

**ROCHESTER TOWNSHIP**  
**LORAIN COUNTY, OHIO**  
**ZONING RESOLUTION**

**TABLE OF CONTENTS**  
**Underlined Sections amended 06-20-11**

| <b>PAGE</b> | <b>SECTION</b> | <b>CONTENT</b>                                      |
|-------------|----------------|---|
| 1           | Article 1      | Title and Purpose                                   |
|             | 101            | Title   |
|             | 102            | Purpose   |
|             | 103            | Continuation of Existing Regulations                |
|             | Article 2      | Definitions   |
|             | 201            | General Interpretation of Words                     |
|             | 202            | Definitions   |
| 15          | Article 3      | General Regulations                                 |
|             | 301            | Intent and Purpose                                  |
|             | 302            | Conformance Required                                |
|             | 303            | General Lot Regulations                             |
|             | 304            | Lot Area Exception                                  |
|             | 305            | Corner Lots   |
|             | 306            | Street Construction                                 |
|             | 307            | General Yard Requirements                           |
| 16          | 308            | Yard for Single Building                            |
|             | 309            | Clear View of Intersecting Streets                  |
|             | 310            | Fences, Hedges, and Walls                           |
|             | 311            | Garages/Accessory Buildings                         |
|             | 312            | Side and Rear Yards                                 |
|             | 313            | Exceptions to Height Limits                         |
|             | 314            | Private Swimming Pools                              |
| 17          | 315            | Ponds   |
| 18          | 316            | Building Regulations                                |
|             | 316.01         | General   |
| 19          | 316.02         | Mobile Homes  |
|             | 316.03         | Principal Building Lot                              |
|             | 316.04         | Buildings Under Construction Prior                  |
|             | 316.05         | Temporary Buildings                                 |
|             | 316.06         | Health Board Approval                               |
|             | 316.07         | Flood Plain Zones                                   |
| 20          | 316.08         | Erosion and Sedimentation Control                   |
|             | 317            | Nonconformities                                     |
|             | 317.01         | Continuance   |
|             | 317.02         | Nonconforming Lots of Record                        |
|             | 317.03         | Discontinuance                                      |
|             | 317.04         | Change  |
|             | 317.05         | Extension, Enlargement, Removal                     |
|             | 317.06         | Destruction, Damage, Reconstruction                 |
| 21          | 317.07         | Maintenance   |
|             | 318            | Submission of Development Plans                     |
|             | 318.01         | Applicability                                       |
|             | 318.02         | Action by Zoning Commission and Applicant           |
|             | 318.03         | Re-Zoning   |
|             | 318.04         | Construction and Use to Be Provided In Applications |
| 22          | 318.05         | Application Procedure                               |

**TABLE OF CONTENTS**

| <b>PAGE</b> | <b>SECTION</b> | <b>CONTENT</b>  |
|-------------|----------------|---|
| 22          | 318.06         | Preliminary Submittal Procedure                           |
|             | 318.07         | Submittal of Preliminary Architectural Drawings           |
|             | 318.08         | Preliminary Submittal To Zoning Commission                |
| 23          | 318.09         | Final Submittal Procedures and Requirements               |
|             | 319            | Performance Standards                                     |
|             | 319.01         | Fire Hazards  |
|             | 319.02         | Radioactivity, Electrical Disturbance                     |
|             | 319.03         | Noise   |
|             | 319.04         | Vibration   |
|             | 319.05         | Smoke and Emissions                                       |
|             | 319.06         | Odors   |
|             | 319.07         | Air Pollution   |
| 24          | 319.08         | Soil Pollution  |
|             | 319.09         | Glare   |
|             | 319.10         | Water Pollution   |
|             | 320            | Environmental and Economic Assessment                     |
|             | 320.01         | Existing Development                                      |
| 25          | 320.02         | Development Impact On The Township's Goals and Objectives |
|             | 320.03         | Development Impact On Public Service and Utilities        |
|             | 320.04         | Impact on Environmental Factors                           |
|             | 321            | Driveway and Ditch Enclosures                             |
| 26          | 322            | Keeping of Farm Animals                                   |
|             | 323            | Enforcement Provisions                                    |
| 27          | Article 4      | Establishment of Districts                                |
|             | 401            | Intent and Purpose  |
|             | 402            | Districts   |
|             | 403            | Zoning Maps   |
|             | 404            | Interpretation of District Boundaries                     |
| 28          | Article 5      | Agricultural Residential – R1-1                           |
|             | 501            | Intent and Purpose  |
|             | 502            | Permitted Uses  |
|             | 503            | Conditionally Permitted Uses                              |
| 29          | 504            | Lot and Yard Requirements                                 |
|             | 504.01         | Farm  |
|             | 504.02         | Single Family Dwelling                                    |
|             | 504.03         | Two Family Dwelling                                       |
|             | 505            | Maximum Building Height                                   |
| 30          | 506            | Required Minimum Living Area                              |
|             | 507            | Permitted Signs   |
|             | 508            | Off Street Parking and Loading                            |
|             | 509            | General Regulations                                       |
|             | 510            | Agriculture   |

## TABLE OF CONTENTS

| PAGE | SECTION   | CONTENT                                      |
|------|-----------|--|
| 31   | Article 6 | Flood Plain District FP                      |
|      | 601       | Intent and Purpose                           |
|      | 602       | Area   |
|      | 603       | Permitted Uses                               |
|      | 604       | Conditionally Permitted Uses                 |
|      | 605       | Submission of Plans                          |
|      | 606       | Township Liability                           |
| 32   | 607       | Permitted Signs                              |
|      | 608       | Off-Street Parking and Loading               |
|      | 609       | General Regulations                          |
| 33   | Article 7 | Conditionally Permitted Uses                 |
|      | 701       | Intent and Purpose                           |
|      | 702       | General Requirements                         |
|      | 702.01    | Board of Zoning Appeals                      |
|      | 702.02    | Conditional Use Permit                       |
|      | 702.03    | Inspection                                   |
|      | 702.04    | Violations                                   |
|      | 703       | Conditional Uses                             |
|      | 703.01    | Cemeteries                                   |
| 34   | 703.02    | Church and Other Places of Worship           |
|      | 703.03    | Conversion to a Two Family Dwelling          |
| 35   | 703.04    | Day Care Center                              |
|      | 703.05    | Extraction of Stone, Minerals, and Top Soil  |
| 36   | 703.06    | Golf Course                                  |
| 37   | 703.07    | Miniature Golf Course                        |
| 38   | 703.08    | Outdoor Recreational Campgrounds             |
| 39   | 703.09    | Parks and Playgrounds                        |
| 40   | 703.10    | Plant Nursery                                |
|      | 703.11    | Residential Occupation                       |
| 41   | 703.12    | Riding, Boarding, Show Stables, Riding Arena |
| 43   | 703.13    | Roadside Stands                              |
|      | 703.14    | Veterinary Hospital or Kennels               |
| 45   | Article 8 | Screening and Landscape Buffering            |
|      | 801       | Intent and Purpose                           |
|      | 802       | Definitions                                  |
|      | 803       | General Provisions                           |
| 46   | 804       | Applicability                                |
|      | 805       | Procedures                                   |
| 48   | Article 9 | Signs  |
|      | 901       | Intent and Purpose                           |
|      | 902       | General Sign Requirements                    |
| 49   | 903       | Permitted Signs                              |
|      | 904       | Construction, Maintenance, Inspection        |
|      | 905       | Residential Districts                        |
| 50   | 906       | Setback Requirements                         |

907 Special Yard Requirements  
908 Illumination

**TABLE OF CONTENTS**

| <b>PAGE</b> | <b>SECTION</b>     | <b>CONTENT</b>  |
|-------------|--------------------|---|
| 50          | 909                | Prohibited Devices  |
| 51          | 910                | Administration  |
|             | 911                | Penalty, Removal  |
| 52          | Article 10         | Off Street Parking and Loading                                |
|             | 1001               | Intent and Purpose  |
|             | 1002               | General Requirements  |
|             | 1003               | Parking Space Dimensions                                      |
|             | 1004               | Loading Space Requirements and Dimensions                     |
| 53          | 1005               | Drainage  |
|             | 1006               | Maintenance   |
|             | 1007               | Lighting  |
|             | 1008               | Location of Parking Spaces                                    |
|             | 1009               | Screening, Landscaping, Area Capacity                         |
| 54          | 1010               | Required Trash Areas  |
|             | 1011               | Disabled Vehicles   |
|             | 1012               | Minimum Distance and Setbacks]                                |
|             | 1013               | Joint Use   |
|             | 1014               | Wheel Blocks  |
|             | 1015               | Width of Driveways  |
| 55          | 1016               | Access  |
| 56          | 1017               | Striping  |
|             | 1018               | Parking Space Requirements                                    |
| 57          | 1019               | General Interpretations                                       |
|             | 1020               | Plot Plan Review  |
| 59          | Article 11         | Communication Towers  |
|             | 1101               | Intent and Purpose  |
|             | 1102               | Definition  |
| 60          | 1103               | General Communication Tower Requirements                      |
| 62          | <u>Article 12</u>  | <u>Wind Turbine Energy Systems For Generating Electricity</u> |
|             | <u>(all Types)</u> |   |
|             | <u>1201</u>        | <u>Purpose</u>  |
|             | <u>1202</u>        | <u>Definitions</u>  |
|             | <u>1203</u>        | <u>Permitted Use</u>  |
| 64          | Article 13         | Administration and Enforcement                                |
|             | 1301               | Zoning Permits Required                                       |
|             | 1301.01            | Contents of Application For Zoning Permit                     |
|             | 1301.02            | Approval of Zoning Permit                                     |
| 65          | 1301.03            | Submission to State Highway                                   |
|             | 1301.04            | Expiration of Zoning Permit                                   |
|             | 1301.05            | Failure To Obtain Zoning Permit                               |
|             | 1301.06            | Construction and Use To Be As Provided                        |
|             | 1301.07            | Complaints Regarding Violations                               |

## TABLE OF CONTENTS

| PAGE | SECTION  | CONTENT   |
|------|--|---|
| 66   | 1301.08<br>1302<br>1302.01<br>1302.02<br>1302.03<br>1302.04    | Schedule of Fees, Charges, Expenses<br>Zoning Amendments<br>Initiation of Zoning Amendments<br>Contents of Application to Amend<br>Transmittal to the Zoning Commission<br>Submission to State Highway Director     |
| 67   | 1302.05<br>1302.06<br>1302.07<br>1302.08<br>1302.09<br>1302.10 | Public Hearing by the Zoning Commission<br>Notice of Public Hearing in News<br>Notice to Property Owners<br>Submission to Planning Commission<br>Recommendations by Zoning Commission<br>Public Hearing by Trustees |
| 68   | 1302.11<br>1302.12<br>1302.13<br>1302.14                       | Notice Of Public Hearing in News<br>To Property Owners by the Trustees<br>Action by the Township Trustees<br>Effective Date and Referendum  |
| 69   | Article 14   | Zoning Board of Appeals   |
|      | 1401<br>1402<br>1403<br>1404<br>1405                           | Intent and Purpose<br>Appointment<br>Organization and Rules<br>Meetings<br>Voting   |
| 70   | 1406<br>1407<br>1408<br>1409<br>1410                           | Minutes and Records<br>Witness and Oaths<br>Department Assistance<br>Governing Guidelines<br>Jurisdiction and Powers  |
| 71   | 1411<br>1412<br>1413<br>1414                                   | Appeals<br>Fees<br>Stay of Proceedings<br>Variances   |
| 72   | 1414.01<br>1414.02   | Application and Standards-Variances<br>Conditions for Granting Variances  |
| 74   | 1414.03<br>1414.04<br>1414.05<br>1414.06<br>1414.07<br>1414.08 | Variations to Nonconforming Uses<br>Conditions Imposed<br>Lapses of Variances<br>Public Hearing by Appeals Board<br>Notice of Public Hearing in News<br>Notice to Parties In Interest                               |
| 75   | 1415<br>1415.01<br>1415.02                                     | Procedure and Requirements<br>Contents of Application-Conditional Use<br>General Standards-Conditional Use  |
| 76   | 1415.03<br>1415.04<br>1415.05<br>1415.06                       | Supplementary Conditions<br>Zoning Commission Review<br>Public Hearing by Appeals Board<br>Notice of Public Hearing In News   |

## TABLE OF CONTENTS

| <b>PAGE</b> | <b>SECTION</b> | <b>CONTENT</b>                                 |
|-------------|----------------|--|
|             | 1415.07        | Notice to Parties In Interest                  |
|             | 1415.08        | Expiration of Conditional Use                  |
|             | 1416           | Decisions of the Appeals Board                 |
| 77          | 1417           | Duties of Township Officers, Boards and Courts |
|             | 1418           | Appeal to Courts                               |
| 78          | Article 15     | Penalty for Violation                          |
|             | 1501           | Penalties for Violation                        |
|             | 1502           | Civil Action                                   |
| 79          | Article 16     | Miscellaneous Provisions                       |
|             | 1601           | Interpretation                                 |
|             | 1602           | Validity                                       |
|             | 1603           | Effective Date                                 |

**Amendment 05-10-06  
ARTICLE 1**

**TITLE AND PURPOSE**

**101 TITLE**

This resolution shall be known and may be cited as the **Rochester Township, Ohio, Zoning Resolution.**

**102 PURPOSE**

For the purpose of promoting public health and safety, and in accordance with the Rochester Township Comprehensive Land Use Plan, the Township Trustees find it necessary and advisable to establish these zoning regulations. It is hereby determined that these regulations serve the township in the interest of public health and safety.

