

SHEFFIELD TOWNSHIP ZONING RESOLUTIONS

REVISED 2014

-- BOARD OF SHEFFIELD TOWNSHIP TRUSTEES --

TIMOTHY MIHALCIK
CHAD PARSONS
DAVE NEWSOME



TABLE OF CONTENTS

	SHEFFIELD TOWNSHIP ZONING RESOLUTION	000
	ARTICLE I	
100	TITLE AND PURPOSE	001
	ARTICLE II	
200	DEFINITIONS	002
201	INTERPRETATIONS OF TERMS OR WORDS	002
202	DEFINITIONS	002
	ARTICLE III	
300	GENERAL REGULATIONS	020
301	PURPOSE	020
302	CONFORMANCE REQUIRED	020
303	GENERAL LOT AREA AND REGULATIONS	020
303.01	CORNER LOTS	020
303.02	STREET CONSTRUCTION	020
304	GENERAL YARD REQUIREMENTS	020
304.01	YARD FOR SINGLE BUILDING	021
304.02	CLEAR VIEW OF INTERSECTING STREETS	021
304.03	LANDSCAPE MOUNDS	021
305	YARD EXCEPTIONS	021
305.01	FENCES, HEDGES AND WALLS	021
305.02	ONE STORY GARAGES AS ACCESSORY BUILDING	022
306	EXCEPTIONS TO HEIGHT LIMITS	022
307	BUILDING REGULATIONS	022
307.01	HEIGHT, USE LOT COVERAGE, AND YARD REQUIREMENTS	022
307.02	PRINCIPAL BUILDING	022
307.03	BUILDING UNDER CONSTRUCTION PRIOR TO ENACTMENT	022
307.04	TEMPORARY BUILDINGS	023
307.05	REAR HOUSES	023
307.06	HEALTH BOARD APPROVAL	023
307.07	FLOOD PLAIN ZONES	023
307.08	PLANNING COMMISSION AUTHORITY	023
307.09	FRONTAGE REQUIRED FOR BUILDINGS	024
307.10	COMMERCIAL BUILDING -STATE APPROVAL	024
308	NONCONFORMITIES	024
308.01	CONTINUANCE	024

308.02	NON-DISCONFORMING LOTS OF RECORD	024
308.03	DISCONTINUANCE	024
308.04	CHANGE	025
308.05	EXTENSION, ENLARGEMENT, REMOVAL	025
308.06	DESTRUCTION, DAMAGE AND RECONSTRUCTION	025
309	SUBMISSION OF PLANS	025
309.01	APPLICABILITY	025
309.02	ACTION BY ZONING COMMISSION AND APPLICANT	025
309.03	REZONING	026
309.04	CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION	026
309.05	APPLICATION PROCEDURE	026
309.06	PRELIMINARY SUBMITTAL PROCEDURE AND REQUIREMENTS	027
309.07	SUBMITTAL OF PRELIMINARY ARCHITECTURAL DRAWINGS	027
309.08	PRELIMINARY SUBMITTAL TO THE ZONING COMMISSION	027
309.09	FINAL SUBMITTAL PROCEDURE AND REQUIREMENTS	027
310	PERFORMANCE STANDARDS	027
310.01	FIRE HAZARDS	028
310.02	RADIOACTIVITY OR ELECTRICAL DISTURBANCE	028
310.03	NOISE	028
310.04	VIBRATION	029
310.05	SMOKE	029
310.06	ODORS	029
310.07	AIR POLLUTION	029
310.08	EROSION	029
310.09	WATER POLLUTION	029
310.10	SATELLITE DISHES	029
311	ENFORCEMENT PROVISIONS	029
312	SIDEWALKS	030
313	ROOF DRAINAGE	030
314	NUISANCES	030
315	HUNTING AND TRAPPING OF GAME	031
316	LAND AGRICULTURAL USE	031
317	DUMPSTERS	031
318	MAINTAINING YARDS-GRASS HEIGHT	031
319	BLOCK PARTIES/SPECIAL NEIGHBORHOOD EVENTS	031
ARTICLE IV		
400	CONDITIONALLY PERMITTED USES	032
401	GENERAL REQUIREMENTS	032
402	AUTOMOBILE AUTOMATIC WASH STATION	032
403	AUTOMOBILE REPAIR GARAGES, NEW AND USED CAR LOTS	033
404	CEMETERIES	034
405	DAY CARE CENTERS	034
406	EXTRACTION OF STONE, MINERAL AND TOP SOIL	034

407	GOLF COURSE	036
408	HOME OCCUPATIONS	037
409	MINIATURE GOLF COURSES	037
410	PARK AND PLAYGROUNDS	038
411	PLANT NURSERIES	038
412	PROSPECTING OIL AND GAS	039
412.01	PRIVATE GAS WELLS	040
413	RUMMAGE SALES - GARAGE SALES	040
414	ROADSIDE STANDS	040
415	SERVICE STATIONS	040
416	VETERINARY HOSPITAL OR KENNELS	041
417	PRIVATE IN GROUND OR ABOVE GROUND SWIMMING POOLS	042
418	CHURCHES (ALL DISTRICTS)	043
419	MOBILE HOME AND RECREATIONAL VEHICLE SALES & SERVICES	043
420	TRANSITION PROVISIONS AND REQUIREMENTS	044
421	NURSING HOMES	046
422	INTERNET CAFE/SWEEPSTAKES/COMPUTER/RETAIL SALES/ ELECTRONIC SERVICES	046

ARTICLE V

500	ESTABLISHMENT OF DISTRICTS	057
501	PURPOSE	057
502	DISTRICTS	057
503	ZONING MAPS	057
504	INTERPRETATION OF DISTRICT BOUNDARIES	057

ARTICLE VI

600	LOW DENSITY RESIDENTIAL DISTRICT	059
601	PURPOSE	059
602	PERMITTED USES	059
603	CONDITIONALLY PERMITTED USES	059
604	LOT AND YARD REQUIREMENTS	059
605	MAXIMUM BUILDING HEIGHT	060
606	REQUIRED MINIMUM LIVING AREA	060
607	PERMITTED SIGNS	060
608	OFF STREET PARKING AND LOADING	060
609	GENERAL REGULATIONS	060

ARTICLE VII

700	MEDIUM DENSITY RESIDENTIAL R1 - 2	061
701	PURPOSE	061
702	PERMITTED USES	061
703	CONDITIONALLY PERMITTED USES	061
704	LOT AND YARD REQUIREMENTS	061
705	MAXIMUM BUILDING HEIGHT	062
706	REQUIRED MINIMUM LIVING AREA	062
707	PERMITTED SIGNS	062
708	OFF STREET PARKING AND LOADING	062
709	GENERAL REGULATIONS	062

ARTICLE VIII

800	MULTIPLE FAMILY RESIDENCE DISTRICT MR - 1	063
801	PURPOSE	063
802	PERMITTED USES	063
803	CONDITIONALLY PERMITTED USES	063
804	LOT AND YARD REQUIREMENTS	063
805	MAXIMUM BUILDING HEIGHT	063
806	MINIMUM GROSS FLOOR AREA PER DWELLING UNIT	064
807	ACCESSORY STRUCTURES	064
808	PERCENTAGE OF LOT COVERAGE	064
809	MINIMUM LIVABLE OPEN SPACE	064
810	MINIMUM RECREATION SPACE	064
811	DISTANCE BETWEEN BUILDINGS ON THE SAME LOT	065
812	REQUIRED COURT DIMENSIONS	065
812.01	INNER COURT	065
812.02	OUTER COURT	065
813	BUFFER YARDS	065
814	SUBMISSION OF PLANS	065
815	OFF - STREET PARKING AND LOADING	065
816	PERMITTED SIGNS	065
817	GENERAL REGULATIONS	065

ARTICLE IX

900	GENERAL BUSINESS GB - 1	066
901	PURPOSE	066
902	TYPICALLY PERMITTED USES	066
903	CONDITIONALLY PERMITTED USES	067
904	BUILDING HEIGHT LIMIT	067
905	REQUIRED LOT AREA	067

906	YARDS REQUIRED	068
907	PERCENTAGE OF LOT COVERAGE	068
908	SUBMISSION OF PLANS	068
909	PERMITTED SIGNS	068
910	OFF - STREET PARKING	068
911	GENERAL REGULATIONS	068
912	DUMPSTERS	068

ARTICLE X

1000	SHOPPING CENTER DISTRICT	069
1001	INTENT AND PURPOSE	069
1002	USE	069
1003	LOT REQUIREMENTS	070
1004	YARD REQUIREMENTS	070
1005	DEVELOPMENT REQUIREMENTS	070
1006	SITE PLAN AND APPROVAL REQUIRED	072
1007	MARKET ANALYSIS REQUIRED FOR ZONE CHANGE REQUEST	073

ARTICLE XI

1100	INDUSTRIAL DISTRICT REGULATIONS LIGHT INDUSTRIAL LT - 1	074
1100	PURPOSE	074
1101	PERMITTED USES	074
1102	BUILDING HEIGHT	078
1103	LOT AND YARD REQUIREMENTS	078
1104.01	LOT AREA	078
1104.02	CORNER LOTS	078
1104.03	YARDS REQUIRED	078
1104.04	PERCENTAGE OF LOT COVERAGE	079
1105	SUBMISSION OF PLANS	079
1106	STREETS, SEWERS AND WATER LINES	079
1107	BUFFERING	079
1107.01	INTENT	079
1107.02	PURPOSE	079
1107.03	LANDSCAPING	080
1107.04	GENERAL PROVISIONS	080
1107.05	APPLICABILITY	081
1107.06	PROCEDURES	081
1107.07	PERMITTED SIGNS	082
1107.08	OFF STREET PARKING AND LOADING	082

1107.09	GENERAL REGULATIONS	082
1107.10	SUBMISSION OF PLANS	082
1108	ADULT ENTERTAINMENT	082

ARTICLE XII

1200	FLOOD PLAIN ZONE REGULATIONS FP -1	085
1201	PURPOSE	085
1202	PERMITTED USES	085
1203	CONDITIONALLY PERMITTED USES	085
1204	SUBMISSION OF PLANS	086
1205	TOWNSHIP LIABILITY	086
1206	PERMITTED SIGNS	086
1207	OFF - STREET PARKING	086
1208	GENERAL REGULATIONS	086
1209	CONSTRUCTION REQUIREMENTS	086

ARTICLE XIII

1300	CLUSTER HOMES	087
1301	INTENT	087
1302	LOCATION	087
1303	GENERAL REQUIREMENTS	087
1303.01	MINIMUM DWELLING UNITS AND HOUSING TYPES	087
1303.02	GROSS RESIDENTIAL DENSITY	087
1303.03	ACCESS TO COMMON LAND	088
1303.04	COMMON LAND	088
1303.05	DEVELOPMENT DESIGN	088
1303.06	METHOD OF PROCEDURE	088
1303.07	APPLICATION INFORMATION	088
1303.08	FINDINGS AND ZONING BOARD	089
1303.09	DECISION OF THE TOWNSHIP TRUSTEES	089

ARTICLE XIV

1400	SIGNS	090
1401	PURPOSE	090
1402	GENERAL	090
1403	RESIDENTIAL DISTRICTS	090

1404	BUSINESS DISTRICTS	091
1405	INDUSTRIAL USES	091
1406	SETBACK REQUIREMENTS	092
1407	YARD PROVISIONS	092
1408	ALLOWED SIGNS	092
1409	LETTERING SIZE	093
1410	ILLUMINATION	093
1411	TEMPORARY SIGNS	093
1412	PROHIBITED DEVICES	094
1413	POLITICAL SIGNS	094
1414	ADMINISTRATION	094

ARTICLE XV

1500	OFF - STREET PARKING AND LOADING FACILITIES	095
1501	GENERAL REQUIREMENTS	095
1502	PARKING SPACE DIMENSIONS	095
1503	LOADING SPACE REQUIREMENTS AND DIMENSIONS	095
1504	PAVING	096
1505	DRAINAGE	096
1506	MAINTENANCE	096
1507	LIGHTING	096
1508	LOCATION OF PARKING SPACES	096
1509	SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY	096
1510	REQUIRED TRASH AREAS	097
1511	DISABLES AND UNLICENSED VEHICLES	097
1512	MINIMUM DISTANCE AND SETBACKS	097
1513	JOINT USE	097
1514	WHEEL BLOCKS	098
1515	WIDTH OF DRIVEWAYS	098
1516	ACCESS	098
1517	STRIPING	098
1518	PARKING SPACE REQUIREMENTS	099
1519	GENERAL INTERPRETATIONS	101
1520	PLOT PLAN REVIEW	102

1521	RECREATIONAL VEHICLES	102
ARTICLE XVI		
1600	PURPOSE AND INTENT	103
1601	PERMITTED USE	104
1602	CONDITIONAL USE	104
1603	ACCESSORY USE	106
1604	STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION TOWER FACILITIES	106
1605	ZONING CERTIFICATE FEES	109
1606	PUBLIC UTILITY EXEMPTION	109
ARTICLE XVII		
1700	DUTIES AND RESPONSIBILITIES OF ZONING INSPECTOR	112
ARTICLE XVIII		
1800	ADMINISTRATION	113
1801	ZONING PERMITS	113
1801.01	ZONING PERMITS REQUIRED	113
1801.02	CONTENT OF APPLICATION FOR ZONING PERMIT	113
1801.03	APPROVAL OF ZONING PERMIT	113
1801.04	SUBMISSION TO STATE HIGHWAY DIRECTOR	114
1801.05	EXPIRATION OF ZONING PERMIT	114
1802	CERTIFICATE OF OCCUPANCY	114
1803	TEMPORARY CERTIFICATE OF OCCUPANCY	115
1804	RECORDS OF CERTIFICATE OF OCCUPANCY	115
1805	FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY	115
1806	CONSTRUCTION AND USE TO BE APPROVED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES	115
1807	COMPLAINTS REGARDING VIOLATIONS	115
1808	SCHEDULE OF FEES, CHARGES AND EXPENSES	115
1809	ZONING COMMISSION/AMENDMENTS	116
1809.00 A	APPOINTMENT	116
1809.00 B	ORGANIZATION	116

1809.00 C	MEMBER RE-ASSIGNMENT	116
1809.01	GENERAL	116
1809.02	INITIATION OF ZONING AMENDMENTS	116
1809.03	CONTENTS OF APPLICATION	117
1809.04	TRANSMITTAL TO THE ZONING COMMISSION	117
1809.05	SUBMISSION TO STATE HIGHWAY DIRECTOR	117
1809.06	PUBLIC HEARING BY THE ZONING COMMISSION	117
1809.07	NOTICE OF PUBLIC HEARING IN NEWSPAPER	118
1809.08	NOTICES TO PROPERTY OWNERS BY THE ZONING COMMISSION	118
1809.09	SUBMISSION TO THE REGIONAL PLANNING COMMISSION	118
1809.10	RECOMMENDATIONS BY THE ZONING COMMISSION	118
1809.11	PUBLIC HEARING BY THE TOWNSHIP TRUSTEES	119
1809.12	NOTICE OF PUBLIC HEARING IN NEWSPAPERS	119
1809.13	NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES	119
1809.14	ACTION BY THE TOWNSHIP TRUSTEES	119
1809.15	EFFECTIVE DATE AND REFERENDUM	119

ARTICLE XIX

1900	ZONING BOARD OF APPEALS	121
1901	PURPOSE	121
1902	ORGANIZATION AND PROCEDURE	121
1902.01	APPOINTMENT	121
1902.02	ORGANIZATION AND RULES	121
1902.03	MEETINGS	122
1902.04	VOTING	122
1902.05	MINUTES AND RECORDS	122
1902.06	WITNESS AND OATH	122
1902.07	DEPARTMENT ASSISTANCE	122
1903	GOVERNING GUIDELINES	122
1904	JURISDICTION AND POWERS	123
1905	PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES	124
1905.01	APPEALS	124
1905.02	FEES - SEE SECTION 1808	124
1905.03	STAY OF PROCEEDINGS	124
1905.04	VARIANCES	124
1905.05	APPLICATION AND STANDARDS FOR VARIANCES	124
1905.06	CONDITIONS FOR GRANTING VARIANCES	125
1905.07	VARIATIONS TO NONCONFORMING USES AND BUILDINGS	126
1905.08	CONDITIONS IMPOSED BY THE ZONING BOARD OF APPEALS	126
1905.09	LAPSES OF VARIANCES	126
1905.10	PUBLIC HEARING BY THE ZONING BOARD OF APPEALS	127
1905.11	NOTICE OF PUBLIC HEARING IN NEWSPAPER	127
1905.12	NOTICE TO PARTIES IN INTEREST	127

1906	PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES	127
1906.01	CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT	127
1906.02	GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL; USES	128
1906.03	SUPPLEMENTARY CONDITIONS AND SAFEGUARDS	128
1906.04	ZONING COMMISSION REVIEW AND COMMENT	129
1906.05	PUBLIC HEARINGS BY THE ZONING BOARD OF APPEALS	129
1906.06	NOTICE OF PUBLIC HEARING IN THE NEWSPAPER	129
1906.07	NOTICE TO PARTIES IN INTEREST	129
1906.08	EXPIRATION OF CONDITIONAL USE PERMIT	129
1907	DECISIONS OF THE ZONING BOARD OF APPEALS	130
1908	DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL	130
1909	APPEAL TO COURT	131

ARTICLE XX

2000	PENALTY FOR VIOLATION	132
2001	PENALTIES FOR VIOLATION	132
2002	CIVIL ACTION	132
2003	REMEDIES CUMULATIVE	132

ARTICLE XXI

2100	MISCELLANEOUS PROVISIONS	133
2101	INTERPRETATION	133
2102	VALIDITY	133
2103	EFFECTIVE DATE	133
2104	REPEAL	133

ARTICLE II

DEFINITIONS

201 INTERPRETATION OF THE TERMS OR WORDS

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

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

202 DEFINITIONS

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

Adult Book Store: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for purpose of display by coin, or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices, or both or books.

Adult Cabaret: A nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that for the purpose of arousing, stimulation or gratifying the sexual desire of employees or customers, features:

- A. persons who appear in a of nudity or semi-nudity;
- B. live entertainment characterized by the depiction or description of specifies anatomical areas; or

C. live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators, or similar entertainment.

Adult Entertainment Business: An adult book store, adult cabaret, adult motion picture theater, adult drive-in motion picture theater or any adult only entertainment establishment as further in this section.

Adult Material: Any magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, photographic record, tape, or other tangible thing or any service capable of arousing interest through sight, sound or touch, and:

- A. which material is distinguished or characterized by an emphasis on matter displaying, describing or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination; or
- B. which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

Adult Motion Picture Drive-in: An open air drive-in theater which is regularly used or utilized 15 percent or more of its total viewing time for presenting material distinguished or characterized by and emphasis on matter depicting, describing or related to adult material as defined in this section.

Adult Motion Picture Theater: An enclosed motion picture theater which is regularly used or utilizes 15 percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

Adult Only Entertainment Establishment: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment; or services which constitute adult material as defined in this section, or which features exhibitions, dance routines or gyrational choreography of persons

totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

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

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

Alley: See Thoroughfares

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

Arterial Street: See Thoroughfares

Auto Repair Garage: A facility used for doing repairs on motorized vehicles.

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

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled obsolete or wrecked vehicles or their parts.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Billboard: See definition for Signs

Buffer/Buffer Strip: Designed to separate boundaries with suitable fencing or landscaping.

Building: A 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 of use which is incidental and an accessory to that of the main building or use.

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

Building Line: See Set Back Line

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

Bulletin Board: See definition for Signs

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular influences. To prevent congestion, convenience uses include but need not be limited to, drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and in this classification tend to serve a day to day need in the neighborhood.

Business, General: Commercial uses which generally require location on or near major thoroughfares and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include but need not be limited to such activities as, supermarkets, stores that sale hardware, apparel, footwear, appliances and furniture, department stores and discount stores. Highway business uses include but need not be limited to, such as service stations, trucks and auto sales and service, restaurants and motels and commercial recreation.

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

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

Church: See Religious Institution.

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

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

Co-location: The use of a Wireless Telecommunications Facility by more than one wireless telecommunications provider.

Condominium: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

Conditionally Permitted Use: A use of buildings or land which by the nature of it requires a review by the Zoning Board of Appeals to allow as use other than normally permitted use to be established within the district.

Corner Lots: See lots types.

Cull-de-sac: See thoroughfares.

Day Care: A home or facility for the care of babies and children.

Dead-End Street: See Thoroughfares

Demolition Materials: Materials from construction operations and from demolition operations and including, but not limited to, those items that are affixed to a structure, including driveways and highways being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials.

Density: A unit of measurement expressing the number of dwelling units per acre of land.

Disabled Vehicles: Any vehicle meeting the following three (3) conditions:

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

Dumpsters: Temporary or permanent steel or other type of box or container used for collection of daily debris or refuse.

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

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

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

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

Dwelling-Farm Related: Any building which is designed for and occupied by either the owner or operator; or an employee who derives the majority of his or her gross income from the agricultural operation and/or said family head is a retiree (or spouse) of the same agricultural operation such as a father retiring and turning over the farming to one of his children and which exists as a separately deeded property, whether by the same owner of the farm or separate owners, conforming to the County Subdivision Regulations, County Health Code and this zoning text.

Dwelling-Single Family: Any group of rooms located within a residential building (No. 1 below) or with an industrialized unit (No. 2 below) that is placed upon a permanent foundation with tie-downs and industrialized steps or better and rail at

wall entrances which is utilized by one family as opposed to two families for its living, sleeping, cooking and eating needs.

