

EDINBURG TOWNSHIP ZONING RESOLUTION

ZONED FOR YOUR PROTECTION

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EDINBURG TOWNSHIP ZONING RESOLUTION

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EDINBURG TOWNSHIP ZONING RESOLUTION

CHAPTER 1 GENERAL PROVISIONS

Section 1.01 Title

The regulation shall be officially known and cited as the Zoning Resolution of Edinburg Township, Portage County, Ohio although it may be referred to hereafter as the Zoning Regulations or Zoning Resolution.

Section 1.02 Authority

This Zoning Resolution is enacted pursuant to Ohio Revised Code section 519.02.

Section 1.03 Purpose and Intent

The regulations of this Zoning Resolution are intended to implement the Land Use Plan of Edinburg Township, as adopted on March 10, 2005 and as amended, and more specifically intended to:

- (A) Promote the public health, safety, convenience, comfort, prosperity or general welfare ;
- (B) Promote a sound tax base through a proper balance of residential, commercial and agricultural land uses;
- (C) Create a quality development environment that enhances the economy of the Township, conveys a sense of responsibility and community pride, and supports high quality services for its residents and businesses;
- (D) Secure safety of persons and property from fire, flood and other dangers;

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- (E) Conserve and stabilize property values through the most appropriate uses of land in relation to one another;
- (F) Preserve forest and woodlands, agricultural lands, floodplains, wetlands and other sensitive environmental areas from adverse impact of development;
- (G) Facilitate the economic provision of adequate public facilities such as transportation, water supply, sewage disposal, storm drainage, open space and other public services;
- (H) Encourage innovative residential development patterns that are supportive of long-term agricultural retention and environmental enhancement;
- (I) Encourage non-residential development in a manner that maximizes revenue sources for the Township and minimizes the need for new costly public facilities.
- (J) Encourage growth of the commercial tax base in areas capable of supporting such uses in terms of highway accessibility and future public water and sewer facilities;
- (K) Promote retention of agricultural investment;
- (L) Promote recreational and other open space areas that are compatible with the State of Ohio West Branch Reservoir environmental protection area.

Section 1.04 Applicability and Jurisdiction

The provisions of this Zoning Resolution shall apply to:

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- (A) All land and land development within the boundaries of Edinburg Township;
- (B) Use of all structures and land within the Township; and
- (C) All structures and land owned by governmental agencies, departments or districts.

Section 1.05 Minimum Standards

The provisions of these regulations shall be considered the minimum requirements necessary for the promotion of public health, safety and morals.

Section 1.06 Rules of Construction and Interpretation

(A) *Meaning and Intent*

All provisions, terms, phrases, and expressions contained in this Resolution shall be construed according to this Resolution's stated purpose and intent.

(B) *Text*

In case of any difference of meaning or implication between the text of this Resolution and any heading, drawing, table, or figure, the text shall control.

(C) *Computation of Time*

Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other

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non-business days unless otherwise stated; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

(D) Technical and Non-Technical Words

Words and phrases not otherwise defined in this Resolution shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(E) Mandatory and Discretionary Terms

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

(F) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) “And” indicates that all connected items, conditions, provisions, or events shall apply; and

(2) “Or” indicates that one or more the connected items, conditions, provisions, or events shall apply.

(G) Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

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(H) *Interpretation of Zone District Boundaries*

Where uncertainty exists as to the boundaries of zone districts as shown on the Official Township Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as appear to follow the center lines of streets or highways shall be construed as following such center lines;
- (2) Boundaries indicated as appearing to follow platted lot lines shall be construed as following such platted lot lines;
- (3) Boundaries indicated appearing to follow Township limits shall be construed as following Township limits;
- (4) Boundaries indicated as following railroad lines shall be construed as midway between the main tracks;
- (5) Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed as moving with the actual body of water and following the centerline; and
- (6) When there is disagreement over the location of zone district boundaries, a decision on the correct location shall be rendered by the Zoning Inspector with an appeal from this decision made to the Board of Zoning Appeals. In making his decision, the Zoning Inspector shall consider the rules set forth in this subsection, the land use plan policies and map of the area in dispute, adjacent and surrounding land use, and if deemed necessary, an inspection of the area in dispute.

Section 1.07 Rules of Measurement

(A) *Lot Area Measurement*

Lot area refers to the amount of horizontal land area within lot lines.

Public rights-of-way shall not be included in calculating lot area. No site plan, zoning certificate, or other development approval shall be issued for a lot that does not meet the minimum lot area requirements of this Resolution, except as otherwise allowed in this Resolution.

(B) *Lot Width Measurement*

Lot width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line. The minimum lot width shall be measured between the side lot lines along a line that is perpendicular to the front lot line and located the minimum front setback distance from the front lot line.

(C) *Setbacks – Building and Structure Setbacks from Lot Line*

Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section.

(1) Features Allowed Within Setbacks:

- (a) Driveways and sidewalks, provided that the edge of a driveway shall be set back at least five (5) feet from an adjacent property line;

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- (b) Steps to the principal entrance and necessary landings, together with railings no more than three (3) feet in height, provided they do not extend more than six (6) feet into the required yard setback;
- (c) Trees, vegetation or other features of natural growth;
- (d) Fences or walls subject to height restrictions set forth in this Resolution;
- (e) Chimneys not more than eight (8) feet in width, bay windows, balconies on second or third floor levels, buttresses, piers, pilasters, outdoor access ways to basement areas protected by railings at least two feet six inches (2'6") high on two sides, and roof overhangs may project no more than three (3) feet into a required setback area;
- (f) Cornices, canopies, eaves, or other similar architectural features may extend no more than three feet (3) into a required setback area;
- (g) Fire escapes and handicap ramps, provided they project no more than thirty (30) percent of the required yard set back dimension;
- (h) Utility lines, wires, and associated structures such as power poles; and
- (i) Signs if permitted by the sign regulations of this Resolution.

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(2) Front Setbacks on Corner Lots

For corner lots, one side of the lot with street frontage shall be designated the “front” and required to establish the applicable front yard setbacks.

(D) *Setbacks- Development Setbacks from Stream Corridors or Wetlands*

(1) Stream Corridors. Setbacks from stream corridors shall be measured from the ordinary high water mark, as “ordinary high water mark”.

(2) Wetlands. Setbacks from wetlands shall be measured from the delineated wetland edge.

(E) *Height*

(1) Measurement of Maximum Building Height in Feet. Height shall be measured as the vertical distance in feet between finished grade (including finished grade of a basement with direct, at-grade walk-out access) to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof, or the average distance between the eaves and the apex of a gable, hip, or gambrel roof.

(2) Exemptions from Height Standards. The following structures and features shall be exempt from the height requirements of this Resolution, but in no case shall such structures or features be

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greater than any height specified below or one-hundred (100) feet, whichever is less, unless a variance is granted.

- (a) Chimneys, smokestacks, or flues that cover no more than five (5) percent of the horizontal surface area of the roof and extend no more than four (4) feet above the maximum structure height permitted in the zoning district;
- (b) Cooling towers and ventilators that cover no more than five (5) percent of the horizontal surface area of the roof and extend no more than four (4) feet above the maximum structure height permitted in the zoning district;
- (c) Elevator bulkheads and stairway enclosures;
- (d) Water towers and fire towers;
- (e) Utility poles and support structures;
- (f) Belfries, spires, steeples, cupolas, and domes associated with places of worship, provided they are not used for dwelling purposes; and
- (g) Barns, silos, or other farm structures or buildings on farms used for agricultural purposes.

(F) *Density – Measurement of Density for Residential Development*

- (1) Gross Density shall mean the measure of dwelling units permitted per gross acre of land area contained in the development.
- (2) Net Density shall mean the measure of dwelling units permitted per acre of land area contained in the development, excluding

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streets, easements, public open space, land under water, and certified wetlands and floodplains. Wetland and other sensitive area setbacks and private open space shall not be excluded in calculating net density. Unless otherwise indicated in this Resolution, any specified residential density shall be net density.

(G) *Exterior Lighting – Measurement of Lighting Levels*

- (1) Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.
- (2) Method of Measurement. The meter sensor shall be mounted no more than six (6) inches above the ground level in a horizontal position. Readings shall be taken by a certified outside source or the Zoning Inspector. Measurement shall be made after dark with the light sources in question turned on and again with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination set forth in this Resolution. This procedure eliminates the effects of moonlight and other ambient light.

(H) *Spacing Requirements*

Unless otherwise specified, the required minimum space between a proposed use and an existing use or lot shall be measured from the edge of the principal structure housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line.

Section 1.08 Conflicts

(A) *Conflicts with Other Regulations*

When the provisions of this Zoning Resolution are inconsistent with one another or when the provisions of this Resolution conflict with provisions found in other adopted regulations, the more restrictive provision shall govern.

(B) *Relationship with Other Ordinances Regulating Development*

The provisions of this Zoning Resolution require a certificate of zoning compliance (“zoning certificate”) for construction of a building and or a structure on a legal lot prior to beginning of construction in Edinburg Township.

(C) *Relationship with Other Ordinances and Regulations*

It shall be the applicant’s responsibility to determine and comply with all applicable county, state, or federal ordinances or regulations governing land development activities.

Section 1.09 Transitional Provisions

This section addresses the applicability of new substantive standards enacted by this Resolution to activities, actions, and other matters that are pending or occurring as of the effective date of this Resolution.

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(A) *Violations Continue*

Any violation of the previous zoning or sign regulations of the Township shall continue to be a violation under this Resolution and shall be subject to penalties and enforcement unless the use, development, construction, or other activity is clearly consistent with the express terms of this Resolution.

(B) *Nonconformities Under Previous Zoning Resolution*

Any nonconformity under the previous zoning or sign regulations of the Township shall be considered a legal nonconformity under this Resolution, so long as the situation that resulted in the nonconforming status under the previous regulations continues to exist. If, however, a nonconformity under a previous Resolution becomes conforming as a result of the adoption of this Resolution, or any subsequent amendments thereto, then such situation shall no longer be considered a nonconformity.

(C) *Completion of Development Plans Commenced or Approved under Previous Resolutions.*

Buildings or Developments with Previously Issued Zoning Certificates.

Any building or development for which a zoning certificate was granted or allotted prior to the effective date of this Resolution shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Resolution. If construction is not commenced or completed in accordance with the applicable permit terms, the Zoning Commission may, for good cause shown, grant not more than

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one extension of up to six (6) months. If the building or development is not completed within the time allowed under the original permit or any extension granted, then the building shall be constructed, completed or occupied only in compliance with the requirements of this Resolution.

Section 1.10 Severability

If a court of competent jurisdiction declares that any section, subsection, or provision of this Resolution is invalid, that ruling shall not affect the validity of any other part of this Resolution or of the resolution as a whole, which shall remain in full force and effect.

CHAPTER 2 ADMINISTRATION AND REVIEW ROLES

This Chapter sets forth the roles and powers that various Township bodies have in administering the Zoning Resolution.

Section 2.01 Zoning Inspector

The Zoning Inspector shall be appointed by and serve at the pleasure of the Township Trustees to administer and enforce all provisions of this Zoning Resolution. The Zoning Inspector shall also act as the administrative officer for the Zoning Commission and the Board of Zoning Appeals for the purpose of effecting proper administration of this Resolution. The rate of compensation and operational requirements shall be set by the Township Board of Trustees.

The Zoning Inspector shall have the following responsibilities and duties:

- (A) Application review and issuance of zoning certificates and certificates of compliance with this Resolution;
- (B) Application review and recommendations for Site Plan Review and Conditional Uses to the appropriate decision making body;
- (C) Receive applications and make recommendations for variances to the Board of Zoning Appeals;
- (D) Review and make recommendations to the Zoning Commission on all applications for private party initiated text or map amendments to this Resolution.
- (E) Conduct inspections of structures and uses to determine compliance with this Resolution, and to notify in writing owners of properties in violation

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of this Resolution specifying the nature of the violation, required corrective action and time frame for compliance.

- (F) Maintain status of the Official Zoning District Map which shall be kept on permanent display at the Zoning Office.
- (G) Maintain public records of Zoning Certificates, inspection documents, Conditional Uses and Variances granted by the Township.
- (H) Prepare and submit monthly summary and annual report to the Trustees and Zoning Commission.

Section 2.02 Zoning Commission

(A) *Membership*

The Edinburg Township Zoning Commission shall consist of five members and (2) alternates who are residents of the Township and are appointed by the Board of Trustees. The Commission shall consist of residents of the Township. Each member will be appointed for a term of five (5) years and terms shall be arranged so that no more than one member's term shall expire each year. The Board of Trustees shall fill a vacancy occurring during the term of any member for the unexpired term. The members shall receive compensation as may be provided by the Trustees.

(B) *Organization*

The Zoning Commission shall elect a Chairperson and Vice Chairperson

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annually at the first meeting of the year and shall adopt rules of conduct for its affairs. Chairperson and Vice Chairperson are to rotated annually.

(C) *Quorum*

The Zoning Commission shall require a quorum of three members at its meetings and a concurring vote of three (3) members shall be necessary to effect all actions and recommendations.

(D) *Meetings*

The Zoning Commission shall meet at the call of its Chairperson, or two (2) other members and at such regular times as the Commission, by resolution, determine. Written notice of all meetings shall be given not less than forty-eight (48) hours prior thereto by delivering such notice at the place of residence of each member. A public record of the Commission's resolutions, findings, determinations, and discussions shall be maintained by its Secretary.

(E) *Powers and Functions*

The powers and functions of the Zoning Commission are as follows:

- (1) Site Plan Review: Review applications and make recommendations for Principal Permitted Use Site Plan Review.
- (2) Text and Map Amendments to Zoning Resolution: Hold public hearings, review and make recommendations to the Township Trustees.

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- (3) Annually review and make any needed recommendations to the Trustees for the timely modification or amendment of the Edinburg Land Use Plan.
- (4) Professional assistance: Employ, within limits established by the Township Trustees, professional and technical services to assist in providing data needed for appropriate application review under this Resolution.

Section 2.03 Board of Zoning Appeals

(A) *Authority and Membership*

There is hereby created a Board of Zoning Appeals consisting of five (5) members and (2) alternates who shall be residents of the unincorporated area of the Township. All members shall be appointed by the Board of Trustees for a period of five (5) years and terms shall be arranged so that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Trustees and shall be for the unexpired term. The members shall receive compensation as may be provided by the Trustees.

(B) *Organization*

The Board of Zoning Appeals shall elect a Chairperson from its members, and shall adopt rules of conduct of its affairs.

(C) *Quorum*

The Board of Zoning Appeals shall require a quorum of three (3) members

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at all meetings and a concurring vote of three (3) members shall be necessary to effect its actions.

(D) *Meetings*

The Board of Zoning Appeals shall meet at the call of its Chairperson, Vice Chairperson or two (2) other members, and at such times as may by Resolution determine. All meetings shall be open to the public. Notice requirements shall be in accordance with ORC 519.15.

(E) *Witnesses*

The Board of Zoning Appeals Chairperson or in his absence the Acting Chairperson, may administer oaths and compel attendance of witnesses in all matters coming within the purview of the Board.

(F) *Minutes*

The Board of Zoning Appeals Zoning Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which will be filed within thirty (30) days of the meeting in the Zoning Office and which shall be a public record.

(G) *Hearings and Decision*

(1) Any application for Conditional Use Permit, Variance, Site Plan Review of a Conditional Use or Appeal of an Administrative Decision shall be scheduled for a Public Hearing subject to ORC 519 within thirty (30) days of the certificate of application

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completion by the Zoning Inspector. Public Notice of Public Hearing shall be given ten (10) days prior to the hearing.

- (2) Any application for Appeal of an administrative decision shall be made within twenty (20) days of the decision being made.
- (3) The Board of Zoning Appeals shall take final action on an appeal or application within thirty (30) days of the conclusion of the public hearing, subject to ORC 519.

(H) *Powers and Functions*

The Powers and Functions of the Board of Zoning Appeals are as follows:

- (1) Conditional Uses: Hold public hearings, review and take final action on proposed Conditional Use applications and Site Plan Review of Conditional Uses.
- (2) Appeals: Hold public hearing, review and take final action on appeals from actions of the Zoning Inspector.
- (3) Variances: Hold public hearings, review and take final action on applications for variances from the terms and provisions of this Resolution pursuant to ORC 519.14.
- (4) Nonconforming Uses/Structures/Lots: Hold public hearings, review and take final action on application for enlargement, extension, substitution or replacement of a nonconforming use or structure.

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- (5) Interpretation: Hold public hearings, review and take final action on appeals from the Zoning Inspector’s actions on disputes concerning interpretation of the Zoning Map and Resolution.
- (6) Professional Assistance: Employ, within the limits established by the Township Trustees, professional and technical services to assist in providing data needed for appropriate application review under this Resolution

(I) Findings & Appeals

All decisions by the Board of Zoning Appeals shall be based on written Findings of Fact related to the relevant Standards and Criteria of this Resolution.

Any appeals of a Board of Zoning Appeals decision must be appealed to the Common Pleas Court within thirty (30) days of the decision.

Section 2.04 Township Trustees

(A) Powers and Functions

The Powers and Functions of the Township Trustees with respect to administering this Resolution are as follows:

- (1) Amendments to Code Text and Official Zoning Map: Convene Public Hearings on text and map amendments.
- (2) Upon recommendation by the Zoning Commission, take final action to accept, amend or deny said text or map amendment.

The Board of Trustees may also initiate text and/or map

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amendments by referring them to the Zoning Commission for recommendation.

- (3) **Appointments:** Appoint members of the Zoning Commission, Board of Zoning Appeals, Zoning Inspector and Zoning Commission and Board of Zoning Appeals recording secretaries; make appointments to fill unexpired terms of resigning members, or to fill vacancies; remove members of the Zoning Commission or BZA after investigation and findings of malfeasance, misfeasance or nonfeasance while in office.
- (4) **Fees and Charges:** Establish a schedule of fees necessary to effectively administer and enforce provisions of this Resolution.
- (5) **Establish Compensation:** Establish compensation for the Zoning Inspector, Zoning Commission and Board of Zoning Appeals and recording secretaries.
- (6) **Accept Land Donations:** Accept land for public use donated by private or public owners.

(B) *Timing and Procedures for Public Hearing*

After receiving the certification of a proposed amendment to the Zoning Resolution or map from the Zoning Commission, the Board of Trustees shall hold a hearing within thirty (30) days or as further prescribed by the Ohio Revised Code. Notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in the Township at least ten (10) days prior to the hearing. Such hearing may be

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continued a maximum of two times at the discretion of the Trustees and if it is in the public interest pursuant to ORC 519.12. The Trustees shall render a decision within thirty (30) days of close of the public hearing. Such decision will take effect thirty (30) days thereafter unless a referendum petition is submitted by voters according to the Ohio Revised Code requesting that the Trustees submit the amendment to the electors in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

**CHAPTER 3 DEVELOPMENT / REVIEW PROCEDURES AND
SUBMITTAL REQUIREMENTS**

Section 3.01 General Provisions

The following general provisions shall apply to all applications under this Resolution

(A) *Authority to File Applications*

An application for development review or approval under this Resolution shall be filed by the person having legal authority to take action in accordance with the approval sought. The person is presumed to be the record owner, purchaser under a sale, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary. The Trustees or Zoning Commission may initiate Resolution amendment action under this Resolution with or without an application from property owner(s) who may be affected.

(B) *Applications*

Applications required under this Chapter shall be submitted on forms provided by the Township. Applications shall be accompanied by a non-refundable fee established by the Trustees to defray the costs of processing applications and meet any required escrow funds.

(C) *Incomplete Applications or Insufficient Fees*

Applications shall be reviewed for completeness within seven (7) working days of filing. If the Zoning Inspector determines that the application is complete, the application shall then be processed. If the Zoning Inspector determines that it is incomplete, he/she shall return the application to the

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applicant as incomplete and specify the specific ways in which the application is deficient. No further processing of the incomplete application shall occur until the deficiencies are corrected. Any application that is not accompanied by the required fee shall be found incomplete. Fees shall not be required with applications initiated by the Zoning Commission or Trustees.

(D) *Required Times for Action and Inaction*

Whenever the provisions of this Resolution require that reviewers or decision-makers take action on an application within a specified period of time and such action is not taken within that time-frame due to required information not being submitted by the applicant such inaction shall be deemed a denial of the application unless the applicant agrees to an extension of the time period.

(E) *Concurrent Review or Joint Applications*

At the election of the applicant and with the concurrence of the Zoning Inspector, applications for different types of development approvals may be processed concurrently whenever possible to expedite total review and processing time for a project. Alternately, an applicant may consolidate an application for site plan approval with an application for subdivision plan approval, conditional use approval, variances, or modifications, provided that such joint or consolidated application shall be submitted in a form that satisfies the site plan requirements of this Resolution and the provisions, as applicable, governing subdivisions, conditional uses,

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variances, or modifications. The time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the combined application types.

(F) *Permitted Scope of Action by Decision Makers*

The body holding the hearing may take any action on the application that is consistent with the notice given, including approving the application, approving the application with reasonable conditions, or denying the application. The reviewing body where applicable under Ohio law may impose conditions on the application or allow amendments to the application if the effect of the conditions or amendments is:

- (1) To reduce the impact of the development; or
- (2) To reduce the amount of land area included in the application.

The review body may not approve a greater density of development, a more intensive use, or a more intensive zoning classification than what was indicated in the notice where applicable under Ohio Law.

(G) *Continuation of Hearings*

A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter, provided that the continued hearing is set for a certain date and time.

(H) *Extension of Time Limits*

- (1) Any decision-making body shall have the discretion to extend the time periods set forth in this Chapter for review and final decision

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on a development application or amendment upon a finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such extension of time. Only one such extension, up to a maximum of sixty (60) days, shall be granted.

- (2) Any other extension of the time periods for review and action specified in this Chapter may be extended only if the applicant agrees in writing to an extension of time.

Section 3.02 Application Requirements

All applications for zoning certificates, Site Plan Review, Conditional Uses, Variances, Appeals of Administrative Decisions and zoning text and map amendments shall be submitted to the Zoning Inspector and include at a minimum the following data by application type:

(A) *Zoning Certificate*

- (1) Required: Zoning Certificate

No structure shall be erected, moved, added to, structurally altered or changed in use without a permit therefore issued by the Zoning Inspector. Site Grading and excavation may not commence without a zoning certificate unless specifically required by a superseding State Law.

