 Complaints Regarding Violations

Whenever a violation of this Resolution occurs or is alleged to have occurred, the Zoning Inspector shall immediately investigate it, and make recommendations to the Zoning Board of Appeals.

905.02 Zoning Permit Revocation:

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this resolution or based upon false information or misrepresentation in the application.

905.03 Penalties and Fines

Any person, firm or corporation violating any provisions of this Zoning Resolution or supplements or amendments thereto shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined up to \$500 per day for each offense. Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, each may be deemed a separate offense. While the amount of the fine is up to the judge who hears the misdemeanor criminal case, the township recommends the fines be imposed according to the following schedule:

- a) \$100 for day 1-5
- b) \$250 for days 6-10
- c) \$500 for days 11 through the date the violation ceased, and a proper permit is obtained.

Where construction is begun prior to the application for a required Zoning Permit, there shall be assessed a penalty of 50% of the Zoning Permit Fee in addition to the regular fee.

Yard maintenance:

The condition of a yard around a house or accessory building. The grass shall be no higher than eight (8) inches at any time. If yard is deemed more than eight (8) inches by the zoning inspector a notice will be sent with penalty possibilities and a request to have it mowed and a deadline date to do so. If not mowed by the deadline date, the township will mow or have it mowed and will bill property owner. If the bill is not paid within 30 days, the fiscal office of the township shall request the Summit County Fiscal Officer to enter the expenses incurred upon the tax duplicate, as a lien upon the land, pursuant to Ohio Revised Code Section 505.87(F).

Removal, Repairs, or Securance of Certain Buildings or Structures, Recovery of Costs

The Boston Township Trustees has appointed Ohio Revised Code Section 505.86 for use in the township, and has appointed the zoning inspector as the code enforcement officer to administrate that statute.

906 Responsibilities of The Board of Zoning Appeals**906.01 Powers and Duties**

The Board of Zoning Appeals is authorized to act as provided in the Ohio Revised Code and shall have all the powers and duties prescribed by law and the Boston Township Zoning Resolution.

- a. For the purpose of this Zoning Resolution, the Board of Appeals shall have the following powers and duties.
 - 1. To hear and decide appeals. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action made by the Zoning Inspector, or by any administrative

- officer on matters relating to this Zoning Resolution for relief from any order, requirement, decision of determination, including the refusal, granting or revocation of permits, and then t decide appeals by either reversing, affirming wholly or in part or modifying such order, requirement, decision or determination.
2. To authorize variances from the terms of this Zoning Resolution when practical difficulties or unnecessary hardship, depending on the type of variance sought, result through the strict and literal interpretation and enforcement of the provision hereof, the Board of Zoning Appeals shall have authority to grant upon such conditions as it may determine, such variances from the provision of this Zoning Resolution as may be in harmony with its general purpose and intent, so that the spirit of the Zoning Resolution shall be observed, public safety and welfare secured and substantial justice done.
 3. To grant Conditional Zoning Certificates for the use of land, building, and other structures if such certificates for specific uses are provided for in this Zoning Resolution.
 4. To retain the services of technical experts and such other persons as may be required to perform its duties.
 5. To hear and decide all matters specifically referred to it for decision such as district boundary lines and other sections of the Zoning Resolution.
 6. To adopt rules and regulations provided they are not in conflict with this Zoning Resolution for the holding of meetings for the transaction and disposition of its business and the exercise of its powers.
 7. To compel and require the attendance of witnesses by power of subpoena, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.
 8. To review and determine if a proposed use is a similar use and to grant a conditional use certificate.

An applicant may submit an application for a conditionally permitted use for a use which the Zoning Inspector has determined is not specifically listed as a permitted or conditionally permitted use in the applicable district. The application shall be in the form of a letter requesting the determination and shall include a complete description of the proposed use, the reasons why the use should be declared the same as a listed use for the district, or why the use should be declared a similar use considering the standards listed below.

The Board of Zoning Appeals shall determine whether it concurs with the decision of the Zoning Inspector. If the Board does not concur with the decision, then the Board shall direct the Inspector to approve the use.

If the Board concurs with the Inspector's decision, then the Board shall interpret this Resolution to determine if the proposed use is a similar use. The Board shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Resolution.

- i. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district and the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
- ii. Whether the establishment of the use in the district will significantly alter the intended nature of the district.

- iii. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
- iv. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses, and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions setbacks and other standards of the district.
- v. The Board shall decide whether the proposed use shall or shall not be a similar use for the subject district and whether the conditional zoning certificate shall be approved.

906.02 Meeting, Hearings, Records

- a. Meetings and Hearings. The Board may schedule regular monthly meetings or meetings as called by the Chairman. Special meetings can be arranged at the call of the Chairman.
- b. Record of decisions. The board is authorized to engage the services of a court reporter, and shall provide a report of all its proceedings, setting forth its decision, the vote of each member participating therein and the absence of a member or his failure to vote. Any permit authorized or issued pursuant to any decision of the Board shall have incorporated therein any special conditions prescribed by the Board and a statement that the permit is subject to revocation for failure to comply with any of the conditions so prescribed.

907 Appeals and Public Hearings

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

907.01 Initiation of Appeal

A notice of appeal shall be filed with the secretary of the Board of Zoning Appeals within twenty calendar days after the date of any adverse order, requirement, decision, or determination and shall be accompanied by payment of the required fee as set forth in the Zoning Fee Schedule adopted by the Township Trustees. Such written notice of appeal shall specify therein the grounds and reasons for the appeals. Upon the filing of any such appeal, the secretary shall forthwith notify the Zoning Inspectors of the action so appealed. Within seventy-two (72) hours, the Zoning Inspector shall transmit to the secretary all data pertaining to the subject matter upon which the action so appealed was taken.

907.02 Public Hearing by the Board

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall place the request upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail, addressed to the parties making the scheduled hearing. All notices shall be sent to addresses given in the application; otherwise to the addresses given in the last assessment roll. Not less than ten days prior to the date set for such hearing or appeal, written notice of such hearing shall be caused by the Board to be given by first class mail to any person, firm, or corporation owning premises located within five hundred (500) feet of the property

line of the property which such appeal or application related. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the community at least ten (10) days before the date of said public hearing. The board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney. The appellant, except the Township shall post security for cost of all action required for the hearing of the appeal.

907.03 Stay of Proceedings

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

907.04 Decision of the Board

Within its powers, the Board of Zoning Appeals may, by a favorable vote of three or more members, reverse or affirm, wholly or in part, or modify to be done, and to that end shall have all the powers of the officers from whom the appeals is taken, and it may direct the issuance of a certificate. The Board shall render a decision on the appeal without unreasonable delay.

907.05 Notification of the Board's Decision

The secretary of the Board shall notify the appellant in writing of the decision of the Board. The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep records of its official actions.