1. Residential-Building: Any structure consisting of foundations, walls, columns, girders, beams, floors and roof or a combination of any number of these parts, with or without other parts or appurtenances which is designed for occupancy as a dwelling and conforms to the County Building and Health Codes.

2. Industrialized-Unit: Any portable structure (excluding recreational vehicles) which is an assembly of materials or products comprising all or part of a total structure which is when constructed, whether on a chassis or not, is self-sufficient or substantially self-sufficient, and when installed constitutes the structure or part of a structure, except for its preparations for placement, which will permit the use thereof for human habitation and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974 Public Law 93-383 as amended and the Ohio Building Code (OBC) BB-75 applicable.

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

Dwelling-Multi-Family: A building consisting of three (3) or more dwelling units including condominiums with varying arrangements or entrances and party walls. Multi-family housing may include public housing and industrialized units.

Easements: Authorization by a property owner for the use by another, and for specified purpose, or any designated part of his property.

Entertainment Facility: Any profit making activity which is generally related to the entertainment field such as a movie theater, catering hall, etc.

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

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

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

Fence/Barriers: A barrier, as of wooden or metal posts, rails, wire mesh or man-made material, (and could include hedges, walls, tree lines etc.) used as a boundary or means of protection or confinement. To enclose, restrict or hamper, keep out, ward off, protect, defend. Barrier means a fence, a wall, a building wall or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool. Plywood, particle board, chicken wire, split rail, snow fence, and other unsecured or unstable materials, as deemed by the Zoning Inspector are not permitted. Permits Required.

Financial Institution: Those institutions engaged in receiving, exchanging, lending and safe-guarding monies.

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

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

Floor Area of a Residential Dwelling: The sum of the gross horizontal area of the several floors or a residential dwelling, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured along the outside foundation areas less the garage area.

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

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

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

Frontage: See Lot Frontage

Game: A hunted animal or animals-also animals taken or sought after by hunters for sport.

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

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

Garage Sale: The act of selling merchandise from a garage, yard or private property.

Golf Course: A field area where the game of golf is played over links with a small ball driven by clubs.

Grass: Vegetation of identifiable varieties that covers developed land, such as Kentucky Blue, Rye or Zoysia.

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

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

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. Such as, it is open to the public in contrast to a boarding house, a lodging house or an apartment which are herein separately defined.

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

Junk Vehicles: Anything unable to operate according to Ohio Bureau of Motor Vehicle Standards.

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

Kennel or Cattery: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which offers provisions for minor medical treatment.

Landscape Mounds: A manmade artificial augmentation of the natural grade of the property.

Lawn: Ground, especially around house covered with fine closely mowed grass.

Loading Space: A space within the main building or on the same lot herewith, providing for the standing, loading or unloading of trucks and having a minimum

dimension of twelve (12) by forty (40) feet and vertical clearance of at least fourteen (14) feet.

Local Street: See Thoroughfare.

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

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.

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

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

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

Lot Measurements: A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the midpoint of a straight line connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines at each side of the lot, measured at the building setback line, provided however that the width between side lot lines at their foremost point (where they intersect with street line) shall be equal to the lot front unless otherwise specified herein.

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

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

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

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

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

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

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

Mineral Extraction, Storage and Processing: See Manufacturing-Extractions.

Mobile Home-Single Wide: Any portable structure having no foundation other than wheels, jacks or skirting and so designed or constructed to be towed on its own chassis and running gear and also designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public

Law 93-383 and subsequent and the Ohio Builders Code (OBC) BB-51 and BB-75 as applicable.

Mobile Home-Double Wide: Any portable structure having no foundation other than wheels, jacks or skirting and so designed or constructed to be towed on its own chassis and running gear and also designed and constructed except for the required connection of the two (2) trailer units prior to its usability as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standard Act of 1974, Public Law 93-383 and subsequent and the Ohio Builders Code (OBC) BB-51 and BB-75 as applicable.

Mobile Home Park: Any site or tract of land of not less than 10 acres, under single ownership, upon which 25 or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

Modular Units: Any portable structure which is an assembly of material or products comprising all or part of a total structure which when constructed, is self-sufficient, and when installed constitutes the structure or part of a structure, except for its preparations for placement and so designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Act of 1974, Public Law 93-383 and subsequent and the Ohio Builders Code (OBC) BB-51 and BB-75 as applicable.

Monopole: Means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

More Restrictive: In reference to a non-conforming use, the change of a use to more nearly conform to the permitted use, this increasing the requirements such as side yards, etc., or generally increasing compatibility of a non-conforming use to the requirements of the district in which it is located.

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

Nudity & Semi Nudity: Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume or covering that gives the appearance of or simulates any of these anatomical areas. Semi-nudity or semi-nude means exposing to view with less than a fully opaque covering any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing provided that the areola is not exposing in whole or in part.

Nursery, Nursing Home: A home or facility for the care and/or treatment of babies, children, pensioners or elderly people.

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

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

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

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

Parks: Area of ground used for walking, riding and or games. Kept for public use, or as ornamental or pleasure use. (A playground)

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

Personal Wireless Service: Means commercial mobile service and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. 332(c)(7).

Plant Nursery: A place where young trees, vines and plants are grown and sold.

Playground: A public area of land with or without equipment used for recreation.

Pool: Any body of water at least thirty (30) inches deep that has a mechanical filtration system.

Portable/Blow -Up/Wading/Kiddie Pools: Must meet all requirements: Pools that are only capable of holding eighteen(18) inches or one and one-half (1 ½) feet of water or less at the deepest point, and are nine (9) feet or less in water surface diameter at eh widest point, or less than sixty-five (65) square feet in surface area.

Printing and Publishing: See Manufacturing, Light.

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

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

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

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Rear House: Permanent dwelling unattached to the primary dwelling located behind the primary dwelling on the lot.

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

Recreational Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include but need not be limited to miniature golf courses, amusement parks, stadiums and bowling alleys.

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

Religious Institution: Building or assembly hall for worship or religious ceremonies.

Research Activity: Research development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside said 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, lighting and drainage facilities and may include special features (requires by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

Road: See Thoroughfare.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Rummage Sale: See Garage Sale.

School: An area or structure designated for teaching a group of people.

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

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

Semi-Public Use: Churches, Sunday Schools, Parochial Schools, colleges, hospitals and other structures of an educational, religious, charitable or philanthropic nature.

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

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

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

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

Sexual Activity: Sexual conduct or sexual contact or both.

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

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

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

Sign: Designated to inform or attract the attention of persons not on the premises on which the sign is located.

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

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

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Street: See Thoroughfare.

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

other things, structure including buildings, mobile homes, walls, fences, billboards, and or temporary buildings.

Substantial Evidence: Means such relevant evidence as a reasonable mind would accept as adequate support as conclusion.

Swimming Pool: A private swimming pool as regulated herein shall be any pool, pond, lake or open tank, but not including farm ponds, not located within a completely enclosed building, and containing or normally capable of containing water to a depth greater than one and one half (1 ½) feet at any point and maintained by the owner or manager. No such swimming pool shall be allowed in any R-District except an accessory use to a resident or as a private club facility.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club, or the patrons of a motel or hotel and accessory use.

2. Community: Operated with a charge for admission; as a primary use.

“Private Residential swimming pool” means any outdoor structure, chamber or tank containing a body of water for swimming, diving or bathing located at a dwelling, housing no more than three (3) families and used exclusively by the residents and their non-paying guests. This definition includes temporary, portable, blow-up and /or wading pools, unless specifically excluded as a “Portable/Blow-up/Wading/Kiddie Pool” as defined here in.

Synagogue: See Church.

Technically Suitable: Means 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 FCC to operate without a significant loss of communication capability within developed areas of the Township.

Telecommunications: Means the technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term “Personal Wireless Service”.

Temple: See Church.

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

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.

3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

5. Dead-end Street: A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future:

6. Local Street: A street primarily for providing access to residential or other abutting property.

7. Loop Street: A type of local street, each of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

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

Transportation and Trucking: See Manufacturing, General.

Trailer, Small Utility: Any trailer drawn by any vehicle not exceeding ten thousand (10,000) gross pounds that is used for occasional transport of personal effects.

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

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

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

Vibration: Rapid rhythmic movement back and forth.

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

Weed: Plant that is useless, injurious or unsightly. Any vegetation that is not well manicured.

Wind Powered Generator: A unit operated by wind rotation of sails or vanes radiating from a shaft used as a source of power for generating electricity or other energy.

Wireless Telecommunication Equipment Building or Equipment Building: Means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.

Wireless Telecommunication Facility or Facility: Means a facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provisions of personal wireless services.

Wireless Telecommunication Tower or Tower: Means any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

Yard: A required open space other than a court occupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level

of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and required and requirements limited obstruction or visibility.

1. Yard Front: a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

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

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

Yard Sale: See Garage Sale.

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

ARTICLE III GENERAL REGULATIONS

301 PURPOSE

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

302 CONFORMANCE REQUIRED

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located. The Zoning Board of Appeals may issue conditional zoning certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of the district.

303 GENERAL LOT AREA REGULATION

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

303.01 CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the side street shall not be less than thirty (30) feet from the right-of-way line or within conformity with the setback of the existing lots.

303.02 STREET CONSTRUCTION

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

304 GENERAL YARD REQUIREMENTS

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution. Grass in yard areas will be maintained and mowed at a height not to exceed eight (8) inches in height. (February 22, 2010)

304.01 YARD FOR SINGLE BUILDING

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

304.02 CLEAR VIEW OF INTERSECTION STREETS

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

304.03 LANDSCAPE MOUNDS

Mounds must be set back from the front of the property line a minimum of eight (8) feet. From the side lot lines a minimum of five (5) feet. The mounds must not exceed three (3) feet in height. Mounds cannot impede view of driver in driveways.

A. Mounds must be constructed with clean fill and topsoil. No concrete, rock or other building refuse. Materials used must be for landscape purposes.

B. Mounds must not create a water problem for any adjoining property or the Township streets. In all districts mounds cannot exceed thirty-five percent (35%) of front yard area.

305 YARD EXCEPTIONS

305.01 FENCES, HEDGES, WALLS

Permit Required: No person, firm or corporation shall construct or install a fence or make any alterations therein or in the appurtenances thereof without first submitting an application and plans thereof to the Zoning Inspector. Residential sections of the Township: Height of fences shall be no more than six (6) feet in height. Type of fencing must be authorized and approved by the Zoning Inspector before erecting. Finished side of fence must face neighbor. Industrial fencing will be seven (7) feet in height with or without barbed wire. Type of fencing must be authorized and approved by the Zoning Inspector before erecting. A fee as stated in the Schedule of Fees section shall be required.

305.02 ONE STORY GARAGES AS ACCESSORY BUILDINGS

In residential districts one story detached garages or other accessory buildings may be located five (5) feet from side and rear properties. Said buildings shall not exceed one thousand five hundred (1,500) square feet.

306 EXCEPTIONS TO HEIGHT LIMITS

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

307 BUILDING REGULATIONS

307.01 HEIGHT, USE LOT COVERAGE, AND YARD REQUIREMENTS

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

- A. To exceed the height required.
- B. To accommodate or house a greater number of families than that permitted by the provision of this Resolution.
- C. To occupy a greater percentage of lot area than permitted.
- D. To have narrow or smaller rear yards, front yards or lot widths at the building line than those permitted in this Resolution.

307.02 PRINCIPAL BUILDING

No more than one principal building shall be permitted on any lot.

307.03 BUILDINGS UNDER CONSTRUCTION PRIOR TO ENACTMENT

Nothing in this Resolution shall be deemed to require any change in plans, construction or designated uses of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, provided construction is prosecuted diligently and

provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

307.04 TEMPORARY BUILDINGS

A. During Construction-No more than one trailer or mobile home may be temporarily used as a residence on a lot by the owner of record while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than twelve (12) months. A separate zoning certificate shall not be required for the use of temporary dwelling quarters. Such certificate shall not be renewed or extended. A performance bond in no event less than \$1000.00 dollars shall be filed with the application for such certificate. Approved sanitary facilities must be provided.

B. Limited Use-Visitor's travel trailers shall be permitted for a period not to exceed two (2) weeks in any calendar year. Approved sanitary facilities must be provided.

C. Emergency Use-When a dwelling on any lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home may be used as a temporary residence while the permanent dwelling is repaired or reconstructed. A separate zoning certificate shall be required and such certificate shall be for a time period not to exceed twelve (12) months. Approved sanitary facilities must be provided.

307.05 REAR HOUSES

Rear houses shall not be permitted in any district.

307.06 HEALTH BOARD APPROVAL

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

307.07 FLOOD PLAIN ZONES

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

307.08 PLANNING COMMISSION AUTHORITY

The authority of Lorain County Planning Commission shall be observed where applicable.

307.09 FRONTAGE REQUIRED FOR BUILDING

No principal building shall be erected on a lot which does not abut on a street of record. The frontage requirement shall be the same as the required lot width, except for cul-de-sac development which shall maintain a minimum frontage of forty (40) feet.

307.10 COMMERCIAL BUILDING-STATE APPROVAL

No zoning certificate shall be issued for a commercial building without evidence that the state building department has reviewed and approved the plans for the same.

308 NONCONFORMITIES

308.01 CONTINUANCE

The lawful use of a building or parcel of land existing at the adoption of this Resolution may be continued, though such use of a building or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public office to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a residential district.

308.02 NON-DISCONFORMING LOTS OF RECORD

In any "R" District, notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements may be obtained only through action of the Zoning Board of Appeals.

308.03 DISCONTINUANCE

If any nonconforming use of building or land is discontinued or abandoned for any reason for a period of twelve (12) months, said use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period for at least twelve (12) months, such nonconforming use shall conform to the provisions of this Resolution.

308.04 CHANGE

Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, such use shall thereafter be changed to a less restrictive use.

308.05 EXTENSION, ENLARGEMENT, REMOVAL

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

308.06 DESTRUCTION, DAMAGE, RECONSTRUCTION

Any nonconforming building or structure damaged by fire, explosion, act of God or act of the public enemy, may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of fifty (50) percent of replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution.

309 SUBMISSION OF PLANS

309.01 APPLICABILITY

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

309.02 ACTION BY ZONING COMMISSION AND APPLICANT

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

- A. Application submission of general plan including sketches.
- B. Submission of preliminary development plans and preliminary architectural drawings and site plans.
- C. Submission of final development plans and final architectural drawings and site plans.
- D. Decision of Zoning Commission given in writing to Zoning Inspector.

309.03 RE-ZONING

Re-zoning from another district to the proposed classifications shall be considered during the submission of the preliminary site development plans. No zoning permits shall be issued and no building shall be permitted with the designated districts until the final site development plans and the final architectural drawings and plans have been submitted to and approved by the Zoning Commission. Prior to the granting of the permit, the Zoning Inspector shall receive from the

Zoning Commission and the State Building Inspector an advisory report approving the proposed development and plans as presented in final form as required herein.

309.04 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION

Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Board and the Building Inspector of the State, authorize only the use and arrangement set forth in such approved plans and applications and amendments thereto, and no other use, arrangements or construction. Use, arrangement or construction at variance without authorization shall be deemed a violation of this Resolution and punishable as provided herein.

309.05 APPLICATION PROCEDURE

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

B. The Zoning Commission shall discuss with the developer the changes if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.

C. Application submissions shall be submitted to the Zoning Commission not less than two (2) weeks prior to the regularly scheduled meeting.

309.06 PRELIMINARY SUBMITTAL PROCEDURE AND REQUIREMENTS

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

309.07 SUBMITTAL OF PRELIMINARY ARCHITECTURAL DRAWINGS.

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

309.08 PRELIMINARY SUBMITTAL TO THE ZONING COMMISSION

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

309.09 FINAL SUBMITTAL PROCEDURE AND REQUIREMENTS

If the final site plans and architectural drawings are to be reviewed the following month by the Zoning Commission, they shall be submitted

on or before the last day of the preceding month. The final site plans and architectural drawings, if not submitted in consecutive month, shall be submitted fifteen (15) days prior to any regular meeting of the Zoning Commission. All final plans must be filed in triplicate.

310 PERFORMANCE STANDARDS

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

310.01 FIRE HAZARDS

Any activity involving the use of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

310.02 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

310.03 NOISE

Noise which is objectionable as determined by the Commission due to volume, frequency or beat shall be muffled or otherwise controlled during the hours of 12:00AM (midnight) to 7:00AM (seven o'clock AM) No person in the Township, and no landowner or lawful occupant of land shall permit at any premises to which a D Permit had been issued by the division of liquor control or that is zoned for residential use, the making of any noise or sound, which by reason of volume, pitch, frequency, intensity, duration, or nature annoys or disrupts the comfort, peace, or health of a person of ordinary sensibilities and not a resident of the property from which the noise or sound emanates. The following noises or sounds, which constitute a non-exclusive list, are in violation of this Resolution:

A. The harboring or keeping of any dog or animal which, by causing frequent or long continued noise that disrupts the peace, enjoyment, comfort and repose of any premises at which the dog or animal is kept. Any person who shall allow any; dog or animal to remain, be lodged or fed within any dwelling, building, yard, or enclosure, which he occupies or owns, shall be considered as harboring such dog or animal. None of the provisions of this paragraph shall apply to owners, operators, or employees of duly licensed veterinary hospitals and disabled persons when a dog serves as a guide or leader.

B. Construction noise hours are 7:00AM (Seven o'clock AM) to 9:00PM (Nine o'clock PM). Air raid sirens and related apparatus used solely for public safety purposes are exempt from this requirement.

310.04 VIBRATION

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

310.05 SMOKE

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

310.06 ODORS

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

310.07 AIR POLLUTION

No pollution of air by fly ash, dust vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.

310.08 EROSION

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

310.09 WATER POLLUTION

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

310.10 SATELLITE DISHES

Satellite dishes twenty four (24) inches or larger shall be permitted behind the rear line of the houses (e.g. in back yard) and shall be placed no closer than five (5) feet from and abutting property line. A temporary demonstration satellite dish is permitted on property for a period not to exceed seven (7) days.

311 ENFORCEMENT PROVISIONS

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

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

312 SIDEWALKS

Any new subdivision/development constructed in the Township shall be required to install sidewalks at front of property. Sidewalks shall be four (4) feet wide and four (4) inches thick and to include the entire width of lot. Sidewalks shall be installed slightly above grade of road or curb so as to have adequate drainage of water.

313 ROOF DRAINAGE

On all newly constructed or existing buildings, roof water runoff must be guttered to a down spout then to an underground sewer pipe leading to a ditch or a sewer pipe, excluding sanitary sewers, to carry water away from building. No roof water runoff shall be allowed to flow to neighbor's property.

314

NUISANCES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in Sheffield Township:

A. Manufacturing, storage for the purpose of sale, whether wholesale or retail, of fireworks. "Fireworks" means any combination of substances or compositions or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

B. Dumping, storing, disposing of or burning garbage, refuse, scrap metal, tires, rubbish and offensive or demolition materials.

"Demolition materials" means materials from construction operations and from demolition operations and including, but not limited to, those items that are affixed to a structure, including driveways and highways being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials. Demolition items such as brick, concrete, asphalt and stone may be utilized for fill for driveways or to elevate land depressions provided that the written plans for such fill are first submitted to and approved, in writing, by the Township Zoning Inspector.

C. Junkyards, automobile graveyards or places for collection of scrap vehicles, scrap machinery, scrap metals, paper, rags, glass, white goods or junk for salvage or storage purposes, or for dismantling used vehicles.

D. Deep injection wells.

E. No Asphalt plants. (Permanent or temporary)

F. No objects; temporary, or permanent shall obstruct the Road Right of Way. Must be five feet (5 ft.) from the edge of the pavement. (May 23, 2011)

315 HUNTING AND TRAPPING OF GAME

All hunting and trapping of game is prohibited in Sheffield Township.

316 LAND AGRICULTURAL USE

No person shall engage in dairying or animal or poultry husbandry for the purpose of producing products of agriculture for sale in excess of family needs on lots less than five (5) acres in any platted subdivision approved under Section 711.05, 711.10 of the Ohio Revised Code, in Sheffield Township or in any area consisting of fifteen (15) or more contiguous lots approved under Ohio Revised Code Section 711.131, in Sheffield Township if at least thirty five (35%) percent of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes.

317 DUMPSTERS

All permanent dumpsters or trash bins must be contained within a fence no less than six (6) feet tall including a gate.

318 MAINTAINING YARDS AND VACANT LOTS (May 28, 2013)

- A. Yard areas shall be kept free of debris and mowed. Grass height not to exceed eight (8) inches. Grass not mowed, property owner will be assessed all expenses which will be paces on property taxes. First (1st) notice owner must correct in fifteen (15) days. Second (2nd) notice seven days. After second (2nd) notice expires Township may take action.
- B. Clearing of wooded lots-all debris such as branches and wood must be kept one hundred (100) feet from the property line. When job is complete all debris must be removed.

319 BLOCK PARTIES/ SPECIAL NEIGHBORHOOD EVENTS (November 26, 2012)

Township residents who are planning a block party must contact Township Zoning Office and request application, rules and regulations concerning such. Completed application and fees must be returned to the Zoning Office NO LATER THAN THIRTY (30) DAYS BEFORE THE

DATE OF THE EVENT. Application does not mean approval. Sheffield Township has the right if they deem necessary to add additional requirements above what is outlined in the application packet.

ARTICLE IV CONDITIONALLY PERMITTED USES

401 GENERAL REQUIREMENTS

A. Zoning Board of Appeals-The Zoning Board of Appeals may allow conditionally permitted uses subject to: the general conditions as set forth in Article III: the Submission of Plans as set forth in Article II, where applicable and the specific conditions set for herein.