It is further determined that these regulations also serve the township in the interest of convenience, comfort, prosperity, and general welfare. (05-10-06)

**103 CONTINUATION OF EXISTING REGULATIONS**

The provisions of this Resolution, insofar as they are substantially the same as in the existing Resolution relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. The reenactment of these provisions shall not constitute validation of any use not conforming to the district in which it is located.



## ARTICLE 2

### DEFINITIONS

#### 201 GENERAL

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

- A. The word “**person**” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “**shall**” is a mandatory requirement, the word “**may**” is a permissive requirement, and the word “**should**” is a preferred requirement.
- D. The words “**used**” and “**occupied**” include the words “**intended, designed, or arranged to be used or occupied**”.
- E. The word “**lot**” includes the words “**plot**” or “**parcel**”.

#### 202 DEFINITIONS

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

**Agriculture:** The cultivation of land for the production of crops or the keeping of animals and includes farming, dairying, pasturage, and apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. (05-10-06)

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

**Agricultural Land:** The land used or best suited for agricultural production (as defined). It is now or could be available for such uses and could be cropland, pasture land, forest or other land.

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

**Alley:** See Thoroughfares.

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

**Arterial Street:** See Thoroughfares.

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

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. (05-10-06)

**Automobile parts or motor vehicle parts:** Any portion or part of any automobile or motor vehicle that is detached from the automobile or motor vehicle. (05-10-06)

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

**Billboard:** A fixed or portable appliance, structure or surface including the supporting structures made necessary thereby, which is erected upon the ground or wall of a building but not above the roof of a building and which is used for the display of posters, electrical displays or pictorial or reading matter, for the benefit of a person, organization, business or cause not residing on the lot or building where said appliance is to be located. (05-10-06)

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

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

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

**Building Area:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered terraces and steps.

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

**Building Line:** See **Setback Line**.

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

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

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

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

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

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

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

**Collector Street:** See **Thoroughfare.** (05-10-06)

**Conditional Use:** A use of buildings or land, which by the nature of it, requires review by the Board of Appeals, as set forth in Section 11 in order to determine its effect upon adjacent existing uses.

**Conditional Use Permit:** A use issued by the Zoning Administrator upon approval by the Board of Appeals to allow a use other than a normally permitted use to be established within the district.

**Corner Lot:** See **Lot Types.**

**Coverage:** That percentage of the lot area covered by the building area.

**Debris:** Rough broken bits of pieces of stone, wood, glass, as after destruction; rubble, litter. For purposes of this resolution and O.R.C. Section 505.87, the term shall include disabled vehicles. (05-10-06)

**Disabled Vehicle:** Any type of vehicle meeting the following two conditions:

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

B. **Apparently inoperable** – See **Motor Vehicle in an inoperative condition.**

**District:** A park, zone or geographic area within the township within which certain zoning or development regulations apply. (05-10-06)

**Dwelling:** Any residential building, industrialized unit, or Permanently-Sited Manufactured Housing structure, as defined below (except a house trailer, mobile home, or manufactured home, regardless of the type of foundation, as defined by the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. (8-10-2000)

A. **Residential Building:** Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances which is designed for occupancy as a dwelling and conforms to all applicable codes. (8-10-2000)

**B. Industrialized Unit:** A building unit or assembly of closed construction fabricated in an off site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a complete structural entity. The unit must be designed as a dwelling and meet all applicable zoning requirements. Industrialized unit does not include a manufactured or mobile home as defined herein. (8-10-2000)

**C. Permanently-Sited Manufactured Housing:** A structure which conforms to the Ohio Revised Code 519.212 as follows:

1. Must be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403, after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
2. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
3. Be connected to appropriate utilities.
4. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
5. Have at least the square footage of living area required by the Zoning Resolution
6. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12.
7. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
8. Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.
9. Meet all applicable zoning requirements uniformly imposed on all single family dwellings in the particular district. (8-10-2000)

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

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

**Dwelling - Single Family:** Any group of rooms located within a residential building, permanently-sited manufactured housing, or industrialized unit, as defined, which is utilized by one family as opposed to two families for its living, sleeping, cooking and eating needs.

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

**Easement:** Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property. (05-10-06)

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

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

**Family:** One (1) or more persons occupying a single dwelling, provided that there shall not be more than three (3) persons in addition to those related by blood, adoption, or marriage or who are children placed in the dwelling by a social agency.

**Farm:** Includes tracts, lots and/or parcels of land totaling not less than ten (10) acres which are devoted exclusively to commercial agricultural production.

**Financial Institution:** Those institutes engaged in receiving, exchanging, lending and safeguarding monies. (05-10-06)

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas. (05-10-06)

- A. **Base Flood:** Means the flood having one (1) percent chance of being equaled or exceeded in any given year.
- B. **Floodplain:** Means any land area susceptible to being inundated by any source.
- C. **Floodway Fringe:** Is that portion of the base flood plain located outside the regulatory floodway.
- D. **Regional Floodplain:** The area that may be inundated by a Base Flood. This is the flood plain area that shall be regulated by the standards and criteria of this Resolution.
- E. **Regulatory Floodway:** The channel of a river or the watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one-half ( $\frac{1}{2}$ ) foot.

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

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

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

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

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

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

**Grade - Finished:** The average level of the finished surface of the ground adjacent to the exterior walls of any building.

**Highway - Major:** A street or road of considerable continuity and used primarily as a traffic artery for inter-communication among large areas.

**Home Occupation:** See **Residential Occupation.** (05-10-06)

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

**House Trailer:** See **Mobile Home.**

**Impervious:** Incapable of being passed through, as by moisture or light rays.  
(05-10-06)

**Inoperable:** Any farm equipment, trucks, automobiles, implements discarded parts of machinery, tires, or any discarded home appliances which will no longer function for their original intended use. Note: See guidelines for Junk Yards. (05-10-06)

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

**Junk Vehicles:** See Motor Vehicle unfit for further use. (05-10-06)

**Junk Yard:** Is the use of more than two hundred (200) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, boats, or farm machinery, paper, rags, rubber, cordage, barrels, etc., are sold, bought, exchanged, baled, packed, sorted, disassembled, dismantled, handled or stored. Two (2) or more disabled motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard as defined in the Ohio Revised Code, as amended.

**Kennel or Cattery:** Any lot or premises on which four (4) or more dogs or cats of more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold as a primary source of income and/or located in a platted subdivision.  
(05-10-06)

**Licensed Motor Vehicle:** Any type of motor vehicle used or useful for the conveyance of person or property and which bears a license plate or plates issued for the current licensing year by any State, the United States, or any recognized foreign government. (05-10-06)

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

**Local Street:** See **Thoroughfare.**

**Loop Street:** See **Thoroughfare.** (05-10-06)

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

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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

**Lot Frontage:** The front of a lot shall be construed to be the portion bounded by a street or road. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets are classed as frontage.

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

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

**A. Depth of a lot** shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**B. Width of a lot** shall be considered to be the distance between straight lines connecting from the front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required width.

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

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

**A. Corner lot:** a lot located at the intersection of two (2) or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot line to the foremost point of the lot meet at an interior angle of less than 135 degrees.

**B. Interior lot:** a lot other than a corner lot with only one (1) frontage on a street.

**C. Through lot:** a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as a double frontage lot.

**D. Reversed frontage lot:** a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

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

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

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

**Manufacturing, Extractions:** Any mining, quarrying, excavation, processing, storing, separation, cleaning or marketing of any mineral natural resource.

**Manufactured Home:** A non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purpose of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

**Mobile Home:** Any vehicle or similar portable structure used or so constructed as to permit being used as a conveyance upon the public streets, designed to permit the occupancy thereof as a dwelling unit for one or more persons, which does not qualify as a manufactured home or industrialized unit.

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

**Motor Vehicle unfit for further use or disabled motor vehicle or junk motor vehicle:** Any type of motor vehicle used or useful for the conveyance of persons or property, extensively damaged, such damage including but not limited to, any of the following: missing wheels, tires, motor, transmission, or body parts; apparently inoperable; having a fair market value of four hundred dollars or less, or is in a condition generally as to be unfit for further conveyance, whether licensed or unlicensed. (05-10-06)

**Motor Vehicle in an inoperative condition:** Any type of motor vehicle used or useful for the conveyance of persons or property and which is unable to move under its own power due to defective or missing parts, whether licensed or unlicensed. (05-10-06)



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

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

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

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

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

**Park:** A public, private, and/or commercial area which is to be used for recreational purposes.

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

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

**Planned Unit Development:** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned 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 requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**Plant Nursery:** The use of a lot for planting and growing trees, shrubs, perennials, or other plants in the ground or in containers planted on the ground, for the purpose of sale at wholesale or retail. A plant nursery may only be used for the sale of the plants grown on the lot in conformance with the regulations applicable to an agricultural roadside stand. (05-10-06)

**Principal Building:** See: Building, Principal

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

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

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

**Recreational Camp:** An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations. (05-10-06)

**Recreational Facilities - Non Commercial:** Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, hunting and trapping, and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.

**Recreational Facilities - Commercial:** Recreational facilities established and operated for a profit such as commercial golf courses, swimming pools, and similar commercial enterprises.

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

**Refuse:** Anything thrown away such as, waste, trash, rubbish, or, rejected as worthless. For purposes of this Resolution and O.R.C. Section 505.87, the term shall include junk vehicles. (05-10-06)

**Residential Occupation:** An accessory use of a lot, on which a dwelling unit is maintained as the main use, for gainful employment or profit by one or more persons residing in the dwelling, and involving the manufacture, provision, or sale of goods and/or services including storage and which: (05-10-06)

A. Is customarily incidental and wholly carried on within a dwelling unit or within an accessory structure to a dwelling unit by a member of the family residing therein.

B. Is clearly incidental and secondary to the use of the dwelling for residential purposes.

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

**Road:** See **Thoroughfare**.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products grown on the lot on which the stand is located. (05-10-06)

**Sanitary Landfill:** A method of disposing of refuse or land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals as may be necessary.

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

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

**Self Storage Units:** A series of totally enclosed storage buildings incorporating several cells of separate individual enclosed storage units. These facilities are rental units and can be in a secured area. (05-10-06)

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

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

**Setback Line:** A line parallel or concentric width to the street right-of-way line and at a distance there from equal to the required depth of the front yard for each district and extending across the full width of the lot, or in the case of an arc street, measured parallel to the radius of such arc. Where the right-of-way line is not established, the right-of-way shall be assumed to be thirty (30) feet on each side of the centerline of the right-of-way and the right-of-way width shall be assumed to be sixty (60) feet. (Continued)  
Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan for Lorain County, the setback line shall be measured from the proposed right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan for Lorain County. (07-10-03)

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

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

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

**A. Sign, On Premises:** Any sign related to a commodity or service sold or offered upon the premises where such sign is located.

**B. Sign, Off-Premises:** Any sign unrelated to a commodity or service sold or offered upon the premises where such sign is located.

**C. Sign, Illuminated:** Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

**D. Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

**E. Sign, Projecting:** Any sign which projects from the exterior of a building.

**Slaughterhouse:** An establishment where animals are butchered.

**Sludge:** The precipitated solid matter produced by water and sewage treatment processes.

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

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

**Street:** See **Thoroughfare**.

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

**Swimming Pool:** A pool, pond, lake or open tank, below ground level or above ground level, containing at least 1.5 feet of water at any point and maintained by the owner or manager. (05-10-06)

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

**B. Community:** Operated with a charge for admission; a primary use.

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

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

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

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

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

**E. Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one-hundred eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, providing access to abutting properties and protection for arterial or collector streets (also called Frontage Street).

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

**Trailer, Small Utility:** Any trailer drawn by passenger automobile or truck used for occasional transport of personal effects.

**Unlicensed Motor Vehicle:** Any type of motor vehicle used or useful for the conveyance of persons or property and which does not bear a license plate or plates issued for the current licensing year by any State, the United States or any recognized foreign government. This term shall not include any motor vehicle in operating condition that is not required to be licensed. (05-10-06)

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

**Variance, Area/Size:** A variance is a modification of the strict terms of the relevant regulations regarding area, size and setback requirements, where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and practical difficulties. (05-10-06)

**Variance, Use:** A variance that is a modification of the strict terms of the relevant regulations regarding permitted uses in a zoning district, where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary hardship. (05-10-06)

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

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

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

**A. Yard, Front:** A yard extending between side lot lines across the front of a lot and from the road right-of-way to the required front setback line. (07-10-03)

**B. Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the required rear lot setback line. (07-10-03)

**C. Yard, Side:** A yard extending from the required side lot setback line to the side lot line on both sides of the principal building between the lines establishing the front yard and rear yards. (07-10-03)

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

## **ARTICLE 3**

### **GENERAL REGULATIONS**

#### **301 INTENT AND PURPOSE**

The general regulations as set forth herein shall apply to all districts. Where the requirements of a general regulation and a district regulation differ, the more restrictive shall prevail. All provisions contained herein are deemed just and necessary to promote and protect the public health and safety of the residents of the Township.

It is further determined that these provisions also serve the township in the interest of convenience, comfort, prosperity, and general welfare. (05-10-06)

#### **302 CONFORMANCE REQUIRED**

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

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

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. However a larger lot may be required by the Lorain County Board of Health due to soil conditions and on-site waste water treatment regulations. (05-10-06)

#### **304 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 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. (8-10-2000)

#### **305 CORNER LOTS**

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the side street shall conform to the setback line for an interior lot on said road or street and shall be not less than thirty (30) feet from the right-of-way line.