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(2) Application Requirements

At a minimum an application for a Zoning Certificate shall require the following information

- (a) Applicant's name, address and phone number
- (b) Legal Description of the property with address and parcel number
- (c) A signed notarized document stating that the applicant is the owner of the property or officially acting on the owner's behalf as described in 3.01(A)
- (d) Existing Use and Zoning District
- (e) Proposed use and project description.
- (f) Plans in Triplicate drawn to scale showing the actual dimensions and shape of the lot; existing buildings, driveways, parking, environmental features, utilities, oil/gas wells, fences, topography at two (2) foot contours, (this may be waived for deck and porch certificates), zoning setbacks and yard limits; proposed structures, screening and landscaping, driveways, parking, pedestrian paths, lighting, storage and pick-up facilities; building heights, underground fuel tanks, environmental setbacks.
- (g) Traffic Impact Analysis where applicable
- (h) Any other information required by a specific Zoning District

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- (i) Proposed construction starting date and completion schedule
- (j) Approved National Pollution Discharge Elimination Statement or Storm Water Pollution Prevention Plan permit where applicable.

(3) Administrative Review

Within thirty (30) days from the date that the application is certified as completed by the Zoning Inspector, the Zoning Inspector shall approve, disapprove or refer to the Board of Zoning Appeals for Administrative Interpretation, of the application in conformance with the provisions of this Resolution. One copy of the approved or disapproved plan shall be returned to the applicant. The applicant shall post a placard in a conspicuous place on the property attesting to the fact that construction is in conformance with the Resolution.

(4) Time Limits

Actual construction must commence within twelve (12) months of the issuance of the Zoning Certificate or it shall be rendered invalid. Construction must be completed within one year of initiation of construction.

(B) *Conditional Uses*

(1) Application Requirements

In addition to the requirements of 3.02(A)(2) the applicant shall

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submit written explanation of the project elements, identifying compliance with the required Conditional Use Standards of the applicable Zoning District.

(2) Administrative Review

Within fourteen (14) days from the date the application is certified as complete, the Zoning Inspector will prepare a compliance staff report for submission to the Board of Zoning Appeals and any applicable County approval agencies. The Board of Zoning Appeals shall conduct a public hearing within forty (40) days of receipt of the Staff Report. A final decision will be rendered by the Board of Zoning Appeals within thirty (30) days of the close of the public hearing(s).

(3) Time Limits

If construction is not concluded and an occupancy permit issued within twelve (12) months, the Conditional Use Permit shall be rendered expired and a new permit shall be required.

C. Variances

(1) Application Requirements

In addition to the requirements of 3.02(A) (2) the applicant shall submit written documentation of meeting the requirements for variance consideration.

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(2) Variance: Standards for Approval

Pursuant to ORC 519.14(B), variances from the terms of this Resolution shall be granted by the Board of Zoning Appeals in specific cases where it determines such variance will not be contrary to the public interest, and where owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. Applications must demonstrate the following:

- (a) Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards. In determining “practical difficulty”, the Board of Zoning Appeals shall consider the following factors:
 - (i) Whether there can be any beneficial use of the property without the variance;
 - (ii) Whether the variance is substantial;
 - (iii) Whether the essential character of the surrounding neighborhood would be substantially altered or

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- whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (iv) Whether the variance would adversely affect the delivery of governmental services such as water and sewer;
 - (v) Whether the applicant purchased the property with knowledge of the requirement;
 - (vi) Whether the applicant's predicament can be obviated feasibly through some method other than a variance; and
 - (vii) Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.
- (b) No variance shall be granted if the submitted conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
- (c) No variance shall be granted reducing the size of lots contained in an existing or proposed subdivision if it will result in an increase in the number of lots beyond the number otherwise permitted for the total subdivision, pursuant to the applicable Zone District regulations.

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- (d) If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
- (e) Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of these Regulations for the zone district containing the property for which the variance is sought.
- (f) In granting such variances, the Board of Zoning Appeals may require such conditions as will, in its independent judgment, secure substantially the objectives of the standard so varied or modified.
- (g) Use Variances: Variances from the terms of this Resolution regarding uses shall not be granted unless the application for the use variance demonstrates an unnecessary hardship.

(3) Administrative Review

Review shall proceed as in Section 3.02(B) (2).

(D) *Substitution of Nonconforming Uses/Structures/Lots*

(1) Application Requirements

In addition to the base requirements of 3.02(A) (2) as decided appropriate by the Zoning Inspector, the applicant shall submit a written explanation of project elements identifying compliance with the nonconforming use/structure/lot standards below.

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(2) Standards of Approval

(a) Nonconforming Uses/Structure

(i) Enlargement

A non conforming use may be enlarged by not more than 20 % on a one time basis .Further increases must be in accordance with the following:

A nonconforming use may be enlarged, increased or extended beyond the area it occupied as of the effective date of these regulations provided that the Board of Zoning Appeals finds all of the following:

(aa) The enlargement will not interfere with the operation of conforming uses or with traffic circulation

(bb) Enlargement will cause no greater impacts on surrounding properties

(ii) Relocation

No nonconforming use shall be moved in whole or part from its original location except in compliance with the Zoning Regulations.

(iii) Abandonment

If a nonconforming use is voluntarily discontinued for a period of 24 months or more, any use of the

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property thereafter shall be in conformance of this Resolution.

(iv) Damage or Destruction

If any structure that is devoted in whole or part to a nonconforming use is damaged by any means to the extent of more than fifty (50) per cent of its fair market value such use shall not be restored except in conformance with these regulations.

Determination of such reduced values shall be made by the Board of Zoning Appeals in consultation with an appraiser.

(v) Change in use/substitution

The Board of Zoning Appeals may permit a nonconforming use to be changed to a second nonconforming use provided that the new use shall be of the same general character or of a less intensive character, and provided the new use will result in equal or less impact on the surrounding neighborhood.

(b) Nonconforming Lots of Record

(i) Development Permitted

Regardless of the size of the lot of record that legally existed as of the effective date of this

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Resolution, such lot may be developed for any use permitted in the district in which the lot is located, provided that where setback, width, density or other requirements make development impractical, the Board of Zoning Appeals may permit development to occur after granting variances.

(3) Administrative Review

Review shall proceed as in Section 3.02(B)(2).

(E) *Appeals of Administrative Decisions*

(1) Application Requirements

The applicant shall submit written documentation of appropriate sections of the regulations in dispute.

(2) Administrative Review

Review shall proceed as in Section 3.02(B)(2).

(F) *Site Plan Review*

(1) Application Requirements

In addition to the requirements of Section 3.02(A)(2) the applicant shall submit written documentation identifying compliance with the Site Plan Review and Performance Standards.

(2) Administrative Review

(a) Principal Permitted Uses

Within fourteen (14) days of certifying that an application is complete, the Zoning Inspector shall issue a Statement of

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Use Compliance to be considered by the Zoning Commission. A Site Plan Review Conference will be held in accordance with Chapter 6. Comments from other review agencies will be solicited as described in Chapter 6. Upon receipt of agency comments, the Zoning Commission will place the project on their agenda for consideration at the next regularly scheduled meeting or within twenty (21) days, whichever is greater. The Zoning Commission shall determine compliance with the Site Plan Review and Performance Standards and make a recommendation to approve, approve with conditions or deny within thirty (30) days. If a recommendation for denial is adopted, the Zoning Inspector shall so advise the applicant. This administrative decision may be appealed under the procedures of Section 3.02(E).

(b) Conditional Uses

The Zoning Inspector shall prepare a Statement of Use Compliance within fourteen (14) days, solicit agency comments as described in Section 3.02(F)(2)(a) above. Upon receipt of agency comments the Zoning Inspector shall prepare a Conditional Use Site Plan Report which will be submitted to the Board of Zoning Appeals which shall

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schedule a public hearing and render a decision in accordance with Section 3.02(B)(2).

G. Zoning Text and Map Amendment

(1) Initiation

Zoning text and map amendments may be initiated by the following:

- (a) Resolution of the Township Trustees
- (b) Motion of the Zoning Commission
- (c) By application for rezoning by one or more of the owners or holders of options to purchase of the property for which the Amendment is requested.

(2) Private Party Initiated Applications

- (a) All applications for text or map amendments initiated pursuant to G(1)(c) shall comply with the following:

(i) Site Development Plan Required

All applications for a zone change or text amendment to change permitted use in any district shall be accompanied by a site-specific development plan.

(ii) Plan Requirements

At a minimum, such plan shall include the following:

- (aa) Uses proposed

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- (bb) Intensity or density of proposed uses
- (cc) Location of public and private open space
- (dd) Location of existing and proposed buildings on the site
- (ee) Road and pedestrian networks proposed
- (ff) Existing or proposed utilities and public services for the development
- (gg) All other submittal items required in Section 3.02(A)(2)
- (hh) A written statement of why the Zoning change is being requested and what is the expected benefit to the Community in terms of economic development, agricultural preservation, community amenities and other considerations. Describe how this proposed zoning change advances the Land Use Plan goals and policies.
- (ii) Affidavit of applicant which establishes ownership.
- (iii) Exceptions
When a parcel held under single and common ownership falls into two (2) or more zone districts

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as of the effective date of this Resolution, an application to rezone a portion of that parcel so that the zone classification is the same for the entire parcel, a site specific development plan may be waived.

(3) Procedures for Approval

(a) Zoning Inspector Report

The Zoning Inspector or other party designated to provide professional planning assistance, shall prepare a staff report for consideration by the Zoning Commission, such report to be completed within twenty-one (21) days of receipt of a certified complete application.

(b) Public Hearing by Zoning Commission

Upon receipt of the staff report, the Zoning Commission shall schedule a public hearing within thirty (30) days. Public notice of the application and hearing shall be published in at least one newspaper of general circulation within the township at least ten (10) days prior to the date of such hearing. The Public Hearing may be continued according to the provisions of Section 3.01 (G). Upon closure of the Hearing, the Zoning Commission shall have 30 days to make a final recommendation to approve or deny on the application to the Township Trustees.

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(c) Written Notice to Property Owners

Written notice of the hearing shall be mailed by the Zoning Inspector by first class mail at least 10 days before the date of the Public Hearing to all owners contiguous to and within five hundred (500) feet of the area proposed to be rezoned. Failure of delivery of such notice shall not invalidate any proposed amendment action.

(d) Public Hearing by Township Trustees

- (i) Procedure: Upon receipt of the Zoning Commission recommendation, the Township Trustees shall hold a public hearing within thirty (30) days. Public Notice of such hearing shall be published as in 3.02(G)(3)(b). The Public Hearing may be continued according to the provisions of Section 3.01(G). Upon closure of the Public Hearing, the Township Trustees shall approve or deny the application within twenty (20) days. A recommendation of denial by the Zoning Commission will require unanimous vote by the Township Trustees to approve. The Zoning

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Amendment will take effect thirty (30) days after approval by the Trustees unless subject to (e) below. Upon taking effect the Township will file a notice of change with the Portage County Regional Planning Commission within five (5) working days.

(e) Referendum

A petition signed by petitioners representing eight (8) per cent of the total votes cast for all candidates for Governor in the last General Election within Edinburg Township requesting the Trustees to submit the amendment to the electors of Edinburg Township for general election will cause the amendment to not take effect unless a majority of the electors voting on said issue shall approve.

(f) Effect of Approvals and Lapses

(i) If an applicant fails to commence substantial construction or action with regard to the zoning amendment within one year of the effective approval date, such site specific development plan approval shall lapse. All of the land included in the zoning

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amendment area shall automatically revert
to the original zone district designation.

(g) Written Notification Exemption

A comprehensive zoning text and map update to
reflect changes in the Land Use Plan shall not
require property owner individual notification.

CHAPTER 4.1 GENERAL RESIDENTIAL DISTRICT

Section A. PURPOSE

The General Residential District is intended to provide for low density, rural, agriculturally compatible residential development that relies on on-site wastewater and water. This development is designed to minimize public infrastructure demands and conflicts with active agriculture and environmentally sensitive recreational lands. As such, larger lot sizes that allow for (1) ample setbacks from agricultural operations/sensitive environmental lands and (2) adequate replacement areas for on-site sewage treatment are required. Smaller lot subdivisions may be provided for if served by public water and sewers.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

Residential Uses

- a. Single family detached units
- b. Residential duplexes

Commercial Uses

- a. Home offices
- b. Agriculturally related Business

Institutional/Civic/Public

- a. Public Park or Recreation Areas

Agricultural Uses

Section C. CONDITIONAL USES

The following uses are conditionally permitted in the General Residential District subject to meeting all applicable requirements set forth in the Conditional Use Standards as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

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1. Residential Uses
 - a. Residential Group Homes
 - b. Model Homes
2. Commercial Uses
 - a. Telecommunication Towers
 - b. Family Businesses
 - c. Roadside Agricultural Sales Operations
 - d. Veterinary Clinics and Boarding Facilities
 - e. Commercial Recreation Facilities
 - f. Day Care Facilities
 - g. Strip mines, quarries and gravel pits
 - h. Assisted Living
 - i. Agricultural tourism/entertainment and sales
 - j. Artist studios
 - k. Bed and Breakfast
3. Institutional/Civic /Public
 - a. Churches
 - b. Fraternal Organizations and private membership clubs
 - c. Government facilities and services
 - d. Cemeteries
 - e. Private parks, camping facilities and recreational facilities.

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

Each lot with a size of 5 acres or more is permitted accessory use structures with a total combined maximum gross floor area of 6,000 square feet. Each lot with a size of less than

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5 acres is permitted accessory use structures with a total combined maximum gross floor area of 3,000 square feet. Any structure exceeding these limits will be considered a conditional use and is subject to a site plan review of conditional uses per Chapter 5 Section C (15) and Chapter 6 Section C (4).

1. Antennas that are designed to receive television broadcast signals.
2. Fences and Walls in rear and side yards provided that they do not exceed six (6) feet in height.
Fences, walls and hedges shall be placed a minimum of twenty four (24) inches from the owner's property line unless a written letter of agreement between property owners is submitted.
3. Garages, carports and off street parking areas to serve the residents of the property provided that the height of the garage or carport serving a single family dwelling unit shall not exceed twenty five (25) feet. No garages shall be located within the front yard setbacks.
- 4.. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings provided that the height of such structures not exceed sixteen (16) feet and provided that no storage building shall exceed 500 square feet in gross floor area.
5. Private in ground and above ground swimming pools provided that they shall be placed only in a rear yard or side yard and no closer than fifteen (15) feet to the rear or side lot line. All in ground swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height. All gates or doors to the pool enclosures shall be equipped with a self-closing and latching device for keeping the gates or doors securely closed at all times when not in actual use. No illumination for the pool may be directed to shine onto adjacent properties. Discharge of any water from a swimming pool shall be onto the property where the pool is located or into the nearest storm sewer.
6. Private Greenhouses

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7. Satellite dish antennas thirty-nine (39) inches for less in diameter.
8. Storage or parking of trucks, cars or recreational equipment including but not limited to boats, boat trailers, camping trailers, motorized homes and house trailers subject to the following:
 - a. Parking of inoperable, abandoned or unlicensed vehicles is prohibited outdoors
 - b. No truck over 12,000lbs. gross vehicle weight and eight (8) feet in height, buses, semi-tractors and/or trailers shall be parked in the District for more than seventy-two (72) consecutive hours unless within an enclosed structure or screened from view of adjacent properties.
9. Family Business Accessory Use Structures must comply with Ch.5 (C)(8) (E).

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions and the Conditional Use Provisions, where required.

1. Residential Use:

- A. Minimum Lot Area:
 1. Single Family Detached Unit
 - a. 1.5 acres
 - b. One half (1/2) acre with public water and sewer.
 2. Two-Family Unit: Three (3) acres
- B. Minimum Lot Frontage and Width:
 1. Single Family Detached Unit:
 - a. One hundred fifty (150) feet
 - b. One hundred (100) feet with public water and sewer.
 2. Two-Family Unit: Two hundred (200) feet

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- C. Minimum Front Yard Depth: One hundred (100) feet
- D. Minimum Side Yard Depth: Twenty (20) feet
- E. Minimum Rear Yard Depth: Thirty (30) feet
- F. Minimum Building Height: Thirty-five (35) feet
- G. Minimum Building Size: See Ch. 8 Section H

2. Cul-de-sac Circle

- A. Minimum Lot Area: As specified by use
- B. Minimum Lot Frontage and Width: Sixty (60) feet and the minimum lot width shall equal the minimum frontage requirements for the proposed type of land use as listed in this section. The lot width shall be measured along a straight line intersecting both of the side lot lines a distance from the road right of way equal to the front yard setback line. From this point of measurement to the rear of the property the lot shall not be reduced in width.
- C. Minimum Front Yard Depth: One hundred (100) feet
- D. Minimum Side Yard Width: Twenty (20) feet
- E. Minimum Rear Yard Depth: Thirty (30) feet
- F. Maximum Building Height: Thirty-five (35) feet
- G. Minimum Building Size: See Chapter 4.8 Section H

3. Commercial Uses:

- A. Home Offices and Agriculturally Related Businesses:
 - 1. See Single Family Detached Units Section E-1.

4. Institutional/Civic/Public and Conditional Uses

- A. Minimum Lot Area: Five (5) acres with following exceptions:
 - 1. Private Parks, Camping and Recreational Facilities: Minimum Forty (40) acres
- B. Minimum Lot Frontage and Width: Three hundred (300) feet
- C. Minimum Front Yard Depth: One hundred (100) feet
- D. Minimum Side Yard Width: One hundred (100) feet

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- E. Minimum Rear Yard Depth: Fifty (50) feet
- F. Maximum Building Height: Thirty-five (35) feet
- G. Minimum Building Size: See Chapter 8 Section H

5. Agricultural Uses – Notice of Adjacent Agricultural Acreage: In order to minimize potential new residential incompatibility with ongoing agricultural uses. Zoning Certificates issued for residential uses adjacent to agricultural acreage will contain language advising residents of ongoing agricultural activities on adjacent properties.

6. Accessory Structures:

- A. Residential and Commercial:
 - 1. Minimum Front Yard Depth: One hundred (100) feet
 - 2. Minimum Side Yard Width: Twenty (20) feet
 - 3. Minimum Rear Yard Depth: Twenty (20) feet
 - 4. See Section D for additional specific regulations
- B. Institutional/Civic/Public and Conditional Uses
 - 1. Minimum Front Yard Depth: One hundred (100) feet
 - 2. Minimum Side Yard Width: One hundred (100) feet
 - 3. Minimum Rear Yard Depth: Fifty (50) feet
 - 4. See Section D for additional regulations.

Section F SITE PLAN REVIEW AND CONDITIONAL USE PERFORMANCE STANDARDS

All Commercial and Institutional/Civic/Public Principal Uses and all Conditional Uses require Site Plan Review approval.

Section G SIDEWALK REQUIREMENTS FOR MAJOR SUBDIVISIONS

All major subdivisions are required to include sidewalks on one side of the street at a minimum unless waived by the Portage County Engineer's Office.

**CHAPTER 4.2 RESIDENTIAL CONSERVATION
DEVELOPMENT**

Section A PURPOSE

The primary objective of the Conservation Development District is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads that assist in preserving the agricultural base of the Township. This District is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing residential zoning for the property.

These regulations are intended to achieve these corollary purposes:

- A. To maximize protection of the community's natural resources by:
 - 1. Avoiding development on and destruction of sensitive natural resource areas;
 - 2. Reducing the quantity and improving the quality of storm water runoff from expected development;
 - 3. Maintaining natural characteristics such as (but not limited to) woods, hedgerows, natural vegetation, meadows, slopes and streams;
 - 4. Reducing the amount of disturbed land, limiting the conversion of natural areas to landscaped areas for lawns, and discouraging the use of non-native invasive plant species; and
 - 5. Conserving areas of prime agricultural soils, to the extent possible.

- B. To conserve (within the framework of natural resource conservation) the agricultural quality of ruralness in a community which is characterized by:
 - 1. Large, aggregated, farmland and undeveloped land areas;

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2. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows;
 3. Scenic vistas and rural views;
 4. Significant historic features such as heritage trees, etc.;
 5. Appropriate topographic or vegetative screening.
- C. To encourage more efficient use of land and public services through unified development design.
- D. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- E. To establish a specific review process which maintains local review and approval of the overall development plan by the Edinburg Township Zoning Commission and which results in the timely consideration of an application.
- F. To ensure that the proposed Conservation Development complies with the objectives of Edinburg Township as expressed in the Edinburg Township Comprehensive Land Use Plan, the SR.58 Corridor Plan and the Edinburg Township Zoning Resolution.

Section B PRINCIPAL PERMITTED USES

The following uses shall be permitted based on the type of development proposed:

- I. Conservation Development in accordance with the regulations set forth in this District:
 - a. Detached single-family dwellings;
 - b. Single-family attached dwellings including duplexes
 - c. Recreation facilities for use by residents, including Golf Courses;

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- d. Restricted open space as required in Section E;
- e. Home Occupations.
- f. Artisan Studios

II. Agriculture.

Section C CONDITIONAL USES

- a. Day Care
- b. Churches
- c. Group Homes
- d. Bed and Breakfast
- e. Commercial Recreation
- f. Veterinary Clinic
- g. Non-Profit Camps
- h. Family Business

**Section D ACCESSORY USES: Subject to Accessory Use Regulations of the
General Residential District**

**Section E MINIMUM PROJECT AREA FOR CONSERVATION
DEVELOPMENT.**

The gross area of a tract of land proposed for development according to the Conservation Development District shall be a minimum of sixteen (16) acres, but shall not include area within any existing public street rights-of-way.

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The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development proposal.

Section F PERMITTED DENSITY/RESTRICTED OPEN SPACE

- I. The minimum restricted open space shall be 40 percent of the total project area.

- II. The maximum density shall be one dwelling unit per two acres. The maximum density of dwelling units per acre permitted in a conservation development shall be calculated by:
 - a. Deducting the following from the total project area:
 - i) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - ii) The area of land within a floodway, designated wetland, or existing waterbody that exceeds the minimum acreage required for restricted open space as set forth in Section F I above. Where floodways and wetlands overlap, they shall be counted only once.
 - b. Multiplying the result of subsection a. by the maximum density permitted per acre as set forth in this Section above.