B. Conditional Use Permit-A conditional use permit shall be renewed annually and a fee, as set forth in the fee schedule, shall accompany such application for said permit, unless otherwise specified herein.

C. Inspection-the Zoning Inspector may inspect the premise at any reasonable time. Failure to comply with the regulations as established herein and others as the Zoning Board of Appeals may add will be considered reason for revocation of the conditional permit.

D. Violations-Conditional use permits shall be revoked after thirty (30) days from date of written notice of violation has been corrected.

402 AUTOMOBILE AUTOMATIC WASH STATIONS GB-1

A. Off-Street reserve space- Reserve space for not less than ten (10) automobiles per washing lane shall be provided.

B. Required Off-Street Parking-One space for each two (2) plus one space for the owner or manager.

C. Lighting-All outside lighting shall be shielded form adjacent properties.

D. Frontage and Depth-A minimum frontage of three hundred (300) feet and an area of two (2) acres are required.

E. Sand trap-A sand trap for waste water with a minimum capacity of one hundred twenty (120) cubic feet shall be provided within the building for protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board

practices. Said use shall be located one hundred (100) feet from any lot in a residential district.

F. Retail Sales-Retail sales of related commercial products shall be permitted.

G. Repair Work-Repair work shall not be permitted.

H. Services-Services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.

I. Hours of Operation-Facilities located adjacent to a residential area shall be used only during the hours of 8:00AM to 8:00PM.

J. Distance from side lot line-the building shall be a minimum of forty (40) feet from the side lot line.

K. Fencing-A permanent screening fence or wall not less than six (6) feet in height shall be constructed along any property line which abuts property zoned for residential use.

403 AUTOMOBILE REPAIR GARAGES, NEW AND USED
CAR LOTS (September 23, 2013)

403.01 JUNKYARDS LI, I

A. Fencing-When such use abuts a lot in any residential district, a three foot fence shall be maintained from the street right-of-way line to the building line. Whereupon a six (6) foot fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of not more than three (3) feet from the street right-of-way to the building line and a minimum of six (6) feet along the remainder of the property lines.

B. Distance from Residential Areas-Buildings used for such purposes shall not be nearer than seventy five (75) feet from any residential district.

C. Access-No more than two (2) driveway openings shall be permitted directly from any major thoroughfare, no more than one (1) driveway opening from any minor street, each of which shall not exceed thirty (30) feet in width at the property line at its intersection with the property line. No part of any access way shall be nearer than one hundred (100) feet to the intersection of any two street right-of-way lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property lines.

required. D. A minimum frontage of one hundred fifty(150) feet plus one acre is

E. Acceptable fencing can be wood or man-made material and must be properly maintained.

403.02 AUTO REPAIRS GB, LI

A. Repairs-Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.

B. Building must be equipped with public restroom facilities.

C. Storage-No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled, or junk vehicles shall be stored outside the building on the premises.

403.03.1 CAR LOTS-NEW AND USED VEHICLE SALES GG,LI, & I

A. Off Street Parking-One (1) space for each employee shall be provided in addition to one (1) space each per two hundred fifty(250) square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles.

B. Two hundred fifty (250) square feet shall be required for every used or new vehicle on said property.

404 CEMETERIES RI-1, RI-2

A. Access-The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of two (2) points of entry set at two hundred (200) feet between center lines.

B. Minimum site size- ten (10) acres.

C. Building Setback-All burial buildings or accessory buildings shall be set back at least seventy five (75) feet from any street right-of-way bounding the cemetery. There shall be two (2) side yards and a rear yard of at least fifty (50) feet each.

D. Burial-lot Setback-All graves or burial lots shall be set back at least forty (40) feet from any street right-of-way bounding the cemetery. The site shall provide two side yards and a rear yard of at least forty (40) feet each.

E. Existing Cemeteries-Existing cemeteries may continue to operate as a nonconforming use. Any future expansion of an existing cemetery

not covered by a conditional use permit must comply with the requirements as set forth above.

405 DAY CARE CENTER RI-1, RI-2, GB-1

- A. Minimum Site Size-One-half ($\frac{1}{2}$) acre up to ten (10) children plus an additional two hundred (200) square feet for each additional child.
- B. Interior Floor Space-No less than one hundred (100) square feet per child.
- C. Yards Required-Side and rear yards shall be a minimum of fifty (50) feet.
- D. Play Area-There shall be provided on the site a usable outdoor play area of seventy-five (75) square feet per child enrolled exclusive of front yard, required side yards, driveways and parking area.
- E. Fencing-The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.
- F. Development Plan-A development plan must be submitted at the time of application for a conditional use permit.

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

- A. General Requirements-Any owner, lessee or other person having an interest in mineral land may file with the Zoning Board of Appeals, an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located and with the following additional requirements.
- B. Distance from Property Lines-No quarrying operation shall be carried on or and stock pile planned closer than fifty (50) feet to any property line, unless a greater distance is specified by the Zoning Board of Appeals where such is deemed necessary for the protection of adjacent property provided that this distance requirements may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.
- C. Distance From Public Right-of-Way-In the event the site of the mining, quarrying or extraction operation is adjacent to the right-of-way of any public street or road, nor part such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way.

D. Fencing-Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Zoning Board of Appeals such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.

E. Equipment-All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibrations. Access roads shall be maintained in dust-free condition by surfacing or other treatments as may be specified by the County Engineer.

F. Processing-Crushing, washing and refining or other similar processing may be authorized by the Zoning Board of Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.

G. Performance Bond-All persons or groups of persons, corporations or private contractors wishing to extract minerals or topsoil from land within Sheffield Township shall submit to the Township Trustees a bond for a sum to be determined by the Trustees which shall be held during the operation of the extraction process and for a period of not to exceed Three hundred sixty-five (365) after removal of equipment from the site. The condition of this bond shall be that the persons or groups of persons, corporations or private contractors responsible for the extraction process shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed and work or labor or furnish or cause to be furnished and skill, labor, equipment or material in the execution of such contract and such bond shall be forfeited upon the failure of the persons, groups of persons, corporation or private contractors to comply herewith.

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

Name of the owner or owners of land from which removal is to be made.

Name of the applicant making request for such permit.

Name of the person or corporation conducting the actual removal is to be made.

Location of processing plant to be used.

Type of resources or materials to be removed.

Proposed method of removal and whether or not blasting or other use of explosives will be required.

Description of equipment to be used.

Method of rehabilitation and reclamation of the mined area.

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

407 GOLF COURSE (RI-1, RI-2)

A. Site size and Frontage-the site shall contain a minimum of thirty-five (35) acres for a par three (3) nine (9) golf hole course, a minimum of eighty (80) acres for a nine (9) hole golf course and one hundred and sixty (160) acres for an eighteen (18) hole golf course. Lot frontage shall be a minimum of sixty (60) feet in addition to the width needed for any desired sign.

B. Distance for Road Right -of-Way-all principal and accessory buildings shall be located not less than one hundred (100) feet from the Road Right -of-Way side line.

C. Access-Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty (20) feet in width and constructed of a hard surfaced material.

D. Height-No structure shall be erected in excess of thirty-five (35) feet in height.

E. Course Layout-Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of the golf courses, structures and accessory buildings shall be submitted to the Township Zoning Board of Appeals for review. The Township may request the review of the Lorain County Regional Planning Commission, if desired, prior to the issuance of a conditional zoning permit. Such review by the Commission shall be advisory to the Township Board of Appeals.

F. Distance from Residential Areas-Buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residential zoned land.

G. Signs-All signs shall be located at least twenty (20) from all road right-of way side lines and seventy-five (75) feet from any abutting residential property lines. No sign shall be greater than three (3) feet in height.

H. Lighting-Lighting of any type shall be directed away from or shielded from and abutting properties so that said lighting will not cast light on adjoining properties.

I. Parking-Ten (10) parking spaces per hole shall be provided in addition to one space per thirty-five (35) square feet of for area for public assembly. All parking spaces shall be located not less than seventy-five (75) feet from any residential district and fifty (50) feet from the road right -of -way side line.

J. Fencing-A minimum of six (6) feet in height shall be provided around all recreation areas (tennis courts, swimming pools and shuffle board courts), thereby permitting access only to members or users of the golf course.

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

408

HOME OCCUPATION (RI-1, RI-2)

Type I

Accessory use within a dwelling unit provided that:

A. Such use shall be conducted by a member(s) of the family residing on the premises with no more than one (1) employee.

B. Such occupation shall be carried on entirely within the dwelling.

C. Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

D. No activity, materials, goods or equipment indicative of the occupation shall be visible from the public way or adjacent property.

E. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.

F. No traffic shall be generated by such occupation in greater volume than would normally be expected by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for onsite.

G. No alteration to the exterior or the residential building shall be made which changed thereof as a dwelling.

H. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors or electrical interference.

I. There may be one (1) sign advertising the home occupation. A sign may be mounted flat against the wall of the dwelling, not to exceed three (3) square feet in area and non-illuminated.

J. Home occupation shall be permitted only after it has been approved by the Zoning Board of Appeals.

409

MINIATURE GOLF COURSE (GB-1, LI-1)

A. Minimum Setback-One hundred (100) feet from road right-of-way, with minimum side and rear yards of at least fifteen (15) feet each. The course shall be located no closer than two hundred (200) feet from any structure used for human occupancy.

B. Landscaping-The lot shall be so landscaped as to screen the use from adjoining properties.

C. Noise-Loud speakers which cause a hazard or annoyance shall not be permitted.

D. Access-All point of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local collector street.

E. Signs-There shall be no more than one (1) advertisement oriented to each abutting street identifying the activity.

F. Lighting-No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.

G. Hours of Operation-Under no condition shall activities continue past 11:00 PM.

H. Retail Sales-The sale of pre-packaged food and beverages and commercial products clearly incidental to the use shall be permitted.

I. Prohibited Activities-No intoxicating beverages may be sold or permitted. No mechanical amusement devices or games of chance shall be allowed.

J. Parking-No parking shall be permitted on the public right-of-way.

410

PARKS AND PLAYGROUNDS (RI-1, RI-2)

A. Permitted Uses-Uses permitted shall be softball/baseball fields, multiple use paved area, landscaped areas, picnic areas, playground apparatus areas and field house.

B. Site Size-The minimum total site size shall be five (5) acres and the minimum total width shall be not less than three hundred (300) feet.

C. Access-A minimum of two (2) access points to the site shall be provided maintaining a distance of two hundred (200) feet, centerline to centerline.

D. Parking-Ten parking spaces shall be provided for each acre of playground area.

E. Setback Requirements-Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (10) feet from all bounding road right-of-way side lines. Setback areas in the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back fifty (50) feet from any bounding street right-of-way or side lot line.

F. Lighting- When lighting is provided it shall be shielded from adjacent properties.

G. Noise-No amplification equipment shall be permitted.

H. Retail Sales-The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.

I. Development Plan-A development plan must be submitted at the time of application for a conditional use permit.

411

PLANT NURSERY (RI-1, RI-2, GB-1)

A. Minimum Site Size- Five (5) acres.

B. Parking a minimum of five (5) off-street parking spaces shall be provided or 3.5 square feet of parking space for each square foot of floor space devoted to retailing, whichever is greater.

C. Setback-Any building or accessory structure shall be set back one hundred (100) feet from any road right-of-way side line and seventy-five (75) feet from all other property lines.

D. Dead Plant Material-No burning or storage of dead plant material is allowed.

F. Spraying-When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized, said spraying operation shall be directed so as to not affect adjacent properties in any way.

G. Irrigation-When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.

412

PROSPECTING OIL AND GAS (LI-1)

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

B. General Requirements-All operations shall be in accordance with the rules and regulations of the State of Ohio, Division of Mines, Department of Industrial Relations and provisions pertaining thereto of the Ohio Revised Code as amended. The operator shall furnish a copy of the Application for the Permit to Drill (as filled with the Division of Mines pursuant to O.R.C. 4159.04) to the land owner and to the Zoning Inspector. Drilling operations shall be prosecuted with due diligence in keeping with good oil field practice as determined by the Deputy Gas and Oil Well Inspector if the State of Ohio for the district in which such well is located.

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

D. Operating Requirements-The operator shall at all times conduct operations and maintain equipment in such a manner so as to maintain property values, provide maximum safety conditions and shall not create any hazard to health nor create a public nuisance. All unnecessary noise, smoke and odors are to be avoided. Accumulation and disposition of waste material shall be in a manner conducive to good sanitation and to the restoration of all ground surfaces to their natural condition.

E. Pipe Lines-All pipe lines for the transportation of oil and/or gas shall be buried below a depth of forty-eight (48) inches.

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

G. Duties of Zoning Inspector-It shall be the duty of the Zoning Inspector to consult with the Deputy Inspector of the Division of Mines relative to good practices relating to the drilling, production or storage of oil and gas. Upon finding conditions which he determines to be unsafe, unsanitary or a menace to the health and safety of persons residing in the neighborhood of an oil or gas well, the Zoning Inspector shall order the operator of such well to cease operations until such condition is corrected.

412.01 PRIVATE GAS WELLS

Private Gas Wells must comply with all State requirements.

413 RUMMAGE SALES - GARAGE SALES

No more than three (3) rummage sale or garage sales shall be held per year per resident and each rummage sale or garage sale shall be no longer than five (5) days in duration.

414 VENDORS AND ROADSIDE STANDS (R-1, R-2, GB)

A. General-Roadside Stands shall be used for the sale of products grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the non-growing season.

B. Setback-Said use shall be set back twenty (20) feet from the Road Right -of-Way side line.

C. Parking-Adequate off-street parking shall be provided for a minimum of four (4) vehicles or more as determined by the Zoning Board of Appeals depending on the type and size of operation. Off-

Street parking areas shall be maintained in an all-weather, dust-free condition.

D. Signs-The provision for Article XVII shall apply.

E. Anyone conducting business in the Township whether it be temporary or a permanent location; also businesses such as door-to-door sales must first register with the Zoning Office and obtain a permit. Solicitors must carry a copy of this permit and an I.D. Schools, scouts and such groups are exempt. Permits are for a prearranged specific time frame and a new permit is required for each event.

415

SERVICE STATIONS (GB-1)

A. Frontage-A minimum frontage on the primary street of one hundred twenty-five (125) feet is required.

B. Building Setback-Minimum of one hundred (100) feet from all right-of-way lines is required. A fifteen (15) foot unobstructed buffer strip shall be provided next to the right-of-way and any parking in this strip shall be prohibited.

C. Rear Yard-A minimum rear yard of seventy-five (75) feet is required where the use abuts a residential area or forty (40) feet where the use abuts a non-residential area.

D. Site-A minimum of one (1) acre is required.

E. Lot Coverage-A maximum lot coverage of twenty percent (20%) shall be permitted.

F. Access-Maximum width of curb openings for stations should not be more than thirty-five (35) feet or less than twenty (20) feet. No driveway or curb cut for a driveway shall be located within ten (10) feet of any adjoining property line or within twenty (20) feet of an exterior (corner) lot line as extended. Any tow driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of twenty (20) feet from the right-of-way line. The angle of the intersection of the centerline of the driveway with the centerline of the street shall be not less than sixty (60) degrees.

G. Fencing and Landscaping-Any unpaved areas of the site shall be landscaped or maintained in dust-free condition and separated from the paved areas by a curb or other barrier. When such use abuts a lot in any residential district, a three (3) foot solid wall, chain link fence or board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs shall be incorporated which will attain a maximum height of three (3) feet

from the street right-of-way line to the building line and a minimum of six (6) feet along the remainder of the property lines.

H. There shall be one (1) parking space for each two (2) gasoline pumps and two (2) for each service bay plus one (1) for each employee and one (1) for each restroom provided.

I. Lighting-Exterior lighting shall be shielded from adjacent properties to prevent possible glare.

J. Service Equipment-Gasoline pump islands, compressed air connections and other equipment shall be set back a minimum of thirty (30) feet from any right-of-way line. Hydraulic hoists, pits and all lubrications, washing and repair equipment shall be enclosed entirely within a building.

K. Repair Work-No major repair work shall be conducted in a service station.

L. Outdoor Storage of Vehicles-Under any and all conditions, outdoor storage of vehicles shall be limited to seventy-two (72) hours.

M. Abandoned buildings and surrounding areas shall be made secure within seventy-two (72) hours after abandonment. Building shall be maintained in an orderly fashion.

416

VETERINARY HOSPITAL OR KENNELS (GB-1)

A. Runways, Exercise Areas-All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.

B. Building and Enclosures-The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any direction. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from and property line. Minimum footage per animal is one hundred forty-four (144) square feet.

C. Manure Piles-Manure piles shall be disposed of daily and in a sanitary, non-odorous condition. Open manure piles shall not be permitted.

D. Lighting-All outside lighting shall be shielded from adjacent properties.

E. Retail Sales-The sale of incidental products is permitted.

- F. Any more than three (3) animals; dogs, etc. will constitute a kennel.
- G. Dogs must be kept on a leash when out of the owner's yard.
- H. The issuance of a State and/or County dog kennel license is only for the registration of canines, and is not a permit for the operation of a kennel.

417 PRIVATE IN GROUND OR ABOVE GROUND SWIMMING POOLS (RI-1, RI-2)

A. A pool, pond, lake, open tank or any structure, whether "Public" or "Private", not located within a complete enclosed building and intended for swimming or recreational bathing, and could be equipped with a water recirculating system or involve structural materials. This includes in-ground, above ground, and on ground swimming pools and does not EXCLUDE Portable/Blow-up/Wading/Kiddie Pools. (SEE DEFINITION)

B. Distance Requirements-The pool may be located anywhere on the premises except in required front yards, provided it shall not be located more than ten (10) feet to any property line.

C. Fencing/Barrier-Barrier means a fence, wall, a building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool. Plywood, particle board, chicken wire, split rail, snow fence and other unsecured or unstable materials such as deemed by the Zoning Inspector are not permitted. Zoning permits required for newly constructed fence/barrier.

D. Drainage-Proper drainage of swimming pools will be to drain directly into storm sewer or drainage ditch at roadside.

E. Lighting-Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

F. Portable/Blow-up/Wading/Kiddie Pools-Must meet all the requirement of pools unless only capable of holding eighteen (18) inches or one and one-half (1 ½) feet of water of less at the deepest point and are nine (9) feet or less in water surface diameter at the widest point or less than sixty-five (65) square feet in surface area.

G. Permit Required-No person, firm or corporation shall construct or install a swimming pool thirty (30) inches or more or make alterations therein or in the appurtenances thereof without having first submitted and application and plans therefore to the Zoning Inspector.

H. Mechanics for pool purification must be positioned at least thirty (30) feet from neighboring lot lines so that neighbors are not bothered by the noise of the mechanics.

I. At any time a pool is not properly maintained, unswimmable or stagnant; the Zoning Inspector at his discretion can request the pool be removed.

418

CHURCHES (ALL DISTRICTS)

A. For purpose of this ordinance, a church shall be defined as a building designed for the purpose of assembly to worship. All churches shall conform to the following conditions.

B. All buildings, structures, accessory buildings including parking areas or garages shall be setback fifty (50) feet from the side and rear lot lines.

C. Parking shall be provided as follows: one (1) space for each four (4) seats.

D. Lighting-Lights shall be shielded and directed away from adjacent property.

E. Screening of the parking area shall be provided utilizing a dense hedge, tree row or other suitable landscape device, adequate to visually screen off this area from the residential district.

F. Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of two (2) access points seventy (70) feet from center to center. All points of entrance or exit shall be located no closer than two hundred (200) feet from two (2) intersecting major streets or one hundred (100) feet from the intersection of a major and minor street, or two (2) minor streets.

G. A lot area of one acre per one hundred (100) seats with a minimum development of three (3) acres shall be provided.

MOBILE HOME AND RECREATIONAL VEHICLE SALES AND SERVICE
(GB-1)

In no event shall a mobile home, often referred to as a trailer coach, travel trailer, motor home or trailer house be considered as a permanent, immobile home nor shall said use be permitted in any zoned district except on a temporary basis requiring a temporary permit.

A. Minimum Area, Minimum Frontage-The minimum area required shall be ten (10) acres. Minimum frontage shall be not less than three hundred (300) feet.

B. Related Commercial Activity-Commercial activity shall be directly related to those sales, transactions or exchanges which are directly related to storage, sales or services offered on the premises. Nothing in this section shall be interrupted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.

C. Parking Requirements-At least one parking space shall be provided for each four hundred (400) square feet of building space. All other provisions of Article XVIII shall be complied with.

D. Enclosures-All mobile home and recreational vehicle repairs shall be conducted in an enclosed building. Outside storage and sales are permitted provided the area is properly fenced and landscaped.

E. Fencing-Buffering Requirements-All mobile home recreational vehicle storage and sales areas shall be enclosed at the property line with a farm fence with gates where appropriate. Said fence shall be maintained in good repair. In addition to fencing, the commission may recommend, and the Township Trustees may require suitable landscape plantings or screenings along those sides or portions of lot lines that adjoin residential areas.

F. Setback Requirements-All structures and activity areas shall be located on closer than one hundred (100) feet from any property line.

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

TRANSITION PROVISIONS AND REQUIREMENTS (RI-1, RI-2, MR-1)

A. Intent of Transition Provisions-In order to provide an added measure of reasonableness and flexibility to the regulations set forth in this resolution, and in order to accommodate a natural tendency for gradual transition between two (2) distinctly different kinds of land use activities, there are hereby provide transition zones at the periphery of certain commercial and industrial districts. Within these transit zones, restrictions for residential districts are progressively modified within a specified commercial or industrial district.

