

HURON TOWNSHIP ZONING RESOLUTION
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ARTICLE 1

TITLES, AUTHORIZATION, PURPOSE, AND ENACTMENT CLAUSE

101 LONG TITLE

A resolution providing for the zoning of the unincorporated area of Huron Township, Ohio, by regulating the size, height, location, and use of buildings and structures, the area and dimension of the unincorporated area of the Township into zones or districts of such number, size, and shape as are deemed best suited to carry out said purpose and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

WHEREAS, The Board of Trustees of Huron Township, Erie County, Ohio, deem it in the public health, safety, morals, comfort and general welfare of the said Township and it's residents to establish a general plan of zoning for the unincorporated area of said Township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Huron Township, Erie County, Ohio.

102 SHORT TITLE

This Ordinance shall be known as the "Zoning Resolution for Huron Township, Erie County, Ohio".

103 Authorization

This Resolution is authorized by the Revised Code of the State of Ohio.

104 PURPOSE

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of the land; to facilitate adequate but economical provisions of public improvements; and promote aesthetic considerations within the Township; the Board of Trustees of this Township find it necessary and advisable to regulate the location, height, density, number of stories and size of buildings and other structures, including tents, cabins, trailer coaches, and the uses of land for trade, industry, residences, recreation, and other purposes, and for such purpose have divided the unincorporated area of the Township into districts or zones as shown on the official zoning map of Huron Township, Erie County, Ohio.

105 ENACTMENT CLAUSE

Whereas there has been heretofore adopted a comprehensive plan of Zoning for Huron Township, Erie County, Ohio, dated effective November 5, 1958; and

Whereas said Zoning Resolution has been amended from time to time; and

Whereas additional amendments to the Zoning Resolution have been initiated by the Huron Township Zoning Commission and have been duly referred to the Board of Trustees of Huron Township for approval, denial, or modification; and

Whereas the Board of Trustees of Huron Township have approved such amendments together with maps to the original Zoning Resolution as amended and heretofore adopted; and

Now, therefore, be it resolved that the Huron Township Zoning Resolution as contained herein and including the Zoning Map is hereby adopted by the Board of Trustees of Huron Township, Erie County, Ohio.

106 EFFECTIVE DATE

The amended Zoning Resolution shall be effective thirty (30) days after approval by the Board of Trustees of Huron Township, Erie County, Ohio.

ARTICLE 2

INTERPRETATION

201 INTERPRETATION AND APPLICATION

In interpretation and application, the provisions of this Resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort, and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provisions of law, or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings and premises.

Where this Resolution imposes a greater restriction upon the use of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Resolution.

202 VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in this controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of such provisions to other persons or situations shall not be effected.

ARTICLE 3

GENERAL REGULATIONS

301 PURPOSE

General regulations apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

302 PERMITTED USES

Buildings incidental to an agricultural use are not subject to the requirements of this Resolution, however, in the spirit of orderly planning, the owner is encourage to comply with all applicable requirements.

A structure used only as a dwelling and any structures accessory to that dwelling are not considered incidental to an agricultural use of the land. All permitted dwellings and accessory structures shall be subject to zoning permits and all other regulations of this Zoning Resolution.

In all zoning districts containing any platted subdivision approved under Ohio Revised Code 711.05, 711.09, or 711.10 or in any area consisting of fifteen (15) or more lots approved under O.R.C. 711.131 that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.

1. Agricultural uses are prohibited on lots of one (1) acre or less.
2. On lots greater than one (1) acre, but not greater than five (5) acres, buildings and structures incidental to the use of land for agricultural purposes shall meet applicable setbacks as required for the districts in which it is situated.
3. On lots of five (5) acres or less, but greater than one (1) acre, if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or is subject to a tax on manufactured homes under O.R.C. 4503.06, dairying and animal and poultry husbandry are limited as follows:
 - a) Not more than two (2) of the following may be raised or kept on lots of at least four (4) acres: cow, buffalo, camel, llama, horse, goat, sheep, or swine. One (1) of these animals may be kept on lots of less than three (3) acres.
 - b) Chickens or fowl shall not be kept on lots of less than twenty thousand (20,000) square feet and shall be caged in such a way that neighbors are not disturbed. The total number of these animals shall not exceed one (1) per five hundred (500) square feet. The number of young animals, age six (6) months or less, or offspring of adult animals allowed on the property at any time shall not exceed three (3) times the number normally permitted on the property based on lot size. If these animals are kept along with an animal listed in subsection (a) above, the total number of these animals shall not exceed one (1) per one thousand (1,000) square

- feet. If two (2) of the animals listed in subsection (a) are kept, no chickens or fowls may be kept.
- c) Colonies of bees shall not be located on lots of less than twenty thousand (20,000) square feet. A minimum of one thousand (1,000) square feet shall be required for each additional colony. Bee colonies shall not be located within one hundred (100) feet of any property line or within fifty (50) feet of any dwelling.
 - d) Dog kennels may be kept on lots of three (3) acres or more with no more than five (5) dogs over the age of five (5) months. A minimum of one half (-1/2-) acre shall be required for each additional dog. Dog kennels shall not be located within one hundred (100) feet of any property line, with noise buffers being erected so neighbors are not disturbed.
 - e) The keeping of fur bearing animals such as mink, chinchillas, rabbits, fox, and the like, the raising of laboratory animals such as rats, mice, monkeys, and the like, the keeping of carnivorous or omnivorous exotic animals, nor the keeping of poisonous animals shall be permitted.
 - f) All animals and fowl shall be housed and fenced or caged so they can not run-at-large. All food supplies shall be kept in rodent-proof containers.
 - g) All health and sanitation requirements of the State of Ohio and Erie County shall be followed.
4. On lots of five (5) acres or less, after thirty-five percent (35%) are developed as described above, existing dairying and animal and poultry husbandry shall be considered a non-conforming use of the land and buildings or structures and, if it is not in conformance with the above requirements, shall be regulated pursuant to Article 8 of the Huron Township Zoning Resolution.

303 PROHIBITED USES

303.01 No person, firm, association, or corporation shall cause or allow to be caused any accumulation of "JUNK" as defined herein on any premises in any district. Nothing herein shall prevent the parking or storage of a wrecked, dismantled, or junked automobile/automobiles in a fully enclosed garage or similar permanent enclosed structure.

303.02 The following uses shall not be allowed in any zoning district:

1. Coaches, bus bodies, vans, street cars, and railroad cars used for dwellings. Any of the above that are currently being used for dwelling purposes, as a nonconforming use, that being unoccupied or abandoned for a period of two (2) years, must be torn down or otherwise removed from the premises.
2. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, septic tank refuse, except as resultant from normal domestic use of the premises, unless such dumping is done at a place recommended by the Zoning Commission and provided for by the Township Trustees or County Commissioners for such specific purpose.
3. Massage parlors--no person, firm, partnership, corporation or other entity shall operate a massage establishment within the unincorporated territory of Huron Township. This prohibition does not apply to the practice of any limited branch of medicine or surgery in accordance with Revised Code 4731.15 and 4731.16 or

the practice of providing a therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other health professional licensed, certified, or registered to practice in the State of Ohio.

304 GENERAL LOT AREA REGULATIONS

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

304.01 Lot Area Exception For Existing Certain Substandard Lots

Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which located.

305 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.

305.01 Yard for Single Building

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

305.02 Yard Measurements

- A. The minimum front yard depth shall be measured on a perpendicular from the street right-of-way line to the building setback line. Streets having no established right-of-way shall have such right-of-way established by classifying the streets according to classifications in the subdivision regulations, or if such subdivision does not exist, by assuming the street has a fifty (50) foot right-of-way, with the center of the traveled portion of the street being the center of the right-of-way. All front and side street yards shall be measured from the right-of-way lines so established.
- B. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of any structure.
- C. Corner and double frontage lots shall comply with the minimum front yard depths on both streets.

305.03 Clear View of Intersecting Street

In all zones which require a front yard, no obstruction in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines or the projected point of intersection of the street property lines and a line connecting points twenty-five (25) feet from the intersection of the street property lines or the projected point.

305.04 Yard Exceptions-Fence, Hedges, and Walls

In all districts, except Industrial, fences, hedges, and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard, and to a height of three (3) feet in any required yard abutting a street. Fences and walls required to surround and enclose public utility installations are not limited as to height in any district. Nothing in this subsection implies that any of the above mentioned structures can be built in the road right-of-away.

305.05 Required Setbacks for Accessory Buildings/Structures

Detached garages and other accessory buildings/structures shall be located in either the side or rear yard unless structurally made a part of the principal building. No accessory building may be closer than fifteen (15) feet to any other building on the premises. In the R-1 (Rural Residential) district, without sewer and water, the setback from the property line for a detached accessory building shall be at least one and one-half (1½) times the overall height of the accessory building with the minimum setback being fifteen (15) feet. In all other situations, the minimum setback shall be at least ten (10) feet from the property line.

305.06 Sale, Lease, Or Use of Required Yard Space

No part of a lot or parcel will be allowed to be sold if that area is required to meet setbacks, open areas, parking requirements, etc. for the larger, original parcel.

306 HEIGHT EXCEPTIONS

No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the structure is located, except that: (1) roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, chimneys, smokestacks, water tanks, or similar structures may be erected to exceed by not more than fifteen (15) feet the height limits of the district in which it is located; provided that such structure shall not have a total area greater than twenty (20) per cent of the roof area of the building and shall not be used for any residential purposes.

307 BUILDING REGULATIONS

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to: (1) exceed the maximum height; (2) accommodate a prohibited use of a dwelling by a greater number of families; (3) occupy a greater percentage of lot area; and (4) have a narrower or smaller rear, front or side yards, than are specified herein for the district in which said building is located.

307.01 Principal Building

No more than one principal building shall be permitted on any one lot unless otherwise specifically stated in this Resolution.

307.02 Buildings Under Construction Prior to this Resolution

Nothing in this Resolution shall be deemed to require any change in the plans, construction, or designated uses of any building upon which actual construction was lawfully begun prior to the adoption of this Resolution and provided further that such building shall be completed within two (2) years from the date of passage of this Resolution.

307.03 Town House, Multi-Family, and Commercial Development

When more than one (1) town-house, multi-family, commercial, or industrial building is located on one lot, the buildings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements.

307.04 Minimum Living Floor Area per Family

The minimum ground floor area required per family for any size residence shall be one thousand (1000) square feet exclusive of porches, steps, garage, etc.

307.05 Frontage Required For Building

No principal building shall be erected on a lot which does not abut on a duly dedicated, improved, and accepted public road or street.

307.06 Driveway Regulations

Driveways shall conform to the Huron Township Driveway Construction and Design Regulations as adopted by the Huron Township Trustees.

308 OPEN SPACE RECREATION

This use shall be defined as outdoor recreation for enjoyment, relaxation, or rest which requires outdoor areas and involves scenic natural resources such as open space, fields, trees, and/or water.

Conditional use permits for outdoor open space uses may be granted in any zoning district and shall be regulated by the Board of Appeals using Article 7 as a guide.

Examples of open space recreation uses would be vacation farms, archery courses, shooting preserves, fishing ponds, etc.

309 USES SPECIFICALLY NOT CONTROLLED BY DISTRICT REGULATIONS

309.01 Official Notices Exempt

This Resolution shall not apply to signs established by any court or public body exclusively for legal or official notice, directional warning, or other public information.

309.02 Temporary Buildings

Temporary buildings or uses incidental to construction work shall be permitted providing such buildings or uses shall not be continued as permanent structures or uses. In no case or circumstance shall the period of continuance exceed twelve (12) months except as permitted by the Board of Appeals for good cause shown as a conditionally permitted use.

Also, in no case or circumstance is a temporary building or use to be used for residential or sleeping purposes without authorization of the Board of Appeals.

309.03 Surface of Parking Lots

Off-street parking shall be surfaced and maintained with asphalt and/or concrete and shall be so graded and drained as to dispose of all surface water. In no case shall drainage be permitted across sidewalks. Surfacing and drainage shall be subject to approval by the Zoning Inspector.

309.04 Drainage of Access Driveways

Access driveways in all zoning districts shall be designed and located so that those portions located within the highway or roadway right-of-way will prohibit surface drainage from flowing directly onto the highway pavement.

309.05 Road/Street Width

The minimum width of any public road or street in Huron Township shall be twenty-five (25) feet. All streets in subdivisions shall be constructed with curbs and gutters with a width of 2.5 feet on each side. The minimum width of a private street which services more than four (4) residences shall be 24' from curb to curb. (The width of a street shall be measured from the back of the curb to the back of the opposite curb.)