#### **306 STREET CONSTRUCTION**

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

#### **307 GENERAL YARD REQUIREMENTS**

Except as herein provided, every required yard, as defined, shall be open, unobstructed, and unoccupied by any principal or accessory building, pond, or pool, and shall not be reduced or diminished in area so as to be smaller than prescribed by the Zoning Resolution. (07-10-03)

### **308 YARD FOR SINGLE BUILDING**

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

### **309 CLEAR VIEW OF INTERSECTING STREETS**

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

### **310 FENCES, HEDGES, AND WALLS**

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

### **311 ONE-STORY GARAGES OR OTHER ACCESSORY BUILDINGS**

In residential districts, detached garages or other accessory buildings shall be located no less than fifteen (15) feet (05-10-06) from side and rear property lines. The square footage of the accessory building or buildings, in total, shall not exceed 1600 square feet. (2-26-18) The square footage of an accessory building, or buildings, used for a residential occupation cannot exceed size of the principal dwelling. Building permits for Accessory Buildings will not be issued prior to the start of construction of the main dwelling in platted subdivisions. (05-10-06)

### **312 SIDE AND REAR YARD PLANTINGS**

Side and rear yard plantings must be maintained at least four (4) feet from the lot line on side and rear yards for small hedge plantings and/or shrubbery. There shall be a fifteen (15) foot clearance maintained for all deciduous and evergreen trees.

### **313 EXCEPTIONS TO HEIGHT LIMITS**

The height limitations of the Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, electrical transmission towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, masts, grain legs or augers, silos, and grain storage bins, or other such uses approved by the Board of Zoning Appeals.

### **314 PRIVATE SWIMMING POOLS**

- A. Definition – A private swimming pool, as regulated herein, shall be any pool, lake or open tank, above or below ground level, but not including farm ponds or temporary inflatable side-wall pools, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 ½ ) feet. No such swimming pool shall be allowed in any Residential District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements. (05-10-06)
- B. Exclusive private Use – The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

- C. Distance Requirements – The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than twenty (20) feet to any property line.
- D. Fencing – The swimming pool or the entire property on which it is located shall be so walled or fenced at a minimum height of forty-eight (48) inches so as to prevent uncontrolled access by children from the street or from adjacent properties. (1-31-2002)
- E. Drainage – Adequate provision for drainage shall be made subject to approval by the Lorain County Engineer.
- F. Lighting – Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- G. Permit Required – No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Administrator and the Health Department.
- H. The use of temporary inflatable side-wall pools shall not require a permit. Pools shall be maintained so as not to create a health hazard. Liability for the pool is the responsibility of the landowner. Rochester Township shall incur no liability whatsoever by permitting any use of any swimming pool within the township. (05-10-06)

**315 PONDS (4-14-94)** (permitted use 05-10-06)

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

- A. Permit is required. No person, firm or corporation shall construct, install, or enlarge a pond without having first submitted an application and plans thereof to the Zoning Administrator. All ponds must be designed by a registered landscape architect or civil engineer.
- B. Minimum Size: Will be one-fourth (1/4) of an acre in surface area (approximately 100 feet by 110 feet). Minimum depth: Eight (8) feet in at least twenty-five (25%) percent of the pond with three (3) to one (1) side slopes (3 feet horizontal to 1 foot vertical rise). (8-10-1998)
- C. Mounding of spoil material: Maximum height will not exceed eight (8) feet. Minimum top width is four (4) feet and minimum side slope is three (3) to one (1). (8-10-1998)
- D. Setback Requirements: Will be a minimum of fifty (50) feet from all property lines and rights-of-ways. This is measured from the high water mark of the pond, the outside toe (edge) of the embankment (dam) and the outside edge of the spoil disposal area. None of these three points can be closer than fifty (50) feet to the property line. (8-10-1998)
- E. The construction of ponds shall not adversely affect the drainage pattern of adjacent properties.
- F. Ponds shall be maintained so as not to create a health hazard. Liability for the pond is the responsibility of the landowner. (8-10-1998) Rochester Township shall incur no liability whatsoever by permitting any use of any pond within the township. (05-10-06)



- G. The construction of a pond and its continued use shall not cause any additional erosion, either on-site or on adjacent properties.
- H. Ponds shall not be discharged or allowed to overflow so as to affect the leach field of adjacent sanitary systems or raise the ground water table through infiltration so as to render ineffective any sanitary system. (8-10-1998)
- I. The areas surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
- J. Ponds used for drinking water supply or for swimming must meet the Lorain County Health Department standards for such use.
- K. Any required pumping or filtration equipment shall be located so as to not extend into any required yard in the district in which located.
- L. The use of dry hydrant systems or other fire department approved water systems are encouraged.
- M. **Decorative Ponds, Landscape Pools, Water Gardens.** Definition: A man-made water impoundment generally less than ¼ acre in size and less than eight (8) feet deep. Will have a liner and pumps and landscaped with plant materials for decorative purposes. Requires a permit if surface size is greater than four hundred (400) square feet and must be setback a minimum of twenty-five (25) feet from all property lines and rights-of-ways. (8-10-1998)
- N. **Wetlands.** Definition: A natural or constructed body of water generally less than six (6) feet deep with no minimum/maximum size. Constructed wetlands shall be placed in areas that are conducive to wildlife (a minimum of 500 feet from a residence) and will be setback a minimum of fifty (50) feet from all property lines and rights-of ways. (8-10-1998)

## 316 BUILDING REGULATIONS

### 316.01 GENERAL

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

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

### **316.02 MOBILE HOMES**

No house trailer or mobile home, regardless of the type of foundation, as defined by the Ohio Revised Code 4501.01, shall be used for any purpose other than specifically permitted by this Resolution as a temporary building.

### **316.03 PRINCIPAL BUILDING LOT**

No principal building shall be erected on a lot which does not abut on a street of record and no more than one principal building shall be permitted on any lot.  
(07-10-03)

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

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

### **316.05 TEMPORARY BUILDINGS**

- A. During Construction:** Any structure, temporary basement home or not more than one house trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than eighteen (18) months. A separate zoning permit shall be required for the use of temporary dwelling quarters. (Continued)  
Such permit could be renewed or extended by the Zoning Administrator for six (6) months. No such permit shall be issued unless the applicant posts a performance bond or security in the amount of \$2000.00 cash to insure that the house trailer, mobile home, or other temporary dwelling quarters will be removed at the end of eighteen (18) months or at the completion of construction of the permanent residence, whichever is earlier. (4-14-1994)
- B. Limited Use:** A visitor's house trailer or mobile home shall be permitted for a period not to exceed sixty (60) days in any calendar year. Sanitary facilities approved by the Lorain County Health Department must be provided.
- C. Emergency Use:** When a dwelling on any lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a house trailer or mobile home may be used as a temporary residence while the permanent dwelling is repaired or reconstructed. A separate zoning permit is required. Sanitary facilities approved by the Lorain County Health Department must be provided.

### **316.06 HEALTH BOARD APPROVAL**

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

### **316.07 FLOOD PLAIN ZONES**

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

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

A plan for erosion and sedimentation control during and after construction shall be included with other plans upon application for a zoning permit for subdivisions of five (5) acres or more.

## **317 NONCONFORMITIES**

### **317.01 CONTINUANCE**

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

### **317.02 NONCONFORMING LOTS OF RECORD**

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

### **317.03 DISCONTINUANCE**

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

### **317.04 CHANGE**

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

### **317.05 EXTENSION, ENLARGEMENT, REMOVAL**

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

### **317.06 DESTRUCTION, DAMAGE, AND RECONSTRUCTION**

Any nonconforming building or structure damaged by fire, explosion, act of God or act of the public enemy may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than fifty (50) percent of its replacement cost at the time of destruction. A zoning permit for such reconstruction must be obtained. Nonconforming buildings or structures damaged to the extent of more than fifty (50) percent of replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution, or with a variance from the Board of Zoning Appeals. Any damaged or burned-out

buildings or structures which are not repaired must be torn down within one (1) year. (4-14-1994)

### **317.07 MAINTENANCE**

On any building or structure devoted in whole or in part to a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding thirty (30) percent of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution not be increased as it existed at the time of passage or amendment of this Resolution.

## **318 SUBMISSION OF DEVELOPMENT PLANS (05-10-06)**

### **318.01 APPLICABILITY**

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

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

Application for developments in any district, should be reviewed by the Zoning Commission in four (4) stages:

- A. Application submission of general plan including sketches and environmental and economic assessment (see Section 318.05 and Section 320).
- B. Submission of preliminary development plans and preliminary architectural drawings and site plans.
- C. Submission of final development plans and final architectural drawings and site plans.
- D. Decision of Zoning Commission given in writing to Zoning Administrator.

### **318.03 RE-ZONING**

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

### **318.04 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS**

Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Commission and the State Building Inspector or other applicable agencies as designated by the Zoning Commission, authorize only the use and arrangement set forth in such approved plans and applications and amendments or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided herein.

### **318.05 APPLICATION PROCEDURE**

- A. The developer shall meet with the Zoning Administrator prior to the submission of the preliminary plans of the development. (Continued)  
The purpose of the meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained in the applicable district regulations; and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used; approximately the location of public and private streets; location, type and approximate acreage of all required open space. Three copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable zoning district regulations before a considerable amount of time and expense has been invested. A formal application and an application fee are required.
- B. The Zoning Commission shall discuss with the developer the changes, if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.
- C. All application submissions shall be submitted to the Zoning Commission not less than two weeks prior to the regularly scheduled meeting.

### **318.06 PRELIMINARY SUBMITTAL PROCEDURE AND REQUIREMENT**

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

### **318.07 SUBMITTAL OF PRELIMINARY ARCHITECTURAL DRAWINGS**

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

### **318.08 PRELIMINARY SUBMITTAL TO ZONING COMMISSION**

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

### **318.09 FINAL SUBMITTAL PROCEDURES AND REQUIREMENTS**

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

### **319 PERFORMANCE STANDARDS**

In order to protect the health, safety, and welfare of township residents and to prevent misuse of the environment, no land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed:

(05-10-06)

#### **319.01 FIRE HAZARDS**

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

#### **319.02 RADIOACTIVITY OR ELECTRICAL DISTURBANCE**

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

#### **319.03 NOISE**

Noise which is objectionable as determined by the Board of Zoning Appeals due to volume, frequency, or beat shall be muffled or otherwise controlled except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. (4-14-1994)

#### **319.04 VIBRATION**

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

#### **319.05 SMOKE AND EMISSIONS**

Smoke shall be controlled as much as economically possible as determined by the Lorain County Health Department or Ohio Environmental Protection Agency. Toxic emissions of any kind shall not be permitted. (4-10-1989)

#### **319.06 ODORS**

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

### **319.07 AIR POLLUTION**

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

### **319.08 SOIL POLLUTION**

No pollution of soil by the disposal, spreading, or storage of toxic materials, including sludge, which is harmful to health, animals, vegetation or other property, shall be permitted. Dumping, storing, disposing of or burning of solid wastes, hazardous wastes, toxic wastes, medical wastes, garbage, refuse, scrap metal, tires, rubbish, offal or demolition materials constitute a nuisance and shall not be permitted.

“Solid wastes” means such materials as are described in Ohio Revised Code Section 3734.01(E) or in such statute as it may hereafter be amended. “Hazardous wastes” means materials as are described in Ohio Revised Code 3734.01(J) or in such statute as it may hereafter be amended. “Medical wastes” means such materials as are described in the Ohio Revised Code. “Demolition materials” means materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing, and finishing lumber, roofing materials, plumbing fixtures, wiring, and insulation materials. (4-14-1994)

### **319.09 GLARE**

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

### **319.10 WATER POLLUTION**

Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Commission, E.P.A., and the Lorain County Health Department.

## **320 ENVIRONMENTAL AND ECONOMIC ASSESSMENT (05-10-06)**

These are factors to be considered by developers when preparing development plans:

### **320.01 EXISTING DEVELOPMENT**

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

1. Comparisons made between the proposed use and those existing land uses adjacent to it to determine compatibility.
2. Zoning District
  - a. Is the range of zoning uses proposed in the change compatible with the range of uses allowed in the adjacent zones?
  - b. Is the proposed change continuing a desirable pattern of zoning?
  - c. Does the proposed change grant special privileges to the detriment of adjacent landowners?
3. Existing Residential Densities
  - a. Evaluation of the proposed parcel in relation to density of proposed area vs. density of surrounding land.
4. Impact Areas and Vacant Land
  - a. Comparison of proposed change with regard to development potential of adjacent vacant land.
  - b. The effects of proposed development on the development potential of adjacent vacant land.

**320.02. DEVELOPMENT IMPACT ON THE TOWNSHIP'S GOALS AND OBJECTIVES**

- A. Land Use Plan
  - 1. Compatibility of proposed change in relation to Land Use Plan and the Township's long-range objectives.
  - 2. Conditions may change over time thus justifying the proposed change but which is not indicated in the Plan.
- B. Transportation Plan
  - 1. The degree to which the change would help to realize or hinder the Transportation Plan.
  - 2. Determination of the ability of the change to be served adequately by future improvements.

**320.03 DEVELOPMENT IMPACT ON PUBLIC SERVICE AND UTILITIES**

- A. Sanitary Sewer and Water Lines
  - 1. Impact of change on sewerage system through study of lift station capacity. If change causes lift station to exceed capacity thus requiring additional pumping and force main capacity or use of an alternative method for getting waste water treated or to treatment plant.
  - 2. Evaluation of location and size of lines serving the proposed area to determine capability of handling change.
- B. Fire Protection
  - 1. The need for additional fire hydrants.
  - 2. Depending on the size of the development, water pressure may have to be increased.
  - 3. The addition of more or special fire equipment.
- C. Traffic Flow
  - 1. Review of road design capacities and location of major traffic generators.

**320.04 IMPACT ON ENVIRONMENTAL FACTORS**

- A. Preservation of Natural Areas
- B. Insurance that water supply is not degraded by pollutants including those transported in storm water.
- C. Identification of areas suitable for development
  - 1. Areas presently developed.
  - 2. Currently vacant land suitable for development.
- D. Soils and Flooding
  - 1. Review of soil maps to determine the limitations of the local soils.
  - 2. Enlisting the use of site planning to insure building relates harmoniously to terrain and existing building and roads and nearby residences.