B. Limits of Transition Zones-Certain NB and GB structures and uses, as specified herein may be permitted in the RI-1, RI-2 and MR-1 Districts within one hundred (100) feet of the (General Business), and LI-1 (Light Industrial) Districts, provided that any nonresidential use allowed within the transition zone shall be permitted only by the application for the issuance of a conditional use permit, and meets the following additional requirements:

- 1) In reviewing any such proposed use, the Zoning Board of Appeals shall take every precaution in granting authorizations to achieve the maintenance of the essential residential character and appearance of the portion of a residential district in which transition uses are allowed.
- 2) The Zoning Board of Appeals may impose such additional conditions and safe guards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the spirit and objectives of these resolution will be observed.
- 3) Comments from the Zoning Commission shall be solicited in sufficient time to be received prior to the hearing.

C. Uses Permitted-Only the following uses shall be permitted in any transition zone.

- 1) All uses permitted by right in the RI-1, RI-2, Residential Districts.
- 2) Lodges and clubs, excepting such lodges or clubs, the chief activity of which is a service customarily carried on as a business or primarily for gain.

- 3) Tourist homes for the accommodation of transient guests with no more than four (4) rooms.
- 4) Personal services such as dressmaking, millinery, hairdressing, hair cutting, beautician and massage service, provided, such activity is carried on completely within the principal building.
- 5) Business services and sales not involving handling of merchandise or rendering personal services on the premises.
- 6) Offices for occupancy by physicians, surgeons, dentists, attorneys, architects, or engineers provide, that there are no resident patients.
- 7) Off-Street parking lots, public or private, provided that all setbacks and other requirements stated in Article XVIII (Off-street Parking Requirements) are met.

D. Site Development Requirements-

- 1) Yards-All yard dimensions, height, area and bulk requirements for the particular residential district shall be complied with.
- 2) Off-street parking and loading facilities as required for the particular non-residential use shall be provided.
- 3) Sign regulations for the particular residential district shall be complied with.

E. Additional Transition Requirements for Business Districts or Industrial Districts that adjoin a Residential District-In order to mitigate the detrimental effect on residential properties immediately adjacent to business or industrial activities, the following regulations shall be complied with:

Any of the following land and structure uses shall be no closer than one hundred (100) feet to any residential district:

- a. Gasoline service or filling station
- b. Automobile repair and public garages
- c. Drive-in food or drink dispersing facilities
- d. Drive-in Theater
- e. Drive-in Golf range
- f. Amusement parks, carnivals, tent shows
- g. Music or dancing schools and studios
- h. Laundry, dry cleaning establishments

I. Animal hospital, clinic or kennel

421 NURSING HOMES (RI-1, RI-2, GB-1)

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

422 INTERNET CAFE/SWEEPSTAKES/COMPUTER/RETAIL SALES/ELECTRONIC SERVICE SKILL GAMES/GAMES FOR ENTERTAINMENT and COMPUTERIZED BOARD GAMES (GB-1, SC, LI)

- A. Retail sales includes the sale of internet time, sweepstakes entries, phone cards, phones, phone accessories, snacks, food and beverages.
- B. Business Model description must be included in written form as well as method of age verification process to be used by the business.
- C. Must fall under General Conditional Use Requirements listed in Article IV Section 401 in this book.
- D. Can only locate in GB-1, SC, or LI zoned areas.
- E. Pornographic activity prohibited.
- F. All patrons must be 18 years of age or older. Age and Identification must be verified.
- G. Must be one thousand (1,000) feet away from ANY school.

422.01 DEFINITIONS (For Section 422)

Computer Sweepstakes Device-Any computer, machine, game, or apparatus which upon the insertion of a coin, token, card, or similar object, upon payment of anything of value, wherein a product, or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment, or amusement, whether or not registering a score and which does not in any way, manner or form encourage gambling.

Zoning Inspector-means the Zoning Inspector or Assistant Zoning Inspector of Sheffield Township, Lorain County, Ohio.

Board-means Sheffield Township Zoning Board of Appeals or Zoning Commission.

Operator-person or persons having authority to control the premises of a Sweepstakes Terminal Café, Skill Games, Games for Entertainment, and Computerized Board Games.

Licensee-the person or persons who sign the application for a license/permit here under and to whom such license/permit is issued.

Owner-any person who possesses any interest, either directly or indirectly, in a Sweepstakes Terminal Café, Games for Entertainment, and Computerized Board Games.

Person-any natural person, firm, partnership, association, corporation, or any other form of business organization.

Premises-the building or any portion thereof used for conducting the operation of Sweepstakes terminal Café.

Sweepstakes Terminal Cafe-any premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises had any other business purpose.

422.02 COMPUTERIZED GAMES OR SWEEPSTAKES DEVICE/PERMIT
REQUIRED

No person shall display for purposes of use any computerized sweepstakes device or games in the Township without first having obtained a computerized sweepstakes license as provided in this chapter. A separate license is required for each computerized sweepstakes device.

422.03 No person shall conduct or operate a Sweepstakes Terminal or Sweepstakes Games Café in the Township without having first obtained a Sweepstakes Terminal or Computerized Games License/Permit.

422.04 AUTHORITY OF ZONING/ASSISTANT ZONING INSPECTOR

Authority is hereby established and vested in the Zoning Inspector/ Assistant Zoning Inspector to consider any application for a license under this Resolution, conduct investigations therefore and there on and issue or deny issuance of any such license/permit based upon the criteria set forth in this Resolution.

422.05 NATURE OF LICENSES/PERMITS

A. Licenses/Permits-Any license/permit issued under this resolution shall have the following characteristics:

1. Each license/permit shall be valid for a period of one (1) year from and after the date of issuance unless otherwise suspended or revoked as provided on this chapter.

2. Each license/permit shall vest a personal privilege but not any property rights in the license/permit.

3. Each license/permit shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued.

4. Each license/permit shall be in the name of the applicant.

5. No license/permit shall be assignable or transferable, either as to person or location.

B. Computerized Sweepstakes or Computerized Games Device Licenses/Permits-All computerized sweepstakes or computerized games device licenses/permits issued under this Resolution shall have the following characteristics:

1. Each license/permit shall be issued for only one (1) computerized sweepstakes device.
2. Each license/permit shall specify the name and address of each licensee, and the manufacturer, model number and serial number of the computerized sweepstakes device for which it was issued.
3. Each license/permit, if changed, mutilated, erased or in any manner defaces, shall be deemed and unlicensed amusement device.

C. Sweepstakes Terminal or Computerized Games Café Licenses/Permits-All sweepstakes terminal café licenses/permits issued under this resolution shall have the following characteristics:

1. Each license/permit shall be issued for only one (1) business at only one (1) premise.
2. Each license/ permit shall specify the name and address of each licensee, and the manufacturer, model number and serial number of each computerized sweepstakes device located upon the premises for which it was issued.

422.06 PROCEDURE FOR OBTAINING LICENSES/PERMITS

A. Applications for Licenses/Permits-All applications for licenses/permits under this resolution shall be in writing on a form approved by and filed with the Zoning Inspector. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail ad to each such person, including general and limited partners, or partnerships, shareholders of coronations and principals or members of any other type of business entity or organization. All applications shall contain a statement that the information contained therein is complete, accurate and truthful. Every owner and operator the Sweepstakes Terminal Café, shall be fingerprinted by an agency approved by the Zoning Inspector and pay for the costs associated with obtaining said fingerprints.

B. Contents of Application- The application shall contain the following information as to all owners;

1. True name and all names used in the past five (5) years.

2. Date of Birth
3. Permanent home address and all home addresses used in the past five (5) years.
4. Business and home telephone numbers.
5. Employment history for the last five (5) years.
6. A statement as to whether or not the owner had been convicted of any crime other than traffic offense and the penalty imposed.
7. A statement as to whether or not the owner had ever conducted a sweepstakes terminal café, or computerized games and if so, when, where, and for how long.
8. A description of the nature and operation of the main type of business activity to be conducted upon the premises.
9. Description of the nature and operation of any business to be conducted in conjunction with the sweepstakes, or computerized games terminal café.
10. The address and telephone number of the premises and of the business, if different from that of the premises.
11. The name under which the business and the premises will be operated.
12. A statement as to whether or not the owner will directly operate the sweepstakes terminal café, or computerized games, or whether or not an operator who is not an owner will operate it, and if the later, the application shall contain information required by this section supplied in detail as to each such operator.
13. A floor plan of the premises and the immediate vicinity drawn showing the square footage and placement of the computerized sweepstakes, or computerized games devices, exits, window, storage spaces, bicycle storage racks if any, and off street parking.
14. The name, and address and telephone number of the agent of the business upon whom service of process can effectively and validly be made.
15. The number, type name, model, and manufacturer's serial number of each computerized sweepstakes device, or computerized games requested to be licensed/permitted.
16. The name, and address of the owner, distributor and manufacturer of each computerized sweepstakes device or computerized games, requested to be licensed.
17. Specifications of terms of agreement governing the acquisition and installation of each amusement device requested to be licensed/permitted.

18. A description as to the nature and type of property or services which will be sold or supplied upon the premises.
19. A copy of the title or lease to the premises.
20. A copy of the Articles of Incorporation, if the owner is a corporation.
21. A copy of the Operating Agreement, if the owner is a limited liability corporation.
22. A copy of the Partnership Agreement, if the owner is a partnership.
23. Specification of the days of the week and the hours of the day during which the licensed/permitted activity will be conducted.
24. Supporting documentation from a Certified Independent Regulatory Compliance Test Laboratory that the software performs in similar fashion as other permitted sweepstakes commercially offered to the public and that the entries are drawn for a pre-created finite static pool of entries assigned values. The Certified Independent Regulatory Compliance Testing Laboratory must be authorized to test regulated gaming equipment by at least one (1) state government gaming regulatory agency.
25. A plan detailing the measures which will be taken to "block" viewing of adult orientated or photographic material.
26. Any other information which the Zoning Inspector/Assistant Zoning Inspector may deem reasonably necessary for the full interest of the public in the application.

C. Reports of Township Officials- Upon receipt of an application for a license/permit under this Resolution, the Zoning Inspector/Assistant Inspector Shall request the following reports, which shall be rendered to; him within thirty (30) days of the date of filing of the application.

1. A written report form the Fire Chief shall be submitted to the Zoning Inspector as to whether the premises and computerized sweepstakes devices, or computerized games thereon will create a fire hazard.
2. A written report from the Sheriff Department or Law Enforcement Agency shall be submitted to the Zoning Inspector specifying, with regard to all owners, and operators, any convictions for any felony or the any misdemeanor involving the operation of an amusement device business or involving physical violence, gambling activity, controlled substances, alcoholic beverages, minors, or any crime involving moral turpitude.

D. Determination Process-

1. All applications for licenses/permits under this Resolution shall be considered by the Zoning Inspector, who shall, within ten (10) days

after receiving the written reports, either issue such licenses/permits or deny issuance.

2. In the event of the denial of issuance of such license/permit, the applicant shall be notified of such denial and the specific reasons in writing. Such notice shall be mailed or delivered to the applicant at the address specified in the application by certified U.S. Mail, return receipt requested. The applicant shall have ten (10) days after receipt of such notice within which to appeal such denial by filing a written notice of appeal with the Zoning Board of Appeals. Thereupon, the Zoning Board of Appeals shall set a date and time for a hearing upon the appeal. Notice of hearing shall be sent to the applicant not later than ten (10) days prior to the date of the hearing by Certified Mail, return receipt requested. The appeal shall be heard by the Zoning Board of Appeals, which shall have the power after such hearing to confirm the denial, order the license/permit to be issued or, at its discretion to issue a conditional or probationary license/permit.

E. License Renewal-Each computerized sweepstakes device, or computerized games license and sweepstakes terminal, or computerized games café license/permit must be renewed annually. At the time of renewal, a statement shall be filed with the Zoning Inspector that the information listed on the original application for the license/permit is still complete, accurate and truthful to the best knowledge of all applicants, or a statement shall be filed with the Zoning Inspector listing each and every item of information which has changed since the original application. Such statement shall be signed by the same person/persons who signed the original application. The Zoning Inspector may determine to accept such statement and issue the license/permit requested, or he may determine to enforce the procedure required for an original license/permit.

422.07 STAND ALONE OR FREE STANDING MACHINES

The annual registration fee will not be charged for ten (10) or less free standing machines.

A. The Township shall charge a fee of fifty dollars (\$50.00) each month for each standalone internet sweepstakes machine up to ten (10) machines.

B. Over ten (10) machines constitutes an Internet Sweepstakes Café, and owner shall be charged the annual registration fee of three thousand, five hundred dollars (\$3,500.00)

422.08 DENIAL OF COMPUTERIZED GAMES/SWEEPSTAKES TERMINAL CAFÉ

No license/permit shall be issued or renewed for any business or premises;

A. Where any of the owners or the operators has been convicted within the last five (5) years of any felony or of misdemeanor involving the operation of a sweepstakes terminal café business, or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.

B. Where the premises do not provide a minimum of one (1) off-street parking space for every two (2) computerized sweepstakes devices, or computerized games.

C. Where it is determined that the premises or operation thereof would be in violation of any provision of the Zoning Codes or Fore Codes of the Township or any other pertinent provisions of local, state, or federal law.

D. Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license/permit.

E. Where the application failed to provide all of the required information.

F. Where there is not compliance with all terms and conditions under this Resolution and all other applicable Resolutions.

422.09 CONDITIONS AND REGULATIONS

A. In addition to any other condition or regulation contained in this Resolution or in state statutes, the following conditions and regulations shall be applicable to and shall govern and control all licenses/permits of Computerized Games/Sweepstakes Terminal Cafes.

1. Each license/permit holder shall at all times open each and every portion of the premises for inspection by the Sheriff Department, other Law Enforcement Agency, and other Township departments for the purposes of enforcing any provisions of this Resolution.
 2. Each licensee/permit holder shall have present on the premises at all times when the premises are open to the public at least one (1) adult operator who has not been convicted of any felony or of any misdemeanor involving the operation of a sweepstakes terminal café or involving physical violence, gambling activities controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.
 3. No licensee/permit holder shall allow living quarters to exist with direct entry to the premises.
 4. No licensee/permit holder shall allow any person, other than an owner or operator over the age of twenty one (21) years, who shall be readily identifiable, to be in control of the premises, nor allow such operator to be regularly situated in a place upon the premises other than a place from which he has a unobstructed view of the entire portion of the premises devoted to the operating of computerized sweepstakes devices.
 5. No person under the age of eighteen (18) years shall be permitted to operate a Sweepstakes Terminal Café.
 6. Any and all sweepstakes rules and odds of winning shall be posted in a conspicuous place at the premises and displayed in the computerized games or sweepstakes device at the start of each game and/or activity.
 7. Each licensee/permit holder shall operate the Computerized Games/Sweepstakes Terminal Café business in compliance with any and all pertinent Federal Trade Commission Rules and Regulations.
www.ftc.gov/bcp/menus/consumer/phone/prizes.shtm
 8. Licensees/permit holders are required to hire security personnel to provide for the safety of patrons.
 9. Each licensee/permit holder shall maintain the name, address, and prize amount of all sweepstakes prize winners. Each licensee/permit holder shall provide the Township with a complete list of sweepstakes winners on a monthly basis on or before the tenth (10th) day of each preceding month.
- B. All computerized games/sweepstakes devices upon the premises of a Computerized Games/Sweepstakes Terminal Café shall be located

thereon in conformity with the floor plan filed with the application for the license/permit and in such a manner;

1. So as not to impair ingress or egress to the premises
2. So as not to interfere with free and unfettered passage through the premises
3. So as to permit a clear and complete view of the interior of the premises immediately upon entry.

422.10 ACTIONS AND CONDITIONS PROHIBITED IN COMPUTERIZED GAMES/SWEEPSTAKES TERMINAL CAFES

No licensee/permit holder of a Computerized Games/Sweepstakes Terminal Café by himself, directly or indirectly, or by any representative, agent or employee shall permit or fail to take active steps to eliminate the activities specified in this Resolutions from occurring upon the premises. All such licensee/permit holders shall have a duty to diligently pursue enforcement of this section. The actions of the operator and the failure to take action by the operator shall be imputed to the licensee/permit holders. No such licensee/permit holder shall;

A. Permit any indecent, immoral, or profane language, or indecent, immoral, or disorderly conduct, upon the premises, or to allow viewing of illegal and/or explicit adult orientated material.

B. Permit the premises to become a gathering place for disorderly persons of any type

C. Permit gambling in any form or the possession of gambling paraphernalia upon the premises

D. Permit intoxication or the possession, use, or consumption of alcoholic beverages upon the premises.

E. Permit the possession, use or consumption of any unlawful drug, narcotic or controlled substance upon the premises.

F. Permit the public streets, sidewalks, alleys, or walkways in the immediate vicinity of any entrance or exit to the premises to become littered

G. Permit the premises to the activity conducted thereon to become a public nuisance to the surrounding environs

H. Permit walkways to become obstructed in any manner so that the pedestrian traffic is hindered

I. Permit any computerized games/sweepstakes device thereon to be operated at any time the premises are not open for business, or permit the entrance to be locked at any time that the premises are open for business.

J. Permit the premises to become overcrowded so as to constitute a hazard to the health or safety of persons therein or to be in violation of any of the Township fire, health or sanitation codes or Resolutions.

K. Permit any computerized games/sweepstakes device to be offered the public for operation unless fully operable and in safe operating condition.

L. Permit the premises to be open for business without displaying the licenses/permits therefore in a conspicuous place thereon.

M. Permit the operation of any unlicensed/permitted computerized games/sweepstakes device upon the premises.

N. Permit any violation of any ordinance of the Township or statute of the State of Ohio to take place upon the premises.

422.11

LICENSE EXPIRATION, SUSPENSION, OR REVOCATION

A. Any computerized games/sweepstakes terminal café license/permit issued under this Resolution shall expire upon the transfer or sale of a majority interest in the business, or the discontinuation of the business for continuous period of thirty (30) days. Any computerized games/sweepstakes device license/permit issued under this Resolution shall expire upon the transfer of such computerized sweepstakes device.

B. All licenses/permits issued under this Resolution shall be suspended or revoked by the Zoning Inspector upon his finding of the occurrence of any of the following events:

1. A false statement by any licensee/permit holder as to a material matter made in an application for the license/permit or in a hearing concerning the license/permit.
2. Conviction of any licensee/permit holder or operator of any felony or of any misdemeanor involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.
3. Conviction twice within a one (1) year period of any licensee/permit holder or operator for a violation of this Resolution.

C. The suspension or revocation of any license/permit under this Resolution shall not be made without a hearing. The licensee/permit holder shall be given at least ten (10) days prior written notice of intent to suspend or revoke, which shall set forth the time and place of the hearing and the specific reasons for such suspensions or revocations. The licensee/permit holder shall have the right at the hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for suspension or revocation.

D. The decision of the Zoning Inspector may be appealed to a court of competent jurisdiction under Ohio Revised Code Chapter 2506.

422.12 LICENSE FEES

A. Computerized Games/Sweepstakes Devices-The fee for each computerized sweepstakes device license/permit shall be twenty-five dollars (\$25.00) per device, per month.

B. Computerized Games/Sweepstakes Terminal Café-The fee for a Computerized Games/Sweepstakes Terminal Café shall be three thousand, five hundred dollars (\$3,500.00) per year.

C. Filed with Application-License fees under this Resolution shall be foiled with the application for license/permit.

D. Return of Fee-In the event an application is denied under this Resolution, the fees shall be returned to applicant. In the event any license/permit is suspended or revoked under this Resolution, no portion of the fees shall be returned.

422.13 EQUAL OPPORTUNITY

No person shall be denied any license/permit or the right to use a licensed/permitted amusement device under this Resolution in the Township because of race, color, creed sex, religious belief or national origin.

422.14 SUMMARY

1. The Internet Computerized Games/Sweepstakes Café program must have a defined start and end date to each contest.
2. All entries must be predetermined from a finite pool of entries.
3. The Internet Café must post odds per prize level for each contest, in multiple and very visible places within the establishment.
4. All contestants must follow the rules set forth for each contest. These rules need to be clearly defined, and posted in visible locations within the establishment.
5. All Internet Computerized Games/Sweepstakes Cafes must have a tangible product to sell that a patron can take home with them just like any other retail product a person may purchase at any other retail establishment.

FTC WEBSITE FOR REFERENCE:

www.ftc.gov/bcp/menus/consumer/phone/prizes.shtm

422.15 PENALTY

Whoever violates any of the provisions of this Resolution is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

ARTICLE V
ESTABLISHMENT OF DISTRICTS

501 PURPOSE

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

502 DISTRICTS

For the purpose of this Resolution, all areas in Sheffield Township are hereby divided into the following:

- RI-1 LOW DENSITY RESIDENTIAL
- RI-2 MEDIUM DENSITY RESIDENTIAL
- MR MULTI-FAMILY RESIDENTIAL
- GB GENERAL BUSINESS
- SC SHOPPING CENTER
- LI LIGHT INDUSTRIAL
- FP FLOOD PLAIN

503 ZONING MAPS

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

504 INTERPRETATION OF DISTRICT BOUNDARIES

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

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

- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or of the center line of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- F. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Resolution shall be determined by the dimension notes on the map, or by the use of the scale appearing on the map.

ARTICLE VI
LOW DENSITY RESIDENTIAL - RI-1

601 PURPOSE

The RI-1 District is created to provide for single family residential uses at a density of not more than five (5) dwelling units per gross acre.