Section G REGULATIONS FOR RESTRICTED OPEN SPACE

- I. General standards: The restricted open space required in Section E shall comply with the following:

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- a. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
- b. Areas designated for restricted open space purposes may be:
 - i) Preserved in its natural state,
 - ii) Designed and intended for the use and/or enjoyment of residents of the proposed development,
 - iii) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
- c. Where possible, open space should be designed so that it can be interconnected within the development and connected externally to open space in adjacent areas outside of the project.
- d. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the Portage County Health Department or the OEPA (depending upon appropriate jurisdiction) shall be established to require and enable maintenance of such facilities by appropriate parties. Management of sewage treatment must be guaranteed by means of a contract with an Ohio State Certified Operator.
- e. Where individual septic systems are utilized, dry sewer lines will also be provided to allow for the tie-in to future public sewer utility systems.
- f. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:

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- i) Private roads and public road rights-of-way;
 - ii) Parking areas, accessways and driveways;
 - iii) Required setbacks between buildings, parking areas and project boundaries;
 - iv) Required setbacks between buildings and streets;
 - v) Minimum spacing between buildings, and between buildings and parking areas;
 - vi) Private yards; and
 - vii) A minimum of 15 feet between buildings and restricted open space.
- g. Any restricted open space intended to be devoted to recreational activities will be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed for active recreation areas, including a community center, shall be 10%.
- h. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- i. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
- II. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or

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other agreement in a form acceptable to the township's Legal Advisor and duly recorded in the office of the Recorder of Deeds of Portage County.

III. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.

a. Offer of Dedication. The township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.

b. Associations. Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:

i) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.

ii) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.

c. Transfer of Conservation Easements. With the permission of the township, the owner(s) of the restricted open space may, in accordance with the provisions of ORC § 5301.67-70, grant a

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conservation easement to any of the entities listed in ORC § 5301.68, provided that:

- i) The entity is acceptable to the township;
 - ii) The provisions of the conservation easement are acceptable to the township; and
 - iii) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
- d. Private Ownership of Restricted Open Space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

Section H DEVELOPMENT AND SITE PLANNING STANDARDS

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

- I. Ownership. Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

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II. Lot Requirements.

- a. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
- b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

III. Perimeter Building Regulations.

- a. The minimum setback from an existing public street shall be 200 feet from a major arterial and 150 feet from a minor arterial road.
- b. The minimum setback from the project boundary shall be 100 feet.

IV. Interior Building Setback/Spacing Regulations.

- a. The minimum setback from a proposed local public right-of-way shall be 60 feet.
- b. The minimum setback from the edge of the pavement of a private street shall be 30 feet.

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c. The minimum separation between dwellings shall be 20 feet.

V. Height. The maximum building height shall be 35 feet.

VI. Resource Protection Regulations.

a. Floodplain Protection. There shall be no construction in the Floodplain except as allowed in Floodplain Regulations of this Zoning Resolution.

b. Wetlands Protection. Wetlands that are required to be retained by the Army Corp of Engineers or the Ohio EPA shall be protected by the following:

i) A buffer area having a width not less than 50 feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and

ii) A minimum building and pavement setback of 70 feet, measured from the edge of the designated wetland.

c. Conservation of Riparian Zones:

i) A riparian buffer of 50 feet on both sides shall be provided along the length of any other perennial stream channel as designated by Portage County Soil and Water Conservation District.

ii) Walkways may be permitted to be located within riparian buffers when the Zoning Commission determines that such will create minimal change to the riparian buffer.

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VII General Street Design Criteria.

1. Street alignments should follow natural contours and be designed to conserve natural features.
2. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

VIII Pedestrian Circulation Systems.

- a. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
- b. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

- IX. Sewage Disposal. Development shall be served by individual or public sewage disposal structures consistent with the Portage County/Ohio EPA regulations. Individual sewage disposal systems shall comply with all applicable regulations of the Portage County Health Department and may be located within restricted open space areas when approved by the Township and the Portage County Health Department.

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- X. Waivers. In the event the Zoning Commission determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Township Zoning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

Section I DEVELOPMENT DESIGN CRITERIA

In addition to the development and site planning standards set forth in Section G, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

- I. Conservation of Sloping Land. The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- II. Conservation of Woodlands, Vegetation and other Natural Areas. The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
- III. Conservation of Wildlife Habitats. Efforts should be made to protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.

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- IV. Conservation of Prime Farmland. Efforts should be made to protect farmland that satisfies the USDA definition of “prime” or “locally unique” farmland.
- V. Conservation of Existing Scenic Vistas and Visual Quality of the Environment. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
- VI. Conservation of Cultural Resources. Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Section J PROJECT REVIEW PROCEDURES

Under the authority established in ORC §519.021, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Section.

- I. Submission of General Development Plan. The applicant shall submit a General Development Plan application to the Township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to:
 - a) Identification of existing site characteristics, including a general depiction of:
 - i) Boundaries of the area proposed for development, dimensions and total acreage;

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- ii) Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
 - iii) Location of wetlands (and potential wetlands), the floodplain boundary and base flood elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - iv) Existing soil classifications and identification of Prime Farmlands;
 - v) Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - vi) Delineation of existing drainage patterns on the property, existing wells and well sites;
 - vii) Description of significant existing vegetation by type of species, health, quality, etc.;
 - viii) Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;
 - ix) Description of all structures and areas of known or potential historical significance; and
 - x) Existing viewsheds and identification of unique vistas.
- b. The preliminary site plan shall be drawn at a scale not less than 1” to 100’ feet and shall include:
- i) A summary of the proposed development including the total acreage, number of residential units, type of

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dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;

- ii) A sketch layout of standard single family lots, if any;
 - iii) The location of the restricted open space and any proposed recreational facilities;
 - iv) Natural features to be conserved and any required buffer areas;
 - v) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - vi) General location of public street rights-of-way; and
 - vii) Proposed utility easement locations.
- c. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
- i) The structure of the Association;
 - ii) Membership requirements;
 - iii) Financial responsibilities; and
 - iv) The relationship of the entity to public agencies having responsibilities related to the project.
- d. A description of the project phasing including the phased construction of open space improvements.

II. Review For Completeness. Within ten business days of receiving the application, the Zoning Inspector shall review the application to determine that the application

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includes all the items required in subsection A above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. The Zoning Inspector may request an additional ten (10) business days at the time of application if he/she deems elements of assessment require additional time.

III.

III. Review of General Development Plan by Others. The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment.

- a. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Edinburg County Planning Commission, the Edinburg County Health Department, the County Engineer, and the Ohio EPA.
- b. Other agencies which, at the discretion of the township, may have appropriate technical expertise.
- c. Appropriate local township administrative officials, including the township's legal advisor.
- d. Consultants retained by the township.

All comments shall be returned to the township within 30 days from the date distributed.

IV. Site Visit. The Township Zoning Commission shall, together with the applicant's consultant(s), visit the site if required to gain a thorough understanding of the characteristics of the site.

V. Review and Approval by Township. The Township Zoning Commission shall review the general development plan and the comments received

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from Section III above. The Township Zoning Commission shall take action on the submitted general development plan by either:

- a. Approving the general development plan as submitted; or
- b. Approving the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
- c. Denying approval of the general development plan.

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, at the election of the applicant shall be deemed a denial of the general development plan.

VI. Significance of Approved Plan. Approval of the general development plan shall:

- i. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
- j. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
- c. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved general development plan. Examples of this would be more contiguous open space design, improved street alignments, etc.

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- d. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

VII. Final Development Plan. After a general development plan has been approved, an applicant shall submit for review and approval a final development plan within 12 months. The final development plan may be submitted either for the entire project or for each construction phase.

a. Submission Requirements. The final development plan shall include:

- i) A site plan drawn at a scale not less than 1" – 50 feet indicating:
 - aa. Boundaries of the area proposed for development, accurate dimensions and total acreage;
 - bb. The exact location and dimension of private streets, common drives and public street rights-of-way;
 - cc. Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
 - dd. Dimensions of building/unit spacing;
 - ee. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones ; and
 - ff. Designated restricted open space areas and a description of proposed open space improvements.
- ii) A grading plan drawn at a scale of 1" – 50 feet, showing all information pertaining to surface drainage.

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- iii) A detailed landscaping plan for new landscaping, including entry features and signs.
 - iv) The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
 - v) Conditions imposed by other regulatory agencies.
- b.. Review For Completeness. Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection VII a, above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
- c Distribution of Final Development Plan. The Zoning Inspector shall distribute the final development plan application to the Zoning Commission, the township's legal advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review. All reports required from County review agencies must be received within fourteen (14) working days of receipt by the agency.

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- d. Review by the Township's Legal Advisor. The township's legal advisor shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Zoning Commission documenting that the above demonstrate full compliance with the requirements of this Chapter.
- e. Review and Approval by Township. The Zoning Commission shall review the final development plan and the comments received from Section II and III above. The Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:
- i) Approving the final development plan as submitted; or
 - ii) Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
 - iii) Denying approval of the general development plan.

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, at the election of the applicant shall be deemed a denial of the general development plan.

CHAPTER 4.3 RESIDENTIAL FAMILY BUSINESS WITH ACCESSORY USE DISTRICT

Section A. Purpose

This district is intended to recognize historical family business uses which exist as a result of this area having had a past non residential zoning designation. While surrounded by existing and developing residential areas, this district contains large lot Family Businesses that have existing secondary business operations buildings, which may include the manufacture of goods. This district allows the continuation of existing Family Businesses and the creation of new ones as a by right principal permitted use in addition to new single family uses. Family Businesses must be subordinate to the use of the property as the family residence.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Residential Uses

Single Family detached units

Duplexes

2. Commercial Uses

Family Business

Home Offices

General Contracting including:

Carpenters, cement finishing, brick layer, plumbing & heating, electrician, drywall installation, cabinet maker and general construction.

Shops including:

Machining and assembly, welding and fitting, printing, general auto body and repair.

Agriculturally related businesses

3. Institutional/Civic/PublicUses

Public Park and recreation areas

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4. Agriculture

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the Residential Family Business district subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes, where required.

1. Residential Uses

- a. Child Day Care Facilities.
- b. Assisted Living facilities.
- c. Residential Group Homes

2. Commercial Uses

- a. Telecommunication Towers
- b. Veterinary Clinic and Boarding Facilities
- c. Commercial recreation
- d. Strip mines, quarries and gravel pits
- e. Bed and Breakfasts

3. Institutional/Civic/Public Uses

- a. Churches
- b. Fraternal Organizations and private membership clubs
- c. Government Facilities and services

Section D. ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses. Each 5 acre or more lot is allowed a maximum of two (2) accessory storage buildings with a maximum gross floor area of 6,000 sq. ft. Lots less than 5 acres are allowed a maximum of 2 accessory buildings with a maximum of 3,000 sq. ft. Accessory use structures that exceed wither the square footage or the building number limit are to be conditional uses subject to Site Plan Review.

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1. Television/Communication Satellite Dishes 39 inches or less in diameter.
2. Antennas that are designed to receive television broadcast signals
3. On-premises signs – as set forth in Chapter 7 of the Resolution
4. Off-street parking areas for employees, customers and visitors of the Principal Use
5. Fences, Walls, and Hedges located in the side and rear yards may not exceed a maximum height of six (6) feet.
6. Fences, Walls and Hedges shall be placed a minimum of twenty four (24) inches from the owner's property line unless a written letter of agreement between property owners is submitted
7. Garages, carports and off-street parking areas to serve the residents of the property provided that the height of the garage serving a single family dwelling shall not exceed twenty five (25) feet.
8. Playhouses, cabanas, patios and incidental household storage buildings provided that the height of such structures shall not exceed sixteen (16) feet and provided that no storage building exceed 500 sq. ft. in gross floor area.
9. Private above and in-ground pools subject to Chapter 4.1 (D) (5).
10. Private Greenhouses
11. Family Business Accessory Use Structure limits: Subject to Ch 5 (C) (8) (e).
12. Storage and Parking of trucks, cars or recreational equipment is subject to the regulations of CH. 4.1 (D) (8).

Section E. AREA/SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provision and the Conditional Use Provisions where applicable.

1. Residential Uses:

A. Minimum Lot Area:

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1. Single Family Detached Unit:
 - a. One and half (1.5) acres
 - b. One half (1/2) acre with public water and sewer

B. Minimum Lot Frontage and Width

1. Single Family Detached Unit:
 - a. One hundred fifty (150) feet
 - b. One hundred (100) feet with public water and sewer
2. Two Family Unit: Two hundred (200) feet
- C. Minimum Front Yard Depth: One hundred (100) feet
- D. Minimum Side Yard Width: Twenty (20) feet
- E. Minimum Rear Yard Depth: Thirty (30) feet
- F. Maximum Building Height: Thirty-five (35) feet
- G. Minimum Building Size: See Chapter 8 Section H

2. All Commercial/Institutional/Civic/Public and conditional Uses:

A. Minimum Lot Area:

1. Private Recreational Facilities: Forty (40) acres
2. Family Businesses: Two (2) acres
3. All Other Uses: Five (5) acres
- B. Minimum Lot Frontage and Width: Two hundred fifty (250) feet
- C. Minimum Front Yard Depth: One hundred (100) feet
- D. Minimum Side Yard Width: One hundred (100) feet
- E. Minimum Rear Yard Depth: Fifty (50) feet
- F. Maximum Building Height: Thirty-five (35) feet

3. Accessory Uses:

A. Residential

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1. Minimum Front Yard Depth: One hundred (100) feet
2. Minimum Side Yard Depth: Twenty (20) feet
3. Minimum Rear Yard Depth: Twenty (20) feet
4. See Section D for additional specific regulations

B. Commercial/Institutional/Civic/Public and Conditional Uses

1. Minimum Front Yard Depth: One hundred (100) feet
2. Minimum Side Yard Depth: One hundred (100) feet
 - a. Family Business: Fifty (50) feet
3. Minimum Rear Yard Depth: Fifty (50) feet
4. See Section D for additional specific regulations

Section F. SITE PLAN REVIEW AND CONDITIONAL USE PERFORMANCE STANDARDS

All Commercial and Institutional/ Public Principle Uses and all Conditional Uses require Site Plan Review Approval.

CHAPTER 4.4 TOWN CENTER DISTRICT

Section A. PURPOSE

The Town Center District is intended to provide for and encourage a mix of residential and small retail and professional service uses which would create a sense of local identity and foster resident and business interaction. New development is proposed to be integrated to the maximum extent feasible with existing governmental and commercial development, particularly in the area of traffic management and landscaping. Due to the limited acreage available within this District, maximum structure size limits are enforced.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Residential Uses

Single Family

Duplexes and Townhouses

1. Commercial Uses

New Retail: not exceeding five thousand (5,000) square feet.

Professional Offices: not exceeding five thousand (5,000) square feet

Banking and Financial Services

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Restaurants:(excludes drive-through)

Funeral Homes

Commercial Nurseries

Bed and Breakfasts

Custom workshops and Artisan studios with no outdoor storage

2. Institutional/Civic/Public

Government Facilities and Services

Cemeteries

Public Recreation

Churches

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the Town Center District subject to meeting all applicable requirements set forth in the Conditional Use Standards as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Commercial Uses

Bars/Taverns

Veterinary Clinics

Child and Adult Day Care Centers

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Assisted Living Facilities

Car Wash

Vehicle and Equipment Sales, Service and Rentals

Convenience Stores

Drive through Restaurants

Retail and Professional Offices exceeding five thousand (5,000) square feet.

2. Institutional/Civic/Public Uses

Schools

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

Television/Communication Satellite Dishes

Antennas that are designed to receive television broadcast signals.

On-premises signs – as set forth in Chapter 7 of the Resolution.

Off-street parking areas for employees, customers and visitors of the Principal Use.

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- 6. Minimum Side Yard Setback: Fifteen (15) feet

- 7. Maximum Building Height: 35 feet

- 8. Maximum Floor Area to Lot Ratio: 0.40 %

- 9. Maximum Density for Townhouses: Six (6) units per acre
subject to approval by the Portage County Health District

Section F VEHICULAR ACCESS MANAGEMENT

In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following standards:

- 1. Curb cuts for new Commercial and Institutional/Civic Uses shall be limited to two (2) access points per development

- 2. All proposed new development and existing structure conversion must demonstrate an overall traffic level of service “C” and a Peak Hour level of service “D”. (Refer to definition)

- 3. All proposed development and changes in usage for any use except single family residential shall be required to submit a traffic impact study to demonstrate compliance with 2 above.

Section G PEDESTRIAN AMENITIES

Any proposed use shall comply with the following:

Sidewalks

- a. Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abuts a public street or open space.
- b. Sidewalks must be provided the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
- c. All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

Section H LANDSCAPING

1. Street Planting:

- a. The planting of trees shall be required at the time a parcel is developed or redeveloped
- b. Maximum spacing between trees shall be fifty (50) feet for large trees and forty (40) feet for medium.

2. Buffers

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- a. A ten (10) foot deep landscape buffer is required along Routes 14 and 18.
- b. For every fifty (50) feet of street frontage length, the developer must plant three (3) small trees and one (1) medium tree as defined in the landscaping Appendix.
- c. Commercial development adjacent to any residential district shall require a twenty (20) foot minimum landscaping buffer that provides year round opaque screening.

3. Earth Berms

- a. The applicant has the option of using earth berms as part of the buffer requirements of (2)(c).

- b. Where a commercial use abuts a residential district, the applicant may be required to construct a berm with additional evergreen, conifer plantings in order to create a visual opaque barrier to the proposed use.
- c. In such cases, the berm shall have a 3:1 slope and all landscape material installed shall be in an irregular pattern.
- d. Berms may not adversely affect natural drainage patterns

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Section I SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all Development within this District with the exception of single family residential shall be subject to the Site Plan Review and Performance Standards of this Zoning Resolution.

CHAPTER 4.5 HIGHWAY/OFFICE/BUSINESS PARK

Section A. PURPOSE

The Highway/Office/Business Park District is intended to provide enhanced tax base opportunities for Edinburg Township capitalizing on the traffic carrying capacity of Route 14. The District enjoys good accessibility to key arterial roads and as such acts as a gateway to the Edinburg community. Accordingly, permitted uses encourage the development of larger scale office and industrial uses while enhancing aesthetic, quality site plan design to complement adjacent new residential development. Larger scale uses will also minimize the curb cuts on Route 14. Only clean manufacturing and other industrial uses are permitted; industries that produce significant quantities of hazardous substances are specifically prohibited. In order to forestall potential land use conflicts, new residential development is specifically limited to planned townhouse or attached single family developments within the District.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1) Commercial Uses

- a. Banks or other financial institutions
- b. Commercial nurseries
- c. Medical Clinics
- d. Offices, business or professional
- e. Recording, radio or television studios
- f. Services; business, personal or repair
- g. Showrooms and salesrooms for wholesale distribution
- h. Wholesale trade
- i. Service stations and convenience stores
- j. Storage Facilities
- k. Hotels/Motels

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1. Restaurants

- 2) Industrial Uses
 - a. Industrial business parks
 - b. Industrial uses except for the following:
 - (i) All establishments included in the uses listed by the Ohio Environmental Protection Agency, as part of the Ohio Wellhead Protection Program that fall within Category I, Medium to High Pollution Risk or Category H, Medium Pollution Risk.
 - (ii) Wholesale or retail distribution or storage of scrap, waste material, auto bodies/parts, or hazardous material.
 - (iii) Asphalt, concrete or rock crushing plants.
 - c. Research Laboratories
 - d. Warehousing, distribution and/or storage less than 30,000 sq.ft. within a completely enclosed structure
 - e. Workshop and custom small industry uses
 - f. Wireless Telecommunications Facilities.

- 3) Institutional/Civic/Public Uses
 - a. Essential public utility and services installations, but not including transfer stations or outdoor storage
 - b. Public recreational or sports training facilities
 - c. Fraternal organizations and private membership clubs.
 - d. Public Transit and Park and Ride lots.
 - e. Cemeteries

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the District subject to meeting all applicable requirements set forth in the Conditional Use Standards as well as all general requirements set forth in the Zoning Resolution and the application review and approval processes, where required.

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1. Commercial Uses
 - a. Auto repair and services, but not including wrecking or salvage.
 - b. Commercial operations that involve operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving storage of goods.
 - c. Vehicle and equipment rentals
 - d. Vehicle repair/services subject to limitation in a. above.
 - e. Fully enclosed recreational vehicle, boat or truck storage.
 - f. Warehousing, distribution and storage over 30,000 Sq. Ft.
2. Residential Uses: Single Family attached and Townhouses, with
Public sewers.

Section D ACCESSORY USES AND STRUCTURES

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structure and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Television/Communication Satellite Dishes, Communication Towers.
2. Antennas that are designed to receive television broadcast signals.
3. On-premises signs – as set forth in Chapter 7 of the Resolution.
4. Off-street parking areas for employees, customers and visitors of the
Principal Use.

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5. Fences and Walls may abut side and rear yards but are limited to a maximum height of eight (8) feet.
6. Storage (see Section I below).

Section E AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional use Provisions of Chapter 5:

1. Minimum Lot size: Commercial/Industrial Uses: four (4) acres
Residential: ten (10) acres per development.
2. Minimum Lot Frontage: Commercial/Industrial Uses: Two hundred (200) feet
Residential: To be established at time of project
submittal.
3. Minimum Lot Width: Commercial/Industrial Uses: Two hundred (200) feet
Residential: To be established at time of project
submittal.
4. Minimum Parking Area Setback
from Route 14: Fifty (50) feet from Road Right of Way
5. Minimum Building Setback
from Route 14: One hundred (100) feet from Road Right of Way
6. Minimum Side /Rear Yard Setback: Side: Commercial/Industrial: Thirty (30) feet
Rear: Commercial/Industrial: Fifty (50)feet
Residential: To be established at time of
Project submittal
7. Special Setback requirements Any new structure over Ten thousand (10,000) square
from Residential Districts: feet shall be placed a minimum of one hundred & fifty

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(150) feet, buffered, from any residential district property line

- 8. Maximum Building Height: Thirty Five (35) feet subject to current capacity of Fire District.
- 9. Maximum Floor Area to Lot
Ratio 0.30
- 10. Maximum Density for residential: Six (6) units per acre.

Section F VEHICULAR ACCESS MANAGEMENT

In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following standards:

- 1. Curb cuts shall be limited to two (2) access points per development
- 2. Minimum curb cut spacing on Route 14: 495 feet..
- 3. All proposed development must demonstrate an overall traffic level of service “C” and a Peak Hour level of service “D”.
- 4. All proposed development and changes in usage for any use requiring a medium or high volume driveway shall be required to prepare and submit a traffic impact study to demonstrate compliance with 3. above.
- 5. All acceleration and deceleration lanes designed to meet the ODOT Access Management Manual Standards will be the responsibility of the developer and must be provided prior to opening day.