309.06 Parking Prohibited

On subdivision street having a width of less than twenty-eight (28) feet, there shall be no parking on either side.

309.07 Swimming Pools

Swimming pools shall be allowed in any district as an accessory use provided the minimum setback is ten (10) feet from the property line. All swimming pools shall be completely enclosed by a fence with a minimum height of four (4) feet and a maximum ground clearance of six (6) inches.

309.08 Sidewalks Required

Sidewalks shall be installed within residential subdivisions that require review by the Erie County Regional Planning Commission for compliance with the Erie County Subdivision Regulations. Subdivisions and/or phases of subdivisions that qualify shall be those with lots having frontage of 120 feet or less and that have not received preliminary approval from the Regional Planning Commission on the effective date of this Resolution. In the interest of design flexibility and aesthetics, consideration shall be given by the Township to plans incorporating walking trails, paths, and other alternative means of traversing the subdivision however, all designs must include paved or smooth surfaces that will encourage biking, use of roller skates or roller blades, walking, or other types of wheeled equipment and/or apparatus and all lots shall have immediate and abutting access to the sidewalks or paths. The sidewalks shall be constructed in accordance with the specifications adopted by the Huron Township Trustees and/or good engineering practice

309.09 Surface Drainage

Regardless of the scope of a project, surface drainage of both natural and storm water shall not adversely affect surrounding properties. It shall be the responsibility of the property owner to assure that drainage is properly handled on the subject property in accordance with the Erie County Storm Water Management regulations.

311 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity, and general welfare of the community, the following districts are hereby established:

- | | |
|----------------------------------|--------|
| A. Rural Residential | (R-1) |
| B. Rural Estate Residential | (R-1E) |
| C. Suburban Residential | (R-2) |
| D. Multi-family Residential | (R-3) |
| E. Highway Commercial | (C-1) |
| F. General Commercial | (C-2) |
| G Primary Thoroughfare Comm. | (C-3) |
| H. Industrial | (I) |
| I. Commercial Recreation | (CR) |
| J. Conservation/Open Space | (C/OS) |
| K.Planned Unit Development (PUD) | |

312 ZONING DISTRICTS MAP

The districts established in Section 311 are bounded and defined as shown on a map entitled "Zoning Districts Map of Huron Township, Erie County, Ohio", and said map with all the notations, references, and other pertinent material shown thereon are hereby declared as part of this Resolution.

313 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 center lines or right-of-way lines of streets, the center line or right-of-way lines of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be the district boundaries.
- B. Where district boundaries are indicated to approximately follow lot lines, these lines shall be construed to be district boundaries.
- C. Where district boundaries are indicated as approximately parallel to the center lines or right-of-way lines of streets, the center lines or right-of-way lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

314.01 Purpose

It is the intent of this section to protect the health, safety, welfare, and general convenience of the inhabitants of the Township. The Site Plan review regulates the development of structures and sites in a manner which considers the following concerns, and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- A. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances. (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.)
- B. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas and roads;
- C. The adequacy of waste disposal methods and protection from pollution of surface and/or groundwater; and
- D. The protection of historic and/or natural environmental features of the site under review and adjacent areas.

314.02 Projects Requiring Site Plan Review

No permits for the construction, exterior alteration, occupancy, or change in use of any commercial/industrial building or structure shall be issued and no existing commercial/industrial use, building, or structure shall be expanded in floor area or established except in conformity with a site plan approved by the Zoning Commission. A Site Plan Review shall be required for the resumption of any use discontinued for more than two (2) years or for the expansion of any existing use. The only exemptions from the Site Plan Review requirements shall be one and two family dwellings; however, each application, regardless of the scope, will be reviewed for the adequacy of the surface drainage of stormwater.

314.03 Items Required on the Plan

- A. The location of all existing and proposed buildings and structures and their distances to property lines.
- B. The location of all utilities.
- C. Location, height, and intensity of all external lighting fixtures and their direction of illumination and methods to eliminate glare unto adjoining properties.
- D. A copy of the drainage plan as submitted to the Erie County Engineer's Office.
- E. Complete landscaping plan showing the location and types of plantings.
- F. Traffic patterns, both vehicular and pedestrian.
- G. Vehicle entrances and exists, unloading and loading areas, and all curb cuts.
- H. Complete parking plan showing parking space dimensions and required paving.
- I. Building elevations from all sides.

ARTICLE 4

DISTRICT REGULATIONS

401 RURAL RESIDENTIAL DISTRICT R-1

401.01 Purpose

The purpose of this district is to accommodate single-family development within the rural environment where central/public water and sanitary sewer facilities are not available.

401.02 Uses

A. Permitted Uses

1. Single-family dwellings
2. Accessory buildings incidental to the principal use which does not include any activity conducted as a business.

B. Conditionally Permitted Uses

1. Private or governmental owned and/or operated park, playground, or golf course subject to Article 7, Section 703.01.
2. Cemetery subject to Article 7, Section 703.01.
3. Churches and other buildings for the purpose of religious worship subject to Article 7, Section 703.01.
4. Public utilities or governmental owned and/or operated building, airport, or facility subject to Article 7, Section 703.01.
5. Home occupations subject to Article 7, Section 703.01, Subsection 114.
6. Private, (nonprofit), clubs and fraternal organizations, without live entertainment, on parcels in excess of ten (10) acres, subject to Article 7, Section 703.01.
7. Open space recreational uses as defined in Section 308 and as regulated by Article 7, Section 703.01 & 703.02.
8. Farm Markets as regulated by Article 7, Subsection 115.
9. The occupation of recreation-type vehicles in conjunction with a gathering for entertainment purposes on private property as regulated by Article 7, Section 116. (A Conditional Use Permit is not required for one (1) recreational vehicle that is parked and occupied at a private residence for a period not to exceed seven (7) days. In this case, the only approval that is required is that of the Zoning Inspector.
10. Tourist Home/Bed and Breakfast use as regulated by Article #7, Subsection #118.
11. Wind Energy Conversion Systems as regulated by Article 7, Subsection 119

401.03 Minimum Requirements for Areas Without Both Public Water and Public or Community Sewage Disposal Systems.

<u>Lot Requirements</u>	<u>Net Area per Dwelling Unit</u>
A. Lot area	One (1) acre (43,560) sq. ft.
B. Lot frontage	One hundred fifty (150) ft.
C. Lot frontage on cul-de-sac lots	Seventy-Fifty (75) ft. at front lot line One hundred fifty (150') at building setback

Minimum Yard Requirements

A. Front yard setback	Fifty (50) ft. from right-of-way line
B. Rear yard setback	Fifty (50) ft.
C. Side yard setback	Twenty-five (25) ft.

401.04 Minimum Requirements for Areas With Both Public Water and Public or Community Sewage Disposal Systems.

<u>Lot Requirements</u>	<u>Net Area per Dwelling Unit</u>
A. Lot area	Fifteen thousand (15,000) sq. ft.
B. Lot frontage	One hundred (100) ft.
C. Lot frontage on cul-de-sac lots	Fifty (50) ft. at front lot line One hundred (100) ft. at building setback line

Minimum Yard Requirements

A. Front yard setback	Thirty-five (35) ft. from right-of-way line
B. Rear yard setback	Forty (40) ft.
C. Side yard setback	Twelve (12) ft. each side

401.05 Maximum building height

Thirty-five (35) feet

401-A RURAL ESTATE RESIDENTIAL DISTRICT R-1E

401.01-A Purpose

The purpose of this district is to accommodate larger residences on more spacious lots within the rural environment. In this district, there may or may not be central/public water and sanitary sewer facilities.

401.02-A Uses

A. Permitted Uses

1. Single-family dwellings.
2. Accessory buildings incidental to the principal use which does not include any activity conducted as a business.

B. Conditionally Permitted Uses

1. Private or governmental owned and/or operated park, playground, or golf course subject to Article 7, Section 703.01.
2. Open Space recreational uses as defined in Section 308 and as regulated in Article 7, Section 703.01 & 703.02.
3. Farm Markets as regulated by Article 7, Subsection 115.

401.03-A Minimum Requirements

<u>Lot Requirements</u>	<u>Net Area Per Dwelling Unit</u>
A. Lot Area	Five (5) acres (217,800)sq.ft
B. Lot Frontage	Four hundred (400) ft.

401.04-A Minimum Yard Requirements

A. Front yard setback from right-of-way	One hundred ft. (100)
B. Rear yard setback	One hundred (100)ft
C. Side yard setback	Fifty (50) ft. each side

401.05-A Maximum Building Height

- A. Thirty-five (35) ft.

402 SUBURBAN RESIDENTIAL DISTRICT R-2

402.01 Purpose

The purpose of this district is to accommodate single and two-family residential development in areas served by public water supply and public or community sewage disposal facilities.

402.02 Uses

A. Permitted Uses

1. Single-family dwellings
2. Two-family dwellings
3. Accessory buildings incidental to the principal use which does not include any activity conducted as a business.

B. Conditionally Permitted Uses

Any Conditionally Permitted Use allowed and as regulated in the R-1 (Rural Residential) district.

402.03 Minimum Requirements

<u>Lot Requirements</u>	<u>Net Area per Dwelling Unit</u>
A. Lot area	Eleven thousand (11,000) sq. ft.
B. Lot frontage	Seventy-five (75) ft.
C. Lot frontage on cul-de-sac lots	Seventy-five (75) ft. at building setback Thirty-five (35) ft. at lot line

402.04 Minimum Yard Requirements

A. Front yard depth	Thirty-five (35) ft.
B. Rear yard depth	Forty (40) ft.
C. Side yard width on	Twelve (12) ft. each side

402.05 Maximum Building Height

Thirty-five (35) feet

403 MULTI-FAMILY RESIDENTIAL DISTRICT R-3

403.01 Purpose

The purpose of this district is to permit the development of multi-family dwellings, and planned neighborhoods having a variety of dwelling types. Public or community water supply and sewage disposal facilities are required in high-density development of this type.

403.2 Uses

A. Permitted Uses

1. Multi-family dwellings of three or more dwelling units.
2. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
3. One and two-family dwellings subject to Article 4, Subsections 402.03, 402.04, & 402.05.

B. Conditionally Permitted Uses

Any Conditionally Permitted Use as allowed and as regulated in the R-2 (Suburban Residential) district, plus the following:

1. Hospital, sanitarium, convalescent home, nursing home, child day-care center (with the exception of Type B day care centers), and home for the aged subject to Article 7, Section 703.01 & 703.02.
2. Recreation type uses as described in, and complying with Section 408.

403.03 Minimum Lot Requirements For Multi-family Dwellings

A. Lot area

1. 7000 square feet of gross lot area per family.

B. Lot frontage

1. One Hundred (100) feet

C. Useable Open Space

1. The developer and/or contractor shall show on one (1) copy of the proposed site plan the exact location and square footage of the useable open space, which shall not be less than twenty percent (20%) of the total lot area of the proposed development. Sidewalks, driveways, parking lots, and other related land which is to be used for service facilities, ground maintenance, storm drainage, pump stations, loading zones, shrubbery, etc., shall not be considered as useable open space.

404 HIGHWAY COMMERCIAL DISTRICT C-1

404.01 Purpose

The purpose of this district is to provide for Highway oriented business.