**321 DRIVEWAY AND DITCH ENCLOSURES (05-10-06)**

**321.01 DRIVEWAY AND DITCH ENCLOSURES REQUIREMENTS**

Driveways on Township and County roads must be built and maintained to the specifications of the Lorain County Engineer's Office. Driveways on State highways must be built and



maintained to specifications of the State of Ohio Highway Department. Existing driveway drainage tile not conforming to this Article shall be subject to Section 321 and Article 15.

- A. A permit must be issued before any work begins.
- B. Owner to allow thirty (30) days for permit processing.
- C. Property owner is responsible to purchase all pipe and fittings.
- D. Permit fees to be established by the Township.
- E. If driveway or ditch pipe is installed without permits and is installed incorrectly, the Township will replace and set grade subject to Article 16.
- F. If a driveway is hard surfaced, the right –of-way area must be blacktop.

### **322 KEEPING OF FARM ANIMALS (05-10-06)**

The keeping of farm animals on lots less than ten (10) acres in size shall be permitted as an accessory use to a dwelling unit and shall be regulated in all platted subdivisions.

- A. The minimum lot size for keeping farm animals shall be three (3) acres.
- B. All animals shall be properly caged or housed and proper sanitation shall be maintained at all times.
- C. Adequate fencing shall be provided and maintained to keep the animals enclosed on the property.
- D. The feeding of garbage to animals shall be prohibited.

### **323 ENFORCEMENT PROVISIONS**

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

## ARTICLE 4

### ESTABLISHMENT OF DISTRICTS

#### 401 INTENT AND PURPOSE

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

#### 402 DISTRICTS

For the purpose of this Resolution, the unincorporated portion of Rochester Township is divided into the following Zoning Districts:

#### R1-1 Agricultural Residential District FP Flood Plain District (05-10-06)

#### 403 ZONING MAPS

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

#### 404 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:

- 404.01** Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be considered to be such boundaries.
- 404.02** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- 404.03** Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or of the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel there to and of such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- 404.04** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- 404.05** Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- 404.06** In un-subdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Resolution shall be determined by dimension notes on the map, or by the use of the scale appearing on the map.

**ARTICLE 5**  
**AGRICULTURAL RESIDENTIAL DISTRICT – R1-1**

**501 INTENT AND PURPOSE**

All provisions contained herein are deemed just and necessary to protect the public health

It is further determined that these provisions also serve the township in the interest of convenience, comfort, prosperity, and general welfare. (05-10-06)

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

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

**502 PERMITTED USES**

Agriculture (Farms)  
Single Family Dwellings  
Two Family Dwellings  
Accessory Buildings incidental to the principal use, which do not include any activity, conducted as a business.  
Greenhouses  
Public Schools  
Open Space

**503 CONDITIONALLY PERMITTED USES (See Article 7)**

|   |                               |
|---|-------------------------------|
| Cemeteries                                | Nursing Homes                 |
| Churches                                  | Parks and Playgrounds         |
| Daycare Center                            | Plant Nursery                 |
| Extraction of Stone, Minerals and Topsoil | Recreational Campgrounds      |
| Golf Courses                              | Riding, Boarding, and Stables |
| Home Occupations                          | Roadside Stands               |
| Miniature Golf Courses                    | Veterinary Hospital or Kennel |

## **504 LOT AND YARD REQUIREMENTS**

### **504.01 FARM**

- A. Farm Minimum Lot Area - Five (5) acres. *(2-26-18)*
- B. Minimum Frontage and Width - Two Hundred Fifty (250) feet. *(8-10-1998)*
- C. Minimum Front Yard Depth – One Hundred (100) feet for Federal and State Highways (07-10-2003); Sixty (60) feet for all other roads.
- D. Minimum Rear Yard Depth - Thirty (30) feet.
- E. Minimum Side Yard Width - Fifteen (15) feet with total side yard width not less than Thirty (30) feet.
- F. Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

### **504.02 SINGLE FAMILY DWELLING**

- A. Minimum Lot Size and Frontage - Three (3) acres and a minimum frontage and width along the primary road of two hundred fifty (250) feet. *(8-10-98)*
- B. Minimum Front Yard Depth – One Hundred (100) feet for Federal and Stat Highways (07-10-2003); Sixty (60) feet for all other roads.
- C. Minimum Rear Yard Depth - Thirty (30) feet.
- D. Minimum Side Yard Width - Fifteen (15) feet with total side yard width not less than Thirty (30) feet.
- E. Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

### **504.03 TWO FAMILY DWELLING**

- A. Minimum Lot Size and Frontage - Three (3) acres and a minimum frontage and width of two hundred fifty (250) feet. *(8-10-1998)*
- B. Minimum Front Yard Depth – One Hundred (100) feet for Federal and State Highways (07-10-2003); Sixty (60) feet for all other roads.
- C. Minimum Rear Yard Depth - Thirty (30) feet.
- D. Minimum Side Yard Width - Fifteen (15) feet with total side yard width not less than Thirty (30) feet.
- E. Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

**505 MAXIMUM BUILDING HEIGHT**

No building or structure shall be erected or structurally altered to a height in excess of thirty-five (35) feet. (05-10-06)

**506 REQUIRED MINIMUM LIVING AREA**

Single or Two Family Dwelling - Twelve Hundred (1200) square feet of usable living area provided in each dwelling unit. (8-10-1998)

**507 PERMITTED SIGNS**

The provisions of Article 9 shall apply to this District.

**508 OFF - STREET PARKING AND LOADING**

The provisions of Article 10 shall apply to this District.

**509 GENERAL REGULATIONS**

The provisions of Article 3 shall apply to this District.

**510 AGRICULTURE**

No parcel less than five (5) acres shall be deemed an Agricultural plot. Land in any district may be used for agriculture production. No zoning permit shall be required for construction of buildings incident to the use of agricultural purposes of the land on which such building shall be located, but such buildings shall conform to the regulations contained in this resolution. A zoning permit shall be required for dwellings. Such dwellings must comply with the zoning regulations. (8-10-1998)

**ARTICLE 6  
(05-10-06)**

**FLOOD PLAIN DISTRICT FP**

**601 INTENT AND PURPOSE**

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

**602 AREA**

The boundaries of the Flood Plain District shall be taken from the official Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Lorain County.

**603 PERMITTED USES**

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

**603.01** Open space uses, such as farms, truck gardens, nurseries. Such other open space uses as: preserves, bridle trails, and nature paths, PROVIDED no alteration is made to the existing grade level of the flood plain or structures which may interfere with the flow of the river or its flood plain capacity.

**603.02** Yard and setback areas required for any district within the flood plain zone.

**604 CONDITIONALLY PERMITTED USES (See Article 7)**

The following use of land and structures may be permitted by application for and the issuance of a conditional zoning permit by the Board of Zoning Appeals. A Special Flood Hazard Area Development Permit is also required for any development, including filling and grading, in the 100 year flood plain.

Golf Courses  
Parks and Playgrounds  
Plant Nursery  
Outdoor Commercial Recreational Campgrounds

**605 SUBMISSION OF PLANS**

The provisions of Section 318 shall apply to this District.

**606 TOWNSHIP LIABILITY**

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

**607 PERMITTED SIGNS**

The provisions of Article 9 shall apply in this District.

**608 OFF-STREET PARKING AND LOADING**

The provisions of Article 10 shall apply to this District.

**609 GENERAL REGULATIONS**

The provisions of Article 3 shall apply to this District.

## **ARTICLE 7**

### **CONDITIONALLY PERMITTED USES**

#### **701 INTENT AND PURPOSE**

The regulations which apply to Conditional Use were created with the understanding that there are some uses which, because of their very nature, have serious objectionable impacts and can cause deleterious effects upon adjacent residential use areas. The Township recognizes that regulation of the following land uses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods. *(8-10-1998)*

#### **702 GENERAL REQUIREMENTS**

##### **702.01 BOARD OF ZONING APPEALS**

The Board of Zoning Appeals may allow conditionally permitted uses subject to:

- A. The general conditions as set forth in Article 3.
- B. The submission of plans as set forth in Article 3, where applicable.
- C. The specific conditions set forth herein.

##### **702.02 CONDITIONAL USE PERMIT**

- A. A Conditional Use Permit shall be renewed annually and a fee, as set forth in the fee schedule, shall accompany such application for said permit unless otherwise specified herein.
- B. A Conditional Use Permit will not be required for land use specifically regulated by the State of Ohio Revised Code. However all regulations of the State of Ohio and the requirements of this Article must be complied with and will be enforced by the Zoning Administrator. *(8-10-1998)*

##### **702.03 INSPECTION**

The Zoning Administrator may inspect the premise at any reasonable time. Failure to comply with the regulations as established herein and others as the Board of Zoning Appeals may add will be considered reason for revocation of the Conditional Use Permit.

##### **702.04 VIOLATIONS**

Conditional Use Permits shall be revoked after thirty (30) days from date of written notice of violation unless said violation has been corrected.

#### **703 CONDITIONAL USES**

##### **703.01 CEMETERIES R1-1.**

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



- B. Minimum Site Size - Ten (10) acres.
- C. Building Setback - All burial buildings or accessory buildings shall be set back at least one hundred (100) feet from any street right-of-way bounding the cemetery. The site shall provide two (2) side yards and a rear yard of at least one hundred (100) feet for all buildings. (05-10-06)
- D. Burial Lot Setback - All graves or burial lots shall be set back at least one hundred (100) feet from any street right-of-way bounding the cemetery. The site shall provide two (2) side yards and a rear yard of at least thirty (30) feet each for all burial sites. (05-10-06)
- E. Existing Cemeteries - Existing cemeteries may continue to operate as a nonconforming use. Any future expansion of an existing cemetery not covered by a conditional use permit must comply with the requirements as set forth above.

**703.02 CHURCH AND OTHER PLACES OF WORSHIP R1-1 (05-10-06)**

- A. For purposes of this ordinance, a church shall be defined as a building designed for the purposes of assembly to worship. All churches shall conform to the following conditions:
- B. Minimum Lot Size and Frontage – One (1) acre per one hundred (100) seats with a minimum development of three (3) acres and a minimum frontage on the primary road of two hundred fifty (250) feet. (05-10-06)
- C. Minimum Front Yard Depth – One hundred (100) feet from primary road right-of way. (05-10-06)
- D. Minimum Side Yard Width and Rear Yard Depth – Fifty (50) feet. A landscaped buffer strip shall be maintained on the abutting lot line. The buffer strip shall extend from the front building line of all church buildings and structures to a minimum of fifty (50) feet beyond the rear building line of all buildings and structures and shall conform to the requirements of Article 10. (5-10-06)
- E. Parking - The provisions of Article 10 shall apply.
- F. Lighting - Lights shall be shielded and directed away from adjacent property and from public roadways.
- G. Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.
- H. Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of two (2) access points center to center. All points of entrance or exit shall be located no closer than two hundred (200) feet from two intersecting major streets or one hundred (100) feet from the intersection of a major and minor street, or two (2) minor streets.
- I. Signs - The provisions of Article 9 shall apply. (7-12-1999)

**703.03 CONVERSION OF A SINGLE FAMILY DWELLING UNIT TO A TWO FAMILY DWELLING UNIT R1-1**

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- B. The lot area per family equals the lot area requirements for new structures in that district; and
- C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- D. The conversion is in compliance with all other relevant resolutions, codes and applicable regulations.
- E. Off-street parking must meet the requirements of Article 10.

**703.04 DAY CARE CENTER R1-1**

- A. Minimum Lot Size and Frontage – Three (3) acres maintained and a minimum frontage on the primary road of width of two Hundred Fifty (250) feet.(07-10-03)
- B. Minimum Front Yard Depth – One Hundred (100) feet from primary road right-of-way. (05-10-06)
- C. Minimum Side Yard Width and Rear Yard Depth – Fifty (50) feet.
- D. Interior Floor Space - No less than one hundred (100) square feet per child.
- E. Play Area - There shall be provided on the site a usable outdoor play area of a minimum of seventy-five (75) square feet or the minimum area required by the Regulating Agency, whichever is greater, per child enrolled exclusive of front yard, required side yards, driveways and parking areas. (07-10-03)
- F. Fencing - The play area shall be fenced for safety and shall be screened from any adjoining residential land. The provisions of Article 8 shall apply.(05-10-06)
- G. Development Plan - A development plan must be submitted at the time of application for a conditional use permit.
- H. Signs - The provisions of Article 9 shall apply. (7-12-1999)

**703.05 EXTRACTION OF STONE, MINERALS AND TOP SOIL R1-1**

- A. General Requirements - any owner, lessee or other person having an interest in mineral land may file with the Board of Zoning Appeals, an application for authorization to mine minerals there from, provided, however, that he or she shall comply with all requirements of the District in which said property is located and with the following additional requirements.
- B. Distance From Property Lines - No quarrying operation shall be carried on or any stock pile planned closer than fifty (50) feet to any property line, unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property.
- C. Distance From Public Right-of Way - In the event that the site of the mining, quarrying or extraction operation is adjacent to the right-of-way of any public street or road, no

part of such operation shall take place closer than three hundred (300) feet to the nearest line of such right-of-way.