Section G PARKING LOT STANDARDS

1. Off Street parking for proposed development shall be paved with asphalt or concrete surfaces.

Section H LANDSCAPING

1. Street Planting:

- a. The planting of trees shall be required at the time a parcel is developed or redeveloped.
- b. Maximum spacing between trees shall be fifty (50) feet for large trees and forty (40) feet for medium.

2. Buffers:

- a. A twenty-five (25) foot deep landscape buffer is required along Route 14.
- b. For every one hundred (100) feet of street frontage length of commercial building and parking, the developer must plant five (5) small trees and two (2) medium trees as defined in Appendix A.
Buffers need to be flexible when safety issues are involved.
- c. Commercial development adjacent to any residential district shall require a one hundred and fifty (150) foot minimum landscaping buffer meeting the criteria of 2(b) and 1(b).

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3. Parking Lots:

- a. Commercial property shall have perimeter landscaping of one tree for each one thousand (1,000) square feet of gross floor area in addition to any interior parking lot landscaping required.
- b. Any parking lot over six thousand (6,000) square feet must provide interior landscaping.

4. Earth Berms

- a. The applicant has the option of using earth berms as part of the buffer requirements of (2)(c).
- b. Where a commercial use abuts a residential district, the applicant may be required to construct a berm with additional evergreen, conifer plantings in order to create a visual opaque barrier to the proposed use.
- b. In such cases, the berm shall have a 3:1 slope and all landscape material installed shall be in an irregular pattern.
- c. Berms may not adversely affect natural drainage patterns.
- d. A berm, which forms a visual opaque barrier, may at the discretion of the approving body replace up to fifty feet (50') of the minimum landscape buffer area.

Section I OUTDOOR STORAGE REQUIREMENT

All materials and vehicles associated with activities and uses within the District with the exception of vehicle and new equipment sales, must be stored within an enclosed structure or screened from view via year-round opaque landscaping or fencing. Chain link fencing with screening slats is not permitted. No front yard storage of vehicles or equipment is allowed.

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Section J SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all development within this District shall be subject to the Site Plan Review and Performance Standards of this Zoning Resolution.

CHAPTER 4.6 ST. RT. 14 RESIDENTIAL/COMMERCIAL TRANSITION DISTRICT

Section A. PURPOSE

The SR 14 Residential/Commercial Transition District is intended to provide for both residential and low impact commercial uses which protect the existing residential property owners while offering opportunities for commercial development that recognize the transportation accessibility and existing blended land uses currently along SR 14. Family Businesses are allowed as a Principal Permitted Use within the district. The existing and projected lack of available public water and sewer facilities within the area as well as long term access management goals dictate larger commercial lot sizes. New major subdivisions proposed within the district area require a zone change to General Residential or Residential Conservation Development.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set for in the Zoning Resolution and the application and approval procedures.

- 1 Residential Uses
 - a Single Family Detached
 - b Duplexes

- 1 Commercial Uses
 - a Offices located in existing residential structures, including personal services but excluding retail
 - b Bed & Breakfast
 - c Family Business
 - d Offices not exceeding 5,000 sq.ft. including personal and financial services.
 - e Home Offices
 - f General Contracting including:
Carpenters, cement finishing, brick layer, plumbing & heating, electrician, drywall installation, cabinet maker and general construction.
 - g Shops including:
Machining and assembly, welding and fitting, printing, general auto body and repair.
 - h Agriculturally related businesses

- 2 Institutional/Civic/Public
 - a Government Facilities and Services
 - b Public Park or Recreation Facilities
 - c Assisted Living

Section C CONDITIONAL USES

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Chapter 4.6 – ST. RT. 14 Residential/ Commercial Transition District

The following uses shall be conditionally permitted in the St. Rt. 14 Transition District subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Uses) as well as all requirements set forth in the Zoning Resolution and the application review and approval processes where required.

- 1 Commercial Uses
 - a Offices exceeding 5, 000 sq ft, including personal and financial services
 - b Commercial nurseries
 - c Medical clinics
 - d Veterinary clinics
 - e Commercial sports training facilities
 - f Funeral Homes
- 2 Institutional
 - a Churches

Section D ACCESSORY USES AND STRUCTURES

Accessory Uses and Structures are those that are necessary and incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory Uses Structures and activities shall be subject to the following regulations in addition to the same regulations that apply to the principal permitted uses. Each 5 acre or more lot is allowed a maximum of two (2) accessory storage buildings with a maximum gross floor area of 6,000 sq. ft. Lots less than 5 acres are allowed a maximum of 2 accessory buildings with a maximum of 3,000 sq ft. Accessory use structures that exceed either the square footage or the building number limit are to be conditional uses subject to Site Plan Review.

1. Television/Communication Satellite Dishes
2. Antennas that are designed to receive television broadcast signals
3. On premises signs as set forth in Chapter 7 of the Resolution
4. Off street parking areas for employees, customers and visitors of the Principal Use
5. Fences, Walls and Hedges may abut side and rear yards but are limited to a maximum height of eight (8) feet.
6. Garages, carports to serve residents of the property provided the height of the garage shall not exceed twenty five (25) feet.
7. Playhouses, patios, cabanas, porches and incidental household storage buildings provided that the height of such structures not exceed sixteen (16) feet and provided that no storage building shall exceed five hundred (500) square feet in gross floor area
8. Private inground and above ground swimming pools provided that they shall be placed only in a rear yard and no closer than fifteen (15) feet to the rear or side lot line. All inground swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height. All gates or doors to the pool enclosure shall be equipped with a self-closing and latching device for keeping doors securely closed when not in actual use. No illumination may be directed to shine onto adjacent properties. Discharge of any water from a swimming pool shall be onto the property where the pool is located or into the nearest storm sewer.

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9. Private Greenhouses
10. Storage or parking of trucks, cars or recreational equipment subject to the following:
 - a Parking of inoperable, abandoned or unlicensed vehicles is prohibited outdoors
 - b No truck over 12,000 lbs gross vehicle weight and eight (8) feet in height, buses, semi-tractors and/or trailers shall be parked in the district for more than seventy two (72) consecutive hours unless within an enclosed structure or screened from view of adjacent properties.
11. Family Business Accessory Use Structures are governed by Ch. 5 C (8)(e).

Section E. AREA , SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review Provisions of Chapter 6 and the Conditional Use Provisions of Chapter 5 where applicable. Detached Single Family is exempt from Site Plan Review procedures

- 1 Minimum Lot Size
 - a Single Family: 2 acres
 - b Duplex: 3 acres
 - c New Commercial Development: 5 acres
 - d Existing Residence Conversion to Office: Lot size as of adoption date of this Resolution. Use Conversion subject to approval of the Portage County Health Department
 - e Churches: 5 acres
 - f Assisted Living: 5 acres
- 2 Minimum Lot Frontage
 - a Single Family and Duplexes: Two hundred (200) feet
 - b New Commercial Development Two hundred & fifty (250) feet
 - c Existing Residence Conversion: Frontage requirement as of adoption date of this Resolution.
- 3 Minimum Parking Lot Setback from SR 14: Fifty (50) feet from Road right of way
- 4 Minimum Building Setback from SR 14: One hundred & fifty (150) feet
- 5 Minimum Side Yard Setback: Thirty (30) feet
- 6 Special Building/Parking Lot Setbacks Requirements from existing Residential Uses: Fifty (50) feet from lot line (does not apply to residential structure conversions)
- 7 Maximum Building Height: Thirty five (35) feet
- 8 Maximum Floor Area to Lot Ratio: New commercial uses: 0.25

Section F. VEHICULAR ACCESS MANAGEMENT

In addition to compliance with the Ohio Department of Transportation (ODOT) Access Management Manual, all uses must comply with the following:

- 1 Curb cuts shall be limited to two (2) access points per development
- 2 Minimum curb cut spacing on Route 14: 495 feet.
- 3 All proposed new development must demonstrate an overall traffic level of service “C” and a Peak Hour level of service “D”

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Chapter 4.6 – ST. RT. 14 Residential/ Commercial Transition District

- 4 All proposed development and changes in usage for any use requiring a medium or high volume driveway shall be required to prepare and submit a traffic impact study to demonstrate compliance with 3 above
- 5 All acceleration and deceleration lanes designed to meet the ODOT Access Management Standards will be the responsibility of the developer and must be provided prior to opening day.

Section G. LANDSCAPING

All new commercial uses shall be required to comply with the landscaping standards of Chapter 6 and Section H of Chapter 4.5 (Highway/Office/Business Park).

Section H. SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all development within the District, with the exception of single family or Family Business , shall be subject to Site Plan Review.

CHAPTER 4.7 SOUTH SR 14: Sales and Service District

Section A. PURPOSE

The South SR 14 Sales and Service District is intended to recognize and integrate existing large scale sales and service uses into the largely residential surrounding areas. New development within the district is intended to reinforce the viability of this limited commercial area by concentrating like uses and prohibiting further residential development.

Section B. PRINCIPAL PERMITTED USES

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and the application review and approval procedures.

1. Commercial Uses
 - a. Agricultural Retail Sales
 - b. Commercial Nurseries
 - c. Office
 - d. Business Services
 - e. Industrial Uses within a completely enclosed structure less than 30,000 sq ft
 - f. Wholesale Trade
 - g. Telecommunication Towers
2. Institutional/Civic/Public
 - a. Government Facilities and Services

Section C. CONDITIONAL USES

The following uses shall be conditionally permitted in the District subject to meeting all applicable requirements set forth in Chapter 5 (Conditional Use Standards) as well as general requirements set forth in the Zoning Resolution and the application review and approval processes.

1. Commercial Use
 - a. Vehicle and equipment sales, service and rental, but not including wrecking or salvage
 - b. Sexually oriented businesses
 - c. Commercial operations that involve parking and cleaning of equipment or work processes involving storage of goods.

Section D. ACCESSORY USES AND STRUCTURES

Accessory Uses and Structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district, unless specifically prohibited. Accessory uses, structures and activities shall be subject to the following regulations in addition to the same regulations that apply to principal permitted uses.

1. Television/Communication Satellite Dishes and Communication towers
2. On-premises signs as set forth in Chapter 7.
3. Off-street parking areas for employees, customers and visitors of the principal use
4. Fences, Walls and Hedges may abut rear and side yards but are limited to a maximum height of eight (8) feet
5. Storage (see Section I below)

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Chapter 4.7 South SR 14: Sales & Service District

Section E. AREA, SETBACK AND HEIGHT REQUIREMENTS

All uses must comply with the following in addition to the Site Plan Review provision of Chapter 6 and the Conditional Use provisions of Chapter 5, where applicable.

1. Minimum Lot Size: Four (4) acres with the exception of:
Warehouse, Wholesale Trade, Vehicle and Equipment Sales, Service and Rental: Five (5) acres
2. Minimum Lot Frontage: Two hundred (200) feet
3. Minimum Lot Width: Two hundred (200) feet
4. Minimum Parking Area Setback from SR 14:
Fifty (50) feet from Road Right of Way
5. Minimum Building Setback from SR 14
One hundred & fifty (150) feet from Road Right of Way
6. Minimum Side and Rear Yard Setback: Thirty (30) feet
7. Special Setback Requirements from Residential and Transitional Districts: Any new structure over Ten thousand (10,000) Sq. ft shall be placed a minimum of one hundred fifty (150) feet, buffered from any residential use in a transition district or a residential district
8. Maximum Building Height: Forty (40) feet subject to approval and current capacity of Fire District
9. Maximum Floor Area to Lot Ratio: 0.30

Section F. VEHICULAR ACCESS MANAGEMENT

All uses must comply with the requirements contained in Chapter 4.6, Section F.

Section G. PARKING LOT STANDARDS

Off street parking for proposed development or redevelopment shall be paved with asphalt or concrete surfaces.

Section H. LANDSCAPING

All new uses shall be required to comply with the landscaping standards of Chapter 6 and Section H of Chapter 4.5.

Section I. OUTDOOR STORAGE REQUIREMENT

All materials and vehicles associated with activities and uses within the District with the exception of vehicle and new equipment sales must be stored within an enclosed structure or screened from view via year round opaque landscaping or fencing. Chain link fencing with screening slats is not permitted.

Section J. SITE PLAN REVIEW AND PERFORMANCE STANDARDS

Prior to obtaining a Zoning Certificate, all development within this District shall be subject to the Site Plan Review Standards of this Zoning Resolution.

CHAPTER 4.8 SUPPLEMENTARY REGULATIONS

Section A. PONDS

Ponds are permitted in all districts subject to the following:

- 1) No person, firm or corporation shall construct, install, modify, enlarge, clean, or dredge a pond without first obtaining a zoning certificate from the Township Zoning Inspector. Ponds shall be designed by Portage Soil and Water Conservation District or registered civil engineer and constructed in accordance with plans reviewed and approved by the Portage Soil and Water Conservation District. Proof of such approval is necessary prior to issuance of the Zoning Certificate.

- 2) All land owners shall contact the Portage Soil and Water Conservation District at least sixty (60) days in advance and apply for a Township zoning certificate.

- 3) Minimum size shall be one-quarter (1/4) acre and shall be a minimum of eight (8) feet depth in twenty-five (25) percent to fifty (50) percent of the pond with no dimension less than eighty (80) feet and with three (3) to one (1) side slopes (three (3) feet horizontal to one (1) foot vertical. Mounding of the spoil material shall not exceed four (4) feet in height from the highest ground around the pond and shall be a minimum of four (4) feet in width if mounded.

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- 4) Yard requirements shall be a minimum of fifty (50) feet from all right-of-ways, side and rear lot lines. This measurement shall be taken from the high water mark of the pond or the toe of the outside of the bank whichever is closest to the right of way or lot line.

- 5) The construction of the water impoundment shall not adversely affect the surface and subsurface drainage pattern of adjacent properties. Water impoundment shall not be discharged so as to affect the required field of and nearby on-site sanitary system or raise the ground water table through infiltration so as to render ineffective any on-site sanitary system or water well.

- 6) The use of dry hydrant systems or other fire department approved water systems are encouraged.

- 7) Ponds will be managed and maintained so as not to create a nuisance and health hazard to nearby residents in the opinion of the Township Trustees.

Section B. FLOODPLAIN

- 1) Purpose
the purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the fifty (50) and one hundred (100) 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

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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. All Flood Plain District Boundaries shall be certified by the Portage County Soil and Water Conservation District Office. No person shall alter the flow of water within a flood plain district that may be detrimental to public safety or cause damage to another property.

2) Permitted Uses

No building or structure shall be erected, converted, or structurally altered and no land and/or structure shall be used except for one or more of the following uses:

- a. Open space uses, such as farms, truck gardens, nurseries and such other open space uses as preserves, bridle trails and nature paths, provided no alteration is made to the existing grade level of the flood plain or structures which may interfere with the flow of the river or its flood plain capacity
- b. Yard and setback areas required for any district within the flood plain zone.
- c. Parks, playgrounds recreation areas and accesses, plant nurseries, golf course or any other use that may not increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

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3) Setback Criteria

All development adjacent to a certified flood plain area shall be setback in accordance with the Site Plan Review and Performance Standards.

Section C. STORM WATER POLLUTION PREVENTION PLAN

When a proposed development involves disturbing more than one (1) acre of land, a Storm Water Pollution Prevention Plan (SWP3) shall be submitted prior to initiation of site preparation and/or construction. A SWP3 Plan shall be prepared with the essential components and requirements as deemed necessary by the Ohio Environmental Protection Agency.

Section D ROADS AND CULVERTS AND DRIVEWAYS

1) Conformance

All new roads, with the exception of those contained within a Residential Conservation District, shall conform to the construction standards of the Portage County Subdivision Regulations.

2) Driveway Requirements

- a. Residential driveway minimum surface width shall be twelve (12) feet for its entire length with a clear minimum vertical clearance of sixteen (16) feet and an apron from the road of fourteen (14) feet.

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- b. Driveways greater than one hundred (100) feet in length, measured from the road to the end of the driveway, shall have a turnaround located near the dwelling unit of at least ten (10) feet wide x twenty (20) feet depth.
- c. Driveways shall be constructed of a minimum depth of eight (8) inches of gravel or other materials and depth so as to have the same weight-bearing capabilities.
- d. Fences, walls and any other similar improvements shall be placed no closer to either outer edge of the driveway than three (3) feet horizontally.

3) Culvert Requirements

- a. All driveway culverts shall be a minimum size of twelve (12) inches diameter x twenty-four (24) feet or longer and a larger diameter and will be of approved material as determined by the Township. The culvert trench shall be back filled with a premium mat I.E. ODOT 411's or 304's.
- b. A concrete drive will terminate at the road right-of-way. Continuation of the drive shall be of asphalt or gravel, matching the existing road grade.

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Section E TEMPORARY TRAILERS

Temporary Trailers are allowed under the following conditions:

1) During Construction

Any structure, temporary basement home or not more than one trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such use shall not be continued for more than six months with a maximum of one six month extension. A separate zoning certificate shall be required for the use of a temporary dwelling quarters. Such certificate shall not be issued without an operating sanitary system, electric, water and an approved permit for new home construction. An escrow account of Five hundred (\$500) dollars shall be filed with the application for such certificate.

2) With Occupied Dwellings

A separate zoning certificate is required for a trailer or mobile home used temporarily as a residence in conjunction with an occupied dwelling. Said use shall not exceed ninety (90) days in any calendar year. A performance bond in no event less than One thousand (\$1,000) dollars shall be filed with the application for such certificate. County approved sanitary facilities must be provided in all instances.

3) Emergency Use

When a dwelling on any lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home may be used as a temporary residence while the permanent dwelling is

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being repaired or reconstructed. A separate zoning certificate shall be required for such emergency use. County approved sanitary facilities must be provided.

4) Construction Trailers

Office trailers, tool trailers or storage trailers used for the sole purpose of commercial construction of said building or road which such trailers would be needed must receive a Conditional Use permit for a maximum of six (6) months which may be renewed for one additional six (6) months maximum period after the first permit has expired.

Section F Wireless Telecommunication Facilities (Telecommunication Towers)

- a. The applicant shall supply a map of the Township and all contiguous jurisdictions indicating the location of all existing telecommunication facilities within three (3) miles of the proposed site. The applicant must show that it has requested to locate or collocate on an existing tower, building or other technically suitable facility and that the collocation request was rejected by the owner/operator of the tower, building or other technically suitable facility.

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- b. As a condition of issuing a Zoning Certificate to construct and operate a telecommunications tower in the Township, the owner/operator is required to allow, under commercially reasonable terms, collocation until said tower has reached full antenna capacity. Agreement to this provision must be included in the applicant's lease with the property owner, if different from the tower owner/operator.
- c. The minimum distance from any tower to an existing residential dwelling unit shall be three hundred (300) feet.
- d. There shall be a separation of at least one-half (1/2) mile between wireless telecommunication towers.
- e. All wireless telecommunication towers shall comply with the front, side and rear yard setback requirements for commercial usage.
- f. Wireless telecommunications facilities may be located on a lot with another use subject to the following conditions:
 - (i) The facility will not be considered an addition to the principal permitted use structure or the value of any non-conforming use.
- g. Security fencing eight (8) feet in height shall surround the tower and equipment shelter . A metal sign of no greater than four (4) square feet shall be posted on the fence showing street address, names of companies with facilities at the site, and all 24 Hour emergency telephone numbers.
- h. In the event a separate access road is necessary, it shall be constructed of a minimum depth of eight (8) inches gravel or other materials and depth to

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have the same weight bearing capabilities. Access roads shall have a gate with a locking device at or near the public road entrance to prevent unauthorized entry.

- i. The applicant shall provide evidence of legal access to the facility and maintain that access regardless of other developments which may take place on the site..
- j. All towers shall be of a self supporting monopole design.
- k. The Applicant shall provide a report prepared by a licensed professional engineer describing the height, design, structural loading capacity and compliance with any applicable State or County building and inspection requirements.
- l. No equipment building shall exceed twenty (20) feet in height.
- m. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures and signs shall not be attached to the antenna or tower. If lighting is required by the Federal Aviation Administration, white strobe lights shall not be permitted unless no alternative is permitted by the FAA. Lighting for security purposes is permitted.
- n. The Applicant shall submit a certification that the facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).

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- o. No advertising will be permitted on the facility.
- p. The owner/operator of the facility shall agree to remove a non-functioning facility within six (6) months of ceasing its use.
- q. The owner/operator, as a condition of issuance of the Zoning Certificate, shall post a cash or surety bond acceptable to the Board of Trustees of not less than one hundred dollars (\$100.00) per vertical foot from the natural grade of the tower, which bond shall insure that an abandoned obsolete or destroyed facility shall be removed within six (6) months of cessation of use or abandonment. Any co-locator shall be required to additionally execute such bond as principal.

Section G. Home occupations are permitted subject to the following provisions:

- a. Such use shall be conducted entirely within the dwelling unit.
- b. Such use will be clearly incidental to the primary residential use.
- c. Such use shall be conducted only by persons residing in the dwelling unit with an additional one employee allowed.
- d. Such use will be limited to the use of 33% of the floor area of the first story of the dwelling unit.

Section H. Minimum Building Size

Single Family Dwelling Unit shall be a minimum of twelve hundred (1200) square feet.

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Duplexes and Townhouses shall be a minimum of eight hundred (800) square feet per unit.

Section I. Public Nuisance/Maintenance

Owners of land used for residential, commercial and other platted areas shall be responsible for mowing or causing these lots to be mowed, and for otherwise removing weeds and other noxious plants, not less than two times during the growing season. The Edinburg Township Zoning Inspector shall be authorized to cause such mowing to be done and, where the owner of such premises has failed to comply with this regulation after being advised by certified mail, shall cause process to collect from said owner the cost of the mowing and/or weed removal.

Section J. Oil and Gas Exploration

Exploration for gas/oil and the operation thereof may be carried out if permitted by the Division of Oil and Gas of the Ohio Department of Natural Resources and subject to the State Laws per Ohio Revised Code Chapter 1509, and these additional requirements.

APPLICATION PROCESS

Disclosure of intention to drill for oil/gas shall be made to the Zoning Inspector by the party intending to drill and operate the well on the form supplied by that office. The Disclosure shall contain the following information:

- A. Ohio Department of Natural Resources Division of Oil and Gas Permit.
A copy of the permit issued by the Ohio Department of Natural Resources Division of Oil and Gas, including a copy of the information required to obtain that permit.