404.02 Uses

A. Permitted Uses

1. Single and two-family dwellings as regulated in Article 4, Subsections 402.
2. Multi-family dwellings as regulated in Article 4, Subsections 403.
3. Motels and other overnight accommodations as regulated below:
 - a. Shall utilize collective sewers connected to an approved public sewer system or approved individual sewage disposal system.
 - b. Any lot to be used for a motel or overnight accommodations shall contain at least one (1) acre.
 - c. The total lot area required for each sleeping unit shall be at least fifteen hundred (1500) square feet.
 - d. All lot areas not used for access, parking, circulation, buildings, and services shall be completely and permanently landscaped.
 - e. Motels and other overnight accommodations shall comply with the setbacks and other requirements of the district within which it is located.
 - f. All buildings and structures shall not comply, in the aggregate, more than twenty-five percent (25%) of the total lot area—this shall include total square footage, both occupied and unoccupied space.
4. Establishments engaged in the retail trade of:
 - a. Apparel
 - b. Office supplies, art goods, and books
 - c. Beverages
 - d. Drugs
 - e. Food
 - f. Hardware
 - g. Sporting goods, toys, and similar specialty stores
 - h. Appliances
 - i. Variety and department stores
 - j. Restaurants, including drive-in type
 - k. Bowling lanes, skating rinks, and miniature golf courses
 - l. Similar main uses
5. The following retail services:
 - a. Laundry & dry cleaning
 - b. Barber & beauty shops
 - c. Shoe repair stores
 - d. Banks
 - e. Business Offices
 - f. Medical and other professional offices
 - g. Funeral homes
 - h. Meeting halls and auditoriums
 - i. Specialty schools such as music, dancing, etc.

j. Similar main uses

B. Conditionally Permitted Uses

1. Church and other buildings for the purpose of religious worship subject to Article 7, Section 703.01.
2. Schools and governmental-owned and/or operated buildings or facilities subject to Article 7, Section 703.01.
3. Recreation type uses as allowed in more restrictive districts and in Section 408.
4. Installation of telecommunications towers by public utilities in accordance with O.R.C. Section 519.211, and, if applicable, Article 7, Section 703 & Section 703.01, Subsection #117 of this Code.
5. Mini-storage facilities in accordance with Article 7, Sections 702- & 703

404.03 Minimum Lot Requirements

- | | | |
|----|--------------|---------------------------------|
| A. | Lot Area | Twenty thousand(20,000) sq. ft. |
| B. | Lot Frontage | One hundred (100) ft. |

404.04 Minimum Yard Requirements

- | | | |
|----|---------------------|--|
| A. | Front Yard Depth | Thirty-five (35) ft. from the right-of-way line |
| B. | Rear Yard Depth | Twenty (20) ft. |
| C. | Side Yard Width | Ten (10) ft. |
| D. | Side and Rear Yards | adjacent to residential districts shall meet the side and rear yard requirements of the adjacent residential district. |

404.5 Maximum building height

- | | |
|----|----------------------|
| A. | Thirty-five (35) ft. |
|----|----------------------|

404.06 Supplementary Regulations

The grouping together of commercial uses into commercial centers is encouraged. In order to minimize traffic congestion, control driveway approaches to public streets, provide for fire protection, and to protect the surrounding residential areas from adverse activities, a site plan, showing the site layout including the location and dimension of vehicular and pedestrian entrances, exits, driveways, walkways, and the vehicular circulation patterns to and from the site; store locations and dimensions; off-street parking spaces; landscaping; and the location, types, and physical characteristics of all signs, shall be submitted to, the Zoning Inspector before the Zoning Certificate is issued.

Before a Zoning Certificate or Building Permit for any commercial/industrial development in this district is issued, the developer shall submit to the Zoning Commission detailed plans and specifications for the proposed project in accordance with Section 314 of this Resolution. The Commission The site plan shall be submitted to the Zoning Commission at their next regularly scheduled meeting for their review and comments. If the project meets all requirements of the Zoning Resolution, the Inspector will issue the permit.

This site plan submittal is required for all developments, excluding one and two family residences, in this and all other commercial and industrial districts.

405.01 Purpose

The purpose of this district is to encourage integrated groupings of stores and personal and professional services.

405.02 Uses

A. Permitted Uses

Any use permitted and as regulated in the C-1 (Highway Commercial) district, and as hereinafter specified in this Section.

1. Taverns, bars, clubs, with or without entertainment.
2. Auto wash establishments.
3. Theaters, both indoors and outdoors.
4. Veterinary hospitals and/or kennels.
5. New and used car, truck, or farm implement sales and services or rental. (Vehicles in operable condition only)
6. Vehicle gasoline or service stations.
7. Mobile home and trailer sales and service.
8. Lumber, coal, builders supply yards and stores.
9. Hospitals, sanitariums, convalescent homes, nursing homes, child day care centers, and homes for the aged.
10. Similar main uses.
11. Accessory buildings or structures incidental to the principal use which does not include any activity conducted as a separate business.

B. Conditionally Permitted Uses

Uses as allowed and regulated in the C-1 (Highway Commercial) plus the following:

1. Adult Cabarets and Adult Orientated businesses in accordance with Resolution # 98-03, entitled Regulations Governing Adult Cabarets and Adult Oriented Businesses and their Employees approved by the Huron Township Trustees on April 22, 1998, and Sections 503.51 – 503.59 of the Ohio Revised Code. In addition to the above, the applicant shall comply with the following:
 - a. The structure having such use shall be located on a parcel of land having an area of at least one (1) acre and shall be the only use of such parcel.
 - b. The parcel of land described in (a) above shall be located at least five hundred (500) feet from the boundaries of any parcel of real estate having situated on it a dwelling unit or units, church, school, playground, or park.

405.03 Minimum Lot Requirements

- | | |
|-----------------|-------------------------------------|
| A. Lot Area | Thirty thousand (30,000)
sq. ft. |
| B. Lot Frontage | One hundred & fifty (150) feet |

405.04 Minimum Yard Requirements

- | | |
|---------------------|---|
| A. Front Yard Depth | Fifty (50) feet from
right-of-way line |
| B. Rear Yard Depth | Thirty (30) feet |
| C. Side Yard Width | Fifteen (15) feet |

405.05 Maximum Building Height

Forty-five (45) feet from grade

405.06 Supplementary Regulations

Site plans are required as per Section 314

406 PRIMARY THOROUGHFARE COMMERCIAL DISTRICT C-3

406.01 Purpose

The purpose of this district is to provide for, and encourage, integrated groupings of stores and personal and professional-type services in areas fronting or immediately adjacent to primary thoroughfares.

406.02 Uses

A. Permitted Uses

Any use permitted and as regulated in both the C-1 (Highway Commercial) and the C-2 (General Commercial) districts.

B. Conditionally Permitted Uses

Uses as allowed and as regulated in the more restrictive Commercial districts.

406.03 Minimum Lot Requirements

- | | |
|-----------------|------------------------------|
| A. Lot area | Forty-five (45,000)sq. ft |
| B. Lot frontage | One hundred fifty (150)sq ft |

406.04 Minimum Yard Requirements

- | | |
|---|-----------------------------------|
| A. Front yard setback from right-of-way | One hundred twenty-five (125) ft. |
| B. Rear yard setback | Fifty (50) ft. |
| C. Side yard setback | Fifteen (15) ft. ea. side |

406.05 Maximum Building Height

Forty-five (45) from grade

406.06 Supplementary Regulations

Site plans are required as per Section 404.06

407 INDUSTRIAL DISTRICT I

407.01 Purpose

The purpose of the Industrial district is to provide for: 1) certain non-retail commercial uses, 2) warehouse and storage uses, and 3) manufacturing, assembling, and fabrication activities.

407.02 Uses

A. Permitted Uses

1. Uses permitted and as regulated in C-1 & C-2 districts with the exception of dwellings and/or dwelling groups.
2. Warehousing, wholesale establishments, and trucking facilities.
3. Manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products which will not be materially injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, water pollution, or other particulate matter, toxic or non-injurious materials, odors, fire or explosion hazards, glaze or heat.

B. Conditionally Permitted Uses

1. Sanitary landfill sites subject to all requirements as prescribed by this Resolution and all other applicable Federal, State, and Local requirements.
2. Outdoor storage providing the area used for storage is located in a rear yard and is enclosed by a structure or wall at least six (6) feet in height. No materials shall be stored in such a manner as to project above the wall with the exception of vehicles and mechanical equipment.
3. Dwellings and dwelling groups.
4. Installation of telecommunications towers in accordance with Article 7, Section 703 & Section 703.01, Subsection #117 (A-1-3) of this Code.

407.03 Minimum Lot Requirements

- | | |
|-----------------|---------------------------------------|
| A. Lot Area | Forty-five thousand (45,000) sq. feet |
| B. Lot Frontage | One hundred fifty (150) feet |

407.04 Minimum Yard Requirements

- | | |
|------------------------|--|
| A. Front Yard Depth | Fifty (50) feet from the right-of-way line |
| B. Rear Yard Depth | Thirty (30) feet |
| C. Side Yard Width | Twenty (20) feet each side |
| D. Side and Rear Yards | |

Adjacent to residential districts shall be one hundred (100) feet from the residential district. This area may be used for parking providing it is properly screened.

407.05 Maximum Building Height

Fifty (50) feet unless granted expressed approval by the Board of Appeals to exceed.

407.06 Supplementary Regulations

Site plans are required as per Section 314

408 COMMERCIAL RECREATION - CR

408.01 Purpose

The Commercial Recreation provision is designed in recognition of the fact that lake shore and certain inland areas within the Township have potential commercial value to the recreation industry. Generally the kinds of uses that would be deemed appropriate would be those that may be considered accessory but not limited to activities such as boating, camping, fishing, hunting, horseback riding, golf, etc. If the proposed use is compatible with this Article, a complete site plan is required complying with both this Article and the site plan requirements listed in Section 413.

408.02 Permit Required

A permit is required for construction and operation of recreational facilities within any district in the Township by application to the Zoning Inspector. The fee for such permit shall be prescribed by the Board of Township Trustees.

408.03 Uses by Permit

A. Examples of Recreational facilities requiring a permit are as follows:

<u>Principal Uses</u>	<u>Allowable Uses Accessory to the Principal Use</u>
1. Camp grounds (recreational Vehicles, tents, cabins, etc.)	Shop or store, pool, laundry, stable
2. Marina, (boat & boat motor sales, service, dockage & fuel)	Restaurant, lodge, repair, shop, lounge, sales room
3. Hunting area (bow and/or gun shooting of approved game, dog training area)	Clubhouse, lodge, restaurant lounge, sales room
4. Winter sports (ski areas, sled or toboggan runs, etc.)	Lodge, restaurant, lounge, ice skating rink, sales room

<u>Principal Uses</u>	<u>Allowable Uses Accessory to the Principal Use</u>
5. Golf course	Clubhouse, pro shop, snack bar, pool, restaurant
6. Swimming Pool	Snack bar, bath house

The above are examples of the types of uses associated with this District. There are many other types of recreational uses that may be included which shall be determined by the Board of Appeals during the Conditional Permit review.

- B. Buildings and lands shall be designed, created, altered, and intended only for recreational use and not for general commercial use.

408.04 Height Regulations

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

408.05 Area and Setback Regulations

Every lot occupied by a main building or use shall comply with the lot area, lot frontage, and building setback requirements for all buildings, including accessory buildings, as follows:

<u>Use</u>	<u>Lot Area (Acres)</u>	<u>Lot Frontage</u>	<u>Building Setback</u>
Camp Grounds	10	200'	100'
Marinas	2	75'	100'
Hunting Area	75	200'	100'
Winter Sports	5	150'	100'
Golf Course	5	200'	100'

408.06 Yard Regulations

Rear and side yard regulations shall be in accordance with the district in which the proposed site is located unless otherwise prescribed by the Board of Appeals.

408.07 Parking Requirements

Parking shall be in accordance with the parking regulations prescribed elsewhere in this Resolution or as required by the Board of Appeals. All parking shall be on-site with no spaces in or on the public thoroughfare.

408.08 Access Drives and Parking Lots

All access drives shall be designed to afford the utmost in safety to those using the facility and those merely passing by, and shall comply with the requirements in Article #5, "Parking and Loading Regulations". All access drives and parking area shall be paved with either asphalt or cement.

408.09 Signs

All signs shall comply with Article 6 of this document.

408.10 Criteria for a Commercial Recreation District

The following criteria will be considered by the Board of Appeals when reviewing a recreational use for the Conditional Use Permit.

A. General

1. The use shall 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 a use will not change the essential character of the same area;
2. The use will not be hazardous or disturbing to existing or future neighboring uses;
3. The use will be a substantial improvement to the property in the immediate vicinity and to the community as a whole;
4. The use will be served adequately by essential public facilities and services, such as highways, police and fire protection, drainage structures, refuse disposal and schools; so that the persons or agency responsible for the establishment of the proposed use shall be able to provide services to an adequate level as prescribed by the Board of Appeals;
5. The use will not create additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
6. The use will not involve uses, activities, processes, materials, and 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;
7. The use will be consistent with the intent and purpose of this Resolution;
8. The Township Zoning Inspector shall be permitted by the applicant to inspect the area covered in the permit at any time the permit is in force;
9. Application for a this District shall be made only by the owner or lessee of the property;
10. All cost incurred by the Township in soliciting expert advice in regards to the application shall be borne by the applicant.

B. Special Requirements

1. The Board of Appeals shall impose such additional requirements and safeguards as deemed necessary and as applicable to the particular intended use and/or location of the use for the general welfare and for the protection of the individual's property rights;
2. Any nuisance to neighboring properties created by vehicular traffic, noise during late operation, or noise resulting from any source connected with the use will not be permitted.