908 Variances

908.01 The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution and will not be contrary to the public interest according to the following procedures:

- a. Application Requirements. An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms promulgated and provided by the Board, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:
 1. Name, address and phone number of the applicant(s);
 2. Proof of Ownership, legal interest or written authority;
 3. Description of property or portion thereof;
 4. Description or nature of variance requested;
 5. Narrative statements establishing and substantiating the justification of the variance pursuant to subsection (b) below;
 6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;

7. Payment of the application fee as set forth in the Zoning Schedule Fee as adopted by the Township Trustees and is available online.
8. Any other documents deemed necessary by the Zoning Inspector.

The Board of Zoning Appeals may request that the applicant supply additional information that the board deems necessary to adequately review and evaluate the request for a variance.

- b. Review by the Board. According to the procedures established for appeals in Chapter 907 the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence it demonstrated that the literal enforcement of this Resolution will result in practical difficulty or unnecessary hardship, depending upon the type of variance sought.

908.02 Required Findings for a Variance

- a. When considering a request for a variance the Board shall be subject to powers and limitation of powers set forth in the Ohio Revised Code and further subject to the required findings set forth in subparagraph (b) or subparagraph (c) depending on the type of variance sought. The applicant for a variance shall have the burden of proof in these proceedings.
- b. No variance to the provision or requirements of the Zoning Resolution pertaining to area zoning requirements such as frontage, setback and height shall be granted by the Board unless the Board has determined that a practical difficulty exists or will result from a literal enforcement of the Zoning Resolution. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or set back variance, has proved practical difficulty include:
 1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
 2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment if the variance is granted;
 5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 6. Whether special conditions or circumstances exists as a result of actions of the owner;
 7. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

10. Whether the property owner purchased the property with knowledge of the zoning restrictions.
- c. The Board may authorize a use variance, in specific cases, for the strict application of the zoning Resolution provided that it has considered the factors enumerated in subparagraph (b) through (9) above, and further provided that all conditions enumerated in (1) through (7) below have been met;
 1. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 2. The hardship condition is not created by actions of the applicant;
 3. The granting of the variance will not adversely affect the rights of adjacent owners;
 4. The granting of the variance will not adversely affect the public health, safety or general welfare;
 5. The variance will be consistent with the general spirit and intent of the zoning code;
 6. The variance sought is the minimum which will afford relief to the applicant; and
 7. There is no other economically viable use which is permitted in the zoning district.

908.03 Conditions and Safeguards

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

908.04 Action by the Board

The Board shall either approve, approve with supplementary conditions as provided in Section 907.4, or disapprove the request for variance according to the procedures established for appeals in Chapter 907. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible reasonable use of the land, building or structure.

If a variance has been denied by the Board, the Board shall also list the reasons in writing that justify the denial of the variance. The board need not reconsider the same or substantially similar request for a variance if resubmitted within one year after the date of the decision, unless the underlying conditions have substantially changed.

908.05 Findings and Conclusion of Fact

Any interested party to an appeal or an application for a variance may make written request that the Board issue findings and conclusions of fact in support of any final decision entered by the Board. Any request for findings and conclusions of fact must be made in writing within ten (10) calendar days of the Board's decision. Upon receipt of a request for findings and conclusions of fact, the Board shall issue such findings and conclusions within fifteen (15) days of such receipt. Nothing herein shall extend the time for the filing of an appeal pursuant to the Ohio Revised Code.

908.06 Terms: Modification and Renewal of Variance

Variations shall be non-assignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variations except by further consideration of the Board of Zoning

Appeals. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this section and the Board shall not be bound by its prior decision.

908.07 Appeals to Court

Decisions by the Board of Zoning Appeals granting or denying variances shall be final within the Township, except that an appeal there from may be taken to the Court of Common Pleas of Summit County, Ohio pursuant to the Ohio Revised Code by any interested party, including the Township and its officials.

908.08 Fees

The fee is as set-forth in approved fee schedule adopted by the Township Trustees and is available on line.

CHAPTER 10: ADMINISTRATIVE PROCEDURES—TEXT AND ZONING AMENDMENTS

1000 Responsibilities of The Zoning Commission

The Zoning Commission shall have the following responsibilities and powers as they relate to this Zoning Resolution:

- a. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general.
- b. Review all proposed amendments to the text of this Resolution and the Official Zoning District Map and make recommendations to the Township Trustees.
- c. Carry on continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.
- d. Review all site plans and conditional use applications and make recommendations.
- e. Minutes of all meetings shall be available for review and approval at the next Zoning Commission meeting which shall be held within thirty (30) days of the previous meeting.

1001 Initiation of Zoning Amendments

The Trustees of Boston Township may amend, by resolution, the number, shape, area, or regulations of districts established on the Zoning District Map or the regulations set forth in this Resolution. All amendments shall be made according to the procedures of the Ohio Revised Code as set forth in this Chapter, and only after receipt of recommendations from the Zoning Commission. Amendments to the Zoning Resolution may be initiated by one of the following:

- a. Motion of the Township Zoning Commission, or
- b. Passage of a resolution by the Township Trustees and certification to the Zoning Commission, or
- c. Filing of an application with the Zoning Commission by one or more owners of property within the area proposed to be changed or affected by the proposed amendment or supplement to the Zoning Resolution.

1002 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this resolution shall include ten (10) copies of the following:

- a. The name, address, and phone number of applicant;
- b. Application form
- c. Map of the land to be rezoned, indicating current ownership, drawn by registered surveyor.
- d. A statement of the reason (s) for the proposed amendment
- e. Present use
- f. Present zoning district
- g. Proposed use
- h. Proposed zoning district
- i. If ten (10) or less parcels are to be rezoned, a list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) to be rezoned and others that may have a substantial interest in the case.

1003 Contents of Application for Zoning Text Amendment

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall include ten (10) copies of the following:

- a. The name, address, and phone number of the applicant
- b. The proposed amending resolution
- c. A statement of the reason(s) for the proposed amendment
- d. Application form

1003.01 Referral to County Planning Commission

Within five (5) days after initiation of a zoning amendment, the Township Zoning Clerk shall transmit a copy of the amendment to the county planning commission. The planning commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification thereof, and shall submit the recommendation to the Zoning Commission. This recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

1003.02 Referral to Ohio Department of Transportation

The Director of the Ohio Department of Transportation shall be notified concerning proposed zoning amendments affecting any land within three hundred (300) feet of the centerline of a certified (journalized) new highway or highway improvement or within five hundred (500) feet from the intersection of an existing public road with said centerline, according to required state procedures.

1003.03 Public Hearing by Zoning Commission

Upon the initiation of an amendment to the Zoning Resolution, the Zoning Commission shall set a date for a public hearing. The hearing shall be held more than twenty (20) but not less than forty (40) days from the date of the initiation of the amendment.