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Section K. Construction

All construction of buildings within the Township must conform to the Portage County Building Code.

Section L. Junk Cars

- a. Parking of junk vehicles, inoperable, abandoned or unlicensed vehicles is prohibited outdoors, as per Ohio Revised Code sections 4513.65 and 505.173.
- b. The Township shall not prevent a person from storing or keeping, or restrict him/her in the method of storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that the Township may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.
- c. The County Sheriff, a state highway patrol trooper, a board of township trustees, or the zoning inspector of a township, may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.
- d. No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to

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comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense.

Section M. Prohibition on Front Setback Garages

Garages as an accessory structure are prohibited from the front yard setbacks.

Section N. Prohibited Uses

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any districts:

- a. Dumping, storing, reducing, disposing of or burying garbage, refuse, scrap metal, rubbish, offal or dead animals, unless done at a place provided by the township trustees for such specific purpose.
- b. Junkyards, automobile graveyards, or places for the collection of scrapped vehicles, scrap metal, paper, rags, glass or junk for salvage or storage purposes, or for dismantling used vehicles.
- c. Basements, wholly or partially below the grade of the lot upon which located, for dwelling purposes, temporary or permanent.
- d. Storage, piling, or accumulation of building material on a vacant lot unless a zoning certificate has been issued for construction on said lot involving the use of such material and the material is used within one year from the date of the certificate.

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- e. Rear houses, so that as amended, said zoning resolution will prohibit the use of trailer coaches as a residence or for commercial purposes except where a conditional permit may be issued, this would also prohibit any houses to be erected at the rear of another dwelling on the same lot or parcel.

- f. Trailer/Mobile Home Park

- g. Mock Military Games and/or Facility areas

- h. Manufacture of or storage of explosives, including fireworks.

CHAPTER 5 CONDITIONAL USE STANDARDS

A. General Provisions

Conditional uses are listed within the specific Districts of this Resolution. Only those uses expressly listed as conditional uses may be considered in that zone district. All applications for a conditional use shall demonstrate compliance with the general criteria and standards.

B. General Criteria and Standards

In addition to any special conditions and standards listed in a Zoning District, all applications for a conditional use shall demonstrate that:

1. The use is consistent with the policies and intent of the corresponding zoning district in which it is located, as set forth in the Edinburg Township Zoning Resolution and Comprehensive Land Use Plan.

2. The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:

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- a. Location on a site of activities that generate potential adverse impacts such as noise and glare;
 - b. Hours of operation and deliveries;
 - c. Location of loading and delivery zones;
 - d. Light intensity and hours of full illumination;
 - e. Placement and illumination of outdoor vending machines;
 - f. Loitering;
 - g. Litter control;
 - h. Placement of trash receptacles;
 - i. On-site parking configuration and facilities;
 - j. On-site circulation and access management; and
 - k. Privacy concerns of adjacent uses.
3. The use can be accommodated on the site consistent with any applicable district regulations of this Resolution, and in conformance with all dimensional, site development, grading/drainage, performance, and other standards for the district in which it will be located, with no variances required.
4. To the maximum extent feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersections and adequate sight distances are maintained for motorists entering and leaving the property proposed for the use.
5. On-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. The use will be adequately served by public facilities and services. Public facilities and services that may be considered in light of this standard

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include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, and storm drainage.

7. The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in this Resolution.

C. Special Conditions and Standards

A proposed conditional use must satisfy all such special conditions and standards in addition to the general criteria and standards set forth in subsection (B) above.

1. Hotels and Motels

- a. No hotel/motel operator shall permit a guest to occupy such accommodations for a consecutive period of more than 30 days.

2. Convenience Stores

- a. The maximum size of a convenience store shall be three thousand, five hundred (3,500) square feet of gross floor area.
- b. If gasoline is sold as part of the convenience store operation, the following conditions must be satisfied:
 - i. Stores fronting on SR14 must also meet the minimum setback standards of the applicable Zoning District.
 - ii. Gasoline pumps shall be located at least 30 feet from the edge of the right-of-way of a public street.
 - iii. All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least 25 feet from any property line, and vented, in accordance with Ohio Code requirements.
 - iv. A canopy over the fuel pumps that is detached from the principal building may be erected provided that such structure is located at

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least 10 feet from any property line or street right-of-way, and such structure is not enclosed.

- v. There shall be adequate space on the subject property to allow up to 3 cars to stack in a line for services without using any portion of an adjacent public street
- vi. Parking areas for retail sales and gasoline service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.
- c. The applicant shall submit a litter control plan as part of the application for conditional use approval.
- d. No drive-through service shall be permitted as part of the operation of a convenience store.

3. Bars and Taverns

- a. Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided the patio is no more than one-third the floor area of the entire use.
- b. Amplified outdoor live performances shall not be permitted.
- c. All bars and taverns, and restaurants serving liquor, shall be licensed to operate under the laws of the State of Ohio.

4. Day Care Centers

- a. The use shall contain no overnight accommodations.
- b. Certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the Township. A copy of an annual report with evidence of continuing certification/licensing shall be submitted to the Zoning Inspector in January of each year to be kept on file.
- c. Safe areas for pick-up and discharge of persons shall be provided that do not interfere with the free flow of traffic on adjacent streets.

5. Medical Clinic

- a. Must meet ODOT standards for low volume Driveway
- b. Less than five thousand (5,000) square feet
- c. The use shall contain no overnight accommodation
- d. Off-street Parking shall be located on the side(s) of or behind the principal building on the lot, except that no more than twenty (20) percent of the required parking may be allowed in front of the building.
- e. Adequate provision shall be made for access by emergency medical vehicles on at least one side of the building.

6. Veterinary Clinic

- a. A dwelling may be provided on the property in conjunction with the facility if it is for the sole use of the facilities manager and related family
- b. Where applicable, certification or licensing by the appropriate State agency shall be a prerequisite to issuance of a zoning certificate by the Township. A copy of evidence of continuing certification shall be submitted in January of each year to the Zoning Inspector.

7. Vehicle and Equipment Sales, Service and Rentals

- a. All vehicle maintenance or repairs shall be wholly conducted within an enclosed structure.
- b. Storage of hazardous materials for longer than thirty (30) days shall not be permitted.
- c. Bulk Storage in excess of one thousand (1,000) gallons of flammable liquids or in excess of one hundred and twenty-five (125) cubic feet of flammable gases shall be underground. A disaster/spill plan shall be

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completed and shall remain on file with the Edinburg Fire Chief.

- d. Adequate vehicle turning areas shall be provided on site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets.
- e. The use or structure housing such use shall be located a minimum of two hundred (200) feet from any residential lot line.
- f. All property lines that adjoin a residential use or district shall be screened with a visually opaque landscape buffer.
- g. Outdoor operations or activities shall not include the storage or accumulation of waste products, including tires, waste oils, grease or other flammable, toxic or hazardous materials.
- h. The manner of outdoor operations shall facilitate access for fire fighting, shall prevent hazards from fire or explosion and shall prevent accumulation of stagnant water.
- i. All vehicle and equipment parts shall be stored within an enclosed building or totally screened from view by a solid fence. A chain link fence with slats shall not constitute acceptable screening or fencing for purposes of this provision.
- j. All vehicles awaiting repair shall be stored on site in approved parking spaces and shall not be stored on or obstruct access to a public right of way

8. Family Business

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- a. Business proposed must be operated by owner living in principal residence.
- b. Paid employees limited to four, no more than two of which may be non-family members.
- c. All activities must be conducted within a wholly enclosed accessory structure or principal residence.
- d. Outdoor storage of equipment or materials shall not exceed five thousand (5,000) square feet and must be fully fenced or opaquely screened from neighboring properties. Outdoor storage is not permitted within the required yard setback areas.
- e. Family Business shall be limited to two accessory use structures which shall be limited to a total of two thousand five hundred (2,500) square feet. Any accessory use structure larger than 500 Sq. Ft. must have a minimum side and rear yard setback of 25 feet.
- f. The family business shall be clearly subordinate to the use of the land for residential purposes.
- g. Use of principal residence for Family Business activities limited to thirty three and one-third (33 1/3) percent of the total square footage.
- h. Driveway, parking and delivery areas shall be designed to assure safety and prevent traffic congestion impacts to neighboring properties.
- i. Overnight parking of trucks over twelve thousand (12,000) pounds gross vehicle weight and eight (8) feet in height for more than seventy-two (72) consecutive hours is prohibited unless within an enclosed structure or

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screened from view of adjacent properties.

- j. A Family Business Conditional Use Permit is non-transferable and is issued solely to the property owner operating the business. Where permitted, no Conditional Use Permit is required.
- k. The proposed Family Business shall not constitute primary or incidental storage for a business activity conducted elsewhere.
- l. The Family Business must meet all criteria of the Site Plan Review Performance Standards.
- m. In no event shall a family business that operates as a junk yard, scrap metal processing or auto salvage dealer as defined in the Ohio Revised Code be permitted.
- n. Minimum Lot Size for a Family Business shall be 3 acres.
- o. Family Businesses with outdoor storage (d) or accessory structures (e), (f) are prohibited in new major subdivisions platted after the adoption of this Resolution
- p. Family Businesses having an approved conditional use or in existence at the time of adoption of this ordinance will be issued a Certificate of Compliance.

9. Wireless Telecommunication Facilities (Telecommunication Towers)

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- a. The applicant shall supply a map of the Township and all contiguous jurisdictions indicating the location of all existing telecommunication facilities within three (3) miles of the proposed site. The applicant must show that it has requested to locate or collocate on an existing tower, building or other technically suitable facility and that the collocation request was rejected by the owner/operator of the tower, building or other technically suitable facility.
- b. As a condition of issuing a Zoning Certificate to construct and operate a telecommunications tower in the Township, the owner/operator is required to allow, under commercially reasonable terms, collocation until said tower has reached full antenna capacity. Agreement to this provision must be included in the applicant's lease with the property owner, if different from the tower owner/operator.
- c. The minimum distance from any tower to an existing residential dwelling unit shall be three hundred (300) feet.
- d. There shall be a separation of at least one-half (1/2) mile between wireless telecommunication towers.
- e. All wireless telecommunication towers shall comply with the front, side and rear yard setback requirements for commercial usage.
- f. Wireless telecommunications facilities may be located on a lot with another use subject to the following conditions:
 - (i) The facility will not be considered an addition to the principal permitted use structure or the value of any non-conforming use.

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- g. Security fencing eight (8) feet in height shall surround the tower and equipment shelter. A metal sign of no greater than four (4) square feet shall be posted on the fence showing street address, names of companies with facilities at the site, and all 24 Hour emergency telephone numbers.
- h. In the event a separate access road is necessary, it shall be constructed of suitable materials to prevent mud deposits on local roads. Access roads shall have a gate with a locking device at or near the public road entrance to prevent unauthorized entry.
- i. The applicant shall provide evidence of legal access to the facility and maintain that access regardless of other developments which may take place on the site.
- j. All towers shall be of a self supporting monopole design.
- k. The Applicant shall provide a report prepared by a licensed professional engineer describing the height, design, structural loading capacity and compliance with any applicable State or County building and inspection requirements.
- l. No equipment building shall exceed twenty (20) feet in height.
- m. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures and signs shall not be attached to the antenna or tower. If lighting is required by the Federal Aviation Administration, white strobe lights shall not be permitted unless no alternative is permitted by the FAA. Lighting for security purposes is permitted.

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- n. The Applicant shall submit a certification that the facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).
- o. No advertising will be permitted on the facility.
- p. The owner/operator of the facility shall agree to remove a non-functioning facility within six (6) months of ceasing its use.
- q. The owner/operator, as a condition of issuance of the Zoning Certificate, shall post a cash or surety bond acceptable to the Board of Trustees of not less than one hundred dollars (\$100.00) per vertical foot from the natural grade of the tower, which bond shall insure that an abandoned obsolete or destroyed facility shall be removed within six (6) months of cessation of use or abandonment. Any co-locator shall be required to additionally execute such bond as principal.

10. Roadside Agricultural Sales

- a. Roadside stands shall be designed to be removable structures used solely for the display and sale of agricultural products. Structures shall be removed during months when not in use.
- b. Applicant shall provide for adequate parking and safe ingress and egress.
- c. At least Fifty (50) percent of the agricultural products sold must be produced on the premises.

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- d. Stands may be constructed within yard setback areas but must be located a minimum of twenty (20) feet outside of the public right of way.

11. Sexually Oriented Business/Adult Use

- a. Applicant shall provide certification as to percentage of sales or rentals meeting the criteria of adult use/sexually oriented business; percentage of total floor area devoted to such uses.
- b. No adult uses shall be permitted within five hundred (500) feet from any existing residential lot or zoning district.
- c. No adult uses shall be permitted within one thousand (1,000) feet of any lot containing a church, public library, public or private educational facility that serves persons under eighteen years of age, elementary school, Public Park or recreation area or zoning approved day care facility.
- d. Hours of operation are limited to between 7.00 A.M. and 12.00 A.M.
- e. The Board of Zoning Appeals may, at their discretion, require additional or heightened setbacks, screening and signage standards.
- f. No such business shall be located within one thousand feet (1,000) of another sexually oriented business
- g. Any sexually oriented business operating as a conforming use is not rendered a nonconforming use by the subsequent location of a place of worship, school, Public Park or library within one thousand (1000) feet,

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or a residentially zoned district or use within five hundred (500) feet of the sexually oriented business.

- h. No sexually oriented business may operate outdoor activities or entertainment on site.

12. Strip Mines, Quarries, Gravel Pits

- a. No quarrying operation shall be carried on or any stock pile placed closer than one hundred (100) 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 provided that this distance requirement may be reduced to fifty (50) feet by written consent of the owner or owners of abutting property.
- b. 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 a type specified by the Board of Zoning Appeals.
- c. All equipment and machinery shall be operated and maintained in such a manner as to comply with Site Plan Review Performance Standards.
- d. An application for a Conditional Zoning Certificate for such operation shall set forth the following information in addition to the general requirements of this Chapter:
 - i. Name of the person or corporation conducting the actual removal operation
 - ii. Location, Description and size of the area from which the removal is to be made

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- iii. Location of processing plant to be used
 - iv. Type of resources or materials to be removed (sand, gravel, coal, etc.)
 - v. Proposed method of removal and whether or not blasting or other use of explosives will be required
 - vi. Description of equipment to be used
 - vii. Method of rehabilitation and reclamation of the mine area, detailed restoration plan operation in accordance with the plans and specifications submitted.
- e. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every application granted a mining permit as herein provided shall furnish a performance bond of \$4000.00 per acre with a minimum bond of \$50,000.00 to the Edinburg Township Trustees as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals, meet the following minimum requirements:
- i. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, the surface area of the water-filled portion being not less than ½ acre in area, or shall be graded or backfilled with non-noxious, non-inflammable, and non-combustible solids to secure:
 - ii. That the excavated area shall not collect and permit to remain therein stagnant water or:
 - iii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining area.

- iv. Vegetation shall be restored by appropriate seeds or grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
- v. The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

13. Private Recreation Facilities and Golf Courses

- a. Amplification of music, live entertainment or other noise emanating from the use that is audible at the property line is not allowed.
- b. The parking areas for the use shall be a minimum of one hundred (100) feet from adjacent properties used for residential purposes.
- c. Safe areas for pick-up and discharge of persons shall be provided.
- d. Commercial recreation facilities shall generally be limited to fishing clubs and lakes, miniature golf course, golf driving ranges, golf courses, sports training facilities, tennis clubs, swim clubs, or youth facilities related to non-profit church or other youth support groups. The category shall not be construed to include concert halls or outdoor concert areas, race tracks of any kind, stadiums or similar facilities intended to attract crowds in excess of 500 people. Agricultural tourism is exempt from this size limitation.
 - i. The use of firearms shall not be permitted as a part of user activities at a commercial recreation facility.
 - ii. A traffic impact study shall be submitted that assesses the impacts of the proposed use on roads and circulation patterns, and that

demonstrates compliance with traffic Level of Service Standards of this Resolution.

- iii. The only dwelling on the property of a commercial recreation facility shall be that of a caretaker of the facility and related family. Non-profit youth and church camps are exempt from this provision.
- iv. The Township may restrict outdoor lighting on the property greater than the performance standards otherwise required by this Resolution in order to eliminate glare or abutting roads and private property.
- v. All principal structures such as pools, club houses etc. shall be set back at least one hundred (100) feet from other property lines.
- vi. Golf course development shall, to the maximum extent feasible, adhere to the principles contained in the publication “Golf and the Environment: Principles for Golf Courses in the United States” (Center for Resource Management, 1996).

14. Agricultural Tourism/Entertainment

a. Parking Requirements

Off street parking adequate to meet peak time demand shall be provided in a manner that guarantees safe access and does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within required yard setback areas or within twenty (20) feet of the road right-of-way.

b. Hours of Operation

Approval of hours of operation by the Board of Zoning Appeals is required prior to initiation of activities.

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c. Time Limits

The applicant shall provide data establishing the seasons and estimated weeks of operation. The Conditional Zoning Permit shall clearly establish these parameters.

d. Limits on Retail Sales

Sales are limited to agricultural products meeting the criteria of Roadside Agricultural Sales and specific supporting products related to the agricultural tourism purpose such as animal feed pellets, U-pick containers, etc.

15. Accessory Use Structures

a. Accessory use structures within the General Residential District may exceed the total combined gross floor area prescribed, by an increase of 100%, providing all other conditions of Chapter 4.1 and Chapter 5 Section B are met.

CHAPTER 6 - SITE PLAN REVIEW AND PERFORMANCE STANDARDS

A. Purpose

Prior to obtaining a Zoning Certificate, all reviewing agencies, the Township Zoning Inspector, Township Zoning Commission, or in the case of Conditional Use permits, the Board of Zoning Appeals, shall review site plan applications, and all submitted plans and reports, and evaluate them to determine their compliance with the District conditions and with the following standards:

Single family and duplexes on a single lot are exempt from these standards.

B. Performance Standards

1. Limits of Disturbance

- i. Designation: Approved Limits of Disturbance shall be shown on the final site plan. Limits of Disturbance shall be designated in the field prior to commencement of excavation, grading, or construction with fencing or other methods approved by the Zoning Commission.
- ii. All construction activity, including, without limitation, grading, excavation, or stockpiling of fill material shall be contained within the approved limits of disturbance.
- iii. No construction activity shall be permitted within the limits of disturbance, whether to provide for a building site, on-site utilities or services, or for any roads or driveways, prior to the approval of any required erosion and sedimentation control plan for the development.
- iv. Barrier fencing: Construction barrier fencing shall be provided at the limits of disturbance during construction.

2. Landscaping/Buffering

General Regulation

Landscaping requirements shall apply to new property development and substantial expansion of existing structures, except for single family dwellings and parking lots of ten (10) spaces or smaller. Substantial expansion is defined as 50% of the existing structure.

- i. Plan Review – For any bufferyard or landscaping required in this Resolution, the applicant shall submit a landscape plan as part of the Site Plan Review process.
- ii. Bufferyards – Bufferyards shall be required around the boundary of all new developments to separate adjacent incompatible land uses and screen and soften the detrimental impacts of incompatible uses upon one another and upon the surrounding property line. Boundary bufferyards may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression, or other nuisance related purpose.
- iii. General Standards for Bufferyards
 - a. Responsibility for Installation of Buffer. Boundary and streetscape buffer areas shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant, or otherwise (hereinafter referred to as “Owner”).
 - b. Timing of Installation Landscaping and bufferyards shall be installed on site by completion of construction, or if not feasible, within one planting season after completion of construction.

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- c. Location
 - i. Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. On sloped areas the boundary buffer should be located to maximize its screening effectiveness.
 - ii. Streetscape buffers shall be located along, but outside of, the public right-of-way and may be required along private street easements.
- d. Minimum Width The minimum width for a buffer yard used to separate incompatible land uses shall be ten (10) feet.
- e. Adjacent Parcels Owned by Different Owners. When adjoining parcels have different owners, the required buffer shall be placed on each parcel being developed. However, a buffer that meets the requirement of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is recorded in the real estate property records of the County and runs with the property.
- f. Buffer yard Establishment. Once a buffer yard has been approved by Site Plan Review and established by the owner, it may not be used, disturbed or altered for any purpose.
- g. Buffer yard, Fences and Earth Berms An earthen berm of four (4) – six (6) feet or a four (4) –six (6) foot fence or wall may be installed instead of a buffer yard at the

discretion of the reviewing body.

3. Street Tree Planting Requirements

The planting of street trees shall be required at the time a parcel is developed or redeveloped and final landscape grade is completed in all zoning districts and in accordance with the following regulations. The following are requirements for the planting of street trees within the street right-of-way subject to approval by Portage County Engineer .

- a. All developers shall plant trees along proposed township streets in such a manner, type, quantity and location as set forth below. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development. See Appendix A for Plant List of acceptable trees and plants. For purposes of this section, trees shall be defined by mature heights they reach as indicated by the following: large – sixty (60) feet and taller, medium – up to forty (40) feet, and small – up to twenty (20) feet.
- b. The minimum spacing between trees shall be 40 feet for large trees, 30 feet for medium trees, and 20 feet for small trees.
- c. The maximum spacing between trees shall be 50 feet for large trees, 40 feet for medium trees, and 30 feet for small trees.
- d. The minimum distance between the edge of the mature tree and the edge of the street shall be 6 feet for a large tree, 4 feet for medium, and small trees.
- e. The tree location shall be at least 30 feet from an existing stop sign or from the standard location of a stop sign at street intersections and ten feet from fire hydrants and utility poles.
- f. A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A medium tree shall be used when planting within 20 lateral feet of overhead utility wires.