C. Violations

If any of the Sections or Articles of the Zoning Resolutions as applicable to the use are violated, a ten (10) day notice to correct such violation shall be issued by the Zoning Inspector.

D. Re-application

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

E. Closed or Abandoned Use

If a recreational type use is closed or abandoned for a period of one (1) year or more, it shall be the responsibility of the property owner or lessee to remove, within ninety (90) days from receipt of a written notice from the Zoning Inspector, any structures or accessories which are not in conformance with the zoning regulations of the district in which the use is located. Any re-opening of the recreational use after one (1) year of being closed or abandoned shall require re-application for Conditional Use Permit in accordance with this Resolution.

F. Expansion and Addition of Uses

The permit shall allow only the uses as applied for and accessory uses thereof. A separate Conditional Use application is required for adding another recreational use to an already approved recreational use.

408.11 Special Development Plans and Application

A. Submittal of Site Plan

A site plan shall be prepared for all types of proposals in this District shall be submitted to the Zoning Inspector for review by the Board of Appeals as part of the Conditional Use permit review procedure. A preliminary and final development plan shall be submitted. The preliminary site plan shall include:

1. Survey and the topography of the property showing the land owned and the location of the proposed development.
2. The location, size, height, and use of all buildings, both existing and proposed.
3. A plan of the existing and proposed streets, including construction types, widths, and traffic estimates.
4. A plan of all utilities including, but not limited to, water mains, storm sewers, and sanitary sewers. Construction plans must be reviewed and approved by the authority having jurisdiction before final approval and acceptance of each.
5. A plan showing parking spaces and or parking lots depicting the number of spaces.
6. Other site developments and specifics, as per Erie County storm water and drainage regulations, including grading and drainage patterns, design of landscaped yards and all other green areas, and other pertinent site information.

B. Final Site Plan

After the approval of the preliminary site plan, the applicant shall submit a final plan which shall include all the above information, plus any changes required by the Board of Appeals. This will be reviewed at the Board of Appeals' next regularly scheduled meeting. The Board of Appeals shall take action on the final plan within twenty (20) days from this meeting.

409 CONSERVATION/OPEN SPACE DISTRICT C/OS

409.01 Purpose

The Conservation/Open Space District is designed to encourage the development of land for conservation/open space uses or to preserve natural resources. A secondary purpose is that of protecting the public health, safety, and welfare and reducing the financial burden imposed on a community and its individuals by restricting the use of those areas in the Township which may be subject to periodic flooding. This district is not intended to encourage or allow retail or commercial operations.

409.02 Permitted Uses

Land located within this district shall be used for the following purposes only:

1. Agricultural, including incidental agricultural structures
2. Botanical gardens and arboretums
3. Forest preserves, wildlife reservations, and ecological sanctuaries
4. Parks and playgrounds
5. Zoological gardens
6. Accessory uses and structures, incidental to and on the same lot as the principal use.

409.03 Conditional Uses

The following Conditional Uses may be allowed subject to Article 7

1. Cultural facilities, including libraries, museums, and similar cultural institutions
2. Golf courses and similar open space recreational type activities

409.04 Development Standards

No permitted or Conditional Use shall be allowed in this district which is not provided with a minimum of at least three (3) acres and two hundred (200) feet of lot width.

409.05 Required Setbacks

No building or structure may be closer to any property line than fifty (50) feet.

409.06 Height Limitations

No building or structure shall exceed thirty (30) feet.

409.07 Parking

Parking for each specific use shall be determined in accordance with Article 5 of this Code.

409.08 Signs

All signs within this district shall comply with Article 6 of this Code.

409.09 Site Plan Review

All buildings and structures that are constructed within this district shall require a site plan review as specified in Section 314.

410 PLANNED UNIT DEVELOPMENT PUD

410.01 Purpose

It shall be the policy of Huron Township to promote public health, safety and welfare by providing for the regulation of planned unit development. It is the intent of these regulations to provide maximum opportunity for orderly development which will benefit the community as a whole by offering a greater choice of living environments, complementary blending of land uses, to include community respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities and transportation needs.

A. Definition

“Planned Unit Development” or PUD shall mean a development which may integrate residential, commercial and industrial facilities in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains additional requirements such as building design principals and landscaping plans

410.02 Interpretation

Whenever the requirements of Section 410 appear to be in conflict with other Sections of this Resolution or with those of other existing resolutions, the provisions of this section shall prevail.

410.03 PUD District Designation

The final approval of the Planned Unit Development by Huron Township shall be in accordance with this Resolution. It shall include a re-zoning of the subject parcel to the Planned Unit Development district as per O.R.C. Section 519.12 upon the application of the property owner. Upon approval of the final development plan, the Official Zoning Map shall be so amended.

410.04 Uses Permitted in a PUD District

Residential, commercial, manufacturing, public and quasi-public uses may be separate or combined in PUD Districts, provided that the proposed uses will not adversely impact upon adjacent property or the public health, safety, and general welfare and that the location of uses in the PUD are specified in the final development plan. The Planned Unit Development may be comprised of one use or a combination of uses, as indicated above.

410.05 Minimum Project Area

A. The gross area of the tract to be developed under the Planned Unit Development approach shall conform to the following schedule:

<u>Type of PUD</u>	<u>Minimum Area (acres)</u>
Residential	20
Commercial	10
Industrial	30
Residential-Commercial	30
Commercial-Industrial	40
Residential-Commercial-Industrial	40

a. Lot Area in Residential Developments

Lot area per dwelling unit and density shall comply with the applicable requirements for the district within which the project is located. A variety of lot sizes, lot shapes, and setbacks are encouraged

b. Lots to Abut on Common Open Space

Except as otherwise approved by the Township Trustees in the final plan, every residential lot developed under this PUD approach shall be designed to abut on common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) town house units in any contiguous group except as otherwise approved by the Township Trustees in the final plan.

410.06 Disposition of Open Space

The required amount of common space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a property owners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses. The legal articles relating the organization of the property owners' association are subject to review and approval by the Township Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements, rights-of-way for water courses and other similar channels, driveways, parking lots, and required yard setbacks are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development.

A. Common Open Space

A minimum of twenty-five percent (25%) of the total area of the development area shall be dedicated and reserved for common open space and recreational facilities for the occupants/residents/users of the area being developed. The open space shall be disposed of and maintained as outlined in 410.05 of this Resolution. The Township Zoning Commission in conjunction with the Township Trustees may require land to the amount of five percent (5%) of the land included in the planned unit development be conveyed to the Township for park purposes.

410.07 Utility Requirements

Underground utilities, including telephone, cable television and electrical systems, are required within the limits of all planned unit developments.

Appurtenances to these systems, which can be effectively screened, may be exempt from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

410.08 PUD Lot Requirements

The lot requirements for planned unit developments approved by the Township shall be in accordance with this article

410.09 Arrangement of Commercial/Manufacturing Uses

When planned unit development districts include commercial and/or industrial uses, buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas. The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

410.10 Procedures for Approval of Planned Unit Development Districts

Planned Unit Development Districts shall be approved in accordance with the procedure in Section 410.11 to 410.23. The designation of a PUD will be considered a change of zoning to the PUD district, however, the underlying zoning remains in place and, except as otherwise approved by the Township Trustees in the final plan, the project must meet all the applicable provisions of the Zoning Resolution.

410.11 Pre-Application Meeting

The developer shall meet with the Township Building Department prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein and to familiarize the developer with zoning and other applicable regulations.

410.12 Preliminary Development Plan Application Requirements

An application for preliminary planned unit development approval shall be filed with the Township Zoning Inspector/Building Official, as representative for the Zoning Commission, by at least one owner of property for which the planned unit development is proposed. The procedure for approval shall be the same as an amendment to the Zoning Resolution, as detailed in Article 9. The filing of a preliminary development plan under this section shall constitute the election by the property owner to submit the property described in the plan to provisions of this Chapter and shall constitute an application for rezoning the property to the Planned Unit Development District (PUD). All plans prepared and submitted must be prepared by a registered engineer, surveyor, or architect. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address and phone number of applicant & property owner;
2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
3. Legal description of property;
4. Present use(s);
5. Present zoning district;
6. Identification of any area within a floodplain;
7. A vicinity map at a scale approved by the Township showing the property lines, streets, existing easements, and existing buildings, existing and the proposed zoning and other items such as the Township may require;
8. A preliminary development plan at a scale of 1" = 200' showing topography at a minimum of ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Commission may deem necessary; general location of building;
9. Proposed schedule for the development of the site;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years;
11. A fee as established by Resolution passed by the Township Trustees;
12. A list containing the names and mailing addresses of all owners of property within one-hundred fifty (150) feet of the property in question, including all contiguous property owners and those directly across the street from the subject property;
13. Verification by at least one owner of property that all information in the application is true and correct to the best of his/her knowledge;

14. A conceptual drainage plan must also be submitted with the application;

The application for preliminary planned unit development shall be accomplished by a written statement by the developer setting forth the reason why, in his opinion, the planned unit development would be in the public interest and would be consistent with the intent of these planned unit development requirements.

410.13 Criteria for Commission Recommendation

Before making its recommendation, the Commission shall find that the facts submitted with the applications and presented at the public hearing established that:

- A. The proposed development can be initiated within two (2) years of the date of approval.
- B. The streets proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- C. Any proposed commercial or industrial development can be justified at the location proposed.
- D. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these Planned Unit Development requirements and the need to provide a variety of housing opportunities with regard to type and price.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The proposed design shall consider the removal of minimal natural coverage and in all cases reflect conservatory measures relating to open space.
- G. The PUD will not be hazardous or disturbing to existing or future neighboring uses.
- H. The PUD will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- I. The PUD will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- J. The PUD will not involve uses, activities, processes, materials and 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. The Zoning Commission may require studies such as a traffic study to be provided to ensure the concerns noted above can be addressed.
- K. The PUD will encourage development as close as possible to existing settlements to keep the cost of providing service down.
- L. The PUD will provide adequate access for emergency vehicles and for those persons providing emergency services.
- M. The PUD will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.
- N. The design of the PUD will encourage the use of the existing road system presently maintained by the authority having jurisdiction to minimize the additional maintenance

expense of new development and to ensure that new development is adequately served by the transportation network.

- O. The PUD will be consistent with the intent and purposes of this Resolution & the Erie County Comprehensive Plan.

410.14 Development Policies

A. Density

1. The maximum density for a proposed residential development shall be based on site specific review, but shall be based on the compatibility with adjacent uses;
2. Where increased densities are located adjacent to existing buildings, the building setback should be increased to minimize any adverse impact of the proposed development.

B. Height Criteria

1. Architectural compatibility: the height of all buildings are encouraged to be compatible with their vicinity.
2. General character: The heights of the building should be in general compliance with district regulations for a similar type of land use.
3. Scenic values: Buildings should be of such heights so as not to destroy or degrade the scenic values of surrounding areas.
4. Views: Buildings shall not be of such height so as to block, destroy or degrade the scenic values of surrounding areas.
5. Light & air: Buildings shall not be of such heights so as to deny light and air to surrounding properties.

410.15 Site Design

Statement of Policy: The Township hereby finds that it is the public interest for all sites within the community to be designed, arranged and developed in a safe, efficient functions, uses, and improvements should reflect the natural capabilities and limitations of the adjacent property.

The various structures, use, areas, functions, and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular interrelationship. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both within and without.

- A. Integration and separation: It is encouraged that those elements and functions of the site that are basically compatible with one another be integrated by design to the degree of their compatibility and separated to the degree of their compatibility.
- B. Privacy: It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.
- C. Aesthetics: It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally. The degree of existing character of the site and the basic nature of the proposed uses.

- D. Vistas: It is encouraged that the site be developed in such a way so as to preserve or enhance vistas, particularly those seen from public places.

410.16 Placement of Structures

- A. Clear Vision Area. No structure or foliage shall extend into a clear vision area between the height of three feet and seven feet measured from the top of the curb, or where no curb exists, from the established street centerline grade. The clear vision areas shall be as follows:
1. Intersection of driveways and public rights-of-way: A triangle having two sides ten (10) feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
 2. Intersection of two public rights-of-way: A triangle having two sides thirty (30) feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two sides.
- B. Placement of Structures
1. Adverse effects. No structure shall be placed in such a way so as to adversely affect adjacent ownership.
 2. Snow storage areas. Buildings shall be placed in such a manner as to allow for snow storage easements adjacent to public rights-of-way. Snow storage easements shall be dedicated where appropriate.