1003.04 Notice

Notice of the Zoning Commission public hearing shall be given as follows:

- a. Newspaper. Notice shall be given by publication in one or more newspapers of general circulation in the Township at least fifteen (15) days before the date of the hearing. The notice shall state the time and place of the public hearing, the nature of the proposed amendment of supplement, and a statement that after the conclusion of the hearing the matter will be referred for further determination to the Township Trustees.
- b. Property Owners. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Zoning Clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the road from the area proposed to be rezoned. The notice shall include the same information required above for newspaper notice.

1003.05 Action of the Zoning Commission

The Zoning Commission shall, within thirty (30) days after the hearing, recommend the approval, denial, or the approval of some modification of the proposed amendment. The Zoning Commission shall submit its recommendation and the application, together with the recommendation, if any, of the county or regional planning commission, to the Township Trustees.

1003.06 Public Hearing and Notice by Township Trustees

The Township Trustees shall, upon receipt of the recommendation, set a time for a public hearing on the proposed amendment or supplement. The hearing shall be held within thirty (30) days of receipt of the Zoning Commission recommendation. Notice of the public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1003.07 Action of the Township Trustees

Within twenty (20) days after the public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Trustees shall be required. Amendments adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within that period a referendum petition is presented to the Trustees.

CHAPTER 11: OFF-STREET PARKING AND LOADING

1100 General Requirements

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with this Zoning Resolution. A parking plan shall be required for all uses except single family detached dwellings and two family dwellings.

The parking plan shall be submitted to the Zoning Inspector as part of the application for the zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan.

Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for and an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

1101 Off-Street Parking and Design Standards

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

- a. Parking space dimensions. Each off-street parking space shall have an area of not less than one hundred and sixty (160) square feet exclusive of access drives or aisles and shall be of usable shape and condition.
- b. Access. There shall be adequate provisions for ingress and egress to all parking spaces.
- c. Drainage. All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- d. Paving. Any off-street parking area for more than five (5) vehicles and its driveway shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.
- e. Barriers. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying the screening materials.
- f. Visibility. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.

1102 Parking Space Requirements

For the purpose of this Zoning Resolution, the following parking space requirements shall apply.

- | | |
|---|--|
| a. Automotive Filling Stations: | One space per fuel pump. |
| b. Automotive Services: | Two spaces for each service bay. |
| c. Automotive Sales: | One space for each 800 square feet of floor area. |
| d. Bed and Breakfast: | One space for each guest room plus two spaces for the permanent residence. |
| e. Clinics: | One space for each 100 square feet of floor area. |
| f. Club: | Four spaces for each 1,000 square feet of floor area. |
| g. Convalescent Care Facility: | One space for each three beds. |
| h. Educational Institution: | Two spaces for each classroom plus one space for each four seats in the auditorium. High schools shall also include one space for each ten students at design capacity. |
| i. Financial Institution: | One space for each 400 square feet of floor area plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of teller windows. |
| j. Hotel/ Motel: | One space for each sleeping room plus one space for each 400 square feet of public meeting area and/ or restaurant space. |
| k. Industrial: | One space for each 1,000 square feet of floor area. |
| l. Office: | One space for each 200 square feet of floor area. |
| m. Personal Service: | One space for each 200 square feet of floor area. |
| n. Religious Places of Worship: | One space for each four seats in the place of assembly. |
| o. Residential: | Two spaces for each dwelling unit. |
| p. Research and Development Laboratories: | One space of each 500 square feet of floor area. |
| q. Restaurants: | One space for each 100 square feet of floor area. |
| r. Retail Business: | One space for each 250 square feet of floor area. |
| s. Skating rinks: | One space per 100 square feet of floor area. |
| t. Swimming Club: | One space for each 300 square feet of pool and promenade area. |
| u. Veterinarian Clinic/ Animal Hospital: | Four spaces for each examination room. |
| v. Warehousing: | One space for each 1,000 square feet. |

1102.01 Parking of unlicensed motor vehicles, or parts thereof, shall not be permitted in Boston Township. Failure to remove such vehicles or parts thereof within thirty (30) days of notification shall constitute a violation.

1102.02 For non-residential establishments, no more than twenty-five (25) percent of the total parking area shall be in front of the building, the rest shall be either on the side or to the rear of the building.

1103 Joint or Collective Parking Facilities

The joint or collective parking provision of required off-street parking areas shall comply with the following standards and requirements:

- a. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or jointly by two (2) or more buildings or

establishments, the required spaces may be located not farther than five hundred (500) feet from the building served.

- b. The total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately.

1104 Off-Street Loading Space Requirements

Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:

- a. Every building having over ten thousand (10,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every twenty thousand (20,000) square feet or fraction thereof, of gross floor area in the building.
- b. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required in Section 1102.

1105 Residential Off-Street Parking Requirements

- a. A minimum of two (2) off street parking spaces is required for each single family dwelling.
- b. Parking in front of an established building line must be on an established driveway. Additional parking areas must be on a dust free surface and not within the area in front of a dwelling.
- c. Recreational vehicles stored shall be limited to two (2) vehicles per residential lot, and stored behind the principal structure.

CHAPTER 12: SIGN REGULATIONS

1200 Purpose

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Township; to maintain and enhance the natural and manmade environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

- a. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the Township, and as such are detrimental to the public health, safety and welfare.
- b. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

1201 General Provisions

The following regulations shall apply to all permitted signs in the Township.

1201.01 No sign shall obstruct or interfere with traffic or traffic visibility.

1201.02 No sign shall have animation, moving parts, flashing lights or changing colors, except part of a sign, which by means of changes in copy or moving parts, indicates time or temperature only.

1201.03 No sign shall be permitted as the principal use, unless otherwise permitted by law, on a premises. Signs shall only be permitted as accessory uses.

1201.04 Ground signs shall not exceed six (6) feet in height above existing ground level.

1201.05 Signs on buildings shall be displayed only on the wall or walls facing a public street and shall not project more than two (2) feet from the wall of the building nor extend more than four (4) feet above the top of the building wall nor extend above the top of the building.

1201.06 No part of an allowable sign shall be located less than ten (10) feet from the right-of-way.

1201.07 The following types of signs shall be prohibited:

- a. Outline lighting of the buildings or roof line.
- b. Internal illumination of all or part of the roof.
- c. Permanent signs on accessory structures.
- d. Merchandise, equipment, product, vehicles or other items not themselves for sale and placed for gaining attention, identification or advertising purposes.
- e. Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloon, pennants, streamers, spinner, exposed

light bulbs and strings of light no permanently mounted to a rigid background or other similar types of devices.

- f. Roof signs.
- g. Billboards, unless otherwise permitted by law.
- h. All signs not advertising services or goods sold on premise.
- i. Flags intended for advertising or commercial purposes.