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- g. The developers shall be required to maintain the trees for two years after the trees are planted and to replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such two-year period. A two-year guarantee period shall begin at each planting and shall recommence as trees are replaced. Upon completion of a street tree planting, the contractor shall contact the Zoning Inspector for a preliminary inspection. The guarantee period shall begin after the approval of the Zoning Inspector. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growth condition shall promptly be replaced at the expense of the developer.
- h. Residential Landscaping Requirements – All residential lots shall be planted with a minimum of three (3) trees with a minimum diameter at breast height (DBH) of two (2) inches.. Any single-family detached lot shall have at least one (1) of the required trees located in the front yard, or on the south or west side of the house for effective summer cooling, or in the case of a corner lot, in the front yard or the side yard facing the street. Existing trees, of equal or larger DBH, if properly preserved will satisfy this requirement.
- i. Non-Residential Landscaping Requirements – In all institutional, commercial, and industrial developments: one (1) tree with a minimum 2 inches DBH shall be planted for every 1,000 square feet of gross floor area or fraction thereof. Existing trees of equal or greater DBH, if properly preserved, will satisfy this requirement

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- j. Uses Fronting on Arterials – Landscaped buffers shall be required within the front yard setback area of all uses fronting an arterial street. The landscaped buffer shall meet the following standards:
 - i. The minimum width of the buffer yard shall be 15 feet.
 - ii. Plantings for every 100 feet of buffer yard length: 5 Small Trees and 3 Trees from either Large or Medium Tree Plan List (see Appendix ___).
 - iii. Trees shall be planted in a random pattern, interspersing sizes of trees Large, Medium, and Small (see Appendix ___ for Large, Medium and Small Tree Plan List).
 - iv. Only the native plant species for each of these categories of trees as set forth in Appendix ___ shall be utilized.

4. Landscaping for Parking Lots

a. General Requirements

- i. Parking lots containing more than 6,000 square feet of area or 20 or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil that contains a minimum of 6 inches of top soil mix, as well as perimeter landscaping.
- ii. All parking lots 10 spaces or larger, shall provide perimeter landscaping.

b. Interior Landscape Requirements for Parking Lots:

- i. For every twenty (20) parking spaces or fraction thereof, the applicant shall provide not less than two

hundred (200) square feet of interior landscaped parking lot areas containing at least one tree with a minimum DBH of 2 inches and 4 shrubs.

- ii. The minimum landscape area permitted shall be 200 sq. ft. with a minimum planting width of 10 feet.

c. Perimeter Landscaping for Parking Lots:

- i. Parking lots shall have perimeter landscaping of a minimum width of fifteen (15) feet in width.
- ii. This perimeter landscaping shall contain evergreen plant material that will achieve an effective, opaque screen of a height of at least three feet within a year of installation. The perimeter buffer zone shall also contain deciduous trees.

5. Landscaping Materials and Specifications

Existing vegetation shall be preserved wherever practicable and may be credited towards landscaping requirements as set forth below.

The following items are suitable for screening uses individually or in combination with each other provided they create an opaque screen, subject to review and approval by the Site Plan Review Board.

a. Walls and Fences

When walls or fences are used to fulfill screening requirements, they shall be detailed on the landscaping plan and fencing height must be consistent with the requirements of the individual district in which it is constructed. Fencing must be of the following materials:

- a. Weatherproof materials, which includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware.

- i. Galvanized chain link fencing with wooden or synthetic slat material and aluminum or galvanized posts or hardware shall be allowed

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to satisfy bufferyard and landscaping requirements along side and rear setbacks.

- ii. Slats are to maintained in good repair with missing, broken or bent slats being replaced to maintain appearance and continued screening.

b. Plants

All plants are to be living and part of the acceptable plants list identified in Appendix ___.

- i. Deciduous Trees. Large/medium sized deciduous trees shall have a minimum DBH of at least 2 inches when installed at the time of planting. Small sized deciduous trees shall have a minimum DBH of at least 1 ¼ when planted. If deciduous trees are to be used for screening purposes, additional materials, including fences/walls or earth berms, must be used to create an opaque buffer.
- ii. Evergreen Trees Evergreen trees shall be a minimum of 4 feet in height at the time of planting. If used for screening, evergreen plantings shall be designed to provide an effective, opaque screen within 4 years of planting.
- iii. Shrubs and Hedges Shrubs and hedges shall be at least 18 inches in height or 24 inches in spread at the time of planting. If used for

screening, all shrubs and hedges shall be designed to provide an effective, opaque screen within 4 years after planting.

c. Earth Berms

Earth berms may be used as physical barriers which block or screen an unattractive view. Differences in elevation between areas requiring screening does not constitute an earth berm. Earth berms shall be constructed of earthen materials and shall conform to the following standards.

- i. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Inspector to ensure that proper erosion prevention and control practices have been utilized.
- ii. Berms shall be designed with physical variations in height and alignment throughout their length.
- iii. Landscape plant material installed on berms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- iv. The landscape plan shall show sufficient detail, including a plan and profile of the earth berm, soil types, and construction techniques to demonstrate compliance with the above provisions.
- v. Berms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.

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- vi. No part of any earth berm which is elevated more than eighteen inches (18”) above natural grade shall be located within twenty feet (20’) of any right-of-way or property line.
- vii. Grass or ground cover shall be used and maintained to prevent erosion of the earth berm.
- viii. No berm shall be left unvegetated with appropriate ground cover, mulch, turf grass or other suitable landscape material longer than one planting season after completion of construction.
- ix. Natural surface drainage patterns shall not be adversely affected by construction of berms.

6. Maintenance of Landscaping and Buffer yards.

- a. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. Such maintenance shall include all actions necessary to keep plantings healthy and orderly in appearance to and keep walls, fences, and berms in good repair and neat appearance.
- b. Any landscape material that fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead plant material shall be replaced within two years.

7. Clear Sight Triangles:

To insure that landscape materials do not constitute a driving hazard, a “clear sight triangle” shall be observed at all street and access drive intersections. Ground cover and trees with at least eight feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a street intersection, the sight triangle shall consist of the area between

points twenty feet (20') along both intersecting streets from their respective edge of pavements.

8. Wetlands and Stream Corridors

The following setbacks are considered minimum distances:

- i. Stream Corridors. All buildings, accessory structures, and parking lots shall be set back at least one hundred (100) feet horizontally (map distance), from the ordinary high-water mark of stream corridors.
- ii. Wetlands. All buildings, accessory structures, and parking areas shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.
- iii. Private Open Space/Landscaping Credit. All setback areas shall be credited toward any relevant private open space set-aside requirements or landscaping requirements.

9. Lighting

The intent of this section is to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting used to illuminate buildings; parking lots or the landscape shall be evaluated in the Site Plan Review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on adjacent property owners and the neighborhood.

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- i. Maximum lighting levels for outdoor facilities used at night shall be as follows:

<u>USE</u>	<u>Maximum Footcandle</u>
Building Surrounds (non-residential)	1.0
Parking Areas	2.0
Loading and Unloading Platforms	20.0

- ii. The amount of light trespass projected onto residential use from another property shall not exceed 0.10 vertical footcandles at the property line.
- iii. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and diffusion.
- iv. No light source shall be located on building facades directed outward toward property boundaries.
- v. Light fixtures shall be mounted on poles no higher than 35 feet.

10. Noise/Hours of Operation

- i. General Standard: No activity or operation within the district shall exceed the maximum permitted sound levels db (A) as set forth below at the property line of the receiving premises, except as provided in this section:

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Source of Sound and Time	Premises Receiving Sound/Sound Level db(A)		
	Residential	Commercial/Institutional	Industrial
Commercial/ Institutional			
Day	55	60	65
Night	50	50	55
Industrial			
Day	55	60	70
Night	50	50	60

*Night shall mean the hours between 10:00 p.m. and 7:00 a.m.

ii. Additional Standards for Specific Operations and Activities:

- a. Refuse Collection/Loading. No person or business shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at the property line. No refuse loading or collection shall take place between the hours of **7:00 p.m.** and **5:00 a.m.** when adjacent to Residentially Zoned Districts.
- b. Truck Loading. No truck loading or unloading shall be allowed within two hundred and fifty (250) feet of a residential lot between the hours of 10:00 p.m. and 6:00 a.m.

iii. Exemptions

Warning or alarm devices that have the purpose of unsafe or dangerous situations or calling for police are exempted from limitations from this section

11. Odors

No person or business, **excluding agricultural uses**, shall cause or allow the emission of odorous air contaminants from any source that results in detectable odors that are measured in excess of the following limits:

- i. For areas used predominantly for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor-free air.¹

12. Air Quality/Emissions

- i. To minimize off-site fugitive emissions, trucks carrying dry bulk materials are to be fully enclosed, or the cargo is to be enclosed within canvases, tarpaulins, or other method of confinement that fully covers the payload area of the truck. Alternatively, a crusting agent may be used to cover the cargo.
- ii. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.

13. Hazardous Waste/Materials

- i. All hazardous materials or wastes that might cause fumes or waste or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
- ii. No hazardous materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.

¹ The most widely used technique is the American Society of Testing Materials method using a syringe for making multiple dilutions and then determining if the odor is detectable once diluted. A scentometer measures the odor threshold. Air is drawn through carbon filters to produce odor free air, and mixed with a know amount of odorous gas. A limitation of this approach is that it assumes that equal amounts of all odors are equally objectionable--in other words, it focuses on quantity, not quality. A good discussion of odor pollution can be found in Frank L. Cross, Jr., Air Pollution Odor Control Primer (1973).

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- iii. If the proposed uses or tenants of a facility, building, or project are known to use or store hazardous materials or wastes onsite in excess of the amounts set forth in UFC Article 4.108, the applicant shall prepare at the direction of the Edinburg Fire Chief, a hazardous materials impact analysis that:
 - a. Assesses potential off-site impacts and appropriate mitigation procedures and precautions; and
 - b. Examines methods to reduce the use and storage of hazardous materials and the production of hazardous wastes at the site.

14. Glare or Heat

- i. If the proposed activity or operation produces glare or heat, whether direct or reflected, that is perceptible from any point along the development's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.

15. Operational/Physical Compatibility

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

- i. Hours of operation and deliveries
- ii. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
- iii. Placement of trash receptacles;
- iv. Location of loading and delivery areas;
- v. Light intensity and hours of full illumination;

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- vi. Placement and illumination of outdoor activity areas and equipment, including vending machines.

16. Adequate Public Facilities

All uses must demonstrate that adequate public facilities, in terms of sewerage treatment and water supply, are available to meet the intended use.

17. Parking Requirements—Spaces Required

For the purpose of this Resolution, in establishing off-street parking requirements, the Zoning Commission or Board of Zoning Appeals may utilize the requirements set forth below or the requirements set forth in the *Parking Generation Manual* (Institute of Transportation Engineers, 2nd Edition). The method to be used will be established during the Site Plan Review Conference. In the case of uses which are general commercial retail, the parking space requirements are considered to be maximums.

- i. Automotive Repair Services: Two spaces for each service bay, plus one space per employee.
- ii. Automotive Service Stations: One space per fuel pump, plus one space for each 1.5 employees.
- iii. Automotive Dealers: One space for each 400 square feet of floor area plus one (1) for each employee.
- iv. Banks and other Financial Institutions: One space for each 400 square feet of floor area plus sufficient stacking space at drive-up facilities to accommodate the number of automobiles equal to five times the number of teller windows.
- v. Bars/Taverns: One space for each 100 square feet of floor area.
- vi. Bed and Breakfast Inn: One space for each guest room plus two spaces for the permanent residence.

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- vii. Car Wash Facilities: Automobile car washes shall provide sufficient stacking spaces for four vehicles per bay, and one space per employee.
- viii. Commercial Nursery or Greenhouse: One space per 1,000 square feet of floor area plus one space per 2,000 square feet of land area.
- ix. Commercial School/Artist Studio: One space per 300 square feet of floor area.
- x. Contractor Yard: One space for each 1,000 square feet of floor area plus one space for each facility vehicle.
- xi. Convenience Store: One space for each 200 square feet of floor area.
- xii. Day Care Center: One space for each 500 square feet of floor area plus one space for each employee.
- xiii. Golf Course: One space per two employees, plus three per golf hole.
- xiv. Group Home: One space for each four beds.
- xv. Hotel/Motels: One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space.
- xvi. Industrial/Manufacturing: One space for each employee on the shift with the highest number of employees
- xvii. Medical Clinics: One space for each 100 square feet of floor area.
- xviii. Office: One space for each 400 square feet of floor area.
- xix. Personal and Business Services: One space for each 200 square feet of floor area.
- xx. Private Member Recreation Facility or Club: One space per 200 square feet of floor area or one space for each four seats, whichever is greater.
- xxi. Public Buildings: One space for each 200 square feet of floor area.

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- xxii. Recording, Radio, or TV Studios: One space per 400 square feet of floor area.
- xxiii. Recreational, Non-Commercial: One space for each 2 participants at maximum utilization.
- xxiv. Recreational, Commercial: One space for each 3 persons at capacity.
- xxv. Religious Places of Worship: One space for each four seats in the place of assembly.
- xxvi. Research and Development Laboratories: One space for each 500 square feet of floor area.
- xxvii. Restaurants: One space for each two seats of seating capacity.
- xxviii. Retail Business: One space for each 250 square feet of floor area.
- xxix. Shopping Center: Four spaces for each 1,000 square feet of floor area.
- xxx. Skating Rink: One space per each 200 square feet of floor area
- xxxi. Swimming Club: One space for each 300 square feet of pool and promenade area.
- xxxii. Theaters: One space for each three (3) seats plus one for each two employees
- xxxiii. Veterinarian Facility. Two spaces per examination room.
- xxxiv. Warehousing: One space for each 1,000 square feet

18. Parking Lot Standards

i. Joint or Collective Parking Facilities:

Shared parking facilities are strongly encouraged and are permitted if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one

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use operates during evenings or weekdays only.) The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating their reasons for the requested parking reduction. Shared parking may be approved if:

- a. A sufficient number of spaces are provided to meet the highest demand of the participating uses;
 - b. Evidence to the satisfaction of the Zoning Commission or Board of Zoning Appeals, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
 - c. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Zoning Commission or Board of Zoning Appeals are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the development from the uses they are intended to serve.
- ii. Handicapped Parking Requirements
- a. A sufficient number of spaces are provided to meet the highest demand of the participating uses;
 - b. The dimension of parking spaces serving handicapped persons shall be at least twelve (12) feet wide by eighteen (18) feet long and shall have a 96" access aisle.
 - c. Parking facilities serving buildings and facilities required to be accessible to the physically disabled shall have conveniently located designated handicapped parking spaces to be provided as follows:

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TOTAL PARKING SPACES IN LOT	MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

iii. Paving

Any off-street parking or loading area shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.

iv. Drainage

All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto public streets.

19. Pedestrian and Bicycle Paths

- a. To the maximum extent feasible, retail and commercial development shall provide pedestrian linkages, including bikeways, to existing trail systems, parks, schools, and adjacent developments.
- b. Bicycle Paths: Where linkages are provided through the development of dedicated off-road bicycle paths, the minimum right-of-way will be 18 feet, and the pavement width will be 10 feet.

C. Minor Modifications to Approved Site Plans

1. The Zoning Inspector may approve minor Site Plan changes as defined below.
 - i. Decreases in building size
 - ii. Changes in building siting less than twenty-five (25) ft. if all required setbacks and spacing of the district are met.
 - iii. Changes in roadway location by not more than ten (10) feet if all required setbacks and spacing of the district are met.

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- iv. A decrease or increase in lot size as long as requirements of the District and all required setbacks and spacing of the district are met.

2. Procedure for Approval of Minor Modifications

- i. Within fourteen (14) days of the submittal of an application for approval of minor modifications, the Zoning Inspector shall approve or deny the application.
- ii. Prior to approval or denial, the Zoning Inspector shall confer with the County Engineer on any proposed modification of D(1)(iii) above. All denials shall be in writing. Approved modifications shall be noted on a revised plan which shall plainly be marked as “Amended.”

D. Major Modification to Approved Site Plan

All modifications to an approved Site Plan not covered by Section D shall be considered a request for an amended Site Plan and shall be reviewed under the procedures for Site Plan Review.

E. Occupancy and Use Changes

All changes in occupancy or use must be applied for in writing and submitted to the Zoning Inspector. All requirements for a change in occupancy or use must comply with the requirement of the Zoning Resolution existing at the time of the application. All applications will be treated as a new application for zoning permit and follow the same procedure for approval.

F. Professional Review Provisions and Fees

A fee structure established under the parameters of the Township Trustees will be set to provide for the professional review of Site Plan Applications as deemed

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required by the Zoning Commission or Board of Zoning Appeals. All fees required must be paid at time of application.

CHAPTER 7 - SIGN REGULATIONS

Section A. PURPOSE

The purpose of this section is to provide for the use, location, and size of signs throughout the Township in an orderly manner that will promote the public safety, health, convenience, comfort, and traffic safety; provide for adequate identification of uses; minimize the confusion, unsightliness, and self-defeating consequences of the use of an excessive number of signs or signs of excessive size; assure the continued attractiveness of the community and assist in economic development.

Section B. SIGNS PERMITTED IN ANY DISTRICT

- 1) Permanent signs limited to the following:
 - a. Signs incidental to legal process and necessary to the public safety and welfare. No zoning certificate or fee shall be required.
 - b. Memorial signs or tablets, name of building, and date of erection. Memorial signs or tablets shall have an area not to exceed four (4) square feet facing each road and shall be affixed flat against any building. Signs under this subsection may be illuminated only as part of the overall illumination of the building exterior. No zoning certificate or fee shall be required.
 - c. Signs appropriate to a church, school, community center or other public or semi-public building for the purpose of displaying the name and activities or services therein provided, having an area not larger than twenty (20) square feet per sign face, not exceeding

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four (4) feet maximum overall height above the average grade in the area of the sign, and restricted to the premises. No fee is required.

- d. One (1) non-illuminated sign not to exceed two (2) square feet in area is permitted for the indication of the name and/or address of the occupant or premises; no zoning certificate or fee shall be required.
- e. One (1) non-illuminated sign not to exceed two (2) square feet in area is permitted when in direct relation to a permitted home occupation. One (1) non-illuminated sign not to exceed sixteen (16) square feet is permitted when in direct relation to an approved family business. A zoning certificate but no fee is required.
- f. Any public notice or warning sign required by a federal, state, or local governmental unit. No zoning certificate or fee shall be required.
- g. Traffic control signs on private property, which contain no commercial message. No zoning certificate or fee shall be required.

2) Temporary signs limited to the following:

a. Real Estate and Development Signs

- (i) One (1) non-illuminated real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or

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rental of the particular building or premises upon which displayed. Such sign shall be removed by the property owner or realtor identified on the sign within ten (10) days after the time said building or premises is sold, leased, rented, or the real estate listing for the property is terminated or otherwise withdrawn. No zoning certificate or fee shall be required.

- (ii) One (1) non-illuminated temporary real estate sign facing each abutting thoroughfare advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary six (6) month zoning certificate and shall be removed from the premises within thirty (30) days of the sale or lease of the last lot thereof or upon the expiration of any twelve (12) month period during which no lot is sold or leased, or in the case of a non-residential development, within thirty (30) days of the date of occupancy of any part of the project for its intended purpose. Projects that are developed in stages may be permitted by the Zoning Inspector to have one (1) such sign for each phase but shall at no time have more than one (1) such sign facing any abutting thoroughfare. A sign permitted under this section shall not exceed twenty (20) square feet in area per sign face with a limit of two (2) faces, shall not exceed four (4) feet in overall height above the average grade in the area of the sign, nor shall it be located closer than twenty-five (25) feet to any road right-

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of-way line. If eligible, the renewal of the zoning certificate shall be made only if the sign and ground upon which the sign is located are maintained in a neat and orderly manner.

b. Special Events Signs

(i) Special Event

The Zoning Inspector may permit in any district of the Township the placement of not more than a total of fifteen (15) temporary signs advertising events or activities occurring or to occur within the Township, or advertising other locally oriented objectives of any type. Each such sign shall not exceed sixteen (16) square feet in area and shall be limited to display period of thirty (30) days. No fee shall be required, but a cash deposit of fifty (\$50) dollars shall be made with the Zoning Inspector by any individual or organization wishing to place a sign or signs. Such cash deposit shall be refundable upon the removal of all signs and supporting materials. Upon failure to remove signs within the thirty (30) day period, without limitation of remedy, the cash deposit shall be forfeited to the Township to defray the costs of removing the signs.

(ii) Political Signs

The Zoning Inspector may permit in any district of the Township the placement of signs promoting candidates for public office, the support or defeat of issues, or other

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objectives to be placed on the ballot. Such signs shall not be placed on utility poles or over public property or right-of-ways. Such signs shall be placed no earlier than thirty (30) days prior to the date of the election to which they relate and such signs and all supporting materials shall be removed within five (5) days following the election.

(iii) **Garage Sale**

The Zoning Inspector may permit in any District of the Township the placement of not more than a total of four (4) temporary signs advertising a garage sale. Each such sign shall not exceed four (4) square feet in area and shall be limited to a display period of three (3) days before the start of said sale to one (1) day after said sale. No Zoning Certificate or fee shall be required.

3) Signs Relating to the Sale of Seasonal Agricultural Products at Roadside Stands

One (1) unlighted sign not more than twenty (20) square feet in area or temporary portable sign may be used in conjunction with a roadside stand and shall be used only to advertise seasonal agricultural products on the premises. Such sign shall be removed at conclusion of the seasonal sale.

Section C. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

1) Permanent Residential Development Identification Signs

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One (1) permanent, non-illuminated identification sign not to exceed twenty (20) square feet per face or side shall be permitted at the primary entrance to identify any residential development. Such signs shall not be closer than twenty (20) feet to the road right-of-way. All such signs shall be landscaped and maintained in a neat and orderly manner.

2) Permanent Directional and Informational Signs in Residential Developments

Non-illuminated signs may be used in conservation development subdivision, major subdivision and in multi-family residential developments to direct vehicular traffic within the development and to assure the safety of the residents and visitors in such a development. Such signs shall be of a size and constructed of materials to be compatible with a residential development. A plot plan indicating such signs shall be submitted as part of the general plan to the Zoning Commission and approved prior to the sign construction. The Commission may require changes in sign specifications in order to maximize the safety and welfare of future residents of the development.

3) Security, Lawn Service, and Contractor Signs

Non-illuminated signs no greater than five (5) square feet in area shall be allowed in the front yard of a dwelling. Such sign shall display the name and/or logo of a security system company, lawn service company, or building contractor, and shall be maintained in a neat and orderly manner.

Section D SIGNS PERMITTED IN BUSINESS DISTRICTS

Signs shall be permitted in any business district and shall be limited to those specifically permitted below. Such signs are subject to the following regulations.

1) Identification Signs

Two (2) exterior business name or identification signs may be erected for each primary business building.

- a. Not more than one (1) wall or building face identification sign may be fixed flat against the wall of the building or on a face of a marquee wall, except in the case of a corner lot where one (1) sign may be placed on the side facing each thoroughfare.