410.17 Amendment Procedure

Upon receipt of a preliminary development plan which complies with the provisions of this Chapter, the Township Zoning Commission shall set a date for a public hearing. The Zoning Amendment shall follow the amendment procedures detailed in Article 9 of this Resolution.

410.18 Approval

Once the PUD has been reviewed by the Zoning Commission, its recommendation will be forwarded to the Township Trustees. The Township Trustees will also hold a Public Hearing on the matter as outlined in Article 9 of this Resolution and, if they approve, a conceptual approval will be granted to the applicant. At that time, the applicant/developer shall submit the Final Development Plan as described in the following sections.

410.19 Submission of Final Development Plan

After approval of the preliminary development plan in accordance with Section 410.17, the developer shall submit a final development plan to the Township Zoning Inspector/Building Official. The final development plan shall be in general conformance with the preliminary development plan. Eight (8) copies of the final development plan

shall be submitted to the Township Zoning Inspector/Building Official. In addition seven (7) copies shall be forwarded to the Erie Regional Planning Commission for their review and comments. Copies will be forwarded from the Director of Regional Planning to the applicable agencies for comments. A report shall be prepared and forwarded to the Township Building Department.

410.20 Final Development Plan Application Contents

An application for approval of the final development plan shall be filed with the Township Zoning Inspector/Building Official by at least one owner of property for which the planned unit development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearing of the property lines; area in acres; topography; and existing features of the development site including major wooded areas; structures, streets, easements, utility lines and land uses.
- B. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; nonresidential building intensity; and land uses considered suitable for adjacent properties.
- C. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; nonresidential building intensity; and land uses considered suitable for adjacent properties.
- D. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvement, whenever the applicant proposed any exception from standard zoning district requirements or other Resolutions governing development.
- E. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvement; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to the county standards and approved by the County Engineer and the County Sanitary Engineer.
- F. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- G. Preliminary building plans including elevations.
- H. Landscaping plans
- I. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and

the improvements thereon, including those areas which are to be commonly owned and maintained.

J. A fee as established by this Resolution.

410.21 Action by Township Trustees

The Township Trustees shall hold a Public Hearing on this information and (after input from the Zoning Commission at a joint meeting) either approve, approve with supplementary conditions, or disapprove the final plan as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Township Zoning Inspector/Building Official to issue a zoning/building permit in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment and no change from or substantive alteration in such planned unit development shall be permitted without repetition of the procedures in these Sections. Once the final plans have been approved by the Township Trustees, the application to rezone the property has been approved and the zoning map shall be amended to reflect this approval.

410.22 Supplementary Conditions and Safeguards

In approving any planned unit development application, the Trustees may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Resolution and be punishable as such.

410.23 Expiration and Extension of Approval Period

The approval of a final development plan for a planned unit development district shall for a period not to exceed five years to allow for preparation and recording the required subdivision plat and development of the project. In no construction has begun within two years approval is granted, the approved final development plan shall be void. An extension of the time limit or modification of the approval final development plan may be approved if the Trustees find that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

410.24 Changes in the Planned Unit Development

A Planned Unit Development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together with all recorded amendment shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the uses of premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development, as set forth therein.

- A. Major Changes. Changes which alter the concept or intent of the Planned Unit Development including increases in the density, changes in location and types of non-residential land use, increases in the height of the buildings, reductions of proposed open space, more than fifteen percent (15%) modification in proportion of housing types, changes in road standards or alignment, utilities, water, electricity and drainage, or changes in the final governing agreements, provisions or covenants, may be approved only by submission of a new “preliminary approval” steps and subsequent amendment of the final planned unit development plan.
- B. Minor Changes. The Township Zoning Inspector may approve changes in the planned unit development which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor changes are defined as any changes not defined as a major change.

411 FLOOD HAZARD AREA

411.01 Statement of Purpose

This district is designed to protect those lands which are subject to predictable inundations at frequent intervals. Such regulations are herein established, while permitting reasonable economic use of affected properties, will protect the public health and reduce potential financial obligations on the Township and its individuals by frequent and periodic floods. By restricting the use of flood lands, areas are reserved for the impoundment of water with a consequently stabilized stream flow which promotes and maintains the stream's ecological environment.

411.02 Boundaries Further Defined

The floodplain and floodway districts are hereby established “overlay districts”, meaning that these districts are overlaid upon the districts and the land so enclosed may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in this district. The floodplain of the one hundred (100) year frequency flood of Sawmill Creek, Mudbrook, Huron River, Plum Brook and other floodplain areas shown on the map are within the floodplain and are subject to these regulations. The boundaries of the floodplain are hereby established as shown on the Zoning Map. The petitioner for use of land in the floodplain may be required to supply such additional topographical data or engineering studies as are needed to define the exact limits of the floodplain upon the subject land.

411.03 Principal Permitted Uses

No person shall use any building, structure, or land, and no person shall erect any building or structure except in accordance with the following provisions:

- A. Crop farming and gardening, not including related buildings, except as otherwise provided.
- B. Open recreational uses, such as parks, playgrounds, play field, athletic fields, golf courses, bridle trails and nature paths.
- C. Public right-of-ways, private drives and parking lots, except that said parking lots shall not be hard-surfaced.
- D. Public utilities and accessory surface structures, except as otherwise provided

411.04 Conditionally Permitted Uses

The following uses may be permitted subject to the granting of a Conditional Use permit pursuant to Article 7 of this Resolution and subject further to the terms and conditions as herein provided:

- A. Any principal and conditionally permitted use and uses permitted subject to special conditions in a district contiguous to the Floodplain district, provided however, that the extent of the contiguous nature, use pattern, and structures contemplated to accomplish said use meet the following conditions:

1. A district shall have a contiguous boundary of at least three hundred (300) feet with the floodplain district before it's permitted use may be extended into the FP district.
 2. Such uses shall be so designed and erected as to not reduce the impoundment capacity of the floodplain or significantly reduce the flow of water, by the use of stilts, cantilevering or such other design techniques which will place the desired building above the ground (floodwater) level of the site in a safe manner so that said structure or building will withstand the anticipated velocity of the floodwater, and not suffer flood damage.
 3. All building constructed pursuant to this Article shall have a minimum floor elevation of not less than three (3) feet above the minimum floodplain level established by this Resolution, as indicated by the topographical data previously referred to herein and as may be amended from time to time.
 4. Where topographical data, engineering studies or other studies are needed to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by technically qualified persons.
- B. Dumping or backfilling with any material or excavation in any manner is prohibited unless:
1. Through compensating excavation and shaping of the floodplain, the flow or impounding capacity of the floodplain will be maintained or improved, and will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
 2. No significantly measurable reduction in the flow or impoundment capacity of the floodplain thereby results.
 3. Where there is dumping, backfilling, or excavation in any manner, adequate site plans and engineering drawings shall be submitted to effectively show the final results of such actions.
 4. In a floodplain, the construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow or reduce the impoundment capacity of the floodplain and not suffer flood damage.

411.05 Area, Height, and Placement Requirements

Area, height, and placement requirements shall be the same as those provided for in the specific district, pursuant to Section 411.04 (1-a), is extended into the FP district.

ARTICLE 5

PARKING AND LOADING REGULATIONS

501 OFF-STREET PARKING AND LOADING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of the occupants, employees, and patrons of the buildings hereinafter erected, altered, or extended after the effective date of this Resolution shall be provided and maintained as hereinafter prescribed.

- A. Whenever a use requiring off-street parking is increased in floor area, additional parking spaces shall be provided in the amounts hereinafter specified for that use, if the total parking space does not meet the minimum area to serve the increased floor area.
- B. For the purpose of this Code, "floor area" in the case of office, merchandising and service type uses, shall mean the gross floor area used or intended to be used for services, but excluding floor area so restricted that customers, patients, clients, and the general public are denied access.
- C. Off-street parking facilities shall be located on the same lot or plot of ground as the building served.
- D. The off-street parking requirements for uses not specifically mentioned herein, shall be the same as those required for similar uses.
- E. Collective off-street parking facilities may be provided; however, such facilities shall have a capacity equal to the total number of spaces required for each use.
- F. The amount of off-street parking spaces required for uses, buildings, or additions thereto shall be determined according to the following requirements, and shall be reserved for such use.
- G. Parking lots and areas adjacent to public streets, shall have driveways or openings not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line and said lots shall be so designed so that all vehicles leaving the facility will be traveling forward at a ninety (90) degree angle to approaching traffic.
- H. Detailed plans shall be submitted for approval of all cuts or driveway openings in commercial or manufacturing districts before the permit is issued.
- I. Entrances, exits, driveways, or maneuvering areas shall not be computed as any part of the required parking lot or area.
- J. Off-street parking area for more than five (5) vehicles shall be effectively screen on each side which adjoins or faces premises situated in any R (Residential) district by an acceptable fence or wall or other screening maintained in good condition. Such screening shall not be less than (4) four feet or more than six (6) feet in height and shall not have any advertising thereon. In any R (Residential) district, the space between such screening and nearest side lot line or the front lot line shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.
- K. Off-street parking and loading requirements for all districts are as follows:
 1. Any vehicle parking space in a commercial or manufacturing district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any

payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this Code.

2. No building or structures of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of this section or a booth for a parking lot attendant or guard.
3. All parking spaces, drives, and aisles shall be surfaced with either asphalt and/or concrete and shall comply with Article 3, Section 309, Subsections 309.03 & 309.04.
4. All parking spaces, drives, and aisles shall be surfaced with a bituminous or other dust-free surface and maintained in a condition conducive to public use.

501.01 Required Space

- A. Dwelling units:
 1. Two and one-half (2.5) spaces per unit
- B. Rooming houses, lodging houses, boarding houses:
 1. One (1) space per each guest room plus two (2) spaces for the permanent occupant.
- C. Hotels, motels or tourist homes:
 1. One (1) parking space for each sleeping room and one (1) for each two (2) employees.
- D. Business and professional offices and banks:
 1. One (1) parking space for each two hundred (200) square feet of floor area, excluding basements and hallways.
- E. Office buildings:
 1. One (1) parking space for each two hundred (200) square feet of floor area, excluding basements (unless utilized for display) and hallways.
- F. Medical and dental offices and clinics:
 1. Five (5) parking spaces for each physician or dentist plus one (1) for each employee.
- G. Funeral homes and mortuaries:
 1. One (1) for each fifty (50) square feet of floor area per chapel or parlor.
- H. Retail stores, supermarkets, etc.:
 1. One (1) parking space for each one hundred (100) square foot of floor area.
- I. Furniture and appliance stores, hardware stores, builders supply stores, showroom of plumbers, decorators, electricians or similar trades, shoe repair, and other similar uses:
 1. One (1) parking space for each eight hundred (800) square foot of floor area.
- J. Motor vehicle sales and service:
 1. One (1) parking space for each four hundred (400) square foot of floor area of sales room and one (1) additional parking space for each auto service stall in the service area.
- K. Auto service station:
 1. Eight (8) parking spaces.
- L. Beauty parlors and barber shops:
 1. Two (2) parking spaces for each beauty or barber shop chair.
- M. Laundromats:
 1. One (1) parking space for each two (2) washing machines.
- N. Restaurants:

1. One (1) parking space for each three seats of seating capacity.
- O. Establishments for the sale and consumption, on the premises, of food, alcoholic beverages or refreshments:
 1. One (1) parking space per two (2) seats of seating capacity.
- P. Theaters:
 1. One (1) parking space for each three (3) seats.
- Q. Dance halls, skating rinks, private clubs, and other assembly halls without fixed seats:
 1. One (1) parking space per each one hundred (100) square feet of floor area.
- R. Bowling alleys:
 1. Four (4) parking spaces per alley plus one (1) per each two (2) employees.
- S. Wholesale establishments:
 1. One (1) parking space for each employee.
- T. Industrial establishments:
 1. One (1) space per employee on any two (2) consecutive shifts having the largest number of employees.
- U. Auditorium, stadium, or similar uses:
 1. One (1) parking space for each four (4) seats based on maximum seating capacity.
- V. Churches:
 1. One (1) space per each four (4) seats of principal chapel based on maximum seating capacity.
- W. Clubs, lodges, and fraternity houses:
 1. One (1) space per two hundred (200) square feet of floor space or one (1) space per four (4) seating spaces in the assembly room, whichever is greater.
- X. Golf clubs, swimming clubs, or similar uses:
 1. One (1) parking space for each three (3) members.
- Y. Libraries and museums:
 1. One (1) space per each five hundred (500) square foot of floor area.
- Z. Hospitals:
 1. One (1) parking space for each two (2) beds.
- AA. Sanitariums, children's homes, convalescent homes:
 1. One (1) space for each two (2) beds.
- BB. Elementary and junior high schools:
 1. One (1) parking space for each teacher, administrator, and/or employee, plus twenty (20) for visitors.
- CC. Senior high schools:
 1. One (1) parking space for each teacher, employee, administrator, and one (1) space for each five (5) students.
- DD. Colleges and universities:
 1. One (1) parking space per 1.5 students and one (1) for each teacher, administrator, and/or employee present during the daytime.
- EE. In all commercial districts a minimum of two hundred (200) square feet per car shall be used in computing the area to be used for parking.