602 PERMITTED USES

- A. Agricultural
- B. Single Family Dwellings

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

D. Public or Private Schools

E. Open Space

F. Churches

603 CONDITIONALLY PERMITTED USES

Cemeteries (see section 404)

Home Occupation (see section 408)

Parks and Playgrounds (see section 410)

Private Swimming Pools (see section 417)

Transition Provisions (see section 421)

604 LOT AND YARD REQUIREMENTS

Minimum Building Lot-Eight Thousand Seven Hundred (8700) Sq. Ft.

Minimum Frontage and Width-Seventy-five (75) feet (All new development)

Minimum Frontage and Width-Fifty (50) feet (All existing development)

Minimum Front Yard-Thirty (30) feet

Minimum Rear Yard-Twenty (20) feet

Minimum Side Yards-Not less than eight (8) feet but the sum of two (2) side yards shall not be less than sixteen (16) feet.

Percentage of Lot Coverage-All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of the area of the lot.

605 MAXIMUM BUILDING HEIGHT

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

606 REQUIRED MINIMUM LIVING AREA

Single Family Dwelling-One thousand two hundred (1,200) square feet.

607 PERMITTED SIGNS

The provisions of Article XVII shall apply in this District.

608 OFF-STREET PARKING AND LOADING

The provisions of Article XVIII shall apply in this District.

609 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE VII
MEDIUM DENSITY RESIDENTIAL-RI-2

701 PURPOSE

The RI-2 District is created to provide for single and two family dwelling uses at a density of not more than seven (7) dwelling units per gross acre. This District can only be used where central water and sewer services are available.

702 PERMITTED USES

Agricultural
Single Family Dwellings
Two Family Dwellings
Accessory Buildings Incidental to the principal use which does not include any activity conducted as a business.
Schools-Public or Private
Open Space
Churches

703 CONDITIONALLY PERMITTED USES

Cemeteries (see Article IV Sec. 404)

Day Care Center (see Article IV Sec. 405)
Parks and Playgrounds (See Article IV Sec. 410)
Rummage Sales (see Article IV Sec. 413)
Roadside Stands (see Article IV Sec. 414)
Private Swimming Pools (see Article IV Sec. 417)
Churches (see Article IV Sec. 418)
Transition Provisions (see Article IV Sec.420)
Nursing Homes (see Article IV Sec. 421)

704 LOT AND YARD REQUIREMENTS

Minimum Building Lot-Six thousand (6,000) square feet for a single
Twelve thousand (12,000) square feet for a Two (2) family
Minimum Frontage and Width- Fifty (50) feet for existing lots
Seventy-five (75) feet for new development
Minimum Front Yard-Thirty (30) feet
Minimum Rear Yard-Twenty (20) feet
Minimum Side Yard-Eight (8) feet but the sum of two side yards shall
not be less than sixteen (16) feet.
Percentage of Lot Coverage-All buildings including accessory buildings
shall not cover more than thirty five percent (35%) of the area of lot.

705 MAXIMUM BUILDING HEIGHT

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

706 REQUIRED MINIMUM LIVING AREA

Single Family Dwelling- One thousand two hundred (1,200) square
feet.
Two Family Dwelling- Two thousand eighty (2,080)
square feet

707 PERMITTED SIGNS

The provisions of Article XIV shall apply in this District.

708 OFF STREET PARKING AND LOADING

The provisions of Article XV shall apply in this District.

709 GENERAL REGULATIONS

The provisions of Article III shall apply to this District.

ARTICLE VIII
MULTIPLE FAMILY RESIDENCES-MR 1

801 PURPOSE

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

802 PERMITTED USES

Multiple Family Dwellings. (Three {3} or more)
Accessory Uses clearly incidental and customary to the operation of the above uses.
Churches.

803 CONDITIONALLY PERMITTED USES

Day Care Centers (see Article IV, section 405)
Parks and Playgrounds (see Article IV, sec. 410)
Nursing Homes (see article IV, sec. 421)

804 LOT AND YARD REQUIREMENTS-MULTIPLE FAMILY (3 OR MORE)

Minimum Lot Area: 5 acres
Minimum Lot Area: Three thousand, six hundred (3,600) square feet per unit

Minimum Lot Width and Frontage: One hundred (100) feet plus two and one half (2 ½) additional per unit

Minimum Front Yard: Forty (40) feet

Minimum Side Yard: Equal to one half the height of the building but not less than ten (10) feet

Minimum Rear Yard: Forty (40) feet

805 MAXIMUM BUILDING HEIGHT

No building hereafter erected or structurally altered shall exceed a height of thirty five (35) feet.

806 MINIMUM GROSS FLOOR AREA PER DWELLING UNIT

Within the MR-1 District, no building shall be erected, reconstructed or converted for use as a dwelling unless the following minimum gross floor area per dwelling unit is provided-

Efficiency Suites-Six hundred (600) square feet

One Bedroom Dwelling Unit-Seven hundred fifty (750) square feet

Two Bedroom Dwelling Unit-Nine hundred (900) square feet

Three Bedroom Dwelling Unit-One thousand two hundred (1,200) square feet

Four or More Bedroom Dwelling Unit-One thousand five hundred (1,500) square feet

Plus eighty (80) square feet for each additional bedroom.

807 ACCESSORY STRUCTURES

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

808 PERCENTAGE OF LOT COVERAGE

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

809 MINIMUM LIVABLE OPEN SPACE

A minimum of forty five percent (45%) of the gross land shall be livable open space for the use and enjoyment of the residents of the project. Livable open space is the minimum required non-vehicular open space unobstructed to the sky, generally in lawn (including required yard areas that are left as lawn areas) or paved areas for recreation. The minimum recreation space performance standard listed for this district shall be included as a part of the livable open space. No parking areas, loading areas or access drives can be included as part of the livable open space to be provided on the lot.

810 MINIMUM RECREATION SPACE

A minimum of ten percent (10%) of the gross land area shall be usable recreation space. The recreation space shall be counted as a part of the required livable open space. Recreation areas shall be located a minimum distance of twenty (20) feet from all principal buildings. The recreation space can include open space for both passive and active recreation. Passive recreation facilities might include common sitting areas in the form of sundecks or garden areas. Active recreation areas may include swimming pools, tennis courts, shuffle board courts, playgrounds and play fields or tot lots.

811 DISTANCE BETWEEN BUILDINGS ON THE SAME LOT

No principal buildings shall be closer to any other principal building than the average of the heights of said buildings.

812 REQUIRES COURT DIMENSIONS

812.01 INNER COURTS

The least dimensions of an inner court shall not be less than forty (40) feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passage way shall have a cross section area and sufficient height to permit the passage of firefighting

equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

812.02 OUTER COURTS

The width of any outer court shall be not less than the average height of the walls forming said court. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one half (1 ½) times the width.

813 BUFFER YARDS

No building shall be located closer than the height of the principal building from each side or rear line which adjoins any other district line.

814 SUBMISSION OF PLANS

The provisions of Article III section 309 shall apply in this District.

815 OFF-STREET PARKING AND LOADING

The provisions of Article XV shall apply in this District.

816 PERMITTED SIGNS

The provisions of Article XIV shall apply in this District.

817 GENERAL REGULATIONS

The Provisions of Article III shall apply in this District.

ARTICLE IX
GENERAL BUSINESS-GB-1

901 PURPOSE

The General Business District is created to provide retailing and personal services which require larger tracts of land and encompass a

larger service area than that of the Neighborhood Business District. This districts so designed to permit commercial development of permitted uses which will be limited only by standards set forth to protect the abutting districts and as directed against the extension of the strip zoning. The General Business Districts shall be considered for use in limited areas adjacent to the major activity centers and in accessible locations along arterial streets on the major thoroughfare plan. Strip zoning in this district shall be prohibited.

902 TYPICALLY PERMITTED USES:

Aircraft Sales and Services
Antique Stores
Automobile Accessory Stores
Automobile-Truck, Travel Trailer Sales Lot
Bar, Grill, Cocktail Lounge, State Liquor Store
Bicycle Rental Sales and Services
Billboard s and Signs, subject to the provisions of Article XIV
Boat and Sporting Goods Store
Bowling Alley provided that building used for such purpose is at least one hundred (100) feet from any residential district.
Building Materials and Sales, if conducted in an enclosed building.
Café
Clinics, Medical and Dental
Clubs (swimming, Y.M.C.A., etc.)
Discount Stores (variety, drugs, etc.)
Doughnut Shops
Drive-in Ice Cream Stores
Drive-in Banks
Drive-in Restaurants
Dry Cleaning, custom and self-service
Egg and Poultry Store, no killing of fowl on premises
Exterminator Services
Farm, Fruit and Produce Stands
Farm Implement Sales
Floor Covering
Food and Grocery stores
Food Lockers
Garden and Nursery Centers

Gift, Novelty and Souvenir Stores
Golf Driving Ranges
Governmental Buildings
Laundry, custom and self-serve
Monument Sales, provided cutting is done in an enclosed building
Motels, Tourist Cabins and Courts
Motorcycle Sales and Service
Pet Store Supplies
Photographic Studio
Photo staking, Printing, Publishing
Restaurants/Taverns
Supermarkets
Tennis Club, Racquet Club
Travel trailer and Pick-up Coach Sales and Service
Lawn Mower, Sales and Service
Accessory buildings incidental to the principal use which do not include and activity conducted as a business

903 CONDITIONALLY PERMITTED USES

Automobile Automatic Wash Stations (see Article IV sec.402)
Automobile Repair Garages (see Article IV, sec. 403)
Churches (see article IV, sec. 418)
Mobile Home and Recreational Vehicle Sales and Service (see Article IV sec. 419)
Service Stations (see Article IV, sec. 415)
Veterinary Hospital or Kennel and /or Cattery (see Article IV, sec. 416)

904 BUILDING HEIGHT LIMIT

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

905 REQUIRED LOT AREA

The lot area shall not be less than twenty-five thousand (25,000) square feet and having a lot width and frontage of not less than one hundred (10) feet.

906 YARDS REQUIRED

Front Yard - Setback of fifty (50) feet from the road right-of-way line. A twenty (20) feet deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.

Rear Yard- Half the height of the building, but not less than fifty (50) feet.

Minimum Side Yards- Half the height of the building, but not less than twenty (20) feet.

Access Ways- The use of marginal roads is to be encouraged throughout the district. Each lot shall have no more than two (2) access ways to any marginal road with a forty-five (45) foot separation between center lines. The width of the access way leading to or from a highway and/or marginal road shall be not less than twenty (20) feet nor shall it exceed thirty-six (36) feet.

Side Yards and Rear Yards- Abutting a residential district, a twenty (20) foot unobstructed buffer strip suitably landscaped is required.

907 PERCENTAGE OF LOT COVERAGE

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of the lot.

908 SUBMISSION OF PLANS

The provisions of Article III sec. 309 shall be in full force and effect in this District.

909 PERMITTED SIGNS

The provisions of Article XIV shall apply in this District.

910 OFF-STREET PARKING AND LOADING

The provisions of Article XV shall apply in this District.

911 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

912 DUMPSTERS

The provisions of Article III sec. 317 shall apply in this District.

ARTICLE X
PLANNED SHOPPING CENTER DISTRICTS
FLOATING DISTRICT

1001 INTENT AND PURPOSE

It is the intent of these districts to provide for and encourage the development of grouped retail sales and service establishments on logical and sound locations within the Township. Typically, such planned centers are located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. The group of store units which make up such a center may range in size and type from the relatively small neighborhood shopping center, catering to the daily needs of shopping center furnishing a wide range of consumer goods and services.

The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. In recognition of these unique characteristics, the requirements of this district have been designed to provide for the flexible application of protective standards so that an efficient, attractive and pleasing shopping environment can be created for both the business and the customer. The standards and procedures set forth within the regulations for this district are also intended to promote safe and

convenient access to shopping and business facilities by the automobile conveyed customer and to avoid and minimize undue traffic congestion or other adverse effects upon property within adjacent zone districts.

1002

USES

A. Permitted Uses

Commercial groupings including seven or more of the uses listed in this section.

1. Department Store
2. Five and Ten Cent or Variety Store
3. Clothing and Apparel Store
4. Yard Goods Store
5. Furniture Store
6. Household Appliance Store
7. Radio, Television or Music Store
8. Electric Supply Store
9. Paint, Glass and Wallpaper Store
10. Jewelry Store
11. Optical Store
12. Hobby Shop
13. Toy Store
14. Camera and Photography Store
15. Bank
16. Any of permitted uses in a GB-1 District
17. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.

B. Conditionally Permitted Uses

1. Preparation and processing of food and drink products to be
retailed on the premises.
2. Gasoline Station subject to Section 415
3. Church and other buildings for the purpose of religious worship
subject to Section 418

1003

LOT REQUIREMENTS

- A. Neighborhood Centers-four (4) acres
- B. Community Center-ten (10) acres
- C. Regional Center-thirty (30) acres

1004 YARD REQUIREMENTS

- A. Minimum Front Yard Depth-forty (40) feet

All other yard requirements as follows:

- B. No structure with the exception of permitted sign, fences, walls, water towers and light standards shall be located closer to any property line of the center than a distance equal to twice its height.

1005 DEVELOPMENT REQUIREMENTS

A. Location, Size and Character of Development. The following regulations, conditions and procedures shall apply to the development of shopping centers.

1. The need for the proposed development has been demonstrated by means of market studies and such other evidences as the Zoning Commission may require.
2. The proposed shopping center is located so that direct and adequate traffic access is supplied from principal thoroughfares and where congestion will not likely be created by the proposed center, or where congestion will be alleviated by presently projected improvements of access thoroughfares.
3. The developer shall be required to pay the cost of the construction and installation of improvements on streets abutting the shopping center including any acceleration and deceleration lanes or traffic channelization devices deemed necessary to control traffic generated by the shopping center.
4. The proposed plan for development of the shopping center consisting of one or more groups of establishments in building or integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping and will fit harmoniously into and will minimize adverse effects upon the adjoining and surrounding development.

B. Design Regulations. The following regulations shall apply to a shopping center.

1. Building Heights. No building shall exceed three (3) stories or thirty-five (35) feet in height.
2. Yards and screening. No building shall be less than forty (40) feet distance from and boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" District by a masonry wall or compact evergreen hedge at least six (6) feet in height. Such wall or hedge shall be placed at least five (5) feet from the property line.
3. Tract coverage. The ground area occupied by all the building shall not exceed in the aggregate thirty-five percent (35%) of the total area of the lot or tract.
4. Access drives and illumination of parking areas. Access drives shall be at a minimum interval of three hundred (300) feet, and illumination of parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" Districts.
5. Signs. Each center shall be permitted two (2) free-standing signs not over thirty (30) feet in height with the bottom of the of the sign sufficiently high to provide adequate traffic visibility, having a maximum total area of one hundred (100) square feet and located not closer than ten (10) feet to any street line and not closer than one hundred (100) feet to the adjoining lot line. A single identification pylon or similar structure of a height not in excess of thirty (30) feet and in harmony with the design of the buildings shall be permitted in a shopping center. All signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise to avoid excessive advertising and ensure a harmonious appearance to the center as a whole. In a shopping center all signs shall conform to the distance requirements from property lines for the buildings in the center. The provisions of Article XIV shall also apply where applicable.
6. Lighting. All outdoor lighting shall be accomplished in such a manner that no illumination sources are visible outside the shopping center property lines.
7. Transition Strips. All Planned Shopping Center Districts when located in or adjacent to and Agricultural District, a Residential District or when adjacent to a school, hospital or other public institution shall include as an integral part of the site development a strip of land two

Hundred (200) feet or more in width on all sides except the side fronting on a major thoroughfare. No part of such land may be used for any shopping center functions except that up to one hundred (100) feet of the strip width on the interior side may be used as part of the parking area. Except for the part that may be as parking space, the strip shall be occupied by plant materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangement of such plantings and structures and such proposals shall be subject to the approval of the Zoning Commission.

8. Parking Areas and Circulation. All automobile parking areas and interior circulation for motor vehicles shall be designed on accordance with the following requirements and the provisions of Article XV.

A) Notwithstanding the parking area requirements specified in Article XV. There shall be provided four (4) square feet of parking space for every square foot of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purpose of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.

B) Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Such walkways shall not intersect with a vehicular way more than once.

C) Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.

D) Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing into traffic onto any street under conditions of anticipated maximum center-destined traffic.

E) All areas accessible to vehicles or pedestrians shall be illuminated.

9. External Access. Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. Further, the owners or developers of the center shall show to the complete satisfaction of the Zoning Commission that all access points to an external thoroughfare or street shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the thoroughfare or street.

10. Surface Improvements. All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and

dustless surface and shall be so graded and provided with adequate drainage facilities that all collected surface water is effectively carried away from the site.

1006 SITE PLAN APPROVAL REQUIRED

To assure that the planned shopping center design and location will not be in conflict to any existing or proposed development in adjacent areas and that the egress and ingress of vehicles on the shopping center will not intensify traffic congestion, a site plan indicating the site layout with regard to the locations and dimensions of the vehicular and pedestrian entrances , exits , driveways, walkways and vehicular circulation patterns to and from the site, store locations and dimensions, off street parking spaces, landscaped yards and the location, type and lighting of signs shall be submitted to and approved by the Zoning Commission. Article III Sec. 309 shall apply in this District.

1007 MARKET ANALYSIS REQUIRED FOR ZONE CHANGE REQUESTS

A request to develop a shopping center should be evaluated from evidence gathered in a market analysis setting forth economic justifications and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade of the community and travel time from various parts thereof, to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated completed commercial facilities, and other data and analyses which relate to the need for feasible success and stability of the proposed center.

The purpose of this requirement is to protect the Township from the over-development of retail sales and service establishments which could prove highly injurious to the community welfare.

ARTICLE XI
INDUSTRIAL DISTRICT REGULATIONS
LIGHT INDUSTRIAL LI-1

1100 PURPOSE

The purpose of the LI-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous objectionable elements such as noise, odor, dust, smoke or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and less intensive business and residential uses.

1101 PERMITTED USES

Any of the following uses, or those of a similar nature, if conducted within an enclosed building or within an area enclosed on all sides with a solid wall or uniformly painted fence not less than eight (8) feet high.

Acoustical Material Storage; Adult Entertainment Business; Advertising Display Manufacturing; Agricultural; Agricultural Implement (repair service); Agricultural Tillage (contractors); Air Express Service Warehouse; Airplane (repair and storage); Asbestos and Asbestos Products Storage; Asphalt Siding, shingles, roofing storage; Automobile (assembly of bodies, sales, parts and supplies, repair, brakes, electrical. Painting, radiators, upholstery, etc., storage).

Bakers and baked goods manufacturing; Balls and bearing storage; Barbeque (bulk preparation and sales); Beer and ale distributor (wholesale and storage); Belting (repairing); Beverages (bottling); Beverages (wholesale and storage); Bicycles (repairs); Biscuit Companies (manufacturing); Biscuits (wholesale and storage); Boat (pleasure and storage); Bookbinders, book publishing (printing); Bottles (wholesale); Boxes (sales); Braces (orthopedic manufacturing); Brick Storage Yard ; Brooms (manufacturing); Building Contractors

(equipment and material storage); Burglar Alarm Systems (installation); Bus Line Shops (garage, repair); Business Machines (manufacturing, repair service, storage and wholesale); Button Covering (fabrics).

Cabinet Makers; Candy (wholesale distribution); Canvas Goods (fabrication); Carpenters Shops and Power Woodworking; Carpet and Rug Cleaners and storage; Carpets and Rugs (warehouse); Cement Products Manufacturing (pipe, blocks, etc.); Cement; Cement Storage; Cesspool Builders and Service Equipment Yard; Cigarette Manufacture; Cigarette Service; Cigarette Manufacturing (machine rolled); Cigars (wholesale and storage); Cleaning and Dyeing Processing; Clock Factory; Clothing Manufacturing; Coin Machines Manufacturing; Coin Machine (rental and service); Cold Storage; Concrete Contractors (storage yard); Concrete Products (pipe, Beams Manufacturing); Concrete Products (storage); Concrete transit mixed; Confectioners (wholesale); Contractors Equipment and Supplies (storage); Corsets and Brassieres Manufacturing; Cotton Seed Products (storage); Cranes (storage yard).

Dairies (distributing, commercial); Decoration (workshop and equipment yard); Department Store Warehouse; Desks Manufacturing; Diaper Supply Service; Diesel Engine Service Equipment and Supplies (not manufacturing); Disinfectants (storage and wholesale); Display Designers and Builders Shops; Distillers (distribution, warehouse); Doors, Sash and Trim Wood Manufacturing; Draperies Manufacturing; Drilling Company Equipment Yards; Dry Cleaning Establishments (bulk processing); Dry Goods (wholesale or storage).

Eggs (storage and processing); Electric Contractors Shops; electric Equipment Assembly; Electric Plating; Electric Refrigeration Locker; Electrical Appliance Manufacturing; Electrical Appliance Repairs; Enameling and Painting (custom); Engravers and Electroplaters; Express Companies Warehouses; Exterminating and Fumigating (commercial shops).

Farm Implements and Machinery Assembly; Feed (wholesale and storage); Fences (metal, wholesale and storage); Fertilizers (processed, storage only); Filters Fabrication; Fire Escape Contractors; Firewood (storage); Fish (wholesale); Flags and Banners Manufacturing; Floor Refinishing (contractors shop); Food Processing (general, see under

product listing); Food Products (brokers and distributors, wholesale); Food Products (warehouse); Freight Forwarders Warehouses; Frozen Food Processing; Frozen Foods (wholesale, storage and distribution); Fruit and Vegetable (general, see under product listing); Furniture (repair and refinishing); Furniture (wholesale and storage cleaners); Furniture (repairing and refinishing); Furniture (wholesale and storage); Fur Apparel Manufacturing (cutting and assembly).