No wall sign shall extend above or beyond the building wall or project more than twenty-four (24) inches from the surface of the wall structure. Such sign shall not exceed fifty (50) square feet or ten (10) per cent of the area of the wall face of the building to which the sign is affixed, whichever is smaller.

- b. One (1) monument sign displaying the business name or identification may be erected in the front yard of the parcel upon which the primary business building is located, except in the case of a corner lot where one (1) sign may be placed in the front yard facing each thoroughfare.

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- (i) Such sign shall not exceed fifty (50) square feet in area per side.
- (ii) The overall height of the sign shall not be more than **six (6)** feet from the grade level at the side of the sign and shall be an integral part of the required front yard landscaping.
- (iii) No monument sign shall be located closer than twenty (20) to the road right-of-way line.
- (iv) Landscaping shall be provided at the base of each monument sign. Landscaping shall include a mixture of evergreen and deciduous shrubs and ground cover. Maintained areas of annual or perennial flowers are also acceptable.
- (v) No pole type or high-rise sign may be utilized except as approved by ODOT highway standards.
- (vi) All signs on property abutting State and Federal highways must meet the requirements of ORC 5516.06 and require a permit from the State of Ohio Department of Transportation.

2) Product and Service Signs

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- a. One (1) exterior sign may be erected which advertises the services, products, merchandise or commodities produced, stocked, and sold on the premises. Such a sign shall not exceed fifty (50) square feet and shall be limited to a sign used in lieu of a freestanding or wall located identification sign specified above and under the same conditions.
- b. In addition to other signs permitted by this section, automobile stations may have for pricing and service information purposes not more than one (1) double-faced sign per pump island. Such sign(s) shall not be greater than twenty-four (24) inches by thirty-six (36) inches, shall be confined to the pump islands and permanently attached.
- c. Special and periodic advertising signs located inside an enclosed building and visible through a window or windows may be permitted where the area of the sign(s) does not exceed twenty (20) percent of the window area. Such sign(s) shall advertise only those products and services provided on the premises.

3) Signs for Shopping Centers Group of Buildings, and Other Multiple Occupancy Buildings

The Zoning Commission or Board of Zoning Appeals as part of the application review process may authorize the issuance of a Zoning Certificate for one (1) sign to be permitted for each individual business, premises, or occupant in a shopping center or multiple occupancy

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building. Such a sign may be in addition to the two (2) identification signs permitted under this section. Said identification signs to be limited to the identification of the name of the shopping center, groups of buildings, or multiple occupancy buildings when not part of a building group. The authorization of additional signs shall be subject to the following objectives and criteria:

a. Objectives

- (i) The primary sign(s) shall be the identification sign(s) for the shopping center, group of buildings, or overall building in which the individual businesses, premises, or occupants are located; the individual business signs shall be for location identification purposes only and shall be secondary to the primary identification sign in size, positioning, and all other characteristics.
- (ii) To as great a degree as possible, the individual business sign shall be designed and located so as to be complimentary and consistent with the architectural design of the overall building and area.
- (iii) The one (1) free-standing on the ground identification sign permitted in the front yard of the shopping center, the groups of buildings, or overall buildings shall be used for the identification of the shopping center and individual businesses.

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- (iv) Individual businesses or occupancy signs shall be primarily for identification purposes by the shopper or client from vantage points on the shopping center site or on the site of the overall building.

b. Criteria

- (i) The area of the sign(s) permitted for each individual business, premises, or building occupant shall be proportional to the percentage of the total floor area occupied; however, no individual business, premises, or occupancy sign shall exceed a total area of fifty (50) square feet, all faces included.
- (ii) The aggregate area of all individual signs shall not exceed an area equal to ten (10) percent of the total wall area upon which the signs are located, but in no case shall such aggregate area exceed two hundred (200) square feet unless specifically permitted by the Board of Zoning Appeals.
- (iii) All individual business, premises, or building occupant signs shall be located as part of a unified directory at key pedestrian circulation or parking area locations or shall be oriented to the specific location of each business.
- (iv) All signs shall be located so no part of the sign extends above the top of walls, canopies, or other building elements

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upon which the sign is located.

- (v) Signs permitted under this section may be internally or externally illuminated from a non-fluorescent source.
- (vi) All proposed changes in signs and their location or the addition of new signs shall require the prior approval of the Zoning Commission.

4) Directive Signs

Directive signs, not to exceed six (6) square feet in sign area, may be located not closer than ten (10) feet to the road right-of-way line to direct vehicular traffic on the premises in order to promote traffic safety. Signs shall not exceed four (4) feet in overall height. No such signs shall be constructed in a manner that will obstruct vision of vehicular traffic. Sign contents shall be confined to information directing traffic on the premises.

Section E SUPPLEMENTARY SIGN REGULATIONS

1) Prohibited Signs

- a. Animated, flasher-type, blinker-type, racer-type, moving or revolving signs, flags, streamers, exposed light bulbs, and other similar features or signs shall be prohibited, except for time and temperature signs.

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- b. No pole-type or high-rise sign may be erected and/or maintained in any district of the Township.

2) **Locational Requirements**

- a. Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at road intersections. No sign shall be constructed on or over any road right-of-way.
- b. No off premises signs are allowed. Existing off premises signs must be removed within 5 years of adoption of this Resolution.
- c. Unless otherwise specified in this section, all signs shall be located at least twenty (20) feet from any street right-of-way line. All signs on property abutting State and Federal highways must meet the requirements of ORC 5516.06 and require a permit from the State of Ohio Department of Transportation.

3) **Similarity to Traffic Control Devices**

Signs visible from a road shall not contain any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.

4) **Illumination**

Unless otherwise permitted or restricted in this Resolution, signs, which are illuminated, shall use lighting in which the source of light shall not be

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visible from the road and shall not shine on adjoining properties. No flashing, revolving, or intermittent illumination shall be employed. In addition, lighting shall comply with the intensity limits contained in the Site Plan Review and Performance Standards.

5) Design, Construction, and Maintenance

Any sign erected in accordance with the provisions of this section shall be compatible with the general character of the community and neighborhood and shall constitute a minimum interference in the unity aesthetic appearance of the premises and adjacent properties.

The Zoning Inspector may order any sign to be painted or refurbished at least once each year if needed to keep the sign and surrounding landscaping in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition. The Zoning Inspector may order removed any such sign that is not so maintained, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the Zoning Inspector to do so.. All signs shall be constructed to meet the requirements of the Ohio Basic Building Code.

6) Removal of Obsolete, Unsafe, and Nonconforming Signs

- a. If any nonconforming advertising sign or structure is damaged in excess of one-half (1/2) of its replacement value, it shall be reconstructed in accordance with existing Township Zoning

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Regulations.

- b. Any conforming or nonconforming sign and supporting materials existing which no longer advertises a bona fide business conducted, shall be taken down and removed within thirty (30) days of said business termination by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found. Written notification from the Zoning Inspector concerning the removal of a sign shall be complied with within thirty (30) days.
- c. If the Zoning Inspector shall find that any sign or other advertising structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having the beneficial use of said sign, who shall thereafter immediately correct the condition for which said notice was given.

7) Zoning Certificate Requirement

A zoning certificate shall be required for every permitted sign except as otherwise provided herein. All signs shall be erected only upon the submission of a proper plan and its approval by the Zoning Inspector.

8) Portable Signs

- a. Portable/Temporary Signs Greater than Sixteen (16) Square Feet

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These are signs which can be readily moved and are not permanently installed. Such signs intended to be in place longer than seven (7) consecutive days require that the sign be registered with the Zoning Inspector with the date of installation, date of intended removal, owner's name and location noted. In no case shall a temporary sign be given a Zoning Certificate to exceed sixty (60) consecutive days.

Portable signs which require electrical service shall have a positive connecting device on the sign and all electric service lines shall be protected from traffic damage.

CHAPTER 8 – DEFINITIONS

The following words, terms and phrases, when used in this Resolution, shall have the meanings ascribed to them in this Section:

Access drive shall mean a way or means of approach, other than a street or road, to provide vehicular entrance to a property. See “Driveway.”

Accessory building shall mean a building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

Accessory use shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.

ADT shall mean the average daily traffic volumes on a street or road.

Adequate public facilities ("APF") shall mean the public facilities and services necessary to maintain the adopted level of service standards.

Adult arcade shall mean any place to which the public is permitted or invited where either or both

- (a) motion picture machines, projectors, video or laser disc players, or other video or image-producing devices are available, run via coin token, or any other form of consideration to show images to five (5) or fewer persons per machine at any one time; or
- (b) live entertainment is available in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomic areas.

Adult bookshop, adult novelty store, or adult video store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
- or
- (b) instrument, devices, or paraphernalia, other than prophylactics, that are designed

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for use in connection with specified sexual activities.

A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or material designed for use in connection with specified sexual activities if:

- (i) Such commercial establishment devotes more than fifteen (15) percent of its total floor area to such sales or rentals
- (ii) Such commercial establishment devotes more than fifteen (15) percent of its product display space to such sales or rentals or
- (iii) On an annual basis, more than fifteen (15) percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals.

Adult cabaret shall mean a nightclub, bar, restaurant, theatre, concert hall, auditorium or other commercial establishment that, for the purpose of arousing, stimulating, or gratifying the sexual desire of employees or customers, features:

- (a) persons who appear in a state of nudity or semi-nudity
- (b) live entertainment characterized by the depiction or description of specified anatomical areas, or
- (c) live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators, or similar entertainment.

Adult motel shall mean a motel, hotel, or similar commercial establishment that:

- (a) offers accommodations to the public for any form of consideration, and provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas: and has a sign visible from the public right of way which advertises the availability of this sex-oriented type of photographic reproductions.
- (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours, or
- c allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

Adult motion picture theater shall mean a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic

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reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Agriculture shall mean the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that

- (a) The operation of any such accessory uses shall be secondary to that of normal agricultural activities
- (b) The above uses shall not include the feeding of garbage or to animals or the operation or maintenance of a commercial stockyard or feedlot.
- (c) In accordance with the Ohio Revised Code 51% of what is being sold must be grown on site or on property of the owner.

Amendment shall mean any addition, deletion, or revision of the text of this Resolution or any addition, deletion, or revision of the Official Zoning Map adopted by Edinburg Township after public hearings.

Applicant shall mean a developer, landowner, or other person with a legal property interest, including heirs, successors, and assigns, who has filed an application for subdivision or development.

Application for subdivision or development shall mean the application form and all accompanying submittal documents and exhibits required of an applicant by an approving authority for review of site plans, conditional uses, planned developments, and other similar development or land use purposes.

Artisan studio shall mean the workshop of an artist, sculptor, or craftsperson.

A-Scale sound level (dBA) shall mean the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.

Assisted living shall mean residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Automated teller machine (ATM) shall mean a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.

Automotive dealer shall mean the use of any building, land area, or other premise for the display and sale of new or used automobiles generally, but may include light trucks or van, trailers, or recreational vehicles, and including any vehicle preparation or repair work

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conducted as an accessory use.

Automobile service station shall mean any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; servicing and minor repair of automobiles; and as a permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. *Automobile service stations* shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting, and body fender work are conducted.

Bank or financial institution shall mean establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

Bar or tavern shall mean an establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary (also known as a tavern).

Basement shall mean a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (as distinguished from a *cellar* which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than six and one-half feet).

Bed and breakfast inn shall mean an establishment operated in a dwelling unit, or portion thereof, that provides short-term lodging, with or without the service of a morning meal only, for compensation and where the operator lives on the premises, or in adjacent premises.

Bedroom shall mean a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Berm, in the context of landscaping or buffer yard requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

Bikeway shall mean either of the following:

- (a) *Bicycle lane* a portion of the roadway designated for bicycles by striping, signage and/or pavement markings for preferential or exclusive use of bicycles. Bike lanes must be located on both sides of the road to accommodate bicyclists traveling in the same direction as the adjacent vehicular lane.
- (b) *Bicycle path* a facility physically separated from the roadway and intended for bicycle use. A bicycle path is designed for the use of two lane, two-way bicycle traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road.

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Building shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

- (a) Is permanently affixed to the land; and
- (b) Has one (1) or more floors and a roof; and
- (c) Is bounded by either open space or the lot lines of a lot.

Building, principal shall mean the building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one building or structure.

Building envelope shall mean an area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the township zoning regulations. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.

Buffer shall mean a designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained by an association.

LAND USE BUFFER: Land area used to separate or visibly shield and/or screen one use from another.

RIPARIAN BUFFER: A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.

WETLANDS BUFFER: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

Buffer yard shall mean open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Bus shelter shall mean a small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

Business park, office or industrial shall mean a tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial or office uses, with consideration given to overall on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Business services shall mean establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services;

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equipment rental and leasing; commercial research; development and testing; photo finishing; photocopying and printer services; and personal supply services.

Capacity shall mean, where used in reference to any street, the maximum traffic volume for which such street can provide an adequate level of service.

Car wash shall mean any building, structure, or premises or portions thereof used for washing automobiles, and includes automatic car washes.

Cemetery shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

Church shall mean a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Clear sight triangle--see "Sight distance" below.

Clearing shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts include, but are not limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.

Clinic — see "Medical clinic."

Club shall mean an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.

Clustering shall mean a site design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial development shall mean any land development activity except development activity intended solely for residential or industrial use.

Commercial recreational or sports training facility — see "Recreational facility, commercial."

Common open space shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.

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Common Drive shall mean a private way which provides vehicular access to at least two but not more than five (5) dwelling units.

Compatible or compatibility shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting *compatibility* include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect *compatibility* are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development

Composting shall mean the biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, and non-human manures to produce material for fertilizing and conditioning soil.

Comprehensive plan shall mean the Comprehensive Plan of Edinburg Township, as amended from time to time, or the most recently adopted comprehensive plan of Edinburg Township.

Conservation Development shall mean a contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under residential district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.

Conservation Easement shall mean a legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by ORC§ 5301.67 through 5301.70.

Convenience store shall mean a retail establishment offering for sale food products and beverages for off-site consumption, household items, newspapers and magazines, and other general merchandise. The retail dispensing or sale of vehicular fuels as an accessory use to a convenience store may be permitted.

Convention and conference center shall mean a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating, and recreation.

Corner lot shall mean a lot that abuts two (2) or more streets that intersect at one or more corners of the lot.

Covering, in relation to Sexually Oriented Businesses shall mean any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

Cul-de-Sac a passage with access only at one end

Culvert shall mean a drain, ditch, or conduit, not incorporated in a closed system, that carries

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drainage water under a driveway, roadway, railroad, pedestrian walk, or public way. *Curb* shall mean a stone, concrete, or other improved boundary usually demarcating the edge of a roadway, parking lot, or other paved area.

Curb cut shall mean the opening along the curb line at which point vehicles may enter or leave the roadway.

Cut shall mean the excavating of earth from the ground surface during the process of land development.

Cutoff shall mean the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

Cutoff angle shall mean the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Day care center shall mean a building or structure where care, protection, and supervision are provided for individuals on a regular basis away from their primary residence for less than 24 hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally retarded children, but specifically excludes any group home as defined in this Chapter.

Density shall mean the measure of the number of dwelling units permitted per gross acre of land area contained within the development.

Developer shall mean the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

Development shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels.

- (a) *Development* shall include:
 - (i) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
 - (ii) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 - (iii) Any change in use of land or a structure;
 - (iv) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
 - (v) The clearing of land as an adjunct of construction;

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- (vi) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 - (vii) The demolition of a structure;
 - (viii) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
 - (ix) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.
- (b) *Development* shall not include:
- (i) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
 - (ii) Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
 - (iii) A change in the ownership or form of ownership of any parcel or structure; and
 - (iv) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- (c) When appropriate in context, *development* shall also mean the act of developing or the result of development.

Developmentally disabled shall mean a person five years of age or older with a severe, chronic disability that:

- (a) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (b) Is manifested before the person attains age twenty-two;
- (c) Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (i) self-care;
 - (ii) receptive and expressive language;
 - (iii) learning;
 - (iv) mobility;
 - (v) self-direction;
 - (vi) capacity for independent living; and
 - (vii) economic self-sufficiency; and
- (d) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services and supports which are of lifelong or extended duration and are individually planned and

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coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to age five years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.

Diameter at breast height (DBH) shall mean tree trunk diameter measured in inches at a height of 4.5 feet from the ground or, in the case of a tree that is divided into multiple trunks below 4.5 feet, as measured at the most narrow point beneath the point of division.

District shall mean a zone or zoning district.

Drainage shall mean surface water runoff or the removal of surface water or groundwater from land by drains, grading, or other means, which includes runoff controls to minimize erosion and sedimentation during and after construction or development.

Drip line shall mean a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive aisles shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

Drive-through use shall mean an establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway shall mean a private roadway providing access to a street or highway from a building or structure.

Driveway, shared shall mean a single driveway serving two or more adjoining lots or uses.

Duplex— see “Dwelling, duplex.”

Dwelling, accessory shall mean a second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping

Dwelling, duplex shall mean a dwelling designed and built to contain two (2) dwelling units, whether side-by-side or one above the other, but each an independent dwelling relative to utilities, facilities, and access.

Dwelling, mixed use shall mean a dwelling that is located on the same lot or in the same building as a non-residential use.

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Dwelling, multi-family shall mean a building containing five (5) or more dwelling units, typically including units located one over the other, but not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-family shall mean a dwelling containing no more than one (1) dwelling unit.

Dwelling, single-family attached shall mean a single-family dwelling attached to at least three (3) such units of one or more stories in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, single-family detached shall mean a single-family dwelling which is not attached to any other dwelling or building by any means, including manufactured housing situated on a permanent foundation.

Dwelling unit shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, duplex, or multi-family dwelling or mixed-use building.

Easement shall mean a grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.

Elderly shall mean a person sixty-two (62) years of age or older.

Employees shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.

Employees: Sexually Orientated Business shall mean a person who performs any service or work on the premises of any adult use/sexually oriented business including, but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions on a full-time, part-time or contract basis whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said businesses. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Entertainment facilities and amusement facilities shall mean a building or part of a building devoted to providing entertainment for a fee, including movie theaters and theatrical space for dramatic, musical, or live performances, indoor pinball/video arcades, bowling alleys, and including such activities as billiards and pool, other table games, and similar-scale amusements.

Entrance drive—See “Access drive” and “Driveway.”

Essential public utility and public services shall mean the erection, construction, alteration, or maintenance by public utilities having the power of eminent domain, or by municipal departments, of underground or overhead gas, electrical, steam, or water transmission or

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distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or township departments or for the public health or general welfare, but not including transfer stations, power transmission tower lines, and other similar uses not primarily serving the Township.

Excavation shall mean the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.

Family shall mean an individual living alone, or a group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single household, under a common housekeeping management plan based on an intentionally structured relationship that provides organization and stability. (*see* "Household.")

Family Business shall mean commercial activities conducted on the property of a home owner, with or without accessory buildings subject to Conditional Use provisions contained in this Resolution.

Family day care home shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen (16) years who is not related to the provider and in which no more than three (3) children are under two years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve (12) children at one time, including the children of the provider.

Farm animals shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.

Federal Emergency Management Agency (FEMA) shall mean the agency with the overall responsibility for administering the National Flood Insurance Program.

Fence shall mean an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fill shall mean sand, gravel, earth, or other materials of any composition whatsoever excavated from elsewhere and deposited to build up the ground surface in the process of grading.

Fire lane shall mean an unobstructed paved or improved surface area clearly defined by pavement markings and signs, and designed to provide access for fire-fighting equipment.

Fireworks shall mean any combustible or explosive compositions, or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

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Floodplain shall mean any portion of land within the Township that may be subject to flooding in the 100 year floodplain area as delineated in the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map, Portage County.

Floodway shall mean the channel of a river or other 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 a designated height.

Floor area, gross shall mean the gross floor area of a building as measured along the outside walls of the building and including each floor level, but *not* including open balconies; garages or other enclosed automobile parking areas; basements used only for heating, mechanical, and similar equipment; and one-half (½) of all storage and display areas for hard goods.

Floor area ratio (FAR) shall mean the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.

Footcandle shall mean a unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

Frontage shall mean the distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.

Funeral home shall mean a building used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.

Garage shall mean an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature.

Government facilities, administrative offices, and services shall mean lands and buildings owned or operated by a local, state, or federal entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, or sanitary or storm sewage drainage.

Grade shall mean the vertical alignment of a surface of land, as it exists or as rendered by cut and/or fill activities.

Grade, finished shall mean the final elevation of the ground level after topsoil has been applied to graded slopes, as measured six (6) feet from the exterior walls of the structure.

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Grade, natural shall mean the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Grading shall mean rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

Group home shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

Group home, transitional shall mean a group home serving persons who are in the process of transitioning or returning from an institutional remedial setting to independent living.

Hazardous waste or materials shall mean those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

Height shall mean the distance above a given level.

Historic and/or architectural significance shall mean a building or structure that has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the city, region, state, or nation.

Home occupation shall mean an activity carried out for monetary gain by a resident conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

Homeowners association shall mean an organization formed to manage the common open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization, is mandatory for all owners of property in the development.

Hospital shall mean an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

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Hotel shall mean a facility containing five (5) or more guest rooms and offering transient lodging accommodations at a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Household shall mean a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and of all areas and facilities for the preparation and serving of food within the dwelling unit. *See* “Family.”

Impervious coverage shall mean that portion of a lot that is covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater such as paving and driveways.

Industrial use shall mean both of the following type uses:

- (a) *Industrial use, heavy*—a use engaged in the basic processing and/or manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- (b) *Industrial use, light*—a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, *light industrial* shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories and the like. *Light industrial* shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries.

Infrastructure shall mean those man-made structures that serve the common needs of the population, such as: potable water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas and other utilities; bridges; roadways; multi-purpose paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

Institutional/civic/public use shall mean an educational, religious, health, or public use, such as a church, library, museum, public or private school, hospital, institutional residences such as intermediate or long-term care facilities for the elderly or developmentally disabled, or government-owned or operated building, structure, or land used for public purpose, and in which goods, merchandise, and services are not provided for sale on the premises.

Institutional residential uses shall mean residences for nine (9) or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature. *Institutional residential uses* include, but are not limited to, long-term care facilities, nursing homes, group homes for nine (9) or more clients, and intermediate care facilities. *Institutional residential uses* do not include assisted

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living facilities, group homes for eight (8) or fewer clients, day care centers, or family day care homes.

Invasive Species shall mean organisms that harm, or have the potential to harm, the environment, economy, or human health.