- D. Fencing - Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.
- E. Equipment - All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatments as may be specified by the Lorain County Engineer.
- F. Processing - Crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
- G. Performance Bond - All persons or groups of persons, corporations, or private contractors wishing to extract minerals or topsoil from land within Rochester Township shall submit to the Township Trustees, a bond for a sum to be determined by the Trustees which shall be held during the operation of the extraction process and for a period not to exceed 365 days after removal of equipment from the site. The condition of this bond shall be that the persons or groups of persons, corporations, or private contractors responsible for the extraction process shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract. Such bond shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.
- H. Applications Contents and Procedure - An application for such operation shall set forth the following information:
  - 1. Name of the owner or owners of land from which removal is to be made.
  - 2. Name of the applicant making request for such permit.
  - 3. Name of the person or corporation conducting the actual removal.
  - 4. Location of processing plant to be used
  - 5. Type of resources or materials to be removed.
  - 6. Proposed method of removal and whether or not blasting or other use of explosives will be required.
  - 7. Description of equipment to be used.
  - 8. Method of rehabilitation and reclamation of the mined area.
- I. Public Hearing - Upon receipt of such application, the Board of Zoning Appeals shall set the matter before a public hearing.

**703.06 GOLF COURSE R1-1; FP**

- A. Minimum Lot Size and Frontage - The site shall contain a minimum of thirty-five (35) acres for a par 3, 9 hole golf course, a minimum of eighty (80) acres for a nine (9) hole golf course, and one hundred and sixty (160) acres for an eighteen (18) hole golf course. Lot frontage shall be a minimum of sixty (60) feet in addition to the width needed for any desired sign.
- B. Minimum Front Yard Depth – One hundred (100) feet from the primary road right-of way.

- C. Minimum Side Yard Width and Rear Yard Depth - Buildings shall be not less than one hundred (100) feet from any property line. The course shall be located no closer than two hundred (200) feet from any structure used for human occupancy. (05-10-06)
- D. Access - Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty (20) feet in width and constructed of a hard-surfaced material.
- E. Height - No structure shall be erected in excess of thirty-five (35) feet in height.
- F. Course Layout - Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted to the Township Board of Zoning Appeals for review. Provisions of Article 318 apply. (05-10-06)  
The Township may request the review of the Lorain County Regional Planning commission if desired prior to the issuance of a conditional zoning permit. Such review by the Commission shall be advisory to the Board of Zoning Appeals.
- G. Signs - The provisions of Article 9 shall apply. (7-12-1999)
- H. Lighting - Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.
- I. Parking - Ten parking spaces per hole shall be provided in addition to one space per thirty-five (35) square feet of floor area for public assembly. All parking spaces shall be located not less than seventy-five (75) feet from any residential district and fifty (50) feet from the road right-of way side line.
- J. Fencing - A minimum of six (6) feet in height shall be provided around all recreation areas (tennis courts, swimming pools and shuffle board courts), thereby permitting access only to members or users of the golf course.
- K. Retail Sales - Pro-shops and sale of goods incidental to the principal use shall be permitted. The sale of food and beverages shall be permitted if contained within the principal building or structure.

**703.07 MINIATURE GOLF COURSE R1-1**

- A. Minimum Lot Size and Frontage – Two (2) acres and a minimum frontage on the primary road of one hundred twenty-five (125) feet. (05-10-06)
- B. Minimum Front Yard Depth - One hundred (100) feet from the road right-of-way, (05-10-06)
- C. Minimum Side Yard Width and Rear Yard Depth – Minimum Side Yard Width and Rear Yard Depth – One Hundred (100) feet. A landscaped buffer strip shall be maintained on the abutting lot line to screen the use from adjoining properties. The buffer strip shall extend from the front building line of all buildings and course structure to a minimum of fifty (50) feet beyond the rear building line of all buildings and course structure and shall conform to the requirements of Article 9. (05-10-06)
- D. Noise - Loudspeakers which cause a hazard or annoyance shall not be permitted.
- E. Access - All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) arterial streets, or no closer than one

hundred (100) feet from the intersection of an arterial street and a local or collector street.

F. Signs - The provisions of Article 10 shall apply. (7-12-1999)

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

H. Hours of Operation - 7 A.M. to 11 P.M.

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

J. Parking – Two (2) parking spaces per hole shall be provided in addition to one space per thirty-five (35) square feet of floor area for public assembly.  
All parking spaces shall be located not less than seventy-five (75) feet from any residential district and fifty (50) feet from the road right-of way side line.  
(05-10-06)

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

#### **703.08 OUTDOOR COMMERCIAL RECREATIONAL CAMPGROUNDS R1-1; FP**

A. Minimum Site Size - No campground shall be developed on a lot of less than ten (10) acres. No campsite shall be located on land having a slope in excess of twenty percent (20%).

B. Setback – Buildings shall be located no closer than three hundred (300) feet to the right-of-way and two hundred (200) feet to the side or rear lot line.

C. Sanitation -The general criteria for sanitary facilities shall be:

1. Toilet fixtures – one (1) for each seventeen (17) people;
2. Showers – one (1) for each fifty (50) people;
3. One restroom with six (6) toilets per campground of twenty-five (25) units;
4. One restroom with six (6) toilets and one (1) combination building with six (6) toilets, four (4) showers, and laundry facilities per campground of fifty (50) units;
5. Adequate garbage and rubbish cans with tight fitting lids shall be provided for each campsite. The campground and all permanent facilities and equipment shall be kept in a clean orderly and sanitary condition and free from any condition that will menace the health of any camper or the public or constitute a nuisance.

D. Water Supply Requirements - Water supply requirements at campgrounds shall be:

1. With showers and flush toilets - forty (40) gallons per camper per day;
2. With flush toilets - twenty-five (25) gallons per camper per day;
3. Without showers or flush toilets - five (5) gallons per camper per day;
4. Emergency Storage - The capacity of the water storage reservoir or tank should provide for double the expected daily use. If a pressure system is developed, a “standby” or emergency supply of water should be provided.
5. Distance from drinking water to unit - three hundred (300) feet maximum, one hundred (100) feet or less optimum.

E. Fire Protection - The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department which serves the area.

- F. Prohibited Activities - No intoxicating beverages may be sold or permitted on the campgrounds. No mechanical or electrical amusement devices or games of chance shall be allowed.
- G. Hours of Operation - Under no conditions shall activities continue past 12 Midnight - at which time all lights in halls, buildings, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.
- H. Noise - No amplification equipment shall be permitted. Radios, television sets and phonographs shall be permitted providing that in the judgment of the Zoning Administrator these are not operating louder than normally operated in a residence.
- I. Retail Sales - The sale of soft drinks shall be permitted provided that the vending equipment and the area where located shall be properly maintained.
- J. Parking - The following parking space must be provided:
  - 1. Car - three hundred (300) square feet;
  - 2. Car and Trailer - six hundred (600) square feet;
  - 3. One (1) space or hard stand per camper unit, minimum space for two (2) cars, or car and trailer;
  - 4. Optimum space for three (3) cars must be provided at each restroom;
- K. Hard Stand Areas - To accommodate self-contained camping trailers, all-weather hard stand areas, ten (10) feet x forty (40) feet shall be provided and so designed that the car and camping trailer can be backed onto the hard stand area with the minimum amount of maneuvering.
- L. Trailer Length - Camping trailers are limited to a length of twenty-eight (28) feet, except self-propelled camper vehicles.
- M. Access Roads - All access roads shall be maintained in an all-weather, dust-free condition.
- N. Signs - The provisions of Article 9 shall apply. (7-12-1999)
- O. Lighting - All outdoor lighting shall be shielded to prevent glare to adjoining properties.
- P. Camper Vehicles – All campers' vehicles shall display the current year license plates. No campground shall be used for permanent occupancy or as a mobile home park. Travel or camping trailers shall not be allowed to exceed a stay of seven (7) months, and only between the periods of April 15<sup>th</sup> and November 15<sup>th</sup>.

**703.09 PARKS AND PLAYGROUNDS R1-1**

- A. Permitted Uses - Uses permitted shall be softball/baseball fields, multiple-use paved areas, landscaped areas, picnic areas, and field houses.
- B. Minimum Lot Size and Frontage – Three (3) acres and a minimum frontage width on the primary road of two hundred fifty (250) feet. (05-10-06)
- C. Minimum Front Yard Depth – One hundred (100) feet from road right-of-way. (05-10-06)
- D. Minimum Side Yard Width and Rear Yard Depth – one hundred (100) feet. (05-10-06)

- E. Access - A minimum of two access points to the site shall be provided maintaining a distance of two hundred (200) feet, centerline to centerline.
- F. Parking - Ten (10) parking spaces shall be provided for each acre of playground area.
- G. Setback Requirements - Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bounding road right-of-way side lines.  
Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back fifty (50) feet from any bounding street right-of-way or side lot line.
- H. Lighting - All outside lighting shall be directed away and shielded from adjacent properties and public roadways. (05-10-06)
- I. Noise - No amplification equipment shall be permitted.
- J. Retail Sales - The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.
- K. Development Plan - A development plan must be submitted at the time of application for a conditional use permit.

**703.10 PLANT NURSERY R1-1**

- A. Minimum Site Size - Five (5) acres.
- B. Parking - A minimum of five (5) off-street parking spaces shall be provided, or three and one half (3 1/2) square feet of parking space for each square foot of floor space devoted to retailing, whichever is greater.
- C. Minimum Front Yard Depth – One hundred (100) feet from road right-of-way. (05-10-06)
- D. Minimum Side Yard Width and Rear Yard Depth – Fifty (50) feet. (05-10-06)
- E. Dead Plant Material - No burning or storage of dead plant material is allowed.
- F. Lighting - All outside lighting shall be directed away and shielded from adjacent properties and public roadways.
- G. Spraying - When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized. Said spraying operation shall be directed so as to not affect adjacent properties in any way.
- H. Irrigation - When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.
- I. Signs -The provisions of Article 9 shall apply. (7-12-1999)

**703.11 RESIDENTIAL OCCUPATION R1-1**

- A. Residential Occupations shall be permitted only after a Conditional Use Permit has been approved by the Board of Zoning Appeals. (07-10-2003) (05-10-06)

B. Type 1 - Accessory use within a dwelling unit provided that:

1. Such use shall be conducted by a member(s) of the family residing on the premises with no more than one (1) employee.
2. Such occupation shall be carried on entirely within the dwelling.
3. Such occupation shall be clearly incidental and subordinate to its use residential purposes, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
4. No activity, materials, goods or equipment indicative of the occupation shall be visible from the public way or adjacent property.
5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.
6. No commodity shall be sold thereon, unless it was produced on the premises, or unless it is incidental to the services rendered, or the articles produced on the premises.
7. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for on site.
8. No alteration to the exterior of the residential building shall be made which changes the character thereof as a dwelling.
9. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference.
10. Signs - The provisions of Article 9 shall apply. (7-12-1999)
11. Principal structure or garage may not be expanded.

C. Type 2 - Accessory use within a structure provided that:

1. Such use shall be conducted by a member(s) of the family residing on the premises with no more than one (1) employee.
2. Such occupation shall be carried on entirely within the accessory structure.
3. Such occupation shall be clearly incidental and subordinate to the land use for residential purpose.
4. No activity, materials, goods or equipment indicative of the occupation shall be visible from any public way or adjacent property except for such material, goods and equipment that would be normally visible in the district.
5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.
6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for on site.
7. Signs - The provisions of Article 10 shall apply. (7-12-1999)
8. Accessory structures for residential occupations may be a garage/barn with approximately the maximum percent of lot coverage adhered to as set forth for each district in the Resolution. (05-10-06)

**703.12 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA R1-1**

- A. Applicability -These conditions shall apply where one (1) or more horses are used, kept, or maintained, for commercial leasing or hiring purposes for remuneration.
- B. General - All riding or exercising of horses shall be conducted solely on the premises of said stable, academy or arena. The use of any public road or right-of-way as a part of a



stable or riding academy shall be prohibited. All horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.

- C. Lot Area - The lot area required for each horse stable in a riding stable or academy shall be not less than one (1) acre and the minimum lot shall be not less than five (5) acres with a lot width of not less than five hundred (500) feet.
- D. Building Location - All buildings for the riding, showing, housing or keeping of horses shall be located not less than one hundred and fifty (150) feet from the side and rear property lines and two hundred (200) feet from the road right-of-way side line. Accessory structures such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.
- E. Access and Parking - Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area, a minimum design area of six hundred (600) square feet shall be used per horse being boarded or kept. All driveways and off-street parking areas shall be maintained in a dust-free, all-weather condition. Parking areas shall be located no less than one hundred fifty (150) feet from the street right-of-way. Entrance to the site shall be of sufficient width (not less than 24 feet) in order to facilitate entering and leaving the property at the same time.
- F. Landscaping - All outdoor areas including exercising and parking areas shall be adequately landscaped to screen and buffer the use from any abutting residentially zoned property. The provisions of Article 8 apply. (05-10-06)
- G. Retail Sales - The sale of commercial products clearly incidental to the intended conditional use shall be permitted. The sale of incidental products shall be conducted wholly within an enclosed building.
- H. Lighting - All outside lighting shall be shielded and directed away from adjacent properties and from public roadways.
- I. Noise - No outdoor amplification system shall be permitted.
- J. Height - No building or structure shall exceed thirty-five (35) feet in height.
- K. Signs - The provisions of Article 9 shall apply. (7-12-1999)
- L. Sanitation - The premises shall be maintained in a sanitary and orderly manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.
- M. Hours of Operation - All activities shall terminate on or before 11 P.M. each day.
- N. Site Plan - When boarding or keeping more than three (3) horses, a proposed site plan drawn to scale shall be prepared showing the following:
  - 1. Location of buildings.
  - 2. Location of property lines and adjacent buildings.
  - 3. Ingress and egress points.
  - 4. Parking areas and driveways.
  - 5. All activity areas.
  - 6. Landscaped buffer areas and the plant material to be used.
  - 7. Drainage plan which includes the topography of the site at five (5) foot intervals.