1202 Outdoor Advertising Sign Regulations

No advertising sign shall be allowed or permitted except on the premises on which the business that is being advertised is located, unless otherwise permitted by law. All signs shall require a zoning certificate before being erected or displayed, constructed, added to or replaced.

1202.01 Roadside stand signs: One sign advertising the sale of agricultural products produced on the premise shall be permitted provided such sign shall not exceed ten (10) square feet in total sign area.

1202.02 Commercial Real Estate Signs: One unlighted sign not to exceed eight (8) square feet in area of advertising space pertaining to the lease, rent, or sale of a lot, building, or premise on which it is located. Such signs shall be removed immediately after said building or property is sold, leased, or rented. The Realtor must notify the Zoning Inspector in writing when the sign is put up and when the sign is removed. One "Open House" sign is permitted and shall be located at the entrance to the property. Such "Open House" sign shall be displayed only during normal business hours.

1202.03 Private Real Estate: One unlighted sign not to exceed six (6) square feet in area of advertising space pertaining to the lease, rent, or sale of a lot, building, or premise on which it is located. Such signs shall be removed immediately after said building or property is sold, leased or rented.

1202.04 Allotment Signs: An allotment or real estate subdivision shall be permitted one (1) sign not to exceed thirty-two (32) square feet of advertising space. Such sign shall be subject to building line restrictions and removed within thirty (30) days after last lot or building is sold or abandoned.

1202.05 Institutional Signs: One announcement sign or bulletin board not to exceed thirty-two (32) square feet of advertising space in area shall be permitted on premises occupied by a public, charitable, or religious institution, or place of general assembly.

1202.06 Signs Advertising Community Events: Any community organizations sponsoring local events may display advertising signs which must be removed within three (3) days after the event or lose privileges of future signs. Such organizations shall not be subject to fee.

1202.07 Recreational Areas of Non-profit Organizations Signs: One (1) sign bearing only the recreation area name and/or the name of the private club, church group, fraternal organization, or service group but not stating the trade name of goods made or sold therein may be placed not closer than thirty (30) feet from the edge of the right-of-way and not to exceed a maximum area of fifty (50) square feet. Subject to fee and permit.

1202.08 In case of a corner recreation area, an additional sign, not to exceed a maximum area of fifty (50) square feet may be placed facing the side street, not closer than thirty (30) feet from the edge of the right-of-way.

1203 Certificates, Permits and Fees

All signs in above classification shall have such certificates or permits before being constructed, assembled, erected, and/or repaired. No signs may be displayed without permits granted in writing by Zoning Inspector after fees are paid.

1203.01 No sign of any type shall be displayed on the roof of any structure.

1204 SIGNS IN BC AND SRB Districts

Accessory signs in the BC and SRB Districts shall be permitted as provided in this Chapter 12 SIGN REGULATIONS and in the following regulations:

- a. All Signs.
 1. All signs shall be attached directly to a building facade or wall or shall be installed on the ground.
 2. No pole signs shall be permitted
 3. All signs shall be set back at least ten (10) feet from the public right-of-way.
 4. For integrated developments such as retail centers and multiple buildings on the same parcel, a graphic system shall be used that is coordinated in sizes, shapes, locations, and colors for various tenant signage. These requirements shall not be applied in a manner which violates the federal or state protections of trademarks or logos.
- b. Building-mounted Signs.
 1. For buildings located on lots with frontage on Akron-Cleveland Road or Kendall Park Road, Building-mounted signs shall not exceed two square foot in area for each foot of the width of the building frontage which is most parallel to the front lot line, but in no case shall exceed 100 square feet.
 2. For buildings located on lots with frontage on a street other than Akron-Cleveland Road or Kendall Park Road, building-mounted signs shall not exceed one square foot in area for each foot of the width of the building frontage which is most parallel to the front lot line, and in no case shall exceed 50 square feet.
 3. For buildings located on a corner lot with frontage on a second street which is either Akron-Cleveland Road or Kendall Park Road, an additional 40 percent of the maximum building sign area permitted on the front wall may be permitted on the building façade on the second street.
 4. For buildings located on a corner lot with frontage on a second street other than Akron-Cleveland Road or Kendall Park Road, an additional 10 percent of the maximum building sign area permitted on the front wall may be permitted on the building façade on the second street.
- c. Ground-mounted Signs.
 1. Ground-mounted sign, definition. A sign freestanding from any other structure, installed upon a foundation or short post or posts which support the lowest part of the sign at a height not greater than two (2) feet above the existing grade.

2. Electronic message center, definition. Any sign that uses electronic means such as combinations of LEDs, fiber optics, light bulbs, or other illumination devices within a sign display area to cause one display to be replaced by another. Ground-mounted signs shall not exceed 6 feet in height as measured from existing grade to the top of the sign.
 3. No more than one (1) ground-mounted sign shall be permitted per lot.
 4. Ground-mounted signs shall be located at least ten (10) feet from each side lot line; no more than thirty (30) feet from the lot front line; and at least fifty (50) feet from any residential zoning district.
 5. The maximum size of a ground-mounted sign shall not exceed 50 square feet per sign face. A ground sign shall not have more than two sign faces. The maximum size of a ground sign and supporting structure shall not exceed 75 square feet in area.
 6. Ground-mounted signs shall be consistent with the materials, colors and style of the building, and the use of brick or stone sign bases shall be encouraged.
 7. Ground-mounted signs shall be appropriately integrated within the overall site landscaping and the use of foundation plantings around ground signs shall be encouraged.
 8. Electronic Message Centers on Ground-Mounted Signs. The following provisions shall apply to on-premise ground-mounted electronic message centers.
 - i. One (1) electronic message center attached to a permitted on-premise ground-mounted sign shall be allowed per lot having frontage on Akron-Cleveland Road.
 - ii. No electronic message center shall be located closer than three hundred (300) feet to a residential district.
 - iii. Each message displayed on an electronic message center must be static or depicted for a minimum of at least eight (8) seconds. Animation, movement, or continuous scrolling of messages is prohibited and the change of image on an electronic message center must be instantaneous.
 - iv. Electronic message center signs must be equipped with an automatic dimming control that will: (a) regulate the illumination of the sign so as to maintain a maximum brightness of 5,000 nits during daylight hours and 500 nits during night time hours (b) automatically display a black screen if the sign malfunctions.
 - v. No electronic message center attached to an on-premise ground sign shall exceed thirty-two (32) square feet in sign face area.
 - vi. The addition of any electronic message center to any nonconforming ground sign is prohibited.
- d. Window Signs. Window signs not exceeding 40 percent of the total glass area of the ground floor area may be permitted. Window signs shall not be installed on windows above the ground floor.