502 REQUIRED OFF-STREET LOADING SPACE

On the same premises with every building, structure, or part thereof erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of streets or alleys.

Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance for every ten (10) thousand square feet or fraction thereof in excess of three thousand (3000) square feet of building floor area or land for the above mentioned purposes.

ARTICLE 6

SIGN REGULATIONS

601 PURPOSE

The purpose of the sign regulations is to control the location and size of signs used in outdoor advertising within the limits established in the Ohio Revised Code, Section 519.20. This section of the Code states in part -- outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes.

602 SIGNS ON LAND USED FOR AGRICULTURAL PURPOSES OR ON LANDS IN A HIGHWAY COMMERCIAL OR GENERAL COMMERCIAL DISTRICT.

Signs on land used for agricultural purposes or in a Highway Commercial or General Commercial district shall be considered a business or trade use and be required to maintain the same setback, side yard, rear yard, and height requirements as commercial uses and structures in that specific commercial district. These requirements are set forth in Article #4, Section 404, Subsections 404.04, and 404.05; and Section 405, Subsections 405.04 and 404.05.

Exceptions to this section are:

- A. One (1) nonilluminated sign advertising the sale, rental, or lease of the property or building, not exceeding eight (8) square feet in area on any lot.
- B. Signs incidental to the legal process and necessary to the public safety and welfare.
- C. One nonilluminated accessory sign with a surface area not exceeding two (2) square feet which denotes the name of the occupant on each lot on which a dwelling unit is located.
- D. One sign with a surface area not exceeding twelve (12) square feet, which identifies the use of the premises for each of the following types of Conditionally Permitted uses in a Commercial or Residential district:
 1. Cemetery
 2. Church or other places of religious worship
 3. Private or governmentally owned or operated park, playground, and golf course, and riding academy.
 4. Institutions for medical care, hospital, clinic, convalescent home, home for the aged, sanitarium, nursing home, philanthropic institution, and child care center.
 5. One nonilluminated temporary real estate sign advertising the development of the premises upon which it stands or the opening of a

new subdivision development where such sign is located at least twenty-five (25) feet from the street right-of-way line.

6. One (1) sign, with a maximum size of thirty-two (32) square feet, indicating and/or advertising the principal or conditionally permitted use of a parcel. All setbacks shall conform to the district requirements in which it is located except the front which shall be a minimum of twenty (20) feet from the right-of-way line.

603 LAND IN A RESIDENTIAL DISTRICT, (R-1, R-2, & R-3) OR CONSERVATION/OPEN SPACE DISTRICT

Only the following types, sizes, and locations of signs shall be permitted in Residential districts not used for agricultural purposes:

- A. One (1) nonilluminated sign advertising the sale, rental, or lease of the property or building, not exceeding eight (8) square feet in area on any lot.
- B. Signs incidental to the legal process and necessary for public safety and welfare.
- C. One (1) nonilluminated accessory sign with a surface area not exceeding two (2) square feet which denotes the name of the occupant on each lot on which a dwelling unit is located.
- D. One (1) sign with a surface area not exceeding twelve (12) square feet, which identifies the use of the premises for each of the following types of conditionally permitted uses in the Residential district:
 1. Cemetery
 2. Church or other place of religious worship.
 3. Private or governmentally owned and/or operated park, playground, and golf course, and riding academy.
 4. Institutions for medical care, hospital, clinic, convalescent home, sanitarium, home for the aged, nursing home, philanthropic institution, and child day care center.
 5. Governmentally owned and/or operated building or facility.
- E. One (1) non-illuminated temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision development where such sign is located. Real estate signs shall have a surface area not exceeding fifty (50) square feet and such signs shall be located at least twenty-five (25) feet from the right-of-way line.
- F. One (1) non-illuminated sign, not to exceed two (2) square feet in area, and attached flat against the building wall, to identify a Home Occupation in accordance with Article 7 of this Resolution.

604 INDUSTRIAL DISTRICT (I)

Signs located in an Industrial district shall comply with the following:

- A. Any sign permitted and as regulated in a Commercial District.

605 SUPPLEMENTARY REGULATIONS

All signs, boards, and property are subject to the following regulations:

- A. No sign or billboard shall be erected closer than fifty (50) feet to an intersection, with the exception to those signs incidental to the legal process and necessary for the public welfare or those business signs attached to a building or structure.
- B. All signs and billboards erected within two hundred (200) feet of any intersection must be erected so as not to obstruct traffic sight lines at street intersections or railroad grade crossings.
- C. No sign or billboard shall be erected in or projecting over any public street or road right-of- way.
- D. Any sign or billboard illuminated with electric lights, including neon or other gaseous type tubes or incandescent lamps, shall not duplicate in the electric light any colors appearing in traffic control signals.
- E. Signs and billboards visible from the street or highway shall not contain words such as "stop", "go", "slow", or any symbol which may resemble highway traffic or directional signs.
- F. Total square feet of signage permitted per project, lot, parcel, or business shall not exceed two (2) square feet of sign for every one (1) foot of lineal frontage.

605.01 Billboards

Any sign that exceeds 100 square feet in area shall be considered a billboard sign and it shall comply to the following:

- A. Billboards signs shall only be allowed in the Industrial/ Commercial Districts and on lands used for agricultueal purposes.
- B. All billboards shall be situated in accordance with Section 602 of this Resolution
- B. No billboards shall be located within 500 feet of any other billboard.
- C. All billboards shall be at least 300 feet from any Residential District.

- D. No billboard shall obstruct the view of motorists on adjoining roads or shall obstruct any commercial or industrial uses which depend on visibility for identification.
- E. No billboard shall exceed an overall size of 300 sq. ft. per side not exceed 35' in height.

606 FEES

Sign permit fees shall be established by the Board of Township Trustees by Resolution.

ARTICLE 7

CONDITIONAL ZONING CERTIFICATES

701 PURPOSE

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar types of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, and are dependent on the functional characteristics of the use, competitive situations, and the availability of land. Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the investor, but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the communities inhabitants.

In order to accomplish such a dual objective, provisions are made in this Resolution for a more detailed consideration of each Conditionally Permitted Use as it relates to location; design, size, method of operation, and its intensity of land use; which in turn affects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and services it requires. Land and structure uses possessing these particularly unique characteristics are designed as Conditionally Permitted Uses and are permitted through the issuance of a Conditional Zoning Certificate with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

702 PROCEDURES FOR MAKING APPLICATION

- A. Application submitted to the Board of Zoning Appeals. An application shall be submitted to the Board of Zoning Appeals and it shall contain the following data:
1. A form supplied by the Board of Zoning Appeals completed by the applicant.
 2. A site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, and the types of buildings and uses proposed.
 3. The fee for a Conditional Zoning Certificate shall be prescribed by the Board of Township Trustees.
 4. The Board of Appeals may refer the applicant to qualified consultants as they deem necessary and appropriate. The entire cost of this referral shall be the responsibility of the applicant.

702.01 Review by the Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development as presented by the submitted plans and specifications in terms of the standards established in the Zoning Resolution. Such review shall be completed and made public within a reasonable time.

702.02 Hearing

After adequate review and study of any application, the Board of Appeals may hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation, at least ten (10) days prior to the hearing. Such notice shall indicate the place, time, and subject of the hearing.

702.03 Reapplication

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

702.04 Issuance and Revocation of Conditional Zoning Certificate

Only upon conclusion of hearing procedures relative to a particular application may the Board of Zoning Appeals issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate as granted and shall constitute a violation of the Zoning Resolution. Such violation shall be punishable as specified in Article 9.

703 GENERAL REQUIREMENTS

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use of the proposed location:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and that such a 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 not be detrimental to property in the immediate vicinity or to the community as a whole;
- E. Will be served adequately by essential public facilities and services;
- F. Will be in compliance with the subdivision regulations, the Board of Health standards, and the Ohio Basic Building Code, if there is such a requirement;
- 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. The Board of

Zoning Appeals shall require as conditions of approval any other requirements, including guarantees that any and all required conditions will be complied with, that it deems necessary to fulfill the purpose and intent of this Resolution.

703.01 Specific Requirements

Although various Conditionally Permitted Uses in this Zoning Resolution refer to specific sections, the Board of Appeals should apply all of these specific requirements to each Conditional Use request that is reviewed by them. In authorizing a Conditional Use Permit, the Board shall give due regard to the nature and conditions of all adjacent uses and structures and may impose such additional requirements with respect to location, construction, maintenance; and operation in addition to those expressly stipulated in this Resolution for a specific Conditional Use as they may deem necessary. It should be noted that each of the following will not be applicable to every request.

- 101 Sanitariums, convalescent homes, nursing homes, and homes for the aged shall have a net residential density which shall not exceed three (3) times the number of single-family dwellings allowed on the same size parcel in the same zoning district.
- 102 All structures, except minor structures like utility poles and meters, and activity areas shall be located as not to adversely affect neighboring properties taking into account existing and future uses.
- 103 Loud speakers which cause an annoyance or hazard shall not be permitted.
- 104 All points of entrance and exit shall be located to furnish the optimum safety to both the persons using the facility and the general public.
- 105 There shall be no more than one (1) directional sign on each abutting road identifying the activity.
- 106 Site lighting shall not constitute a nuisance in any way or impair safe movement of traffic on any street or highway.
- 107 The use shall not involve or require costly or uneconomical extensions of utility services at the expense of the community.
- 108 Site locations that offer natural or man-made buffers that lessen the effect of the intrusion of the use shall be selected.
- 109 A fence six (6) feet in height shall enclose the operation where there is determined to be a safety hazard by the Board of Appeals.
- 110 Plans shall be submitted indicating the proposed stages of operation and the future uses or the rehabilitation to be carried out on the site. A bond or bonds shall be posted guaranteeing that the above plans will be carried out.
- 111 All facilities and equipment, such as derricks, pumps, tanks, etc., shall be enclosed or fenced off where their operation is determined to be hazardous by the Board of Appeals.
- 112 Routes for truck movement shall be established and followed in such a way that traffic and other hazards and damage shall be minimized.
- 113 All permitted installations shall be maintained in a neat and orderly condition so as to prevent injury to any property, individual, or to the community in general; a bond may be required by the Board of Appeals to insure that this provision is complied with.
- 114 Home occupations must comply with the following regulations:
 - a. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.
 - b. The use shall be conducted by the occupant with no employees.

- c. The use shall be carried on entirely within the dwelling.
 - d. The home occupation shall not occupy more than twenty percent (20%) of the floor area of the first floor of the dwelling unit.
 - e. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 - f. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
 - g. For the purpose of the identification of the home occupation, there shall be no more than one (1) non-illuminated sign, not to exceed two (2) square feet in area and attached flat against the building wall.
 - h. The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the Conditional Use is located.
115. Farm Markets must comply with the following regulations:
- a. The market can only be situated on a lot as an accessory use to the principal use as a residential lot.
 - b. The market must be operated by the owner of the lot.
 - c. A minimum of sixty percent (60%) of the gross income from the market must be derived from produce or product raised on farms and/or land owned or operated by the market owner/operator in a normal crop year.
 - d. Setbacks shall be:
 - front-----75' from right-of-way
 - side-----15' each side
 - rear-----50'
 - e. Minimum parking spaces shall be one (1) space for each two hundred (200) square feet of gross retail space.
 - f. Parking lot must be paved with concrete or asphalt.
 - g. The structure in which business is conducted shall not exceed twenty-five hundred (2500) square feet in gross area.
116. Occupation of recreational vehicles on private property must comply with the following:
- a. The gathering must be in conjunction with entertainment purposes.
 - b. It may include campers and trailers with each being counted as a unit.
 - c. limited to a period not to exceed three (3) consecutive nights.
 - d. Total number of units per acre shall not exceed the following:
 - first (1st) acre.....three (3) units
 - second (2nd) acre.....fifteen (15) units
 - third (3rd) acre.....eighteen (18) units

In no case shall there be more than thirty-six (36) units total regardless of the acreage available.
 - e. The number of Conditional Use Permits allowed annually per applicant and/or parcel of land is limited to three (3) with at least four (4) weeks separating each event.
 - f. Each request for a permit and each event must be reviewed individually by the Board of Appeals.
 - g. It is the responsibility of the applicant to provide proof to the Board of Appeals that sufficient sanitary and other required facilities and services are available and

that they are in compliance with all other applicable stipulations and regulations that may be required by the Board of Appeals.