Garment Factory; Glass Blowing; Grocers (warehouse); Grocers (wholesale); Gunsmiths (repair).

Harness Repair; Hat Manufacturing; Hay and Straw (sales and storage); Heating and Ventilating Apparatus (assembly and storage); Hoists (equipment storage); Horse Shoeing; Hosiery Manufacturing; Hotel Equipment (assembly and custom fabrication); House Movers (equipment Storage Yards).

Ice-cream Manufacturing; Imported Goods (warehouse); Insulation (contractors equipment yard, storage and wholesale); Interior Decorators (workshops); Iron (custom decorative wrought iron shops); Irrigation Companies and Equipment.

Janitors Supplies, Storage and Warehouses; Jewelers (bulk manufacturing); Jobbers (bulk materials).

Knit Good Manufacturing.

Laboratories (commercial, analytical, experimental and research); Ladies Wear Manufacturing; Laundries (processing); Laundry Equipment and Supplies (storage); Leather Goods (manufacturing, fabrication); Limb Manufacturing (artificial); Lime (storage); Linen Supply Laundry Service; Linoleum (storage); Leather Goods; Liquor (storage and Wholesale); Locksmith Repair Shops; Loft Builders; Lubrication Compounds (storage); Lumber (cabinet workings); Lumber Storage Yards; Lumber (used and wholesale).

Machines Shops; Machine Tools (storage); Markets (exchanges of goods); Meat (storage and wholesale); Men's Clothing Manufacturing; Metals Processing (light fabrication from standard shapes); Machine Shop Operation (plating custom and re-plating, products fabrication

and assembly); Meters Manufacturing; Milk Bottling Plant (other than farm); Milliners (wholesale and manufacturing); Millinery and Artificial Flower Making; Mill Work (sale and storage); Mineral Water (distillation and storage); Mirrors (resilvering, custom work); Model Construction Supplies and Manufacturing; Mortar (bulk preparation and sales); Motion Picture Studios; Motor Freight Company Warehouses; Motorcycles (repairing and sales); Mover Warehouses.

Newspaper Printing; Noodle Manufacturing; Notions (manufacturing, wholesale); Novelties (manufacturing and wholesale); Nuts (edible, processing).

Packing (creating service fabrication); Painters Equipment and Supplies (shops wholesale and storage); Paper (storage); Paper Products (wholesale and storage); Pattern Shop; Paving Contractors Equipment and Storage; Paving Materials Storage Yard; Photo Engraving Company; Pickles (processed, wholesale and storage); Pipe (used, storage and sales); Plasterer (wholesale and storage); Popcorn Manufacturing; Potato Chips Manufacturing; Poultry Supplies (wholesale and storage); Printers Equipment and Supplies; Wholesale Produce (garden); Wholesale Produce (warehouse); Pumps (repairing and rental); Printer.

Quick Freeze Plant; Quilt (manufacturing).

Radio Equipment Assembling; Radio Repair Shop; Refrigeration Equipment Custom Installation; Refrigerators (servicing); Refrigerators (wholesale and storage); Restaurant Equipment (installation and repair); Road Building Equipment (storage yard); Rubber Stamps Manufacturing.

Scaffolds (equipment and storage); Scales (commercial, weighing); School Equipment and Supplies (wholesale); Screens (doors and windows manufacturing); Screw and Bolt Manufacturing; Seed (wholesale and retail garden supplies); Septic Tanks (contractors, construction); Service Station Equipment (wholesale); Sewer Pipe Storage; Sheet Metal Work (custom fabrication); Shirt Factory; Shoe Repairing Equipment and Supplies (wholesale); Shoe Manufacturing; Sign Erectors (contractors, shops); Sign Painters; Sign Maintenance Service Shops; Sign (neon and metal fabrication); Sky Lights (custom

Manufacturing); Slip Covers (custom Manufacturing); Soaps (wholesale and storage); Sporting Goods Manufacturing; Soda Water Manufacturing; Specialties (see coin machines); Spices (wholesale and storage); Spraying Supplies Equipment Yard; Springs (replacement and repairs); stair Builders (wood); Steel Awnings (custom manufacturing); Steel Erectors Equipment Yards; Steel Fabricators (light Sections); Storage Warehouse; Storage Shops; Store and Office Fixtures (contractors shops); Stove and Ranges (wholesale and storage); Surgical Supplies (wholesale distributors).

Tank Coating Equipment Yard; Tanks (erection, contractors yard); Taxidermist; Tents and Awnings Manufacturing; Termite Control (contractors shop); Terrazzo Contractor Shop; Thermometers Manufacturing (wholesale, storage); Tool Grinding and Sharpening; Tools (wholesale and distribution); Towels (supply and service); Tractors (rentals); Trailers (repairing); Transfer Business; Truck Freight Movers (see express also); Truck Manufacturing.

Underwear (wholesale and manufacturing); Upholsterers (custom).

Wall Board (wholesale and storage); Wallpaper Manufacturing; Warehouses; Watches Manufacturing; Water (distilled, processing); Water Coolers(drinking or curative, bottling and distribution); Water Coolers (drinking fountains, repair and service); Water Heaters (service and repair); Water Softening Equipment (service and repair); Water Supply Systems (contractors shops); Waterproofing (material storage); Weighers (commercial); Welding (commercial); Welding (equipment and supplies storage); Well Drilling (equipment yard); Wholesale Produce (storage and Market); Winches (commercial equipment rentals); Window Display (installations, studio and shops); Wines (storage, bottling and wholesale); Wood (storage yard); Woodworking (Cabinet and custom millwork); Woodworking (equipment, wholesale); Woven Goods (fabrication and assembly).

Other uses of a like nature.

CONDITIONALLY PERMITTED USES

Extraction of stone, minerals and top soil (see Article IV, Sec. 406)
Prospecting oil and gas (See Article IV, Sec. 412)

1102 BUILDING HEIGHT

Building shall not exceed thirty-five (35) feet in height.

1103 LOT AND YARD REQUIREMENTS

1104.01 LOT AREA

Every lot in an LI-1 district shall contain a minimum area of one (1) acre and a lot frontage width of one hundred and twenty-five (125) feet provided that central water and sewer facilities; or package treatment plants are available.

1104.02 CORNER LOTS

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

1104.03 YARDS REQUIRED

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

A) Front Yard-The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall be appropriately buffered. (See Article XI, Sec. 1107-Buffering). Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.

B) Side Yards-There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts and residential district there shall be one hundred (100) feet before required buffer

area is required as per Article XI, Sec.1107. Such space shall remain open and unoccupied by any principal and accessory building or use. C) Rear Yards-There shall be a rear yard of not less than seventy-five (75) feet. Rear yards used for parking shall be appropriately surfaced with a desirable dust free material and shall be graded and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting and residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately buffered as per Article XI, Sec. 1107 and shall remain open and unoccupied by any principal or accessory building.

1104.04 PERCENTAGE OF LOT COVERAGE

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

1105 SUBMISSION OF PLANS

The provisions of Article III, Sec. 309 shall be a full force and effect in this District.

1106 STREETS, SEWERS AND WATER LINES

All streets, sewers and water lines in any industrial district shall meet County Standards. As a condition precedent to the issuance of a Zoning Certificate, streets, sewers and water lines shall be installed or performance guaranteed in an approved manner and at grades and locations in streets abutting lot lined as approved by the County Engineer. Where, however not all or substantially all of a plot is to be utilized initially, the Zoning Board shall authorize the postponement until further improvements are to be made, of as much of the installation of streets, sewers and water lines and other improvements as to reasonable under the circumstances of the uses to be made of the plant and the drainage and traffic problems of the area.

1107 BUFFERING

1107.01 INTENT

The intent of this section is:

- A) To extend space or screen undesirable views to reduce the impact of the one land use upon another.
- B) To increase soil water retention through landscape requirements.
- C) To protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses and certain multi-family uses.
- D) To supplement land use planning and not be considered as its substitution.

1107.02 PURPOSE

The purpose of this section is to promote the health, safety, morals and general welfare of the residents of the Township providing for space requirements and visual screen landscape buffers to remove, reduce, lessen or absorb the shock of impact incompatible uses of real properties between one use or zone district to another.

1107.03 LANDSCAPING

- A) Screen-Plant material or other non-living durable material including but not limited to walls, berms or wood fencing of a decorative type.
- B) Scrubs-Self-supporting, deciduous and/or evergreen species, normally branches near the base but, less than fifteen (15) feet in height, as normally grown in Lorain County.
- C) Trees-Self-supporting woody, deciduous and/or evergreen plants with a well-defined central stem or species which normally grow to the height of fifteen (15) feet or more in Lorain County.
- D) Vines-Plants which normally require physical support or reach mature form.

1107.04 GENERAL PROVISIONS

- A) Materials-Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or a combination thereof.
- B) Screening-Screening shall consist of plant material of other non-living durable landscape material.
- C) Buffered Areas:

1. Location and Width- Buffering areas shall be located on those less restrictive portions of land bordered or abutting a more restrictive zoned or use district and shall be a minimum of twenty (20) feet in width.
2. Use-Designated buffered areas shall be used for no other purpose than plantings or screening except necessary ingress and egress to or from buffered areas.
3. Design-A buffered area shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate use of such easement areas for fire protection purposes.

D) Fences and Walls-Fences shall be acceptable as part of a landscape buffer, where traffic noise and light create a need for a buffer. When used, they shall have a decorative style or type. Walls and berms should be used only on the most unusual cases, as one of several options to the developer to fulfill the buffering requirement.

E) Natural Plantings Requirements-Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty percent, (60%) when viewed from two (2) to ten (10) feet above ground level.

F) Buffering Effect-The desired building effect shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be created because of expected growth or material shortages, but in no event shall the Zoning Commission extend such period beyond five (5) years from the initial installation was to have been installed.

G) Modification of Requirements-The Zoning Commission may modify or change the location of a buffered area contiguous to side and rear property lines where topographical problems prevent the installation thereof of buffer materials or plantings.

1107.05 APPLICABILITY

Landscape buffering shall be mandatory between zoning districts. No existing building structure of vehicular use adjoining a single-family or multi-family zoned area shall be expanded, altered or modified until the plans are submitted by the owner or developer to the Zoning Commission. The Zoning Commission shall review such plans to determine if the changes adversely affect any properties in a single

area. The Zoning Commission after its review shall require, where necessary the establishment of a landscape buffering area or a revision of a previously established buffered one.

Owners or developers of off-street parking areas shall be required to include a plan for buffering the parking area which such plan shall be submitted to the Zoning Commission for approval. The buffering plan may be included as part of the development plot plan when a submission of a development plot plan is required.

1107.06 PROCEDURES

A) When an application for Zoning Permit is made, the Zoning Inspector shall determine if the buffering requirement might be applicable. If it is determined that the request comes under the buffering requirements, the Zoning Inspector shall advise the applicant of this fact and shall submit a request to the Zoning Commission that the matter be reviewed once the applicant has furnished the Zoning Commission with the following:

1. A copy of the site plan.
2. Topography of the building site and surrounding area.
3. A complete description of the area to be constructed or modified.

B) The applicant shall provide the the Zoning Commission a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscaped buffer.

C) Where buffering is required, a Zoning Permit shall not be issued by the Zoning Inspector until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement.

The agreement between the Zoning Commission and the owner and/or developer shall include among other requirements, the following:

1. Provisions for maintenance of the landscape buffer on the part of the applicant.
2. Replacement procedures for any portion of the landscape buffer that is for any reason no longer viable.
3. For replacement of the landscape buffer involving plant material that do not extend beyond the next growing season.

4. For the replacement of landscape material such as fences and the like.
5. To replace landscape material within sixty (60) days from the date of notification by the Zoning Inspector or non-compliance.

1107.07 PERMITTED SIGNS

The provisions of Article XIV shall apply in this District.

1107.08 OFF-STREET PARKING AND LOADING

The provisions of Article XV shall apply in this District.

1107.09 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

1107.10 SUBMISSION OF PLANS

The provisions of Article III, Sec. 309 shall be in full force and effect in this District in addition to those requirements noted in Article XII, Sec. 1107.06.

1108 ADULT ENTERTAINMENT BUSINESSES

CONDITIONALLY PERMITTED USES

Regulation of Adult Entertainment Businesses.

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

The members of the Sheffield Township Zoning Commission and the Board of Trustees have been provided with, have reviewed and have considered copies of the "Adult Entertainment Study" dated November 1994, conducted by the New York City Department of Planning; "Adult Entertainment Business in Indianapolis, An Analysis: dated February 1984, conducted by the Department of Metropolitan Development of the City of Indianapolis; and the "Report of the Attorney General's

Working Group on the Regulation of Sexually Oriented Business' dated June 6, 1989, conducted by the Attorney General for the State of Minnesota.

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

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

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

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

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

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

There is adequate land available in Sheffield Township, zoned Light Industrial (LI-1) within which adult entertainment businesses may be located.

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

CONDITIONAL USE PERMIT REQUIRED

No building shall be erected, constructed or developed and no building or premises shall be reconstructed, remodeled arranged for use or used for any adult entertainment business, and no property shall be arranged for use or used for any adult entertainment business, unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article XX of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any in which that are located.
2. No adult entertainment business shall be permitted in a location which is within one thousand-five hundred (1,500) feet if another adult entertainment business.
3. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school; any park any playground, or any social service facility or neighborhood center.
4. No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district.
5. No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Township.

ARTICLE XII
FLOOD PLAIN ZONE REGULATION FP-1

1201 PURPOSE

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the one hundred and fifty (150) year floods in the flood plain areas of the major rivers, their branches and tributaries within the Township so that the carrying capacity shall not be reduced, thereby creating danger to the areas previously not so endangered in the time of high water. Said regulations, while permitting reasonable use of such properties will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency.

1202 PERMITTED USES

In addition to any other subdivisions of this Resolution, no building or structure shall be erected, converted or structurally altered and no land and/or structure shall be used except for one or more of the following uses:

- A) Open space use such as farms, gardens, plant nurseries. Such other open space uses as: preserves, bridle trails and nature paths, PROVIDED no alteration is made to the existing grade level of the flood plain or structures which may interfere with the flow of the river or its plain capacity.
- B) Yard and setback areas required for any distance within the flood plain zone.

1203 CONDITIONALLY PERMITTED USES

The following use of land and structures may be permitted by application for the issuance of a Conditional Zoning Permit by the Zoning Board of Appeals for the recommendation by the County Engineer or other appropriate agency and further provided that the use pattern and structures proposed shall:

- A) Be so designed as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles,

stilts, cantilevering or other such construction methods which will place the desired building and structures above the determined flood elevation in a safe manner. The foundation and structural supports of buildings and structures shall be so designed to withstand the anticipated level, volume and velocity of the flood waters and to minimize the impeding of the natural free flow of the flood waters.

B) Be constructed under said conditional use permits so as to have minimum first floor elevation of not less than three (3) feet above the established flood plain.

C) Be designed so as not to require back filling in the flood plain areas with any material in any manner, unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment of the flood plain shall be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity or the flood plain would thereby result.

D) Be designed to accommodate utilities, roads, off-street parking, railroads, dams, rivers, structures and building of public or recreational uses, so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

Parks and Playgrounds (Article IV, Sec. 410)

Plant Nursery (Article IV, Sec. 411)

1204 SUBMISSION OF PLANS

The provisions of Article III, Sec. 309 shall apply in this District

1205 TOWNSHIP LIABILITY

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

1206 PERMITTED SIGNS

The provisions of Article XIV shall apply in this District.

1207 OFF-STREET PARKING AND LOADING

The provision of Article XV shall apply in this District.

1208 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

1209 CONSTRUCTION REQUIREMENTS

All construction in the Flood Plain shall be done in accordance with local regulations currently in effect adopted and amended.

ARTICLE XIII
CLUSTER SUBDIVISIONS

1301 INTENT

In permitting cluster subdivisions, it is the intention of the Township to make reasonable provisions through which, during the subdivision of land, natural elements of the landscape and population density within districts may be maintained, development costs may be lessened and physical living conditions within the Township improved. The provisions of this article are set forth to provide extra amenities for the Township and not as an automatic reduction of lot size requirements.

1302 LOCATION

A cluster subdivision may be permitted in the RI-1 and RI-2 Residential Districts if the following conditions are met.

1303 GENERAL REQUIREMENTS

1303.01 MINIMUM DWELLING UNITS AND HOUSING TYPES

The cluster subdivision development shall contain a minimum of twenty (20) dwelling units. The cluster subdivision development shall

contain only those housing types as permitted in the zoning districts in which these cluster subdivision regulations apply.

1303.02 GROSS RESIDENTIAL DENSITY

The gross residential density (families per acre) is no greater than if the tract were developed with minimum lot sizes as specified in this Zoning Resolution for the appropriate type of residential use within the district.

To compute the gross residential density of a given subdivision, the total number of acres suitable for building is divided into the total number of dwelling units proposed, the answer being in dwelling units or families per acre. Areas not suitable for building, such as lakes, ponds, streams, swamps, hazardous topography or soils and land which are not available to the owner for development because of easements shall not be considered as part of the gross acreage in computing the maximum number of dwelling units that may be created under this procedure, unless otherwise determined by the Zoning Board and the Township Trustees.

1303.03 ACCESS TO COMMON LAND

A minimum of sixty percent (60%) of the total number of dwelling units in the subdivision have direct access to common land as open space or for recreational use and all other lots shall have public access and be in close proximity to common land.

1303.04 COMMON LAND

The location, shape, size, intended use and legal responsibility for the tenure and maintenance of common land is approved by the Zoning Board and the Township Trustees and meets the following requirements:

A) Land dedicated to the Township shall be not less than ten acres in area.

B) The common land is publicly dedicated to the Township to a property ownership corporation or is reserved by deed for use in common by the residents of the subdivision, each property owner receiving an undivided proportionate share in such common land.

1303.05 DEVELOPMENT DESIGN

The proposed development is designed to produce an environment of stable and desirable character and is approved by the Zoning Board and the Township Trustees.

1303.06 METHOD OF PROCEDURE

1303.07 APPLICATION INFORMATION

A person, firm or corporation desiring to create a cluster subdivision shall apply to the Zoning Inspector for a building permit and a certificate of occupancy for such subdivision. The application shall be accompanied by a map or plat of the proposed cluster subdivision showing:

- A) Dimension, location of all existing and proposed buildings, driveways, off-street parking areas, topography, abutting streets, highways and other features within two hundred (200) feet of the property lines of the parcel.
- B) Architectural plans for all proposed buildings, walls and fences.
- C) Plans or reports showing the proposed collection treatment and disposal of sewage produced on the area of the cluster subdivision.
- D) Additional data which may be required by the Zoning Board and the Township Trustees to judge the subdivision and its effect upon the surrounding area and the Township.

1303.08 FINDINGS OF ZONING BOARD

The Zoning Inspector shall convey such plans and reports presented by the applicant to the Zoning Board which shall make a study thereof and present its findings to the Township Trustees.

1303.09 DECISION OF THE TOWNSHIP TRUSTEES

Upon the receipt of the findings of the Zoning Board, the Trustees shall study the same and, if concurring therewith, shall direct the Zoning Inspector to issue the Zoning Permit and the certificate of occupancy of the applicant. Such certificate of occupancy may contain conditions attached thereto by the Trustees as it deems necessary in the best interest of the Township and such certificate shall be revoked if such conditions are not followed.

ARTICLE XIV
SIGNS

1401 PURPOSE

To establish a minimum regulation for public and private signs and lights; to encourage signing and lighting and other communications which aid orientation, identify activities, express local history and character or serve other educational purposes, and to reduce conflict between signs and lighting, and the private and public communication system.

1402 GENERAL

- A) Public notices and temporary, seasonal decorative display lighting shall be exempt from the requirements of this Resolution.
- B) Area measurements for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters, designs or symbols.
- C) Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.
- D) A sign for a conditional use shall be constructed and maintained and approved at the time the conditional use is approved. Signs for conditional uses in any specified "R" District shall not exceed eight (8) square feet. Signs for conditional uses in any business, commercial or

industrial district shall be specified or conform the requirements for the most similar use in the district in which it is located subject to approval of the Zoning Board of Appeals.

E) Notwithstanding any other provisions of the Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System, if such laws are more restrictive than the provisions of this Resolution, they shall apply. The total area of all free-standing signs, pole signs and signs projecting beyond building walls shall not exceed three hundred fifty (350) square feet for any individual business establishment or use in any district.

1403

RESIDENTIAL DISTRICTS

A) One sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed nine (9) square feet.

B) Real estate signs advertising the sale, rental or lease of the premises on which the sign is located shall be permitted provided such sign shall not exceed four (4) square feet.

C) Signs for home occupations, professional activities and nonconforming uses, where existing or permitted shall not exceed six (6) square feet in area in any "R" District.

D) Bulletin Boards and signs for a church, school, community or other public or semipublic institution and permitted conditional uses shall be permitted provided the area of such sign does not exceed twenty (20) square feet per face.

E) Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use provided the area of such sign does not exceed nine (9) square feet and faces the main thoroughfare.

F) No building wall shall be used for display of advertising except pertaining to the use carried on within such building.

G) Temporary signs shall be permitted not closer than the highway right-of-way line provided no part of the sign is more than three (3) feet above ground level.