CHAPTER 13: WIRELESS TELECOMMUNICATION FACILITIES

1301 Purpose

These regulations governing telecommunication facilities are to provide for the construction, erection, extension, and removal of such facilities in the Boston Township business corridor. They are related to certain applications of technology in the field of wireless telecommunication. The purpose of the regulations is to balance the competing interests created by the Federal Telecommunication Act of 1996 (Public Law 104-104) and the interests of Boston Township in regulating wireless telecommunication towers and related facilities for the following reasons:

- a. To provide for orderly development within the business corridor of Boston Township.
- b. To protect property values.
- c. To maintain the aesthetic appearance of Boston Township including, but not limited to, its unique character, unobstructed open spaces, and attractive commercial and office areas.
- d. To protect residential properties, parks, and open spaces, and the characteristic nature from the adverse effects of towers and related facilities.
- e. To promote collocation of wireless telecommunication facilities in order to decrease the total number of towers in the Boston Township.
- f. To provide for and protect the health, safety and general welfare of the residents and visitors to the Boston Township.

1302 Applicability

No person shall construct, erect, maintain, extend or remove a wireless telecommunication facility in the Boston Township without compliance with the provisions of this section.

1303 Definitions

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Collocation: Locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication-communication tower site.

Lattice: A framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

Monopole: A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

Personal Wireless Services: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. 332 (7).

Substantial Evidence: More than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Technically Suitable: The location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (“FCC”) to operate without a significant loss of communication capability within the developed areas of the Township.

Telecommunication(s): The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services”.

Tower: Any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen (15) feet, including support lines, cables, wire, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Unlicensed Wireless Service: The offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Wireless Telecommunication Antenna: An antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (“FCC”), excluding amateur radio operator antennas.

Wireless Telecommunication Equipment Building: The structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

Wireless Telecommunication Facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provision of personal wireless services.

Wireless Telecommunication Site: The leased or other area upon which the wireless telecommunications facility is located together with the ingress and egress routes.

Wireless Telecommunication Tower: A tower including but not limited to self-supporting lattice or monopole which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

1304 Tower Location and Conditional Permitted Use

A wireless telecommunication tower may only be permitted in the business corridor. It will be considered as a conditional permitted use. (Chapter 7, Section 702) (Chapter 8)

1305 Additional Use – Accessory Use

The installation of a wireless telecommunication antenna where the construction or erection of a tower is not proposed by the applicant, shall be permitted as an accessory use on existing towers.

1306 Tower Capacity

All applicants for construction or erection of a wireless telecommunication tower shall be required to build a structure not exceeding two hundred (200) feet and shall have a capacity to serve their anticipated needs and to co-host at least two separate providers and an additional space for use of Boston Township

1307 Collocation

An applicant requesting permission to install a new tower shall provide evidence there is no suitable space for collocating on an existing tower. If suitable space exists, the applicant must present written requests to collocate and rejection by the owner.

1308 Site and Construction Plans

The site and construction plans shall include engineering plans, building structures, landscaping, access roads, all other structures, homes, and accessory buildings within five hundred (500) feet of the construction site. This shall be prepared by a licensed professional.

1309 Compatibility with The Business District

All zoning conditions in Chapters 7 and 8 shall apply, and be considered for application or exemption under the conditional permitted use by zoning.

1310 Permit, Application and Assistance

The Zoning Commission will assist the applicant in developing the site plan. Upon satisfactory completion the applicant will meet with the Board of Appeals. The Board of Appeals will review conditions for securing the necessary permits to proceed with construction within the limits of the agreed upon conditions of the permitted use:

- a. Landscaping and buffers
- b. Engineering reports
- c. Maintenance, inspections, and all fees
- d. Removal and bonding
- e. Lighting and utilities
- f. Advertising and signage
- g. Outdoor storage, fencing, and access
- h. Boundary requirements
- i. Setbacks from adjoining structures and property
- j. Emergency or user contacts

CHAPTER 14: TRANSIENT VENDORS PERMIT

1401 Vendors

Establishing rules and regulations for transient vendors and itinerant retailers within Boston Township.

Whereas, it has been recommended to the Trustees that certain rules and regulations be imposed for peddlers within Boston Township

Be it ordained by the Trustees of Boston Township, Summit County, Ohio:

1401.01 Peddler Defined:

As used in this regulation "Peddler" means any person who sells or offers for sale, barter or exchange of any goods, wears, services, produce, merchandise, or other articles of value at any place in, upon, along or through streets or public places or from house to house.

1401.02 License Required:

No peddler, huckster, itinerant retailer or other person shall engage in the business of selling or offering for sale any of the above [section 1] without first obtaining a vendor's permit from the Boston Township Zoning Inspector who may, pursuant to the terms of these rules and regulations may deny the permit if the applicant fails to comply with the terms and conditions as set forth herein.

1401.03 Applicants Fees:

Applicants for licenses required by Section 2 shall pay the current fee, as approved by the Trustees of Boston Township, for the vendors' permit to the Township Zoning Inspector. The fee shall not be refundable.

1401.04 License Display upon Request:

Every grantee of a license to peddle under these rules and regulations shall, when requested by a police officer or a county official, shall produce such permit for inspection.

1401.05 License Display:

License to be carried or displayed after payment of the required fee [Section 3] to the Zoning Inspector. The Inspector shall issue to the grantee a Vendors Permit to carry on the designated business [defined on the vendors permit]. The permit shall expire at the expiration date indicated on the permit.

1401.06 Exceptions:

Nothing in these regulations shall be construed to require payment of any license fee for the sale of any product of one's own raising.

1401.07 Sales on Roadways:

No peddler shall make a sale or delivery to any person standing in a roadway. Each peddler shall or his vehicle shall have a container for disposing of wrappers, papers, or other containers. No peddler shall fail to pick up said wrappers or papers after any sale or delivery of his product.

1401.08 Loudspeakers and Musical Instruments:

No loud speakers or musical instruments may be used from moving vehicles. Sound levels must be limited to the zoning requirements:

Daytime	7:00 A.M. – 10:00 P.M.	60 dBA
Night time	after 10:00 P.M.	50 dBA

1401.09 Insurance:

Vendors may be required to present to the Zoning Inspector, at the time of requesting a vendor’s permit, a certificate indicating public liability insurance with a “Hold Harmless” clause of the Boston Township during the time the permit is valid.

1401.10 Hours of Activity:

No vendor may carry on their approved activity at any time not indicated on the vendors permit. No vendor may, for the purpose of solicitation, go upon private property without being requested by the owner or resident at an agreed upon time.

1401.11 Penalty:

This permit may be revoked by the Boston Township Zoning Inspector for non-performance or non-compliance with any of the provisions contained herein.

1401.12 Approval:

These rules and regulations shall take effect and be enforced by the Zoning Inspector, effective with the approval of the Boston Township Trustees.