117. Procedures for Applying for Telecommunication Tower Permit

a. Telecommunications towers, antennas, and accessory structures shall comply with the following minimums:

1. The tower must have a front setback equal to, or greater than, the overall height of the entire structure. (Side and rear setbacks must comply to that required in the district for other structures.)
2. The tower structure must be completely enclosed within a fence at least six (6) feet in height.
3. Any accessory structure may not exceed 15' x 30' in total area.

b. Any person who plans to construct a telecommunications tower in an area zoned residential shall provide both of the following by certified mail:

1. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
 - i. The person's intent to construct the tower;
 - ii. A description of the property sufficient to identify the proposed location;
 - iii. That, no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under division (2) (i) of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

2. Written notice to the board of Township Trustees of the information specified in division (117) (b) of this section. The notice to the board also shall include verification that the person has complied with division (117) (b) (1) (i) and (ii) of the section;
3. If the Board of Township Trustees receives notice from a property owner under division (117) (b) (1) (iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division (117) (b) (2) of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred to them by and in accordance with the Ohio Revised Code. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, the township zoning shall apply to the tower.
4. If the Board of Township Trustees receives no notice under division (117) (b) (1) (iii) of this section within the time prescribed by that division or no board member has an objection as provided under division

- (3) of this section within the time prescribed by that division, the tower shall be allowed to be erected without exception.
- c. Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.
1. As used in division C of this section the following definition shall apply;
- I. "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence;
- II. "Telecommunications tower" has the same meaning as in Article 10 of this zoning code.

118. Tourist Homes/Bed and Breakfast uses may be allowed provided it complies with the following.

- a. A dwelling shall contain no more than three (3) guest suites plus the resident owner's suite.
- b. The Tourist Home/Bed and Breakfast shall be operated by the resident owner of the property.
- c. Guest rooms shall be intended for transient short-term occupancy and shall not be occupied for more than ten (10) consecutive days by the same guests.
- d. Breakfast shall be served only to the guest room occupants and not to the general public.
- e. One non-illuminated flat wall sign, no larger than four (4) square feet in area, shall be permitted in relation to the Tourist Home/Bed and Breakfast.

WIND ENERGY CONVERSION SYSTEMS
CONDITIONAL USE
Article 7, Section 703.01
Subsection 119

- A. Purpose.**
- B. Definitions.**
- C. Applicability.**
- D. Permit Requirement.**
- E. Small Wind Energy Conversion System Requirements.**
- F. Commercial Wind Energy Conversion System Requirements.**
- G. Non-Use.**

A. PURPOSE.

The purpose of this Section is to preserve and protect the public health and safety and to promote the orderly land use and development of Huron Township by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the Township.

B. DEFINITIONS.

(1) Total Height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.

(2) Small Wind Energy Conversion System means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of electrical power.

(3) Windmill Rotor means that portion of the windmill which includes the blades, hub and shaft.

(4) Windmill Tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.

(5) Commercial Wind Energy Conversion System means a wind energy conversion system consisting of more than one wind turbine and tower, a wind energy conversion system which will be used primarily for off-site consumption of electrical power.

(6) Wind Turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor and includes the turbine, rotor, blade, tower, base and pad transformer, if any, and includes wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

(7) Applicant means the person or entity filing an application for a conditional use permit under this Article.

C. APPLICABILITY.

This Section applies to all Wind Energy Conversion Systems (WECS), small and commercial, and Wind Turbines as defined in this section proposed to be constructed or located after the effective date of this Section.

Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this Section shall not be required to meet the provisions of this Section provided that any physical modification to such pre-existing Wind Energy Conversation System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this Section. Following passage of this legislation any WECS or Wind Turbine which is destroyed or damaged, to the extent of more than 50 percent of its fair market value at the time of destruction or damage, shall not be reconstructed except in conformity with this section.

D. PERMIT REQUIREMENT.

(1) No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within Huron Township unless a conditional use permit has been issued to the applicant.

(2) The conditional use permit application shall be made in compliance with this Section and be accompanied with the fee for appearances before the Board Zoning Appeals.

(3) Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this Section. Like-kind (identical) replacements shall not require a permit modification.

(4) Wind Turbines, as defined in this Section, shall not be allowed on the roof of an existing building without being granted a variance.

E. SMALL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.

(1) Permitted Locations.

A small wind energy conversion system is permitted in any zoning district.

(2) Minimum Lot Size.

No small wind energy conversion system shall be erected on any lot less than one acre in size.

(3) Total Height.

For property sizes between one and two acres, the total height of any tower shall not exceed 60 feet. For property sizes between two and five acres, the total height shall not exceed 80 feet. For property sizes greater than five acres, the total height shall not exceed 100 feet.

- (4) Location.
No small wind energy conversion system shall be located in any front or side yard.
- (5) Setbacks.
- (a) Property lines.
A small wind energy conversion system or tower shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.
- (b) Inhabited Structures.
A small wind energy conversion system or tower shall be set back from (any off-site inhabited structures) not less than 1.0 times (the SWECS) total height.
- (6) Design Standards.
- (a) Monopole or Freestanding Design.
The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.
- (b) Minimum Blade Height.
The minimum height of the lowest extend of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 100 feet from the tower.
- (c) Access.
No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.
- (d) Noise.
No small wind energy conversion system shall exceed 60 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.
- (e) Visual Appearance.
Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.
- (f) Electrical Interconnections.
All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.
- (g) Signal Interference.
Efforts shall be made to site small wind energy conversion systems or towers to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause

permanent and material interference with television or other communication signals in accordance with the applicable federal law.

(7) Permit Applications. Application for a small wind energy conversion system and/or tower shall include the following information:

(a) Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and

(b) Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and

(c) Standard drawings and an engineering analysis of the systems tower, including weight capacity; and

(d) A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and

(e) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and

(f) Emergency and normal shutdown procedures; and

(g) A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and

(h) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

F. COMMERCIAL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.

(1) Permissible Locations.

A commercial wind energy conversion system may be permitted as a conditional use (special exception) in any Commercial and/or Industrial District.

(2) Minimum Parcel Size.

No commercial wind energy conversion system shall be erected on any parcel less than two (2) acres in size without being granted a variance.

(3) Total height.

The total height of a commercial wind energy conversion system shall not exceed 200 feet.

- (4) Setbacks.
- (a) Property Lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.5 times the height of installation.
 - (b) Other Uses. No commercial wind energy conversion system shall be located within 500 feet of a platted subdivision, park, church, school or playground.
 - (c) Inhabited Structures. A small wind energy conversion system or tower shall be set back from (any off-site inhabited structures) not less than 1.0 times (the SWECS) total height.

(5) Design Standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems (F-6/a-g).

(6) Permit Applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems (E/1-4).

(7) Commercial Wind Energy Conversion Systems - shall not be permitted without approval of the site plan by the Zoning Commission in accordance with Section 314 of the Township Zoning Resolution after the issuance of the Conditional Use permit by the Board of Appeals.

G. NON-USE.

- (1) Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this subsection which is not used for two (2) years, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of the Zoning Resolution.
- (2) Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for two (2) years, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of the Zoning Resolution.

ARTICLE 8

NONCONFORMING USES

801 PURPOSE

The purpose of this section is to define the legal status of buildings or land uses which do not conform to this Resolution but which were in operation prior to the enactment of this Resolution and to provide either for the conversion of nonconforming uses or buildings as soon as reasonably possible or for the eventual and equitable elimination as prescribed by law.

802 REGULATIONS

The lawful use of any building or land existing prior to the enactment of the Resolution may be continued, although such use does not conform with the provisions of this Resolution; however, to achieve the purpose of this section the following regulations shall apply.

802.01 Alterations, Extensions, and Restorations

A building or structure containing a nonconforming use may be altered, extended, or reconstructed, with expressed authorization by the Board of Appeals, provided such work is not to an extent exceeding twenty percent (20%) of the assessed value of the building or structure.

802.02 Replacing Damaged Buildings or Structures

Any nonconforming use, building, or structure incurring more than sixty percent (60%) structural damage, from fire or other natural disaster, shall not be restored or reconstructed and used as before such occurrence, but if less than sixty percent (60%) is damaged, it may be restored, reconstructed, or used as before, provided such restoration or reconstruction begins within six (6) months of such occurrence.

802.03 Displacement

No nonconforming use shall displace a conforming use.

802.04 Change in Use

A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is an allowed Conditional Use in the applicable district.

802.05 Discontinuance; Use Ceased

No building, structure, or premises where a nonconforming use has ceased for a period of two (2) years or more shall again be put to a nonconforming use.

ARTICLE 9
ADMINISTRATION

901 PURPOSE

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

902 General Provisions

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township:

- A. Zoning Inspector
- B. Zoning Commission
- C. Board of Zoning Appeals
- D. Township Trustees
- E. County Prosecutor or Special Counsel hire pursuant to R.C. 519.24.

903 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

903.01 Responsibilities of Zoning Inspector

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

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.

5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the township offices.
7. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
9. Review and approve plot plans pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution and cause such notifications, revocation notices, stop orders or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

904 Township Zoning Commission

The Board of Township Trustees of any Township proceeding under Section 519.01 to 519.99, inclusive, of the Revised Code shall create and establish a Township Zoning Commission. The Commission shall be composed of five members who reside in the unincorporated area of the Township, to be appointed by the Board and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission, the Board may appoint qualified members of such Commission. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charges and after a copy of the charges have been served upon the member so charged at least ten day prior to the hearing, either personally by certified mail or by leaving such copy at his usual place of residence. The members shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

904.01 Recommendations of Township Zoning Commission; Organization, Powers and Compensation of Commission

The Township Zoning Commission shall submit a plan, including both text and maps representing the recommendations of the Zoning Commission, for the carrying out by the Board of Township Trustees for the powers, purposes and provisions set forth in Section 519.01 to 519.99, inclusive, of the Revised Code, including additions to territory in which Township Zoning Resolution is in effect.

The Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such other compensation, or both, as the board may approve

and provide. No Township Trustee shall be employed by the Zoning Commission of his Township.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments and agencies and such officials, departments and agencies having information, maps and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

In any county where there is a Regional Planning Commission, the Zoning Commission may request such Planning Commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps for the unincorporated area of the township or any portion of the same.

905 Amendments to Zoning Resolution; Procedure; Referendum

Amendments to the zoning resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefor by the Board of Township Trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessees of property filing an application to amend the zoning resolution pay a fee therefore to defray the cost of advertising, mailing and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The Failure of delivery of such notice shall not invalidate any such amendment.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date and place of the public hearing and shall include all of the following:

- A. The name of the zoning commission that will be conducting the public hearing;
- B. A statement indicating that the motion, resolution or application is an amendment to the zoning resolution;

- C. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list;
- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- E. The time and place where the motion, resolution or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- G. Any other information requested by the Zoning Commission;
- H. A statement that after the conclusion of such hearing the matter will be submitted to the Board for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following;

- A. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- B. A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
- C. The time and place where the text and map of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
- D. The name of the person responsible for giving notice of the public hearing by publication;
- E. A statement that after conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
- F. Any other information requested by the Zoning Commission.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Regional Planning Commission.

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- A. The name of the board that will be conducting the public hearing;
- B. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- C. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- E. The time and place where the motion, application or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- G. Any other information requested by the Board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- A. The name of the board that will be conducting the public hearing;

- B. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- C. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- D. The name of the person responsible for giving notice of the public hearing by publication;
- E. Any other information requested by the Board.

Within twenty (20) days after such public hearing, the board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the board shall be required.

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

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five days prior to the election at which the question is to be voted upon.

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.

906 Ratification of Amendments to Township Zoning Plan

All amendments or supplements to a township zoning plan adopted by a Board of Township Trustees prior to the effective date of this act, except those amendments or supplements which a court of competent jurisdiction declared unlawful or unreasonable or which are the subject of action now pending in such a court, are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a Board of Township Trustees, except that no right of appeal

on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provisions of this section.