1404

BUSINESS DISTRICTS

- A) In a business or commercial district, each business shall be permitted fascia or wall signs. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted within certain districts.
- B) The erection of outdoor advertising signs shall be permitted in all commercial districts provided such signs advertise a bonafide business or service conducted on the premises and the size of the sign shall be limited as provided herein.
- C) The area of all permanent signs located on the premises with any industrial use shall be limited to an area not to exceed one and one half (1 ½) square feet per lineal foot of building width, but not to exceed two hundred (200) square feet.
- D) Free-standing signs serving an individual business or a group of business establishments shall be permitted if they have no more than a total sign area of one hundred (1200) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any street, right-of-way or adjoining lot line.
- E) Pole signs of symbolic design shall be permitted to automobile service stations and other similar business establishments provided:
 1. No part of such sign project into the right-of-way of any street or highway.
 2. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way.
 3. The maximum area of any one face of such sign located within the front yard shall not exceed fifty (50) square feet.
 4. The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District nor within twenty (20) feet of the intersecting right-of-way of any State or Federal Highway and major or Secondary Street.

1405 INDUSTRIAL USES

The area for all permanent signs located on the premises with any industrial use shall be limited to an area not to exceed one and one half (1 ½) square feet per lineal foot of building width but not to exceed two hundred (200) square feet.

1406 SETBACK REQUIREMENTS

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

For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, such setback shall be increased by one half ($\frac{1}{2}$) foot but such setback need not exceed one hundred (100) feet.

1407 YARD PROVISION

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

1408 ALLOWED SIGNS

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

- A) Number of signs-Each building may have one building sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use. In addition, there may be an occupancy sign and one pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.
- B) Location of signs-No sign shall overhang the sidewalk, and be within three (3) feet of the curb line. No sign, except on a marquee or canopy providing shelter, shall overhang more than one-third ($\frac{1}{3}$) of the sidewalk width.
- C) No sign shall extend more than fifteen (15) feet above record grade or more than four (4) feet above the lowest point of the

roof of the single story building with which it is associated, whichever is less restrictive, not above the third floor of a multi-story building, except that motels, hotels and other transient lodgings may display such signs up to forty (40) feet above record grade.

D) The top of pedestrian signs shall be no higher than ten (10) feet above the sidewalk.

E) For other than first (1st) floor occupants, occupancy signs shall be located between the second (2nd) and third (3rd) floors.

F) Permanent signs on the surface of or inside display windows shall cover no more than ten percent (10%) of the display window area.

G) Portable signs shall be allowed without permit not to exceed ten (10) days in any thirty (30) day period provided such signs meet all other requirements of this Resolution.

H) The minimum height of the lowest member of projection sign shall be not less than ten (10) feet.

1409 LETTERING SIZE

A) Building signs shall not employ letters exceeding eight (8) inches in height in Residential Districts as defined in this Resolution or eighteen (18) inches in height elsewhere.

B) Occupancy signs shall not employ letters exceeding six (6) inches in height.

C) Pedestrian signs shall not employ letters exceeding three (3) inches in height.

1410 ILLUMINATION

A) Signs shall be illuminated only by shielded light sources directed solely at the sign, or internal to it; without causing glare for motorists, pedestrians or neighboring premises.

B) Illuminated signs, including neon signs, shall not produce more than one (1) foot candle of illumination four (4) feet from the sign.

C) All permanent outdoor lights such as those used for area lighting or building flood lighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians, or neighboring premises. The marginal increase in light, as measured at any property line other than a street line, shall not exceed (1) foot candle.

1411

TEMPORARY SIGNS

The following signs are allowed for a period of up to one (1) year without a permit.

A) Construction signs-one (1) unlighted sign of up to twenty (20) square feet identifying parties involved in construction on the premises where the sign is located; one (1) illuminated sign up to forty (40) square feet identifying the owner's name and the activity for which the building is intended and describing the construction process, but not including the advertising of any product. These signs must be removed within fourteen (14) days after the beginning of the indented activity.

B) Real Estate signs other than in a residential district-one (1) unlighted sign of up to twenty (20) square feet pertaining to the sale, rental, or lease of the premises on which the sign is displayed, to be removed within fourteen (14) days after sale, rental or lease.

C) Event signs-unlighted signs of up to thirty-two (32) square feet displayed on the private property and limited to one (1) per each premise announcing a drive, or religious organization, to be removed within fourteen (14) days after the event.

D) Temporary displays or signs cannot be larger than two (2) feet by four (4) feet advocating the election of a candidate or candidates of the passage or disapproval. The same shall be removed within five (5) days after the completion of the election involved. Failure to remove such signs herein shall be deemed a violation of this Resolution.

E) Display window signs-signs on the surface of or inside display windows lighted only by buildings illumination and covering no more than 20 percent (20%) of the display window area.

1412

PROHIBITED DEVICES

A) No sign or light shall make noise.

B) Colored lights and illuminated design employing colors in use in traffic signal light and illuminated designs employing colors in use in traffic signal lights are prohibited within view or any signalized intersection.

C) Any imitation of official traffic signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning" are prohibited.

D) Fluorescent colors in the yellow to red spectrum are prohibited near intersections.

1413 POLITICAL SIGNS

A) Temporary displays or signs advocating the election of a candidate or candidates or the passage or disapproval. The signs must be removed within five (5) days after the completion of the election involved. Failure to remove such signs herein shall be deemed in violation of this Resolution.

B) No signs will be allowed in the road right-of-way.

C) Signs may be permitted four (4) weeks before and must be removed five (5) days after the event.

1414 ADMINISTRATION

A) No sign, except those specifically exempted by this Resolution shall be erected without a permit issued by the Township Zoning Inspector. Application for which shall be accompanied by such scale drawings, photographs and other information by the Zoning Inspector as evidence of the permit.

B) Fees for signs permits shall be fixed by the Townships Trustees.

C) Appeals may be made to the Zoning Board of Appeals by the same procedure governing other zoning appeals.

ARTICLE XV
OFF STREET PARKING

1500 OFF STREET PARKING AND LOADING FACILITIES

1501 GENERAL REQUIREMENTS

A) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained of-street parking and loading spaces have been provided in accordance with provisions of this Resolution.

B) The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.

C) Whenever a building or structure constructed after the effective date if this Resolution is changes or enlarged in floor area, number of employees , number of housing units, seating, capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building of requirements set forth herein.

1502 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length or ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established in Sec. 1518 of this Resolution.

1503 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive if driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15)feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1504 PAVING

The required number of parking and loading spaces as set forth in this Article together with driveways, aisles and other circulation areas shall be improved with acceptable impervious material to provide a durable and dust free surface with concrete or blacktop.

1505 DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

1506 MAINTENANCE

The owner of the property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

1507 LIGHTING

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

1508 LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

- A) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
- B) Parking spaces for commercial, industrial or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Zoning Board of Appeals.
- C) Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

1509 SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence or planting screen. Such fence, wall or planting screen shall be not less than six (6) feet nor more than eight (8) feet in height and shall be maintained and in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premise in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve in the intended purpose, then no such fence, wall or planting screen and landscaping shall be required.

1510 REQUIRED TRASH AREAS

All commercial, industrial and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on all sides, three sides will be by a solid wall or fence of at least six (6) feet in height with a gate, if such area is not within an enclosed building or structure. Provision for adequate vehicular access to and from such areas for collection of trash and/or garbage as determined by the Trustees shall be required.

1511 DISABLED AND UNLICENSED VEHICLES

Disabled Vehicles

The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) months shall be prohibited, unless such vehicle is stored in an enclosed garage or other enclosed accessory building. Junk yards or automobile graveyards shall not be permitted in any district. More than one unlicensed vehicle unfit to operate on highways in the manner prescribed or permitted by the State of Ohio Motor Vehicle code shall constitute an automobile graveyard.

Unlicensed Motor Vehicles: No more than one vehicle un-garaged that is not currently licensed, or is unfit to operate on highways in the

manner prescribed by the State of Ohio Motor Vehicle code shall be allowed.

1512 MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care and located on an adjoining lot, unless separate by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

1513 JOINT USE

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Board of Appeals shall be filed with the application for a zoning permit.

1514 WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

1515 WIDTH OF DRIVEWAYS

Driveways serving individual parking spaces shall be no less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, eighteen (18) feet for sixty (60) degree parking, and thirteen (13) for forty-five (45) degree parking.

1516 ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a street shall be traveling in a forward motion. Access off driveways for parking areas

or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a street. The entrances and exits to the parking area shall be clearly marked.

Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

A) One Way Traffic-For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.

B) Two Way Traffic-Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings I each aisle or driveway.

1517 STRIPING

All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

1518 PARKING SPACE REQUIREMENTS

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

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
<u>Residential</u>	
Single Family or Two Family Dwelling	Two for each unit
Apartment Hotels, Apartments,	Two for each unit

or Multi-Family Dwellings

Boarding Houses, Rooming Houses, Dormitories and Fraternity Houses	Two for each sleeping room, or two for each permanent occupant which have sleeping rooms
---	--

Commercial

Automobile Service Stations	One for each two (2) gasoline pumps and Two (2) for each service bay plus one for each employee and one for each restroom.
-----------------------------	--

Hotels, Motels	One per each sleeping room plus one space for each two employees.
----------------	--

Funeral Parlors, Mortuaries	One for each one hundred (100) square and similar type uses, feet of floor area in slumber rooms, parlors or service rooms.
-----------------------------	--

Retail Stores	One for each two hundred fifty (250) square feet of floor space.
---------------	---

Banks, Financial Institutions and Similar uses	One for each two hundred (200) square feet of floor space.
---	--

Offices, Public or Professional Administration or Service Buildings	One for each four hundred (400) square feet of floor space.
--	---

All other types of Business or Commercial uses permitted in any Commercial District	One for each three hundred (300) square feet of floor area.
---	---

TYPE OF USE

PARKING SPACES REQUIRED

Recreational or Entertainment

Dining Rooms, Restaurants,
Taverns, Night Clubs, etc.

One for each two Hundred (200)
square
feet of floor area.

Bowling Alleys

Four for each alley or lane plus one
Additional space for each one
hundred (100) square feet of the
area used for restaurant, cocktail
lounge or similar use.

Dance Floors, Skating Rinks

One for each one hundred (100)
square feet of floor area used for
the activity.

Outdoor Swimming Pools, Public

One for each five (5) persons
capacity plus one for each four (4)
seats or one for each thirty (30)
square feet of floor area used for
seating purposes whichever is
greater.

Auditoriums, Sports Arenas,
Theaters and similar uses
or Community or Club

One for each four (4) seats.

Institutional

Churches and other places of
Religious Assembly

One for each four (4) seats.

Hospitals

One for each bed.

Sanitarium, Homes for the Aged,
Nursing Homes, Children's Homes,
Asylums and similar uses

One for each two (2) beds.

Medical and Dental Clinics	One or every two hundred (200) square feet of floor area of examination, treating room, office and waiting room.
Libraries, Museums, Art Galleries	One for each four hundred (400) square feet of floor area.

TYPE OF USE

PARKING SPACES REQUIRED

Schools-Public, Parochial or Private

Elementary and Junior High Schools	Two for each Classroom and one (1) for every eight (8) seats in auditoriums or assembly halls.
High Schools	One for every ten (10) students and one (1) for each teacher and employee.
Business, Technical, Trade Schools	One for each two (2) students.
Colleges, Universities	One for Each four (4) students.
Kindergartens, Child Care Center, Nursery School and similar uses	Two for each classroom but not less than six (6) for the building.

Industrial

All types of Manufacturing, Storage and Wholesale uses permitted in any Industrial District	One for every two (2) employees (on the largest shift for which the building is designed for) plus one (1) for each motor vehicle used in the business.
Cartage, Express, Parcel Delivery and Freight Terminals	On for every two (2) employees (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

1519 GENERAL INTERPRETATIONS

In interpretation of this Article, the following rules shall govern:

- A) Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Board of Appeals.
- B) Fractional numbers shall be increased to the next whole number.

1520 PLOT PLAN REVIEW

Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Inspector Zoning Permit can be issued. Such plans and specifications show the locations, basis and capacity calculation, size site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other detailed feature essential to the complete design and construction of the parking area.

1521 RECREATIONAL VEHICLES

All recreational vehicles (boats, motor homes, campers, jet skis, vacation and/or utility trailers, snow mobiles, car haulers and etc.) owned by a resident must be parked or stored on owner's premises behind the set-back line of the dwelling.

ARTICLE XVI
WTFO-WIRELESS TELECOMMUNICATION
FACILITY OVERLAY DISTRICT

1600 PURPOSE AND INTENT

The Wireless telecommunications Facility Overlay is the entire district of the Township and is established to provide for the construction and use of wireless Telecommunications Towers and Facilities as permitted uses, conditional uses and accessory uses depending upon the specific

land areas of the Township in which they are proposed to be located. The purpose of this District is to balance the competing interests created by the Federal Telecommunications Acts of 1996, Public Law 104-104, and the interests of the Township in regulating wireless Telecommunication Towers and related Facilities for the following purposes: to regulate a commercial use so as to provide for orderly and safe development within the Township; to protect property values; to maintain the aesthetic appearance of the Township, including its rural character; to provide for and protect the health, safety, morals and general welfare of the residents of the Township, to protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the Township for the adverse effect the Towers and related Facilities; to promote co-location of Wireless Telecommunications Facilities in order to decrease the number of Towers in the Township; and to maintain, where possible, the integrity of the existing zoning regulations, contained in the Zoning Resolution.

The Wireless Telecommunication Tower Overlay District regulations shall control and supersede wherever they are inconsistent with other provisions of the Zoning Resolution. If no inconsistency exists between the provisions of this Overlay District and the provisions of the underlying zoning district, the underlying zoning district regulations and other provisions of the Zoning Resolution shall remain in full force and effect and shall regulate all land use and development.

The Wireless Telecommunication Facility Overlay District established a hierarchy of acceptable land areas for location of Wireless Telecommunication Towers and related Facilities through the establishment of such use as a permitted use in certain land areas, as a conditional use in other, more sensitive land areas, or as an accessory use for erection of Wireless Telecommunication Antenna only, which determination is dependent upon the location and characteristics of such land areas and the impact such Towers will have on adjoining properties. Except as provided in this section, Wireless Telecommunication Facilities are prohibited in the Township.

1. A Wireless Telecommunication Tower and Facility may be located as a permitted use in the following areas, as set forth on the Township Zoning Map, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector:

A) A Wireless Telecommunication Tower and/or Antenna Facility are permitted in an Industrial District.

B) A Wireless Telecommunication Tower and/or Antenna Facility are permitted in any interstate highway and interstate right-of-way. A Tower located within an interstate highway right-of-way shall not be subject to setback requirements.

C) A Wireless Telecommunication Tower and/or Antenna Facility is permitted in a Commercial or Residential District only in the areas designated as a WTFO District on the Zoning Map which are within the fifty (50) foot area adjacent to an interstate highway right-of-way. A Tower located within the fifty (50) foot area adjacent to an interstate highway right-of-way shall:

1. be set back three hundred (300) feet from the existing dwelling units;
2. be set back one hundred ten percent (110%) of the height of the Tower from property lines other than the interstate highway right-of-way.
3. not be subject to a setback requirement from the interstate highway right-of-way.

D) A Wireless Telecommunication Tower and/or Antenna Facility may be permitted on any property owned or controlled by the board of Township Trustees under such conditions, standards and regulations as deemed appropriate by formal approval of the board of Township Trustees, provide such property is used for the provision of public services. In the event such property is located in a residentially zoned district, prior to the approval by the Township Trustees of any construction of a Wireless Telecommunication Tower Facility on such property, advance notice by certified mail of a public meeting by the Trustees on the issue shall be given to each owner of property, as shown on the County Auditors current tax list, whose land is contiguous to or directly across a street or

roadway from the property on which the Tower is proposed to be constructed.

1602 CONDITIONAL USE

A Wireless Telecommunication Tower Facility may be located as a Conditional Use in a Commercial District outside the fifty (50) foot area adjacent to an interstate highway right-of-way, designated as a WTFO District on the Zoning Map and upon the approval of the Zoning Board of Appeals and issuance of a zoning certificate, provided the applicant demonstrates compliance with the following standards, as well as the standards set for in section herein:

A) There is no Technically Suitable space for the applicant's Wireless Telecommunication Antenna(s) and related Facilities reasonably available on an existing Wireless Telecommunication Tower, building or structure within the geographic area to be served, including the areas set forth in the Subsection B. With the zoning certificate application, the applicant shall list the location of every Tower, building or structure and all of the areas set for in the Subsection B that could support the Proposed Antenna(s) or Tower Facility so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available in an existing Tower, building or structure or that a technically suitable location for a Tower Facility is not available in any area set forth in the Subsection B. If another Tower, building or structure, or an area set forth in Subsection B is technically suitable, the applicant must show that it has requested to co-locate on the existing Tower, building or structure and the co-location request was rejected by the owner of the Tower, building or structure or that it has requested all property owners with technically suitable locations to permit it to locate a Tower Facility in all technically suitable areas set forth in Subsection B under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for co-location, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request further show that it has offered to allow the owner of the existing tower to co-locate and antenna(s) on reasonably reciprocal terms on another

tower owned or controlled by the applicant within the Township, if such a tower exists and space is available on such tower or co-location and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage co-location.

B) As a condition of issuing a conditional zoning certificate to construct and operate a Wireless Telecommunication Tower in the Township, the owner/operator of the tower is required to allow co-location until the tower has reached full antenna capacity, but in no event fewer than three (3) additional antenna platforms for three (3) additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set forth in this Section.

C) The color of the Wireless Telecommunication Tower shall be as required by the Zoning Board of Appeals.

1603 ACCESSORY USE

The erection or construction of a Wireless Telecommunication Antenna(s) on an existing Wireless Telecommunication Tower in any zoning district shall be a permitted accessory use as a co-location on such tower and shall be approved upon submission of an application for a zoning certificate to the Zoning Inspector which meets all applicable regulations in Subsection E hereof related to placement of the Antenna and related Facilities.

1604 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION TOWER FACILITIES

Except as otherwise provided in Section 1600 all Wireless Telecommunication facilities shall comply with the following standards:
A) Design:

All Wireless Telecommunication Towers shall be of a monopole design. Towers and Antennas shall be designed to meet all FCC and Ohio Basic Building Code requirements.

B) Maximum Height of Wireless Telecommunication and Tower Related Facilities:

A Wireless Telecommunication Tower shall be less than two hundred (200) feet in height as measured from the average ground level at the base of the Tower. The maximum height of any Wireless Telecommunication Antenna installed pursuant to section 1601 (B), (C), (D), shall be no greater than the height of the existing tower or structure to which it is attached. No equipment building for a Wireless Telecommunication Facility shall exceed ten (10) feet in height from building grade.

C) Additional Permit Use:

A Wireless Telecommunication Tower Facility may be located on a lot with another use.

D) Minimum Lot Area:

The lot upon which a Wireless Telecommunication Facility is located shall have the same minimum lot area as that required for underlying zoning districts and the lot area shall be sufficient to provide for all requirements or setbacks, yards and building coverage as may be specified in the underlying zoning district. The facility may be located however, on a leased area of a lot, which leased area is smaller than the minimum lot area required for the underlying zoning district.

E) Location of Wireless Telecommunication Tower on Lot:

1. Unless otherwise provided in this Section, a Wireless Telecommunication Facility must comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located, except the minimum setback from the nearest lot line of residentially-zoned property or property used for a residential use shall be one hundred ten percent (110%) of the height of the Tower. A Telecommunication Tower shall be set back a minimum of three hundred (300) feet from a dwelling unit.

2. When such facility is located on property adjoining an interstate highway right-of-way, this setback requirement shall not apply to the boundary line if the interstate highway right-of-way as set forth on the Zoning Map.

3. A Wireless Telecommunication Tower must be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. In no event shall any portion of a Wireless Telecommunication Facility be located in front of the principal building on the lot, if any.

F) Space:

Except as otherwise provided for in this Section, there shall be a separation of at least one-half ($\frac{1}{2}$) mile radius between Wireless Telecommunication Towers.

G) Co-location:

A report shall be prepared and submitted by a qualified and licensed professional engineer which report shall certify that the Tower shall have the structural loading capacity to support at least four antenna platforms of equal loading capacity.

H) Access and Parking:

The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of twenty (20) feet from the nearest side or rear lot line. There shall be a maximum of one (1) off-street parking space on the site.

I) Fencing:

Fencing shall provide for public safety reasons. A fence, at least six (6) feet in height, but no greater than eight (8) feet in height, shall be erected completely around those portions of the Wireless Telecommunication Facility that comes in contact with the ground. One "No Trespassing" sign of no greater than Four (4) square feet shall be conspicuously posted on the perimeter fence of the Facility with a telephone number of a person to contact in the event of an emergency.

J) Buffer Area:

A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between Wireless Telecommunication Facilities and the public rights-of way and any adjacent properties from which a direct view can be had of the Facilities, other than the Tower itself. The fifteen (15) feet landscape buffer shall consist of a tight screen fence of hardy evergreen

shrubbery not less than six (6) feet in height. The landscape shall be continuously maintained and promptly restored, if necessary.

K) Outdoor Storage:

Overnight outdoor storage of any supplies, vehicles or equipment related to the use of Wireless Telecommunication Facility is prohibited except during the Facility construction period and to supply emergency power to the Facility only during a power outage.