Approved April 29, 2001. (01-0425-03)

CHAPTER 15: ECONOMIC ACTIVITY DISTRICT (EA)

1500 Purpose

The Economic Activity District (EA) District is established for the following purposes:

1500.01 To recognize and accommodate the unique economic development activities associated with a concentration of public and non-profit uses by ensuring compatible and complementary uses.

1500.02 To establish standards to promote compatibility between the EA District and abutting districts within the Township

1500.03 To facilitate economic activity within the EA District, which supports the public services and infrastructure, which the uses in the District require

1500.04 To provide zoning standards which ensure compatible and complementary uses on private properties which may become part of the District

1501 Permitted Uses

In the EA District, land and structures may be used, occupied, constructed or altered only for the uses specified below unless approved as a conditional use.

1501.01 Art shops, bike/sport shops, antique shops and similar tourist-related establishments.

1501.02 Principal uses permitted in this district may be located on the same parcel as one single family home, however, no more than one residential unit will be permitted per parcel.

1501.03 Agriculture, including greenhouses and the usual agriculture buildings and structures.

1501.04 Farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator(s) in a normal crop year, provided that the farm market shall conform with the following standards in the interest of protecting the public health and safety:

- a. Farm Market/Roadside Stand. A farm market may be conducted in a roadside stand as defined in this Zoning Resolution. (See definition #68 for Roadside Stand). The roadside stand shall comply with the following:
 1. Stand shall not exceed one hundred (100) square feet.
 2. Stand shall be located not closer to the public right-of-way than ten (10) feet and not closer to any side lot line than thirty (30) feet.
 3. Stand shall be removed from the front yard at the conclusion of seasonal sales.
 4. Adequate facilities shall be provided so that not less than two (2) customer vehicles can be parked on the lot at least ten (10) feet from the public-right-of-way. Ingress and egress shall be provided in a manner which ensures safe entry and exit from the lot and to not to create a traffic hazard.

- b. Farm Market. A farm market may be conducted in a permanent structure other than a roadside stand in compliance with the following:
 - 1. Shall not exceed five hundred (500) square feet.
 - 2. Shall be located in conformance with the yard and setback provisions of Subsections 1504 and 1505 below.
 - 3. Adequate facilities shall be provided so that not less than two (2) customer vehicles can be parked on the lot outside of the required front and side yards. Ingress and egress shall be provided in a manner which ensures safe entry and exit from the lot and to not to create a traffic hazard.

1501.05 Accessory buildings, incidental to the principal use. Permitted accessory uses are private garage, private stable, storage sheds, pools, decks above ground and fencing.

1502 Conditionally Permitted Uses

The uses which may be approved as conditional uses include the following, provided they conform to the conditions, standards and requirements of this Chapter and are approved in accordance with the administrative provisions of Chapter 8 Conditionally Permitted Uses:

1502.01 Churches and other places of worship

1502.02 Public or private school.

1502.03 Buildings or properties operated by governmental agencies including township halls, community activity buildings, fire and EMS facilities, parks, playgrounds, conservation areas, administrative, operational, maintenance, visitor service, and educational facilities

1503.04 Cemeteries.

1502.05 Home occupations subject to Section 802.01

1502.06 Boarding Facility for dogs, horses or other domestic animals

1502.07 Principal uses as conditionally permitted in this district may be located on the same parcel as one single family home, however, no more than one residential unit will be permitted per parcel.

1503 Lot Requirements

1503.01 Minimum Lot Area: Two (2) acres

1503.02 Minimum Lot Width: One hundred (100) feet

1503.03 Minimum Lot Frontage: One hundred (100) feet

1503.04 Maximum Lot Coverage: Ten percent (10%)

1504 Yard Requirements

Except as provided in Section 1505 below, yards shall comply with the following:

- 1504.01 Minimum Front Yard Depth: Fifty (50) feet. Corner lots shall meet the required setback on both streets.
- 1504.02 Minimum Side Yard: Fifteen (15) feet
- 1504.03 Minimum Rear yard: Fifty (50) feet.

1505 Yards Adjoining Residentially Zoned Land

1505.01 Non-residential buildings and uses (such as business, parking, display, or storage) shall not be located or conducted closer than one hundred (100) feet to any lot located in a residential district.

1505.02 Screening and buffering may consist of one or more of the following:

- a. A solid masonry wall
- b. A solidly constructed decorative fence
- c. Dense vegetative plantings
- d. Landscaped mound or berm

1505.03 Screening shall be a minimum of five (5) feet in height except in the front yard where height shall not exceed three (3) feet.