907 Township Board of Zoning Appeals; Compensation and Expenses

In any township which adopts zoning regulations, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory in the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical and other assistants as it deems necessary.

907.01 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

- a. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25 of the Revised Code of any resolution adopted pursuant thereto;
- b. Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done;
- c. Grant conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the zoning resolution;
- d. Revoke an authorized variance or conditional zoning certificate, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his right to a hearing before the board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, such board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end has all powers of the officer from whom the appeal is taken.

907.02 Rules, Organization and Meetings of Zoning Appeals Board

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board determines. The chairman, or in his absence the acting chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Township Trustees and be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appeal in person or by attorney.

908 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in the section and this Resolution. Under this Resolution, the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law and of establishing a schedule of fees and charges as stated in Section 1351 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of

the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

909 Board of Township Trustees

The Powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

1. Approve the appointments of members to the Zoning Commission.
2. Approve the appointments of members to the Zoning Board of Appeals.
3. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. All action upon a suggested zoning amendment shall be undertaken at a public hearing.
4. Approve appointment of the zoning inspectors and assistants, as may be required.

910 Schedule of Fees

The Board of Township Trustees shall, by Resolution, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

911 Administration

The provisions of this Resolution shall be administered by the Zoning Commission.

912 Submission of application for Zoning Certificate

All applications for zoning certificates shall be submitted to the Zoning Inspector who shall issue zoning certificates when all applicable provisions of this Resolution have been met.

912.1 Zoning Certificates Required

Before constructing, changing the use of, or altering any building, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning certificate. The application shall include the following information:

- A. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
- B. The location, dimensions, height, and bulk of all structures to be erected.
- C. The intended use.
- D. The yard, open space, and parking space dimensions.

- E. Any other pertinent data as may be necessary to provide for the enforcement of this Resolution.

Within ten (10) days after the receipt of this application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated elsewhere in this Resolution.

The certificate shall become void at the expiration of one (1) year from the date of issuance unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new application and permit are required.

913 Penalties

Any person, firm, or corporation, violating any provisions of this Zoning Resolution or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Each days continuance of a violation of this Resolution shall be deemed a separate offense.

ARTICLE 10

DEFINITIONS

Accessory Building or Use is a building or use, customarily incidental and subordinate to the principal use of the building, located on the same lot or premises as the principal use or building.

Adult Business includes an adult bookstore, adult cabaret, adult motion picture theater, adult-oriented business, and massage establishments.

Adult Bookstore means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or token-operated, or electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes, cassettes, and compact discs which are distinguished by their emphasis on adult materials.

Adult Cabaret means a nightclub, bar, restaurant, supper club, lounge, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

Adult Material means material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

Adult Motion Picture Theater means an enclosed or open air motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material.

Adult-Oriented Business means an establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene.

Agricultural includes farming, ranching, apiculture, horticulture, viticulture, aquaculture, animal husbandry, including but not limited to, the care of raising of livestock, equine, and fur-bearing animals; poultry husbandry; and the production of poultry and poultry products; dairy production; the production of field crops; tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products, when those activities are conducted in conjunction with, but are secondary to such husbandry or production.

Alley is any public space of thoroughfare which has been dedicated or deeded to the public travel and which affords a secondary means of access to abutting property.

Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts or in the exit facilities, or an enlargement, whether by extending on the side or by increasing in height, or by moving from one location or position to another.

Apartment house is a multi-family dwelling for three or more families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

Architectural Projections are open structures such as porches, canopies, balconies, decks, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

Auto Graveyard - Synonymous to Junk Yard

Automobile Wrecking is the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement - A story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first floor or ground story.

Boarding House is a building where meals are provided for compensation to more than two (2) boarders, other than members of the proprietor's family.

Building is any structure having a roof supported by columns or walls, used or intended to be used for shelter or enclosure for persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except in regards to minimum side yard requirements as provided in this Resolution.

Building Line is a line defining the minimum front, side and rear yard requirements.

Building, Height of is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the structure excluding antennas, chimneys, etc.

Building, Principal is a building housing the principal activity performed on any lot.

Buffering is a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Car Port is a covered automobile parking space not completely enclosed by walls or doors. For the purpose of this Resolution, a car port shall be subject to all regulations prescribed in this Resolution for a private garage.

Centralized Sewer System is where individual lots are connected to a common distribution system whether publicly or privately owned and/or operated.

Child Day-Care is administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities.

Child Day-Care Center is any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day-Care Home is a permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings or the same immediate family and the residence is their home.

Type B Family Day-Care Home is a permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Church means any church, synagogue, mosque, temple, or building which is used primarily for the religious worship, religious services, and related religious activities.

Clinic or Medical Center is a place used for the diagnosis and treatment of the sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

Club is an association of persons for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

Convalescent, Nursing, or Rest Home is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

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

Density of Population is the ratio of population expressed as persons or as families, to a unit of land they occupy expressed in acres or other areal measure.

Dwelling is a building or portion of a building designated for residential purposes, including one-family, two-family, and multi-family dwellings, but not including hotels, motels, boarding houses and lodging houses.

Dwelling, Two-family is a detached building designed for, or converted or occupied exclusively by two-families, living independently of each other.

Dwelling, Multi-family - See Apartment House

Dwelling Unit is one or more rooms in a dwelling designed for occupancy by one family for living and sleeping purposes, and having toilet facilities and one kitchen.

Easement is a right to some profit, benefit, or use out of, or over the land of another, created by grant or prescription.

Essential Service is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal system, including poles, wires, mains, drains, sewers, pipes conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonable and necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety and public welfare.

Family is one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, nursing home, or hotel as herein defined.

Garage, Private, is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on other than that permitted as a home occupation.

Garage, Public or Storage is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

Gasoline Service Station is any area of land, including any structure or structures thereon, that is or are used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution, there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

Grade, Finished is the completed surface of the lawns, walks and roads brought to grade as shown on the official plans or designs relating thereto.

Group Housing Development are those types of residential structures customarily known as garden apartments, terrace apartments, row housing units and those types of housing structures similar in character and density to such group housing.

Home Occupation is any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital or Sanitarium is an establishment which provides accommodations, facilities and services over a continuous period of twenty four (24) hours, or more, for observation, diagnosis and care, of two (2) or more individuals suffering from illness, injury, deformity or abnormality, or for any condition requiring obstetrical, medical, or surgical services.

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

Industrial Park is a tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing at least one street, designed solely to provide access to industrial establishments located on it.

Kennel is a place where more than five (5) dogs, six (6) months of age or older are kept.

Kitchen is any room and/or other space used or intended or designed to be used for cooking or for preparation of food for one family.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobile/automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials which are not held for sale for remelting purposes by an establishment having facilities for processing such materials.

Junk Yard means an establishment or place of business other than an establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes, which is maintained and operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile grave yard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alteration.

Living Space is that area within a structure intended, designed, erected, or used for human occupancy, but excluding any cellar or basement area, or accessory use areas.

Loading Space is an off-street space or berth on the same lot with a building, or contiguous group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lodging or Rooming House is a building where lodging only is provided for compensation to more than two (2) lodgers other than members of the proprietor's family.

Lot is a parcel of land in single or undivided ownership used or intended to be used as a site for a main building or structure and accessory buildings and structures, or for some other purpose.

Lot, Corner, is a lot at the point of intersection of and abutting on two or more intersecting streets.

Lot Coverage is the area of a lot occupied by the principal and accessory buildings.

Lot, Depth of is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot; where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

Lot, Interior is a lot other than a corner lot.

Lot Lines are the lines defining the limits of a lot.

Lot, Width of is the width measured along the minimum setback line.

Lot Line, Rear is a line connecting with a street or road line.

Lot, of Record is a lot which is part of a subdivision, the plot, or map of which has been recorded in the Office of the Recorder of Erie County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Erie County.

Major Thoroughfare is a thoroughfare designed as a major thoroughfare on the land use and/or thoroughfare plan duly adopted by the Board of Erie County Commissioners or a Municipal Planning Commission.

Massage Establishment includes any place of business where a person offers massages in exchange for anything of value or in connection with providing another legitimate service. For the purpose of this Zoning Resolution, “massage establishment” does not include those businesses practicing any limited branch of medicine or surgery by persons certified to practice under Ohio Revised Code Sections 4731.15 and 4731.16, or providing therapeutic massage by a licensed physician, chiropractor, podiatrist, nurse, or other health professional licensed, certified or registered in Ohio.

Minimum Building Setback Line is a line in back of and parallel to, the street right-of-way and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established, it shall be assumed to be sixty (60) feet.

Mobile Home - Trailer means any self-propelled or non-self-propelled vehicle so designed, constructed, re-constructed, or added to by means of accessories in such a manner that will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation, and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.

Mobile Home Lot is a parcel of land for the placement of a single mobile home and the exclusive use of the occupants.

Mobile Home Park - Trailer Court is a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use. Sometimes termed a mobile home court or park.

Motel is any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or

parking space conveniently located to each unit, including auto courts, motels, motor lodges, and tourist cabins.

Non-conforming Use is a building, structure, or use of land lawfully existing at the time of enactment of this Resolution, or any amendment or supplement thereto, and to which does not conform to the regulation other than height, area, and yard requirements for the district in which it is situated.

Open Space is an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

Parking is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

Place is an open occupied space other than a street or alley permanently reserved as a principal means of access to abutting property.

Porch is a roofed or unroofed open structure projecting from the front, side, or rear wall of a building, and having no enclosed feature of glass, wood or other material other than thirty-six (36) inches above the floor thereof, except wire screening and the necessary columns to support the roof.

Public Park means public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian or bicycle paths, baseball diamond, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township, County, of State.

Public Utility is any person, firm, corporation, governmental agency or board fully authorized to furnish to the public under municipal regulation, electricity, gas steam, telephone, telegraph, transportation, water, or any other similar public utility.

Right-of-Way is a street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

School means any public or private educational facility including, but not limited to child day care facility, nursery school, preschool, kindergarten, elementary school, primary school, intermediate school, junior high school, middle school, high school, vocational school, secondary school, special educational school, junior college, college and university. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

Sign shall mean any word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known; and which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and directs attention to an object, place, activity, person, institution, organization, or business. The word sign shall include billboard, signboard, or display sign.

Stable is any building, structure, or portion thereof which is used for the shelter or care of horses, or other similar animals, either permanently or transiently.

Stand is a structure for the display and sale of products with no space for customers within the structure itself.

Story - The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most floor is the distance from the top surface of the floor to the top surface of the ceiling joists. A floor with living space, or the potential for living space, is considered a full story.

Street or Road Line is a lot line separating a lot from the adjacent street.

Street, Public is a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the County Commissioners or Township Trustees, and which affords principal means of access to abutting property.

Street, Private is a thoroughfare which affords principal means of access to abutting properties, but which has not been deeded to the public.

Structure is anything constructed or erected which requires permanent location on the ground including signs and billboards, but not including the following: fences and/or walls used as fences, trailers, campers, tents, mobile homes, and the like.

Structural Alteration is any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof or exterior walls.

Tank, Storage is in reference to petroleum or chemical product, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressures.

Telecommunications Tower means any free-standing structure, antenna, or accessory structure to be attached to a building or other structure, that meets all of the following criteria:

1. The free-standing or attached structure is proposed to be constructed on or after the effective date of this amendment.
2. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to the effective date of this amendment or as those regulations subsequently are amended.
 - a. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to the effective date of this amendment or as those regulations subsequently are amended.
4. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

Tourist Home/Bed & Breakfast is a dwelling in which overnight accommodations are provided or offered for transient guests.

Use is the purpose, or activity, for which land or a building or structure is arranged, designed, or intended, or for which it is occupied, or may be occupied or maintained.

Use Accessory - See Accessory Building or Use

Use, Conditional is a use which is permitted in a district or zone, only if a certificate thereof is expressly authorized by the Appeals Board in accordance with the provisions of this Resolution

Use, Principally Permitted is a use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Official in accordance with the provisions of this Resolution.

Use, Seasonal is the occupation of any building or structure or activity for a period not to exceed more than six (6) months in any one calendar year.

Width, Side Yard is the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

Yard is an open area other than a court, on a lot which is unoccupied and unobstructed from the ground upward.

Yard Depth, Front is the perpendicular distance between the street right-of-way and the nearest portion of any structure existing or to be constructed. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet in width.

Yard Depth, Rear is an open unoccupied space on the same lot with any structure between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Zones or Districts refers to a section of this Resolution for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open space about buildings, are herein established.