L) Lighting:

All Wireless Telecommunication Antennas or Towers one hundred (100) feet in or greater shall be illuminated for aviation purposes every one hundred (100) feet starting at the mast top, by most visually non obtrusive "state of the art" lighting available, unless otherwise required by the Federal Aviation Administration (FAA). Lighting fixtures or signs shall not be attached to the Antenna or Tower. Unless required by law, all Antennas or Towers less than one hundred (100) feet in height shall not be illuminated and lighting fixtures or signs shall not be attached to the Antenna or Tower. If lighting is required by the Federal Aviation Administration, "FAA" regulations apply.

Lighting for security purposes shall be permitted at the Wireless Telecommunication Facility with a prior approval if the Zoning Board of Appeals pursuant to a conditional zoning certificate issued and renewable each year.

M) Notification the the Fire Department:

The owner or operator of a Wireless Telecommunication Tower shall notify the Township Fire Department by certified mail of the location and height of the proposed Tower as a condition of issuance of a zoning certificate.

N) FCC Compliance:

Prior to receiving final inspection by the Zoning Inspector, documented certification shall be submitted to the Zoning Inspector, certifying that the Wireless Telecommunication

Facility complied with all current Federal Communications Commission (FCC) regulations for non-zoning electromagnetic radiation (NIER).

O) Advertising:

No advertising shall be permitted on the Wireless Telecommunication Facility.

P) Time Limit for Commencement and Completion of Construction:

After issuance of a zoning certificate of construct a Wireless Telecommunication Facility, the applicant shall complete construction within twelve (12) months or the zoning certificate shall expire. As a condition of issuance of the certificate, the Zoning Inspector shall require the applicant and the owner of the property of certify that if construction is not commenced within six (6) months or completed within twelve (12) months that the site will be available for another Wireless Telecommunication Facility.

Q) Removal of Wireless Telecommunication Facilities:

1. The owner or operator shall agree to remove a non-functioning Wireless Telecommunication Facility within one (1) year of ceasing its use. The owner/operator of the Antenna and /or Tower shall, on no less than an annual basis from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector as to the continuing operation of every Facility that is subject to this Section. The owner/operator of the Antenna and/or Tower shall sign a written consent agreeing to permit periodic inspections of the Wireless Telecommunication Facility by the Zoning Inspector of his designee.

2. The owner or operator shall be required, as a condition of issuance of a zoning certificate, to pass a cash or surety bond acceptable to the Board of Township Trustees of not less than one hundred dollars (\$100.00) per vertical foot from natural grade of the Wireless Telecommunication Antenna or Facility shall be removed within one (1) year of cessation of use and abandonment. A surety bond posted pursuant to this subsection shall be renewed on an annual basis. Any successor-in-interest or assignee of the owner/operator of the Facility shall also post such bond.

1605

ZONING CERTIFICATE FEES

A) The fees for applications for zoning certificates as required in Article XVI shall be as specified by the Township Board of Trustees.

B) Reimbursement of Expenses: The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the Zoning Inspector, Zoning Board of Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in this Section which are not covered by the application fees established by the Board of Township Trustees.

1606

PUBLIC UTILITY EXEMPTION

A) In the event a Wireless Telecommunication Tower Facility is to be owned or principally used by a public utility engaged in the provisions of Telecommunication Services, the regulations of the District do not apply when the proposed location for the Tower Facility is in an area of the Township which is not residentially zoned. The proponent of such Tower Facility must file a written application for a zoning certificate with the Zoning Inspector supported in writing by a preponderance of Substantial Evidence that the Tower will be owned or principally used by a public utility engaged in the provisions of Telecommunications Services. The applicant must also demonstrate by a preponderance of Substantial Evidence that it possess a sufficient degree of the following attributed associated with being a public utility to be considered a "public utility" for purpose of this exemption.

1. Whether the applicant devoted an essential good or service;
2. Whether the applicant provides its goods or services to the public indiscriminately and reasonably;
3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
5. Whether the good or service offered by the applicant is vital;
6. Whether there is a lack of competition in the local marketplace for the good or service;

7. Whether there is regulation by a governmental authority and the extent of that regulation; and

8. Whether the applicant possesses the power of eminent domain.

B) No single factor set forth above is controlling as to whether the applicant such "public utility" engaged in the provision of "Telecommunication Services". Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances; some factors may be given more weight than others.

C) If the Zoning Inspector determines to deny the applicant such "public utility" status, the Inspector shall do so in writing, and state the reasons therefore. Such decision of denial by the Zoning Inspector shall not be a final decision by the Township on this issue. Any determination by the Zoning Inspector that the applicant is not a public utility engaged in the provisions of Telecommunications Services shall be appealable to the Zoning Board of Appeals pursuant to the procedure set forth in the Zoning Regulation. The decision for the Zoning Board of Appeals shall be the final decision of the Township on this issue.

D) In the event a Wireless Telecommunication Facility is proposed to be in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of the requirements of this Zoning Resolution if it meets all of the criteria 1, 2, and 3 below as follows:

1. All of the requirements of Subsection 1606 "A "through "C" are met;

2. The public utility provides both of the following by certified mail;

A) Written notice to each owner of property as shown on the County Auditors current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the Tower is proposed to be constructed, stating all of the following in clear and concise language:

*the public utility's intent to construct the Tower

*a description of the property sufficient to identify the proposed location: and

*that no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the Tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

B) Written notice to the Board of Township Trustees of the information specified on Subsection 1606 "D" 2A of the Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the Wireless Telecommunication Tower within fifteen (15) days after the due date of mailing of the notice sent under Subsection 1606 "D" 2B of this section, the Board of Trustees shall request that the Fiscal Officer of the Township send the person proposing to construct the Tower written notice that the Tower is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first received such a notice from a property owner of the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of the Zoning Resolution shall apply to the Tower without exception. If the Board of Trustees, however received no notice under Subsection 1601 "D" 2A of the Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection 1606 "D" 3 within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution.

ARTICLE XVII
DUTIES AND RESPONSIBILITIES OF ZONING INSPECTOR

AND ASSISTANT ZONING INSPECTOR

1700 The Zoning Inspector and/or Assistant Zoning Inspector is responsible for seeing that all zoning regulations for the Township are followed:

When a violation of the zoning rules is committed, the Zoning Inspector and/or the Assistant Zoning Inspector will issue a citation and report all citations issued to the Trustees. Citation follow-ups will be made and turned over to the Lorain County Prosecutor if necessary.

The Zoning Inspector and/or Assistant Zoning Inspector shall be responsible for: Issuing all permits required by the Township; collect all fees in accordance with the fee schedule of permits; inspect all properties to assure that zoning regulations have been followed; turn over all building permits for proper notification to the Lorain County Auditors Office; and shall turn over all fees collected to the Township Fiscal Officer and shall be present at all Board of Trustee Meetings.

The Zoning Secretary is responsible for typing, filing and all other office requirements.

ARTICLE XVIII
ADMINISTRATION

1800 ADMINISTRATION-ENFORCEMENT

1801 ZONING PERMITS

1801.01 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector that does not conform with the provisions of this Resolution unless he receives a written order from the Zoning Board of Appeals deciding an appeal or permitting a conditional use or variance, and provided by this Resolution.

1801.02 CONTENT OF APPLICATION FOR ZONING PERMIT

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work had not begun within six (6) months and work shall be completed within one (1) year from the date of the permit. At a Minimum, the application shall contain the following information:

- A) Name, address and phone number of applicant
- B) Legal description of property
- C) Existing use
- D) Proposed use
- E) Zoning District
- F) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any and the location and dimensions of the proposed building(s) or alterations.
- G) Building Heights
- H) Number of off-street parking spaces or loading berths
- I) Number of dwelling units
- J) Indicate the location of underground fuel tanks
- K) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

1801.03 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall approve, refer or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the

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

1801.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning permit issued affecting any land within three hundred (300) of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue a zoning permit. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) days period or any extension thereof agreed upon by the Highway Director and the Property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

1801.05 EXPIRATION OF ZONING PERMIT

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

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

1802 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any buildings or premises, or both or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution.

1803 TEMPORARY CERTIFICATE OF OCCUPANCY

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

1804 RECORDS OF CERTIFICATES OF OCCUPANCY

The Zoning Inspector shall maintain a record of all certificates of occupancy.

1805 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution and punishable under Section 2001 of this Resolution.

1806 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning permits or certificates of occupancy issues on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable and provided in Article XX of this Resolution.

1807 COMPLAINTS REGARDING VIOLATIONS

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

1808 SCHEDULE OF FEES, CHARGES AND EXPENSES

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

1809 ZONING COMMISSION/AMENDMENTS

1809.00 PURPOSE

The purpose of the Zoning Commission shall be to maintain zoning resolutions/regulations used to protect the Township.

1809.00 A APPOINTMENT

The Commission shall be composed of five (5) members and two (2) alternates, all of whom are residents of the Township. Members shall be appointed by the Trustees for a period of five (5) years. The terms shall be so arranged so that the term of one (1) member shall expire each year. In the event that a regular member is absent an alternate may fill that position for that meeting only.

1809.00 B ORGANIZATION

The Zoning Commission shall meet as necessary as directed by the Chairperson. The Chairperson and Vice Chairperson shall be elected annually for the membership. The Chairperson shall preside at all meetings of the Zoning Commission. The Vice Chairperson will preside in his or her absence.

1809.00 C MEMBER RE-ASSIGNMENT

In the event a regular member resigns, dies or otherwise vacates his/her position as a member of the Zoning Commission, the senior alternate may be moved to that position. They will fill the remainder of the term vacated

1809.01 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require the Township Trustees may by resolution after receipt of recommendation thereof from the Zoning Board, and be subject to procedures provided by law, amend, supplement, change or appeal the regulations, restrictions and boundaries or classification of property.

1809.02 INITIATION OF ZONING AMENDMENTS

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

- A) By adoption of a motion by the Zoning Commission
- B) By the adoption of a resolution by the Township Trustees
- C) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

1809.03 CONTENTS OF APPLICATION

The application for amendment shall contain at least the following information, prepared in triplicate:

- A) Name, address and phone number of applicant
- B) Proposed amendment to the text or legal description
- C) Present use
- D) Present Zoning District
- E) Proposed use
- F) Proposed Zoning District
- G) A vicinity map at scale approved by the Zoning Inspector showing proposed zoning and such other items as the Zoning Inspector may require

- H) A list of all property owners within, contiguous to and directly across the street from the parcel(s) proposed to be re-zoned
- I) a fee as established by the Township Trustees

1809.04 TRANSMITTAL TO THE ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

1809.05 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail to the Highway Director. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Township that he shall proceed to acquire the land needed, then the Township shall refuse to approve the re-zoning. If the Highway Director notified the Township that the acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Township Trustees shall proceed as required by law.

1809.06 PUBLIC HEARING BY THE ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of a motion. Transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) days, not more than forty (40) days from the date of the receipt of such motion, transmittal such resolution, or the filing of such application.

1809.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given to the Zoning Commission by at least one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

1809.08 NOTICES TO PROPERTY OWNERS BY THE ZONING COMMISSION

If the proposed amendment intends to re-zone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by certified mail return receipt at least twenty (20) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such owners appearing on the County Auditors current tax list or the Treasurers mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

1809.09 SUBMISSION TO REGIONAL PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Zoning Commission transmittal of a resolution by the Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application together with the text and map pertaining to the case in question to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered as the public hearing held by the Zoning Commission.

1809.10 RECOMMENDATIONS BY THE ZONING COMMISSION

Within thirty (30) day after the public hearing, the Zoning Commission shall recommend to the Township Trustees that the amendment be

granted as requested, or it may recommend as modification of the amendment be requested, or it may recommend that the amendment not be granted. The Zoning Commission shall transmit its recommendation to the Township Trustees.

1809.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES

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

1809.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1809.13 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES

If the proposed amendment intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Fiscal Officer, by certified mail return receipt at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to and directly across the street from such owners appearing on the County Auditors current tax list or the Treasurers mailing list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

1809.14 ACTION BY THE TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning

Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, it must do so by a unanimous vote.

1809.15 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Fiscal Officer a petition, signed by a number of qualified voters residing in the Township equal to not less than ten percent (10%) of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the Zoning Resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE XIX

1900 ZONING BOARD OF APPEALS

1901 PURPOSE

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

1902 ORGANIZATION AND PROCEDURE

1902.01 APPOINTMENT

The Board shall be composed of five (5) members, all of whom are residents of the Township. Members shall be appointed by the

Trustees for a period of five (5) years. The terms shall be so arranged that the term of one member shall expire each year. Should any vacancy on the Board occur for any reason, the Trustees shall appoint a successor to serve the unexpired term? The Trustees have the right to remove any member of the Board with due cause.

1902.02 ORGANIZATION AND RULES

A) The Zoning Board of Appeals shall organize annually and elect a Chairperson, Vice Chairperson and Secretary from its membership. The Zoning Board of Appeals shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.

B) The chairperson shall preside at all meetings of the Zoning Board of Appeals. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Zoning Board of Appeals. The chairperson may appoint committees deemed necessary to carry out the business of the Zoning Board of Appeals. The chairperson's signature shall be the official signature of the board and shall appear on all decisions as directed by the Zoning Board of Appeals

C) The Vice-Chairperson shall serve in the absence of the chair person. He shall have all the powers of the chairperson during his absence, disability or disqualification.

D) The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Zoning Board of Appeals.

1902.03 MEETINGS

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

1902.04 VOTING

A) All actions of the Zoning Board of Appeals shall be taken by resolution, the vote of each member being recorded. The majority of

the board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector.

B) No member of the Zoning Board of Appeals shall vote in any matter in which he is personally or financially interested.

1902.05 MINUTES AND RECORDS

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

1902.06 WITNESS AND OATHS

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

1902.07 DEPARTMENT ASSISTANCE

The Zoning Board of Appeals may call on any applicable County or State Agency for assistance in the performance of its duties, and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Board may make an analysis and present a report on any matter before the Zoning Board of Appeals. Such report shall be considered by the Zoning Board of Appeals at the time of hearing on the matter.

1903 GOVERNING GUIDELINES

A) The Zoning Board of Appeals shall be governed by the provisions of all applicable state statutes, local laws, regulations and rules set forth herein.

- B) The Zoning Board of Appeals shall become familiar with all enacted resolutions and laws of Sheffield Township under which it may be expected to act as well as with applicable state enabling legislation.
- C) The Zoning Board of Appeals shall uphold the Zoning Resolution and Official Zoning Map of Sheffield Township as adopted and shall serve primarily as a judicial review in the performance of its duties.
- D) The Zoning Board of Appeals shall become familiar with the community goals, desires and policies. Through the performance of its duties, the board may not act as a legislative body; or through interpretation, the granting of variances or the setting of conditions; alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

1904

JURISDICTION AND POWERS

The Zoning Board of Appeals shall operate so as to carry into effect the powers and jurisdiction conferred upon it as follows:

- A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.
- B) To hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this Resolution.
- C) To hear and decide upon application for variances under the terms provided in this Resolution.
- D) To interpret the provisions of Zoning Resolution of Map where there is doubt as to meaning or application. The Zoning Board of Appeals shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.
- E) To exercise such other powers as may be granted to the Zoning Board of Appeals by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code and amended.
- F) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make and change in terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial

review, interpretation, variance or conditional use as defined in this Article.

1905 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

1905.01 APPEALS

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

1905.02 FEES-SEE SECTION 1808

1905.03 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, with a notice to the Zoning Inspector from whom the appeal is taken.

1905.04 VARIANCES

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

1905.05 APPLICATION AND STANDARDS FOR VARIANCES

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

- A) Name, address, and phone number of applicants
- B) Legal description of property
- C) Description of nature of variance requested
- D) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same district.
 - 2. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this ordinance.
 - 3. That special conditions and circumstances do not result from the actions of the applicant.
 - 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures or buildings in the same district.

1905.06 CONDITIONS FOR GRANTING VARIANCES

Variations may be granted by the Zoning Board of Appeals where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for a variance may be made to the Zoning Board of Appeals through the Zoning Inspector by an aggrieved property owner. A variance from the provisions or requirements of this Resolution shall not be authorized by the Zoning Board of Appeals unless it finds that all the following facts and conditions exist:

- A) That unnecessary hardships would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited possibilities of economic

advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.

B) That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness or lot size or shape, exceptional topographical or other physical conditions.

C) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

D) That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.

E) That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.

F) That said variance will not permit the establishment within a district. Or any use other than those permitted by right within that district, or any use for which a conditional permit is required.

G) That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.

H) That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.

I) That in no instance shall a variance be considered for the following reasons:

1. Presence of nonconformities in the zoning district
2. Previous variances granted in the zoning district
3. Uses in adjoining zoning districts
4. The applicant's belief that the intended use would be permitted upon his purchase of the land
5. The character standing of the applicant
6. Hardship being demonstrated beyond the contest of zoning: e.g. economics.

1905.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS

The Zoning Board of Appeals shall have no powers to authorize, as a variance, the establishment of a nonconforming use where none previously existed. The substitution of a nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Zoning Board of Appeals shall adhere to all regulations contained in Section 308 of this Resolution in acting upon all nonconforming uses and modifications thereto.

1905.08 CONDITIONS IMPOSED BY THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be composed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XVIII of this Resolution.

1905.09 LAPSES OF VARIANCES

A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of six (6) months, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning Inspector shall give as notice in writing, and thirty (30) days thereafter the variance shall be deemed null and void and all regulations governing said premises in question shall revert to those in effect before the variance was granted.

1905.10 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

1905.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

1905.12 NOTICE TO PARTIES IN INTEREST

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

1906 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF
CONDITIONAL USES

1906.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for a conditional use permit shall be filed with the Chairperson of the Zoning Board of Appeals and the Chairperson of the Zoning Commission by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A) Name, address and phone number of applicant
- B) Legal description of property
- C) Description of existing use
- D) Present zoning district
- E) Description of proposed conditional use.
- F) A plan of proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic areas and traffic

circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Zoning Board of Appeals may require to determine if the proposed conditional use meets the intent and requirement of this Resolution.

G) A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare odor, fumes, vibration on adjoining property; a discussion of the district; and the relationship of the proposed use to the comprehensive zoning plan.

H) Such other information as may be required.

1906.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

A) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plan;

B) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

C) Will not be hazardous or disturbing to existing or future neighboring uses;

D) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

E) Will not create excessive additional requirements at public cost of facilities and services and will not be detrimental to the economic welfare of the community

F) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property. Or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

G) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;

H) Will not result in the destruction, loss or damage of a natural, scenic, historic feature of major importance.

1906.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable.

1906.04 ZONING BOARD OF APPEALS REVIEW AND COMMENT

The Zoning Board of Appeals shall study each application for a conditional use permit and make recommendation within ten (10) days of receipt to the Zoning Board of Appeals.

1906.05 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

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

1906.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

1906.07 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, written notice of such hearing shall be mailed by the Chairperson of the Zoning Board of Appeals by First Class Mail, at least ten (10) days before the date of the hearing to all Parties in interest. The notice shall contain the same information as required of notices published in the newspaper as specified in this Article.

1906.08 EXPIRATION OF CONDITIONAL USE PERMIT

As conditional use permit shall be valid for a period not to exceed one (1) year from date of issuance. Inspection and payment of a fee as set forth in the fee schedule shall be required prior to renewal of said permit. A conditional use permit shall be deemed to authorize only one (1) particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

1907 DECISIONS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall decide all applications for variances, conditional uses and appeals within ten (10) days after the final hearing thereon. The applicant shall be notified in writing of the Board's decision and the findings of fact which were the basis for the Board's determination. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination of the Zoning Inspector as in its opinion ought to be made on the Premises. The decision shall state any conditions and safeguards necessary to protect the public interest. In reading a decision, the Board shall be guided by standards specified in this Resolution. A verified copy of the Board's decision including all terms and conditions shall be transmitted to the Zoning Inspector and shall be binding upon and observed by him. The Zoning Inspector shall fully incorporate these same terms and conditions in the permit to the applicant whenever a permit is authorized by the Board. All findings and decisions shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should know that:

- A) It has considered and evaluated all available information and evidence;
- B) It has heard all parties in question;

- C) Any personal knowledge the Board may have of the subject under question has been taken into account;
- D) The Board had received a report on the case based upon an inspection of the parcel in question.

1908

DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS,
TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Zoning Board of Appeals shall be to the courts as provided by Section 1909 if this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this article shall not include hearing and deciding the questions of interpretation and enforcement that may arise; these being the powers of the Zoning Board of Appeal. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments of the repeal of all or part ;of this Resolution, as provided by law and establishing a schedule of fees and charges. If, in the course of carrying out the intent of this Article and after review of all appeals cases brought before it, the Zoning Board of appeals finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Maps be appropriately amended.

1909

APPEAL TO COURTS

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

ARTICLE XX
PENALTY FOR VIOLATION

2001

PENALTIES FOR VIOLATION

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

2002

CIVIL ACTION

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Township Trustees, the County Prosecutor or Township Legal Advisor, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation may in addition to other appropriate action, enter proceedings or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

2003

REMEDIES CUMULATIVE

The exercise of the rights and remedies granted in this Article and the above paragraphs shall in no way preclude or limit the Township or any person from exercising any other right or remedy now or hereafter granted to them under the laws of Ohio.

ARTICLE XXI
MISCELLANEOUS PROVISIONS

2101 INTERPRETATION

In interpreting and applying the provisions of this Resolution, they shall be held to be minimum requirements for the promotion of public health, safety or general welfare. Where this Resolution imposes greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure or required larger open spaces than are imposed or required by other resolutions, rules, regulations or permits, or any easements, covenants or agreements, under the regulation of this Resolution, such provision shall govern.

2102 VALIDITY

If any section, clause, provision or position of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other article or part thereof.

2103 EFFECTIVE DATE

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

2104 REPEAL

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