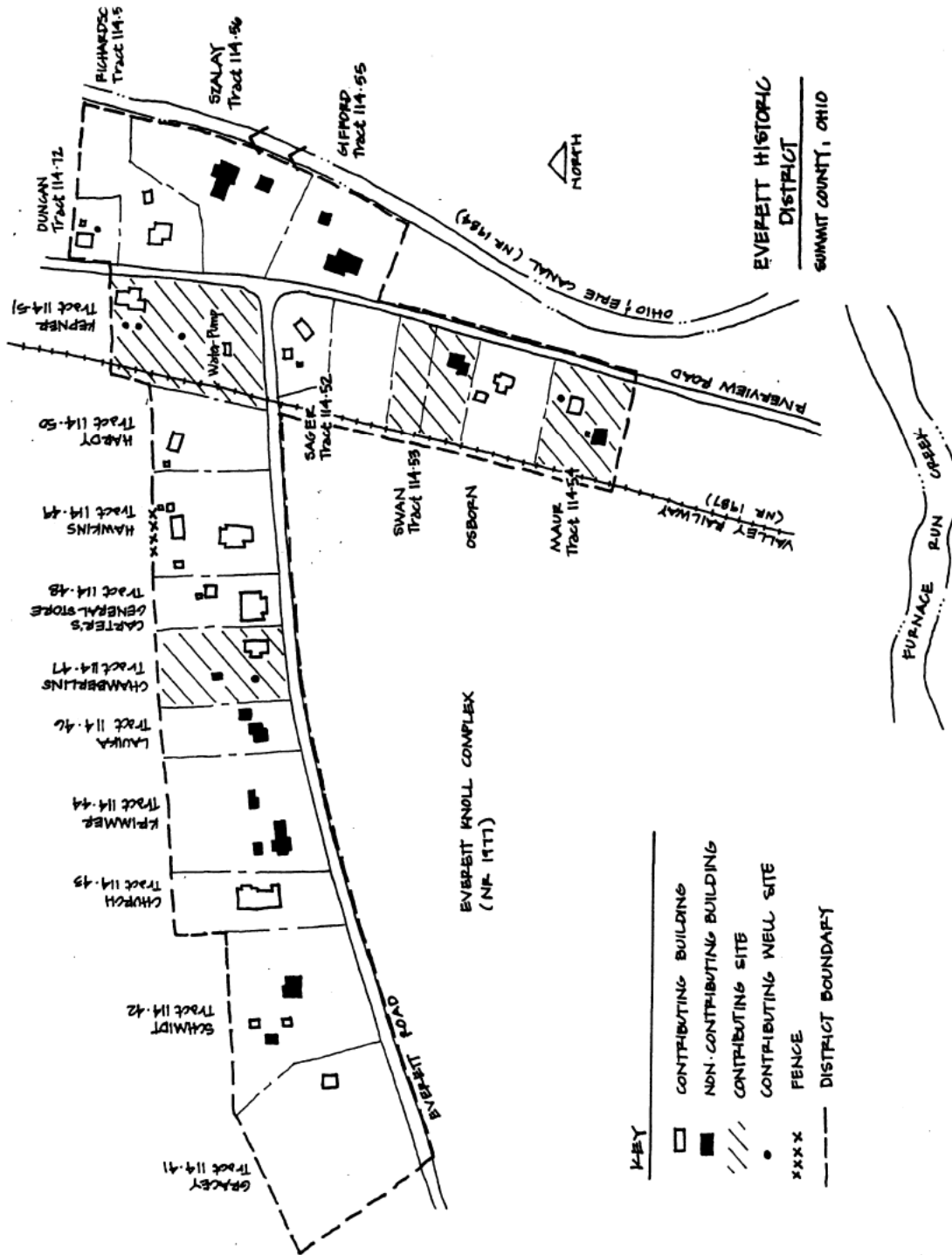
1506 Building Requirements

1506.01 Principal Building: Height limit thirty-five (35) feet.

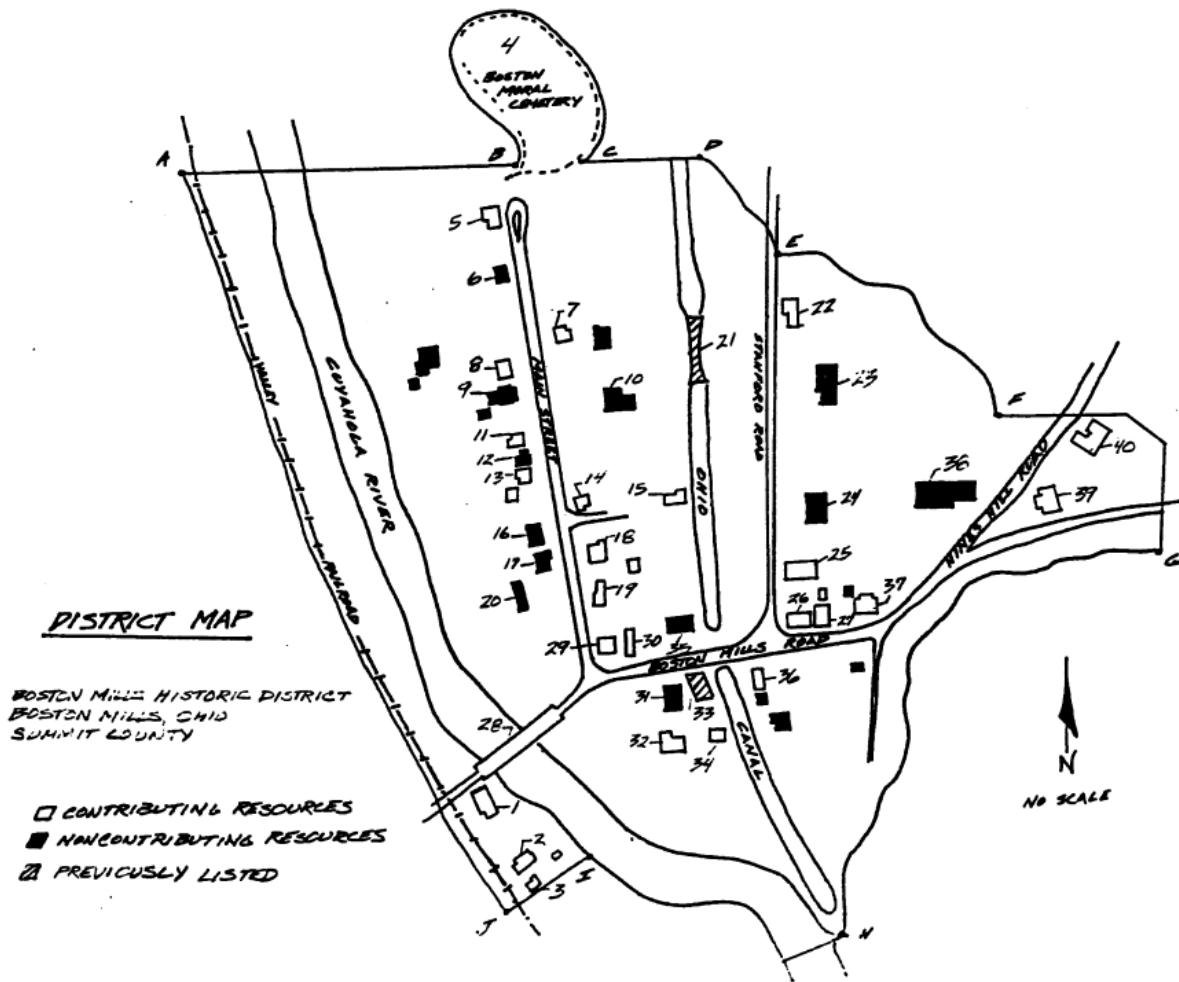
1506.02 Accessory Building: Height limit eighteen (18) feet, except maximum of thirty-five (35) feet where setback is in compliance with Section 1505.