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

**703.13 ROADSIDE STANDS R1-1**

- A. General - Roadside Stands shall be used for the sale of products grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the non-growing season.
- B. Setback - Said use shall be set back twenty (20) feet from right-of-way side line.
- C. Parking - Adequate off-street parking shall be provided for a minimum of four(4) vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.
- D. Signs - The provisions of Article 9 shall apply. (7-12-1999)

**703.14 VETERINARY HOSPITAL OR KENNEL R1-1**

- Applicability:**
- 1. Veterinary Hospital.
  - 2. Any Kennel and/or Cattery, as defined, located in a platted subdivision.
  - 3. Any lot or premise where dogs and/or cats are housed, groomed, bred, boarded, trained or sold, and such activity provides the primary source income. (05-10-06)
- A. Minimum Lot Size and Frontage – Three (3) acres and a minimum frontage and width on the primary road of two hundred fifty (250) feet. (05-10-06)
  - B. Minimum Front Yard Depth – One Hundred (100) feet from primary road right-of-way. (05-10-06)
  - C. Minimum Side Yard Width and Rear Yard Depth – Minimum Side Yard Width and Rear Yard Depth – One Hundred (100) feet. A landscaped buffer strip shall be maintained on the abutting lot line. The buffer strip shall extend from the front building line of all buildings and structures to a minimum of fifty (50) feet beyond the rear building line of all buildings and structures or any fenced in area designed to constrain animals, and shall conform to the requirements of Article 8. (05-10-06)
  - D. Parking and Access - Parking shall be provided for a minimum of four (4) car and trailer combinations. Five hundred (500) square feet shall be the minimum required parking and access area for each car and trailer or van combination. Three hundred (300) square feet shall be required for parking and access space for each vehicle.
  - E. Runways, Exercise Areas - All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein or the public, or constitute a nuisance.
  - F. Building and Enclosures - The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any direction. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from any other lot in any direction.

- G. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from any property line.
- H. Manure Piles - Manure piles shall be disposed of daily in a sanitary, non-odorous condition. Open manure piles shall not be permitted.
- I. Lighting - All outside lighting shall be shielded from adjacent properties.
- J. Retail Sales - The sale of commercial products clearly incidental to the intended conditional use shall be permitted and shall be conducted wholly within an enclosed building. (7-12-1999)
- K. Landscaping - All outdoor areas including kennels and animal runways and parking areas shall be adequately landscaped to screen and buffer the use from any abutting residentially zoned property.
- L. Signs - The provisions of Article 9 shall apply. (7-12-1999)
- M. All activities, operations and construction not directly governed by the Ohio Revised Code and/or the County of Lorain, must comply with the Township Zoning Resolution in its entirety. Any part of these conditions which is superceded by any Ohio Revised Code and/or County of Lorain regulation shall not affect the validity and enforcement of any other condition. (8-10-1998)

## ARTICLE 8 (05-10-06)

### SCREENING AND LANDSCAPE BUFFERING

#### 801 INTENT AND PURPOSE

The purpose of this section is to establish landscaping and architectural standards for the purposes of public convenience, comfort, prosperity, and general welfare of the residents of the Township and to provide for space requirements and visual screen landscape buffers to remove, reduce, lessen or absorb the shock of impact of incompatible uses of real properties between one use or zone district and another. The intent of this article is to extend space or screen undesirable views to reduce the impact of the one land use upon another, to increase soil water retention through landscape requirements, to protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses and certain multi-family uses, and to supplement land use planning and not be considered as its substitution.

#### 802 DEFINITIONS

- A. Landscaping: Living material including but not limited to grass, ground covers, shrubs, vines, hedges, trees, and non-living durable materials commonly used in landscape development.
- B. Screen: Plant material or other non-living durable material including but not limited to walls, beams, or wood fencing of a decorative type.
- C. Shrubs: Self-supporting, deciduous, and/or evergreen species normally branched near the base, bushy, less than fifteen (15) feet in height, as normally grown in Lorain County.
- D. Trees: Self-supporting woods, deciduous and /or evergreen plants with a well-defined central stem or species that normally grow to a height of fifteen (15) feet or more in Lorain County.
- E. Vines: Plants that normally require physical support to reach mature form.

#### 803 GENERAL PROVISIONS

- A. Materials: Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or combination thereof.
- B. Screening: Screening shall consist of plant material or other non-living durable landscape material.
- C. Landscaped Buffer Areas:
  - 1. Location and Width: Landscaped Buffer areas shall be located on those less restrictive portions of land bordering or abutting a more restrictive zoned or use district or other areas as specified in this Resolution.
  - 2. Use: Designed buffered areas shall be used for no other purpose than plantings or screening except necessary ingress or egress to or from the buffered area.

3. Design: A buffered area shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate use of such easement areas for fire protection purposes.
  4. Fences and Walls: Fences shall be acceptable as part of a landscape buffer, where traffic noise and light create a need for a buffer. When used, they shall have a decorative style and type. A fence used as a buffer between a Residential and a Business or Industrial District shall have the decorative side facing the Residential District. Walls and berms should be used only in the most unusual cases, as one of the several options to fulfill the buffering requirement. Fences, hedges, berms, and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard beginning at the building lot line and to a height of three (3) feet in any required yard abutting a street.
- D. Natural Plantings Requirement: Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty percent (60%) winter and summer reduction of view, when viewed from two (2) to ten (10) feet above ground level.
  - E. Buffering Effect: The desired buffering effect shall provide no less than sixty percent (60%) winter and summer reduction in view and shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be created because of expected growth, weather, or material shortages, but in no event shall the Zoning Commission extend such period beyond two (2) years from the time initial installation was to have been installed.
  - F. Modification of Requirements: The Zoning Commission may modify or change the location of a buffered area contiguous to side and rear property lines where topographical problems prevent the installation thereof of buffer materials or plantings.

#### **804 APPLICABILITY**

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

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

#### **805 PROCEDURES**

- A. When an application for Zoning Permit is made, the Zoning Administrator shall determine if the buffering requirement might be applicable. If he/she determines that the request comes under the buffering requirements, the Zoning Administrator shall advise the applicant of this fact and shall submit a request to the Zoning Commission that the matter be reviewed once the applicant has furnished the Zoning Commission with the following: (continued)
  1. A copy of the site plan.
  2. Topography of the building site and surrounding area.

3. A complete description of the area to be constructed or modified.
- B. The applicant shall provide to the Zoning Commission, a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.
  - C. Where buffering is required, a Zoning Permit shall not be issued by the Zoning Administrator until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement. The agreement between the Zoning Commission and the owner and/or developer shall include among other requirements, the following:
    1. Provisions for maintenance of the landscape buffer on the part of the applicant.
    2. Replacement procedures for any portion of the landscape buffer that is for any reason no longer visible.
    3. For replacement of the landscape buffer involving plant material that does not extend beyond the next growing season.
    4. For the replacement of landscape material such as fences and the like.
    5. To replace landscape material within sixty (60) days from the date of notification by the Zoning Administrator of non-compliance.

## ARTICLE 9

### SIGNS

#### 901 INTENT AND PURPOSE

It is the intent and purpose of the Township in setting forth requirements contained in this Article to provide for reasonable and appropriate conditions for the advertising of goods and services rendered in the community so that property values within the township will be preserved and protected and potential traffic hazards will be avoided. At the same time, it is the intent of the township to regulate advertising, by temporary signs and structures, in order to prevent potential traffic hazards, to proscribe intrusive and unpleasant formats for expressions, to eliminate debris that settles in drains and ditches, to eliminate unsightliness and litter, and to other wise enhance the appearance of the community. (05-10-06)

#### 902 GENERAL SIGN REQUIREMENTS FOR ALL DISTRICTS

- 902.01** Public notices are exempted from the requirements of this Resolution.
- 902.02** Temporary displays or signs advocating the election of a candidate or candidates or the passage or disapproval of an issue shall not be governed by the provisions of this Article provided the same are removed within ten (10) days after the completion of the election involved. Failure to remove such signs as required herein shall be deemed a violation of this Resolution. Temporary signs other than those displayed for political purposes require a permit and must be removed after sixty (60) days. (4-14-1994)
- 902.03** Holiday display lighting shall be exempted from the requirements of this Resolution.
- 902.04** Area measurement for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters, designs or symbols.
- 902.05** Any number of signs that are attached to a common supporting structure shall be considered one sign for the purposes of number of signs allowed and area requirement.
- 902.06** No zoning permit shall be required for a real estate sign of less than four (4) square feet in an area which advertised the sale, rental or lease of the premises on which the sign is located.
- 902.07** A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any residential district shall not exceed sixteen (16) square feet.
- 902.08** Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System, if such laws are more restrictive than the provisions of this Resolution; otherwise, the provisions of this Resolution shall apply.

The total area of all free-standing signs, pole signs or signs projecting beyond building walls shall not exceed two hundred (200) square feet for any individual business establishment or use in any District. (05-10-06)

### **903 PERMITTED SIGNS**

Signs, billboards and all forms of outdoor advertising shall not be erected, placed, painted, repainted or hung in any District except as herein after provided.

### **904 CONSTRUCTION, MAINTENANCE AND INSPECTION (4-14-1994)**

- 904.01** All signs shall be designed and constructed in conformance with safety and substantial construction requirements as required by the Ohio Basic Building Code, including provisions for materials, loads and stresses.
- 904.02** All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in repair in accordance with the provisions of this article and Article 1, Administration, of the Ohio Basic Building Code. When not galvanized or constructed of approved corrosion-resistive non-combustible materials, signs shall be painted when necessary to prevent corrosion.
- 904.03** Every sign shall be subject to the inspection and approval of the Zoning Administrator.
- 904.04** The Zoning Administrator is authorized to order the removal of any sign that is not constructed or maintained in accordance with the provisions of this article.

### **905 RESIDENTIAL DISTRICTS**

- 905.01** One sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed twelve (12) square feet.
- 905.02** Real estate signs not exceeding four (4) square feet in area and advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted on any property.
- 905.03** Signs for residential occupations, professional activities, conditional uses and nonconforming uses where existing or permitted shall not exceed sixteen (16) square feet in any Residential District. (7-12-1999)
- 905.04** Bulletin boards and signs for a church, school, community or other public or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed sixteen (16) square feet in area.
- 905.05** Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed sixteen (16) square feet.
- 905.06** No building wall shall be used for display of advertising, except pertaining to the use carried on within such building.
- 905.07** Temporary signs not exceeding in the aggregate, thirty-two (32) square feet, announcing the erection of a building, the architect, the builders, contractor, etc., may be erected for the construction period plus sixty (60) days, which period shall not exceed one (1) year after date of issuance of permit upon which date the sign shall be removed from the premises.



## **906 SETBACK REQUIREMENTS**

- 906.01** Signs and outdoor advertising structures except as specifically permitted within this Article shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such District except for the following modifications:
- 906.02** For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half (1/2) foot but such setback need not exceed one hundred twenty-five (125) feet.
- 906.03** Signs for home occupations, professional activities, conditional uses and non-conforming uses shall be set back at least twenty (20) feet from the established right-of-way line of any street or highway and so placed as to not create a visibility hazard at the point of ingress and egress. All side yard requirements for the applicable district shall be met. (7-12-1999)

## **907 SPECIAL YARD REQUIREMENTS**

- 907.01** The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:
- 907.02** Signs and outdoor advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be permitted within one hundred (100) feet of any public parkway, public square or entrance to any public park, public or parochial school, library, church or similar institution. (05-10-06)

## **908 ILLUMINATION**

- 908.01** The following provisions shall be observed in the illumination of signs and advertising structures:
- 908.02** All signs and advertising structures except as hereafter modified may be illuminated internally or by reflected light provided the source of light is not visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or act as a hazard to traffic or conflict with traffic control signs or lights.
- 908.03** No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted which is a hazard to the safe movement of traffic.
- 908.03** A sign shall not be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code as established by the National Fire Protection Association. Any open spark or flame shall not be used for display purposes.

## **909 PROHIBITED DEVICES**

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

**909.03** Any imitation of official traffic signs or signals and the use of such words as “Stop”, “Look”, “Danger”, “Go Slow”, “Caution”, “Warning” are prohibited.

**909.04** Fluorescent colors in the yellow to red spectrum are prohibited.

## **910 ADMINISTRATION**

**910.01** No sign, except those specifically exempted by this Resolution, shall be erected without a permit issued by the Township Zoning Administrator, application for which shall be accompanied by such scale drawings, photographs, and other information required by the Zoning Administrator as evidence of the permit.

**910.02** Fees for sign permits shall be fixed by the Township Trustees.

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

## **911 PENALTY, REMOVAL (05-10-06)**

**911.01** Whosoever shall violate the provisions of this Article shall be guilty of a minor misdemeanor and, upon conviction, shall be fined not more than One Hundred (100) Dollars for each offense. Each day that a sign is erected or maintained in violation of this Article shall constitute and shall be deemed a separate offense.

**911.02** Any sign found erected or placed in a manner contrary to the provisions of this Article may be removed by the Township Zoning Administrator, a Township Trustee, the Township Road Department or the County Sheriff’s Department. The person responsible for such illegal erection or placement shall be liable for the cost incurred in the removal thereof and the Board of Township Trustees is authorized to effect the collection of said cost.

## **ARTICLE 10 (05-10-06)**

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

#### **1001 INTENT AND PURPOSE**

It is the intent and purpose of the Township through the creation of the regulations contained in this Article to provide reasonable requirements for off street parking and loading, thus lessening the congestion on the streets and preserving the traffic-carrying function of the township streets and highways, and provide for the safe access to structures for emergency and other vehicles. (8-10-1998)

#### **1002 GENERAL REQUIREMENTS**

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with provisions of this Resolution.
- B. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.
- C. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### **1003 PARKING SPACE DIMENSIONS**

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1019 of this Resolution.

#### **1004 LOADING SPACE REQUIREMENTS AND DIMENSIONS**

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

### **1005 DRAINAGE**

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

### **1006 MAINTENANCE**

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

### **1007 LIGHTING**

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

### **1008 LOCATION OF PARKING SPACES**

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

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

### **1009 SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY**

- A. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides that adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premise in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall or planting, screen and landscaping shall be required.
- B. No one area for off-street parking of motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.
- C. Screening and buffering shall be provided according to the requirements of Article 8.

### **1010 REQUIRED TRASH AREAS**

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

### **1011 DISABLED VEHICLES**

- A. The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) months shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.
- B. Any inoperable farm equipment, trucks, implements, discarded parts of machinery, tires, or any discarded home appliances must be removed from public sight.

### **1012 MINIMUM DISTANCE AND SET BACKS**

- A. No part of any parking area for more than ten (10) vehicles shall be closer than thirty (30) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one (1) family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.
- B. A property owner or lessee in the R1-1 District, may park only one tractor-trailer rig on his property at any one time.

### **1013 JOINT USE**

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

### **1014 WHEEL BLOCKS**

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

### **1015 WIDTH OF DRIVEWAYS**

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking; twelve (12) feet wide for parallel parking, eighteen (18) feet for sixty (60) degree parking; and thirteen (13) feet for forty-five (45) degree parking.

## 1016 ACCESS

**1016.01** All of the provisions of the Lorain County Access Management Regulations apply.

- A. Prior to any lot split approval, the Lorain County Engineer shall determine whether an access permit may be issued. The review will be performed prior to the Lorain County Health Department performing their review which is required for lot split approval. The person requesting the lot split will submit the same map that will be submitted to the Health Department to the Lorain County Engineer's office.
- B. Prior to the issuance of a building and/or zoning permit or prior to the construction of a driveway in those situations not requiring a building and/or zoning permit, the Lorain County engineer shall issue a driveway permit on county roads. The Township Zoning Administrator will issue driveway permits on township roads. The permit will be for access at a location that is otherwise in conformance with the Lorain County Access Management Regulations. In those situations where no access approval was issued, the County Engineer's established driveway permit regulations will apply.

**1016.02** Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a street shall be traveling in a forward motion. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a street. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

- A. One way traffic: For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.
- B. Two way traffic: Access road for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.
- C. Minimum residential driveway entrances or openings from public streets, shall not be less than twenty-four (24) feet in width at the curb line. Driveways of more than two hundred fifty (250) feet in length shall have a turn-around located near the dwelling unit of at least ten (10) feet wide and twenty (20) feet in depth. Drives which are not straight shall be wide enough to accommodate a sixty (60) foot long emergency vehicle. Common drives will be permissible only if the Board of Zoning Appeals approves a Use Variance. All structures must be accessible via driveways with turn-around space adequate for emergency vehicles. (1-31-2002)
- D. Driveway bridges which provide access to structures shall be engineered and constructed according to regulations and standards of the Lorain County Engineer and designed to withstand the weight of emergency vehicles. (8-10-1998)

## 1017 STRIPING

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

## 1018 PARKING SPACE REQUIREMENTS

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

| RESIDENTIAL   | PARKING PLACES REQUIRED  |
|---|--|
| Single Family, Two Family dwelling  | Two for each unit.   |
| Apartment Hotels, Apartments  | Two for each unit.   |
| Multi-Family Dwellings, Boarding Houses, Rooming Houses, Dormitories, and Houses which have sleeping rooms. | Two for each sleeping room or fraternity occupant.   |
| COMMERCIAL  |  |
| Hotels, Motels  | One per each sleeping room plus one space for each two employees   |
| Funeral Parlors, Mortuaries, and and similar uses.  | One for each one hundred (100) square feet of floor area in slumber room, parlors, or service rooms.   |
| Retail Stores   | One for each two hundred fifty (250) square feet of floor area.  |
| Banks, Financial Institutions and similar uses  | One for each two hundred (200) feet of floor area.   |
| Offices, Public or Professional Administration, or Service Buildings  | One for each four hundred (400) square feet of floor area.   |
| All other types of Business or Commercial uses permitted  | One for each three hundred (300) square feet of floor area. In any Commercial District   |
| RECREATIONAL OR ENTERTAINMENT   |  |
| Dining Rooms, Restaurants, Taverns, Night Clubs, etc.   | One for each two hundred (200) square feet of floor area.  |
| Bowling Alleys  | Four for each alley or lane plus one additional space for each one hundred (100) square feet of the area used for restaurant, cocktail lounge, or similar use. |
| Dance Floors, Skating Rinks   | One for each one hundred (100) square feet of floor area used for activity.  |

|   |  |
|---|--|
| Outdoor Swimming Pools, Public or Community or Club                                       | One for each five (5) persons capacity plus one for each four (4) seats or one for each thirty (30) square feet of floor area used for seating purposes, whichever is greater. |
| Auditoriums, Sport Arenas, and similar Uses   | One for each four (4) seats.   |
| INSTITUTIONAL<br>Churches and other places of Religious Assembly                          | One for each four (4) seats.   |
| Hospitals   | One for each bed.  |
| Sanitariums, Home for the Aged, Nursing Homes, Children's Homes, Asylums and similar use. | One for each two (2) beds.   |
| Medical and Dental Clinics  | One for every two hundred (200) square feet of floor area of examination, treating room, office and waiting room.  |
| Libraries, Museums and Art Galleries  | One for each four hundred (400) square feet of floor area.   |
| SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)<br>Elementary and Junior High Schools             | Two for each classroom and one for every eight (8) seats in auditoriums or assembly halls.   |
| High Schools  | One for every ten (10) students, and one for each teacher and employee.  |
| Business, Technical and Trade Schools   | One for each two (2) students.   |
| Colleges, Universities  | One for each four (4) students.  |
| Kindergartens, Child Care Center, Nursery School and similar uses.                        | Two for each classroom but not less than six (6) for the building.   |

**1019 GENERAL INTERPRETATIONS**

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

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

**1020 PLOT PLAN REVIEW**

Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a zoning permit can be issued. (Continued)



Such plans and specifications shall show the locations, basis and capacity calculation, size site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.

**ARTICLE 11 (8-10-1998)**

**COMMUNICATION TOWERS**

**1101 INTENT AND PURPOSE**

The intent and purpose of this section is to establish general guidelines for the siting of communication towers. All provisions contained herein are deemed just and necessary to the public health, safety, and general welfare of the residents of the Township. The goals of this Article are to:

- A. Protect residential areas and land uses from potential adverse impacts of communication towers;
- B. Encourage use of alternate technologies that do not require the use of towers and structures;
- C. Encourage the location of communication towers in nonresidential areas;
- D. Minimize the total number of communication towers throughout the community;
- E. Strongly encourage the joint use (co-location) of new and existing tower sites as a primary option rather than construction of additional single-use communication towers;
- F. Strongly encourage users of communication towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- G. Strongly encourage users of communication towers to configure them in a way that minimizes the adverse visual impact of the communication towers through careful design, siting, landscape screening and innovative camouflaging techniques;
- H. Enhance the ability of the providers of services to provide such services to the community quickly, effectively and efficiently;
- I. Consider the public health and safety of communication towers;
- J. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and
- K. To minimize the height of communication towers where technically feasible.

**1102 DEFINITION**

Communication Tower:

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and other telecommunication purposes. The term includes, but is not limited to, radio, telephone, and television transmission communication towers, alternative tower structures, and the like. The term includes the structure and any support thereto, and any antenna that may be affixed to such structure.  
(Continued)

This term also applies to an antenna in the case where the antenna is affixed to a building or other structure that was not constructed primarily for the purpose of supporting an antenna.

### **1103 GENERAL COMMUNICATION TOWER REQUIREMENTS**

**1103.01** A zoning permit is required for all communication towers.

**1103.02** The following site and developmental requirements shall apply:

- A. The lot shall be a minimum of three (3) acres in size, except in the case where the tower and/or antenna is attached to an existing structure or building.
- B. The communication tower shall be located so that the distance from the base of the tower to all lot lines is at least equal to the height of the tower, measured from the surrounding ground surface, plus an additional twenty-five (25) feet.
- C. The base of the tower shall be fenced with a minimum six (6) foot high chain link fence.

**1103.03** Performance Standards:

- A. All structures, including accessory buildings shall be located at least thirty (30) feet from a lot line and one hundred (100) feet from any single family dwelling.
- B. All towers shall be of mono-pole construction, consisting of a single pole to support the antenna(s). Skeletal or lattice framework, and guy wires, are prohibited.
- C. Towers shall be designed to withstand a uniform wind loading as prescribed by the County or State Building Code. The plans of the tower construction shall be certified by a registered structural engineer, including the antenna mount and structure.
- D. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- E. Height of the tower shall be less than two hundred (200) feet from grade.
- F. All towers one hundred (100) feet or higher above grade shall be lighted with a red fading light or other non-obtrusive lighting which meets Federal Aviation administration (FAA) obstruction lighting specifications or as required by the FAA. (7-12-1999)
- G. Accessory structures shall not exceed six hundred (600) square feet in floor area.
- H. There shall not be advertising of any kind intended to be visible from the ground or other structures.
- I. Towers shall be constructed, maintained and operated in conformance with applicable state and federal laws, including laws promulgated by the Federal Aviation Administration to assure safety in proximity to airports and landing strips.
- J. The applicant shall submit a notarized statement stipulating that the applicant has been denied establishing and antenna in excess of one hundred (100) feet, including the identification of all communication tower owners contacted to meet

this requirement. Further, the applicant shall submit a notarized statement stipulating that the proposed tower is specifically designed to accommodate additional antennas for use as a co-location site, and that the application shall permit co-location, under reasonable conditions. Failure to permit reasonable co-location shall be grounds for the removal of the tower or antenna at the owner's expense.

**1103.04** Removal of abandoned towers:

- A. All abandoned or unused towers shall be removed within four (4) months of the cessation of operations at the site unless a time extension has been approved by the Zoning Administrator. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower upon the cessation of operations at the site, shall be submitted at the time of application together with a performance bond in an amount adequate to cover the cost of removal of such tower. In the event that a tower is not removed within four (4) months of cessation of operations at the site, the tower may be removed by the township and the costs of removal assessed against the property.

## ARTICLE 12 (6-20-2011)

### Wind Turbine Energy Systems For Generating Electricity (all types)

#### 1201 PURPOSE

It is the purpose of this regulation to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity.

#### 1202 DEFINITIONS

- A. Wind Turbine Energy System: A wind energy conversion system consisting of a wind energy turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.
- B. Tower Height: The distance from the rotor blade at its highest point to the ground.
- C. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or its components might fall that shall remain unobstructed and confined within the property lines of the parcel where the turbine is located.

#### 1203 PERMITTED USE :

Wind turbine energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

- A. Minimum Lot Size : Minimum of 3 acre
- B. Tower Height: Tower height shall not exceed  $\frac{3}{4}$  of the property width at the tower build line or 100 ft whichever is more restrictive shall apply.
- C. Set-back: No part of the wind turbine energy system structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. A minimum set-back of the height of the tower plus the length of one blade from any structure and neighboring property lines is also required creating a clear fall zone.
- D. Noise: Wind turbine energy systems shall not exceed 60 dBA, as measured at the property boundaries of the installation site. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms.
- E. Commercially Produced Energy System: The wind turbine energy system must have been approved under any wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building code and certified by a licensed professional engineer and shall also be submitted to the Zoning Inspector. A Zoning permit must be issued prior to any construction.
- F. Zoning Permit Requirements: Zoning permit applications for wind turbine energy systems shall be accompanied by:
  - 1. Standard site plan showing the wind turbine structure and locations of the tower, base, footings, property lines and structures within 150 ft. Evidence of "clear fall zone" must be provided on the site plan.
  - 2. Engineered drawings showing the size, height and construction of the structure, as well as the size and depth of the unit's mounting pad.
  - 3. An engineering report or documentation from the manufacturer of the average decibel rating of the model.
  - 4. Electrical schematic of system design and interconnection to utilities.
  - 5. A list or depiction of all safety measures that will be on the unit including anti-climb devices and lightning protection.
  - 6. Data specifying the kilowatt size and generating power of the unit.

7. A maintenance schedule, as well as dismantling plan, for the removal of an inoperable unit.
- G. Compliance with FAA Regulations: Wind turbine energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  - H. Compliance with National Electric Code: Zoning permit applications for wind turbine energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
  - I. Utility Notification: No wind turbine energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - J. Electrical Wires: All electrical wires associated with a wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground .
  - K. Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
  - L. Appearance, Color & Finish: The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the Zoning Permit.
  - M. Signs: All signs, other than the manufacturers or installers identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind turbine energy system visible from any public road shall be prohibited.
  - N. Shadow/Flicker: Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
  - O. Safety: Each wind turbine shall be equipped with automatic controls to limit the rotational speed of the blade within the design limits of the rotor. A manual shut-off switch shall be included in the installation. The minimum distance between the ground and any rotating assembly utilized on the wind turbine shall be 15 feet as measured from the lowest point.
  - P. Maintenance: Wind turbines must be maintained in good working order. Wind Turbine Energy Systems that become inoperable for more than 6 months must be removed from property within 90 days of an issuance of zoning violation at the property owner's expense or other body identified in the dismantling plan.

## ARTICLE 13

### ADMINISTRATION AND ENFORCEMENT

#### 1301 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Administrator. A permit will not be issued by the Zoning Administrator that does not conform with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.

##### 1301.01 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within two (2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.
- J. Indicate the location of underground fuel tanks.
- K. Such other matters as may be necessary to determine conformance with, and provide the enforcement of this Resolution.