APPENDIX: District Maps

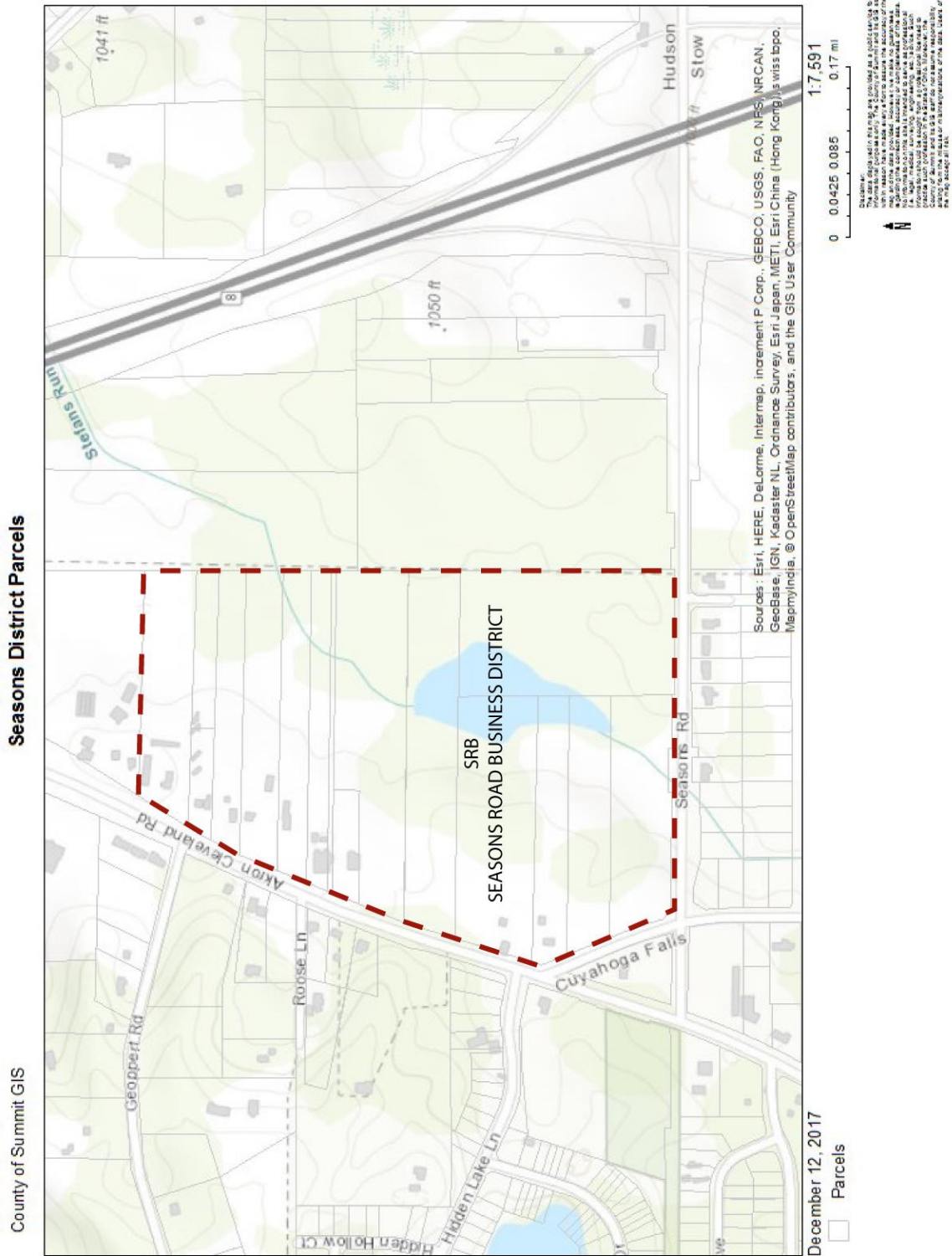
Map 1: Everett Historic District



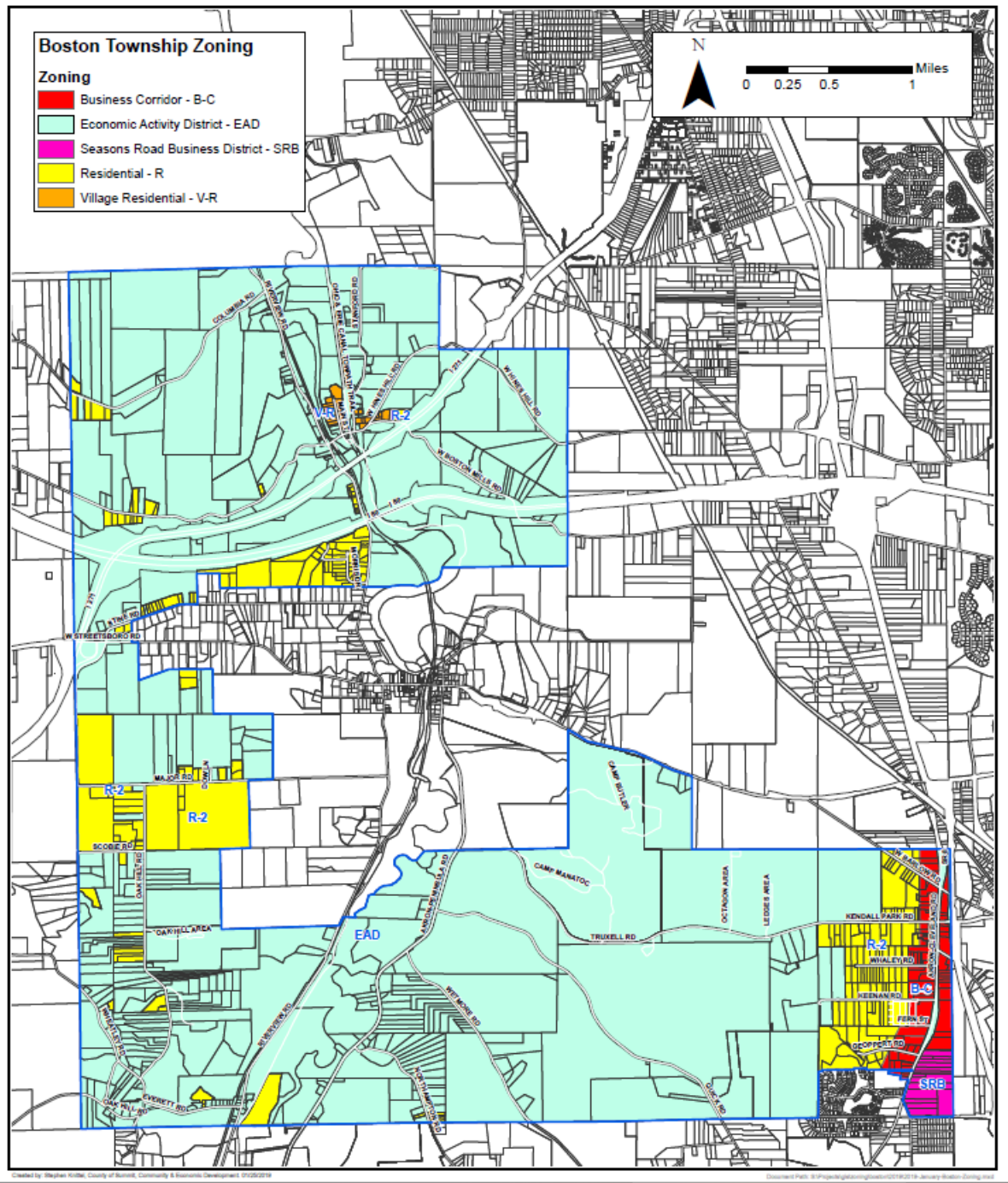
Map 2: Boston Mills Historic District



Map 3: Seasons Road Business District



Map 4: Boston Township Zoning



Map 5: Zoning Map Inset for Business Corridor (B-C) and Seasons Road Business District (SRB)