##### 1301.02 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall approve, refer, or disapprove the application in conformance with the provisions of this Resolution. All Zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his or her signature on such copy. One copy of the plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

### **1301.03 SUBMISSION TO STATE HIGHWAY DIRECTOR**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Administrator shall give notice, by registered or certified mail, to the Highway Director. The Zoning Administrator shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Administrator that he shall proceed to acquire the land needed, the Zoning Administrator shall refuse to issue a zoning permit. If the Highway Director notifies the Zoning Administrator that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

### **1301.04 EXPIRATION OF ZONING PERMIT**

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### **1301.05 FAILURE TO OBTAIN A ZONING PERMIT**

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Article 14 of this Resolution.

### **1301.06 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.**

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Article 14 of this Resolution.

### **1301.07 COMPLAINTS – REGARDING VIOLATIONS**

Wherever a violation of this Resolution occurs, or is alleged to have occurred, any person shall file a written complaint. Such complaint stating full the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

### **1301.08 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, and all other matters pertaining to this Resolution. The schedule of fees shall be available from the Zoning Administrator, and may be altered or amended only by the Township Trustees. (Continued)

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.



## **1302 ZONING AMENDMENTS**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

### **1302.01 INITIATION OF ZONING AMENDMENTS**

Amendments to this Resolution may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Township Trustees.
- C. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **1302.02 CONTENTS OF APPLICATION TO AMEND**

The application for amendment shall contain at least the following information, prepared in triplicate:

- A. Name, address, and phone number of applicant.
- B. Proposed amendment to the text or legal description.
- C. Present use.
- D. Present zoning district.
- E. Proposed use.
- F. Proposed zoning district.
- G. A vicinity map at a scale approved by the Zoning Administrator showing proposed zoning and such other items as the Zoning Administrator may require.
- H. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned.
- I. A fee established by the Township Trustees.

### **1302.03 TRANSMITTAL TO THE ZONING COMMISSION**

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

### **1302.04 SUBMISSION TO STATE HIGHWAY DIRECTOR**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center-line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice by registered or certified mail to the Highway Director. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Township that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Township Trustees shall proceed as required by law.

### **1302.05 PUBLIC HEARING BY THE ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) days, nor more than forty (40) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.

### **1302.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission to at least one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

### **1302.07 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by certified mail return receipt at least twenty (20) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

### **1302.08 SUBMISSION TO LORAIN COUNTY PLANNING COMMISSION**

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Lorain County Planning Commission. The Lorain County Planning Commission shall recommend the approval, denial, or some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

### **1302.09 RECOMMENDATIONS BY THE ZONING COMMISSION**

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Township trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted. The Zoning Commission shall transmit its recommendation to the Township Trustees.

### **1302.10 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES**

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

### **1302.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Notice of the public hearing shall be given by the Township Trustees to at least one publication of one or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

### **1302.12 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Clerk, by certified mail return receipt at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

### **1302.13 ACTION BY THE TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, it must do so by a unanimous vote.

### **1302.14 EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the resolution there is presented to the Township Clerk a petition, signed by a number of qualified voters residing in the Township equal to not less than ten percent (10%) of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

## ARTICLE 14

### BOARD OF ZONING APPEALS

#### 1401 INTENT AND PURPOSE

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

#### 1402 APPOINTMENT

The Board shall be composed of five (5) members, all of whom are residents of the Township. Members shall be appointed by the Trustees for a period of five (5) years. The terms shall be arranged so that the term of one member shall expire each year. Should any vacancy on the Board occur for any reason, the Trustees shall appoint a successor to serve the unexpired term. The Trustees have the right to remove any members of the Board with due cause.

#### 1403 ORGANIZATION AND RULES

**1403.01** The Board of Zoning Appeals shall organize annually and elect a chairperson, vice-chairperson, and secretary from its membership. The Board of Zoning Appeals shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.

**1403.02** The chairperson shall preside at all meetings of the Board of Zoning Appeals. The chairperson shall decide on all points of order and procedure unless otherwise directed by a majority of the Board of Zoning Appeals. The chairperson may appoint committees deemed necessary to carry out the business of the Board of Zoning Appeals. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board of Zoning Appeals.

**1403.03** The vice-chairperson shall serve in the absence of the chairperson. The vice-chairperson shall have all the powers of the chairperson during the chairperson's absence, disability or disqualification.

**1403.04** The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board of Zoning Appeals.

#### 1404 MEETINGS

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

#### 1405 VOTING

**1405.01** All actions of the Board of Zoning Appeals shall be taken by resolution, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator.

**1405.02** No member of the Board of Zoning Appeals shall vote on any matter in which he is personally or financially interested.

#### **1406 MINUTES AND RECORDS**

The secretary of 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 action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

#### **1407 WITNESS AND OATHS**

The Board of Zoning Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

#### **1408 DEPARTMENT ASSISTANCE**

The Board of Zoning Appeals may call on any applicable County or State agency for assistance in the performance of its duties, and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Commission may make an analysis and present a report on any matter before the Board of Zoning Appeals. Such report shall be considered by the Board of Zoning Appeals at the time of hearing on the matters.

#### **1409 GOVERNING GUIDELINES**

- 1409.01** The Board of Zoning Appeals shall be governed by the provisions of all applicable state statutes, local laws, regulations and rules set forth herein.
- 1409.02** The Board of Zoning Appeals shall become familiar with all enacted resolutions and laws of Rochester Township under which it may be expected to act as with applicable state enabling legislation.
- 1409.03** The Board of Zoning Appeals shall uphold the Zoning Resolution and Official Zoning Map of Rochester Township as adopted and shall serve primarily as a judicial review in the performance of its duties.
- 1409.04** The Board of Zoning Appeals shall become familiar with the community's goals, desires and policies. Through the performance of its duties, the Board may not act as a legislative body; or through interpretation, the granting of variances or the setting of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

#### **1410 JURISDICTION AND POWERS**

The Board of Zoning Appeals shall operate so as to carry into effect the powers and jurisdiction conferred upon it as follows:

- 1410.01** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Resolution.
- 1410.02** To hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this resolution.
- 1410.03** To hear and decide upon application for variances under the terms provided in this Resolution.

- 1410.04** To interpret the provisions of the Zoning Resolution or Map where there is doubt as to meaning or application. The Board of Zoning Appeals shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.
- 1410.05** To exercise such other powers as may be granted to the Board of Zoning Appeals by this Resolution, amendment thereto, or by the general laws as set forth in the Ohio Revised Code as amended.
- 1410.06** The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial review, interpretation, variance or conditional use as defined in this Article.

#### **1411 APPEALS**

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

#### **1412 FEES**

See Article 12.

#### **1413 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, with a notice to the Zoning Administrator from whom the appeal is taken.

#### **1414 VARIANCES**

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

#### **1414.01 APPLICATION AND STANDARDS FOR VARIANCES**

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Administrator containing: (4-14-1994)

- A. Name, address, and phone number of applicants.
- B. Legal description of property.
- C. Description of nature of variance requested.
- D. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 2. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  - 3. That special conditions and circumstances do not result from the actions of the applicant.
  - 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

#### **1414.02 CONDITIONS FOR GRANTING VARIANCES**

Variations may be granted by the Board of Zoning Appeals where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for a variance may be made to the Board of Zoning Appeals through the Zoning Administrator by an aggrieved property owner. A variance from the provisions or requirements of this resolution shall not be authorized by the Board of Zoning Appeals unless it finds that the following facts and conditions exist:

- A. That necessary hardships would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as the theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply to the property in question and are separate and distinct from the general conditions pertaining throughout the district. The unreasonable hardship standard can only be applied to Use Variances – See 1314.02 K. Area Variances must demonstrate practical difficulty – See 1314.02 J. (05-10-06)
- B. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.
- C. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- D. That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.

- E. That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.
- F. That said variance will not permit the establishment within a district, any use other than those permitted by right within that district, or any use for which a conditional permit is required.
- G. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.
- H. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.
- I. That in no instance shall a variance be considered for the following reasons:
  - 1. Presence of nonconformities in the zoning district;
  - 2. Previous variances granted in the zoning district;
  - 3. Uses in adjoining zoning districts;
  - 4. The applicant's belief that the intended use would be permitted upon the applicant's purchase of the land;
  - 5. The character standing of the applicant;
  - 6. Hardship being demonstrated beyond the context of zoning; e.g. economics.
- J. In the case of an Area Variance, the factors that will be considered and weighed to determine whether a property owner has encountered practical difficulties are (but are not limited to) the following:
  - 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - 2. Whether the variance is substantial;
  - 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
  - 5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
  - 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
  - 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance. (05-10-06)
- K. A Use Variance is granted only upon the finding of an "unnecessary hardship" which generally means that the property owner cannot make any economically viable use of the property under the current zoning restrictions. The following standards will be considered and weighed when considering a Use Variance:
  - 1. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  - 2. The hardship condition is not created by actions of the applicant;
  - 3. The granting of the variance will not adversely affect the rights of adjacent owners;
  - 4. The granting of the variance will not adversely affect the public health, safety or general welfare;
  - 5. The variance will be consistent with the general spirit and intent of the zoning code;
  - 6. The variance sought is the minimum which will afford relief to the applicant; and
  - 7. There is no other economically viable use which is permitted in the zoning district. (05-10-06)



### **1414.03 VARIATIONS TO NONCONFORMING USES AND BUILDINGS**

The Board of Zoning Appeals shall have no powers to authorize, as a variance, the establishment of a nonconforming use where none previously existed. The substitution of a nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Board of Zoning Appeals shall adhere to all regulations contained in Article 3 of this Resolution in acting upon all nonconforming uses and modifications thereto.

### **1414.04 CONDITIONS IMPOSED BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article 14 of this Resolution.

### **1414.05 LAPSES OF VARIANCES**

A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of six (6) months, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning Administrator shall give a notice in writing and thirty (30) days thereafter the variance shall be deemed null and void and all regulations governing said premises in question shall revert to those in effect before the variance was granted.

### **1414.06 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

### **1414.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

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

### **1414.08 NOTICE TO PARTIES IN INTEREST**

Before holding the public hearing, notice of such hearing shall be mailed by the chairperson of the Board of Zoning Appeals, by certified mail return receipt, at least ten (10) days before the day of the hearing, to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article. (05-10-06)

## **1415 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES**

### **1415.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT**

An application for a conditional use permit shall be filed with the Zoning Administrator by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information: (4-14-1994)

- A. Name, address and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present zoning district.
- E. Description of proposed conditional use.
- F. A plan of proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic areas and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- G. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan.
- H. Such other information as may be required.

### **1415.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

In addition to the specific requirements for conditionally permitted uses, 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 showing that such use at the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Comprehensive Land Use Plan.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- E. Will not create excessive additional requirements at public cost to facilities and services and will not be detrimental to the economic welfare of the community.

- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- H. Will not result in the destruction, loss, or damage of a natural, scenic, historic feature of major importance.

**1415.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article 14 of this Resolution.

**1415.04 ZONING COMMISSION REVIEW AND COMMENT**

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

**1415.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall hold a public hearing within forty (40) days from the receipt of the application for a Conditional Use.

**1415.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

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

**1415.07 NOTICE TO PARTIES IN INTEREST**

Before holding the public hearing, written notice of such hearing shall be mailed by the Chairperson of the Board of Zoning Appeals by certified mail return receipt, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article. (05-10-06)

**1415.08 EXPIRATION OF CONDITIONAL USE PERMIT**

A conditional use permit shall be valid for a period not to exceed one (1) year from date of issuance. Inspection and payment of a fee as set forth in the fee schedule shall be required prior to renewal of said permit. A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

**1416 DECISIONS OF THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall decide applications for variances, conditional uses and appeals within thirty (30) days after the final hearing thereon. The applicant shall be notified in writing of the Board's decision and the findings of fact which were the basis for the Board's

determination. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination of the Zoning Administrator as in its opinion ought to be made in the premises. The decision shall state any conditions and safeguards necessary to protect the public interest. In reading a decision, the Board shall be guided by standards specified in this Resolution. A certified copy of the Board's decision including all terms and conditions shall be transmitted to the Zoning Administrator and shall be binding upon and observed by the Zoning Administrator.

The Zoning Administrator shall fully incorporate these same terms and conditions in the permit to the applicant whenever a permit is authorized by the Board. All findings and decisions shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should show that:

- A. It has considered and evaluated all available information and evidence;
- B. It has heard all parties in question;
- C. Any personal knowledge the Board may have of the subject under question has been taken into account;
- D. The Board has received a report on the case based upon an inspection of the parcel in question.

#### **1417 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by Article 14 of this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the Board of Zoning Appeals. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments or the repeal of all or part of this Resolution, as provide by law and of establishing a schedule of fees and charges. If, in the course of carrying out the intent of this Article and after review of irregularities or inequities, it shall be incumbent upon the Board of Zoning Appeals to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

#### **1418 APPEAL TO COURTS**

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

## **ARTICLE 15**

### **PENALTY FOR VIOLATION**

#### **1501 PENALTIES FOR VIOLATION**

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

#### **1502 CIVIL ACTION**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Township Trustees, the County Prosecutor or Township legal advisor, the Township Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged by such violation may in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

## **ARTICLE 16**

### **MISCELLANEOUS PROVISIONS**

#### **1601 INTERPRETATION**

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety or general welfare. Where this Resolution imposes greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure or requires larger open spaces than are imposed or required by other rules, regulations or permits, or by easements, covenants or agreements, the provisions of this Resolution shall govern. Where any other rules, regulations or permits, or any easements, covenants or agreements, impose greater restrictions upon the use of a building or land, or upon the height, bulk or size of a building or structure, or require larger open spaces than are required under the regulations of this Resolution, such provision shall govern.

#### **1602 VALIDITY**

If any section, subsection, clause, phrase, sentence, provision or portion of this resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other Article, clause, provision or portion of the Resolution.

#### **1603 EFFECTIVE DATE**

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