Kennel shall mean any lot or premises on which two (2) or more dogs, more than three (3) months of age are bred for sale, or for hunting or are boarded.

Land use shall mean the activity or activities for which a lot or property and the buildings or structures on it are devoted.

Landfill shall mean a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Landscaping shall mean any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains and the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, and the preservation, protection, and replacement of existing trees.

Land Trust shall mean a non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under ORC§ 5301.68.

Level of service (LOS) shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.

Limits of disturbance shall mean the area(s) of a site that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, parking areas, roads, drainage and stormwater management facilities, and/or utilities.

Liquor store shall mean a retail establishment licensed by the State of Ohio Department of Liquor Control to sell alcoholic beverages in containers, including wine, beer, and hard liquor, for consumption off-premises (carry-out).

Loading area shall mean an off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.

Lot shall mean a piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied, or intended to be occupied by one or more buildings, structures, or

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uses, together with such open spaces and access to or frontage on a public street, as required by this Resolution.

Lot area or size shall mean the amount of horizontal (plan view) land area within lot lines expressed in acres or square feet, based on deed description or registered surveyor's survey, excluding any street rights-of-way. One acre equals 43,560 square feet.

Lot depth shall mean the horizontal distance between the mid-point of the front and of the rear lot lines.

Lot line shall mean any of the lines describing the perimeter of a lot.

Lot line, front shall mean the lot line describing the edge of the lot abutting the street to which the lot has access and is oriented for purposes of development. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear shall mean the line opposite the front lot line.

Lot line, side shall mean any lot lines other than front lot line or rear lot line.

Lot width shall mean the horizontal (plan view) distance between the side lot lines as measured along the building front setback line.

Maximum extent feasible shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Medical clinic shall mean an establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not usually lodged overnight.

Mixed use shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mobile home shall mean a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.

Mobile home park shall mean a parcel of land which has been planned, improved, or is currently used for the placement of mobile homes and contains more than one mobile home lot.

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Model home shall mean a dwelling representative of other dwellings offered for sale or lease or to be built in an area of residential development within the Township. *Model home* also includes a temporary and permitted use of a residential facility as a real estate sales office.

Motel shall mean an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Natural Feature shall mean an existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

Neighborhood park shall mean a park that serves the recreational and open space needs of residents of surrounding neighborhoods.

Nonconforming building shall mean a building that was lawful and nonconforming under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Resolution.

Non-conforming lot shall mean a lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.

Non-conforming sign shall mean any sign lawfully existing under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.

Nonconforming structure shall mean a structure that was lawful under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Resolution.

Nonconforming use shall mean a use that was lawful and nonconforming under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.

Nonconformities shall mean a nonconforming use, sign, structure, or building.

Nude model studio shall mean any place where a person who appears nude or semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted,

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sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

"Nude model studio" does not include:

- (a) A proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation;
- (b) A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (c) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.

Nudity, State of Nudity, or Nude Use shall mean exposing to view the genitals, pubic area, vulva, perineum, anus, and cleft or cleavage or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume or covering that gives the appearance of or simulates any of these anatomical areas.

Nursery, commercial shall mean an establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

Off-street parking area shall mean all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of, motor vehicles, including driveways, entrance drives, or access drives in and to such areas, but not including public streets and rights-of-way.

Off-street parking space shall mean a demarcated area within a parking lot abutting an access lane and of such dimensions, as specified by this ordinance, to accommodate one (1) vehicle.

Office, business or professional shall mean an establishment providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.

Open space shall mean any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers. Open space shall not include areas set

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aside for public facilities, driveways, parking lots, other surfaces intended or designed for vehicular travel.

ORC § shall mean Ohio Revised code section number.

Ordinary high-water mark shall mean the line on the bank to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.

Outdoor activity shall mean any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.

Outdoor storage shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than seventy-two (72) hours.

Overall access management plan shall mean a plan that depicts the post-development flow of vehicular access to a site and where such flow interfaces with existing or proposed pedestrian, bicycle, and adjacent public street traffic.

Overlay zone shall mean a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

Parking access shall mean the area of a parking lot that allows motor vehicle ingress and egress from the street or way.

Parking aisle shall mean the traveled way by which cars enter and depart parking stalls or spaces.

Parking area shall mean any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking lot shall mean an off-street, ground-level open area for the temporary storage of motor vehicles.

Parking, shared shall mean joint use of a parking lot or area for more than one use.

Parking stall or space shall mean the space or area in which vehicles park in a private or public parking lot.

Parking structure shall mean a building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

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Party-in-interest shall mean a person or organization that has standing to appeal the final decision of the decision maker. Such standing to appeal shall be limited to the following:

- (a) The applicant;
- (b) Any party holding a proprietary or possessory interest in the real or personal property which was the subject of the decision of the decision maker whose action is to be appealed;
- (c) Any person to whom or organization to which the Township mailed notice of the hearing of the decision maker;
- (d) Any person who or organization that sent written comments to the decision maker prior to the action which is to be appealed;
- (e) Any person who appeared before the decision maker at the hearing on the action which is to be appealed.

Pedestrian path shall mean a facility physically separated from the roadway and intended for pedestrian use. A walking path is designed for the use of two lane, two-way pedestrian traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road.

Performance standard shall mean a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to a land use.

Personal services shall mean establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, such as laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, employment service, mailing and copy shops. *Personal services* shall also mean establishments engaged in the provision of informational, instructional, personal improvement, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, health and fitness studios, and handicraft or hobby instruction.

Pet, household or domestic shall mean any variety of domesticated creature, such as birds, cats, dogs, and hamsters, normally kept within a dwelling or residential yard area, but not including farm animals, exotic or wild animals, reptiles, insects, or snakes.

Places of religious worship shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Places of worship* shall include churches, synagogues and the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

Planned development shall mean a development of a property as a single entity for commercial, industrial, or mixed residential/commercial/retail purposes, when the zoning regulations that would normally apply are superseded by controls that allow a more sensitive and more economical arrangement of buildings and streets on the site, and when development is spaced over a period of years in a predetermined program.

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Ponds shall mean 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.

Preliminary plan shall mean the preliminary drawings indicating the proposed layout of a development to be submitted to the Zoning Commission or BZA for its approval.

Preschool—See “Day care center.”

Principal use shall mean the primary or predominant use of any lot or parcel.

Public facilities shall mean transportation systems or facilities, water systems or facilities, waste water systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities, and other public utilities.

Public hearing shall mean a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

Public use shall mean any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by city, county, state or federal governments.

Public safety and emergency services shall mean a public use that provides police or fire services or services for personal injury or life threatening events including but not limited to ambulance, paramedic, or fire and rescue services.

Public utility shall mean a common carrier supplying electricity, telephones, natural gas, water, sewage disposal, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, or any person or entity that provides wireless telecommunication services to the public. See “Essential public utility and public services.”

Recording, radio, or television studio shall mean a place for radio (oral), television (visual), or musical recording production. *Radio or television studio* shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antennas parts of the station.

Recreation, active shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, non-motorized or otherwise, and taking place at prescribed places, sites, or fields. Included activities are swimming, tennis and other court games, baseball and other field sports, track, and playground activities.

Recreation, passive shall mean leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games, and not typically requiring prescribed places, sites, courts, or fields.

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Recreational facility shall mean a place designed and equipped for the conduct of sports and passive and active recreational activities.

Recreational facility, commercial shall mean a privately owned, for-profit recreational facility open to the public at large for a fee.

Recreational facility, indoor – a permanently enclosed recreational facility.

Recreation facility, outdoor shall mean a recreational facility devoted to active sports or recreation such as go-cart tracks, miniature golf, golf driving ranges, skating rinks, archery ranges, and the like, but shall not include concert halls, stadiums, race tracks of any kind.

Recreational facility, private-membership shall mean a recreational facility for the exclusive use of more than three (3) families who are residents of a development or the members of the organization owning the lot, but not open to the general public.

Recreational vehicle shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Repair services shall mean an establishment primarily engaged in the provision of repair services to individuals, households, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and reupholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

Research laboratory shall mean an industrial establishment or other facility engaged in scientific research, investigation, product engineering development, product development and testing, market development, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Resource recovery operations shall mean an industrial establishment engaged in the process of obtaining materials or energy, particularly from solid waste.

Restaurant shall mean an establishment where the principal business is the sale of food and beverages in a ready-to-consume state where (1) fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use; (2) where there is no service to a customer in an automobile, and (3) where the design or principal method of operation consists of one or more of the following:

- (a) A *sit-down restaurant* where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverages are consumed; or

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- (b) A *cafeteria* or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

Restaurant, drive-through shall mean an establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Required parking shall mean the minimum number of parking spaces required to be provided in connection with the particular use of a lot as specified by this Code.

Retail shall mean establishments that sell or rent commonly used goods and merchandise for personal or household use, but excludes those uses classified more specifically in this Section (e.g., adult businesses or restaurants). Typical uses include grocery stores, department stores, furniture stores, clothing stores, and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor coverings, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques, or automotive parts and accessories.

Revegetation shall mean restoration and mitigation measures for disturbed areas in accordance with the requirements of this Resolution.

Right-of-way shall mean a strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.

Roadway or road — see “Street” below.

Rural Character

Rural Views: *Long, wide open views, created by unobstructed fields backed by woodlands. Fences and windows typically define field edges. Buildings are clustered in the midst of a field near the backdrop of woodlands. Fields and woodlands are separated from the road by ditches and fences. There is a roughness against the edge of the road in the form of wild grasses and flowers and older trees.*

Traditional Settlement Patterns: *Buildings are grouped in the midst of wide open spaces.*

Large Areas of Undeveloped Land: *Rural areas also have “large areas of land that have several characteristics in common: in order to continue in their existing function they must be of a certain size and configuration; and they require a buffer of distance or vegetation to separate them from development.* undeveloped

Historic Structures and Landscapes: *Rural character includes the man made structures and plantings that have in the past and continue to contribute to a community’s heritage. These*

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features include farmsteads, town halls, older homes, stone walls, hedgerows, mature stands of trees, and commercial storefronts.

Scenic View Shed shall mean an area which has unique and pleasing views that are determined to be a desirable to maintain in their present condition.

Schedule of fees shall mean the list of charges adopted by resolution of the Township, and not a part of this Resolution, to cover the costs of administering the review, decision, and/or appeal processes required by a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the Township Trustees.

School, elementary, secondary, or post-secondary shall mean any building or part thereof used for instructional purposes and licensed by the state to provide elementary, secondary, or post-secondary education.

Screening, as required or recommended by this Resolution, shall mean the use of landscaping or berms, fences, walls, or the like to mask structures or property uses from the view of users of public streets or occupants of adjacent properties.

Seminudity, State of Seminudity, or Seminude shall mean exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing provided that the areola is not exposed in whole or in part.

Setback shall mean the minimum or maximum distance a building or structure shall be required to be situated from an adjacent lot line, except as modified according to Resolution. Certain building projections and uses of the lot may extend into the setback area only as expressly allowed in this Resolution.

Setback line shall mean an imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the required front, side, and rear yard depths for each zone district.

Showrooms and salesrooms for wholesale distribution shall mean an establishment whose principal business is wholesale trade or distribution of manufactured products, supplies, and equipment, and which may include accessory offices.

Sidewalk shall mean a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sight distance or "clear sight triangle" shall mean the minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms, or vegetation, to safely negotiate an intersection of streets, usually measured between three and a half (3½) feet and eight (8) feet above the road surface.

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Sign: Any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, or any other figure of similar character that: 1. Is a structure or any part thereof (including roof or wall of building; (2). Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle or natural or manmade object or device whatsoever; or (3). By reason of its form, wording, symbol, design or illumination, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

Site shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.

Site development shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.

Site plan shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees, and vegetation to remain.

"*Specified anatomical areas*" shall mean:

- (a) The human male genitals in a discernible turgid state, even if completely and opaquely covered: or
- (b) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the areola.

"*Specified sexual activities*" means any of the following:

- a) The fondling or any other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts.
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy: or
- (c) Excretory function as a part of or in connection with any of the activities set forth in (a) or (b) above.

Stormwater management plan shall mean a plan to govern the collection, retention, and release of stormwater in a manner to minimize damage to downstream property.

Stormwater detention basin shall mean a facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, roof tops, or buried tanks or pipes.

Stormwater retention basin shall mean a facility, such as a pond, pool, or basin, used for the permanent storage of stormwater runoff, constructed to receive and hold stormwater for release at a controlled rate.

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Story means that portion of a building, between the surface of any floor and the surface of the next FLOOR above.

Stream corridor shall mean the corridor defined by the stream's ordinary high water mark.

Street shall mean an improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

Street, collector shall mean a street that collects traffic from local streets and connects with minor or major arterials, and which is defined specifically as such on the Township's Comprehensive Plan, adopted _____, as amended from time to time.

Street, cul-de-sac shall mean a street with a single common ingress and egress and with a turnaround at the end.

Street, local shall mean a street designed to provide vehicular access to abutting property and to discourage through traffic.

Street, arterial shall mean a street with either (1) access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from other; or (2) signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

Street Private shall mean a local private way which provides vehicular access to 2 or more residential structures that is not and will not be dedicated to public use, but which is owned and maintained by the Association.

Street, public shall mean a right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the Edinburg Township for perpetual maintenance.

Street line shall mean the edge of a street right-of-way where it abuts private property.

Streetscape shall mean a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

Structural framework shall mean the supporting members of the exterior walls and roof of a building such as bearing walls, columns, beams, and girders.

Structure shall mean any man-made construction in, on, or over the ground or water. The term structure includes building and, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

Edinburg Township Zoning Resolution

Chapter 8 - Definitions

Subdivider or developer shall mean any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale and lease of a development.

Subdivision shall mean:

- (a) The platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites for the purpose, whether immediate or future, of transfer of ownership; or
- (b) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders; or division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Subdivision, minor shall mean the subdivision of a parcel of land, after the original tract has been completely subdivided, into three (3) or fewer lots and that does not involve the opening, widening, or extension of any street or road or easements for access.

Swimming pool shall mean a structure whether in-ground, or above ground, for the containment of water in excess of eighteen (18) inches in depth or greater than one hundred (100) square feet in surface area for private, public, semi-public, or commercial use.

Temporary housing shall mean a dwelling that may be permitted pursuant to this Resolution to be placed on a lot that already contains one dwelling, based on a family hardship encountered by the residents of the existing dwelling that can be cured during the extent of the hardship by the presence of the second dwelling.

Townhouse Dwelling shall mean a single family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, is of two stories, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Traffic impact study shall mean a report analyzing anticipated roadway conditions with and without an applicant's development, and may also include a parking study and overall access management plan for the development site.

Trailer shall mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Transportation facility shall mean mass transit stations including bus or rail terminals/stations, transfer points, and depots without vehicle repair or storage.

Edinburg Township Zoning Resolution

Chapter 8 - Definitions

Tree shall mean any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of two inches or more.

Tree, significant shall mean any tree with a DBH of 9 inches or more.

Use shall mean the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Use, principal — See “Principal use.”

Variance shall mean a grant by the Zoning Board of Appeals permitting an owner to use a lot not wholly in accordance with the provisions of this Resolution because the Board finds that strict conformance would be an unusual hardship not created by the owner, but depriving him of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship but not create detrimental conditions affecting abutting property owners or the public at large.

Vegetation shall mean trees, shrubs, or vines.

Vehicle repair/services shall mean any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of automobile, or trailers, is conducted or rendered.

Vehicles-Commercial shall mean a vehicle customarily used as part of a business for the transportation of goods or people..

Vehicle and equipment rentals shall mean the use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.

Vehicle sales shall mean the use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.

Veterinary facility/small animal clinic shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases wherein the animals are limited to dogs, cats and other comparable household and domestic pets and wherein short-term, overnight, indoor boarding of said animals is allowed as an accessory use.

Walkway - See “Pedestrian path.”

Warehouse shall mean an establishment, conducted within a completely enclosed building, that is engaged in the storage of materials, equipment, or products that will be distributed to wholesalers or retailers.

Edinburg Township Zoning Resolution

Chapter 8 - Definitions

Warehousing, distribution, and enclosed storage shall mean a use engaged in enclosed storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wetlands shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Workshop and custom small industry shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom care or motorcycle restoring, and other similar uses.

Yard shall mean the front, side, or rear area of a lot between the lot line and the setback line, extending open and unobstructed from the ground upward except as otherwise provided in this Resolution, and the depth of which is specified by the regulations for the zone district in which the lot is located.

Yard depth shall mean the shortest distance between a lot line and the adjacent parallel setback line on a lot.

Yard, front shall mean the yard between the front lot line and the front building line and extending to the side lot lines, and measured perpendicular to the building at its closest point to the front lot line.

Yard, rear shall mean the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line.

Yard, side shall mean the yard between the side lot line and the building, extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.

Zero lot line shall mean the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning certificate shall mean a written statement issued by the Zoning Commission authorizing buildings, structures, or other uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions. Also referred to in this Resolution as "Certificate of Zoning Compliance."

Zone or zoning district shall mean a contiguous area of land on all parts of which the same uniform opportunities for development apply.

Edinburg Township Zoning Resolution
Chapter 8 - Definitions

Zoning district boundary shall mean the perimeter line completely enclosing a zone district.

Zoning Map shall mean the official zoning map, showing all zone districts and their boundaries, adopted by the Township by Resolution, and as amended.

Application For Zoning Certificate (permitted use)

(Form 3.03(A))

Application No. _____ Date _____, 19__

(to be filed in triplicate with the Zoning Inspector)

To the Board of Trustees, Prosecutor Township, Portage County, Ohio:

Application is hereby made for a zoning certificate for a permitted use. It is understood and agreed by the applicant that any error, misstatement, or misrepresentation of fact or expression of fact in this application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the zoning certificate at any time.

Land Location:

Original Lot No. _____ PPN _____ Lot No. _____

Subdivision name (if applicable): _____

Deed (volume and page): _____ / _____

Landowner:

Name Phone

Address

Occupant:

Address Phone

Address

Class of work: New construction ____ Alteration ____ Addition ____ Relocation ____

Sign ____ x ____ Accessory Building ____ Building use _____

Families ____ Stories ____ Basement ____ Type of construction _____

Usable floor space for use as living quarters exclusive of basements, porches, garages, breezeways, terraces, attics or partial stories. First floor _____ sq. ft. Second floor _____ sq. ft.

Off-street parking _____ sq. ft.

Remarks _____

Main road frontage _____ ft. Zoning District _____

Setback from side road _____ ft. Rear yard clearance _____ ft. Side yard clearance: right _____ ft. left _____ ft.

Dimensions of building:

Length _____ ft. Width _____ ft. Highest point of building _____ ft. (above finished grade)

Attach a plan-view drawing as described in Section 3.03(B)(2) of the Code, and the letters required in Section 3.03(B)(3).

Applicant's signature _____
(print name below signature)

For Use of Zoning Inspector

Fee _____ Date paid _____, 19__ Date filed _____, 19__

Approved _____ Disapproved _____ Date _____, 19__
(action to be taken with 10 days of receipt)

Zoning Inspector

A copy of this application, when approved, constitutes the zoning certificate.

Application for Conditional Zoning Certificate

EDINBURG TOWNSHIP – Portage County, Ohio

Name of Property Owner: _____

Name of Applicant (if different): _____

Address of Applicant: _____

Phone Number Home: _____ Business: _____

Property Location: _____

Existing Use: _____

Zoning District: _____

Description of Conditional Use requested:

Supporting information:

Attach a plan for the proposed use (provide 6 copies) showing the boundaries and divisions of the property, abutting streets, properties and structures; locations of all improvements proposed, including structures, parking, landscaping; location of wells, sewer lines, or other utility features both existing or proposed; and topography at an interval sufficient to show the slope characteristics of the property. Also attach complete plans and specifications for all proposed development and construction. In addition attach a narrative statement supported by substantiating evidence that the proposed use will be in accordance with Section 600.2 B of the Edinburg Township Zoning Resolution as applicable.

Date: _____ Fee: _____

Applicant: _____ Owner: _____

Date of notice to parties of interest: _____ Newspaper _____

Date of Public Hearing: _____

Decision of Board of Zoning Appeals: Approved _____ Denied _____

If approved the following conditions and safeguards were prescribed. If denied, reasons for denial:

Date: _____ Board of Zoning Appeals Chairman: _____

**APPLICATION FOR VARIANCE
EDINBURG TOWNSHIP**

To the Board of Zoning Appeals, Edinburg Township, Portage County Ohio:

Name of Owner: _____

Address of Owner: _____

Phone Number (home): _____ (other): _____

Location and address of property: _____

The undersigned owner or lessee of the land at _____

Edinburg Township, Portage County Ohio hereby requests that this Board grant the following variance upon the premises:

Such variance is necessary for the preservation and enjoyment of a substantial property right because:

The variance will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity thereof because:

In addition, six copies of the site plan drawn to scale must accompany this application showing dimensions, shape of the lot, the size and location of existing buildings, the location and dimensions of the proposed buildings or alterations and any natural or topographical peculiarities of the lot in question. Six copies of an up to date tax map showing the owners name. Names and addresses of adjoining and contiguous property owners. Six copies of any building plans or development plans.

I certify that the information contained in this application and its supplements is true and correct.

Signature _____ Date _____

Date application received complete _____ Date of legal notice _____

Date of Notice to Parties in Interest _____ Date of Pubic Hearing _____

Decision of the Board of Zoning Appeals: Approved _____ Denied _____

If approved, the following conditions and safeguards were prescribed:

If denied, reasons for denial:

Date _____ Board of Zoning Appeals Chairman _____

ZONING FEES

EDINBURG TOWNSHIP

Zoning Resolution Book	\$30.00
Zoning Resolution CD	\$10.00
Comprehensive Land Use	\$30.00

Residential Permits

Single Family Dwelling	\$100.00
Two Family Dwelling	\$175.00
Residential Accessory Permit	\$75.00

Guest Trailer Permits

0-6 weeks	\$150.00
6-12 Weeks	\$250.00

Office Construction Trailer

First 6 months	\$300.00
One additional 6 month period	\$400.00

Signs

Under 75 sq ft.....	\$100.00
Over 75 sq ft.....	\$100.00 plus \$5.00 per sq ft over 75 sq ft. up to the sign limit

Platting Fee

1-3 lots	\$25.00 per lot
4 and or more lots	\$50.00 per lot

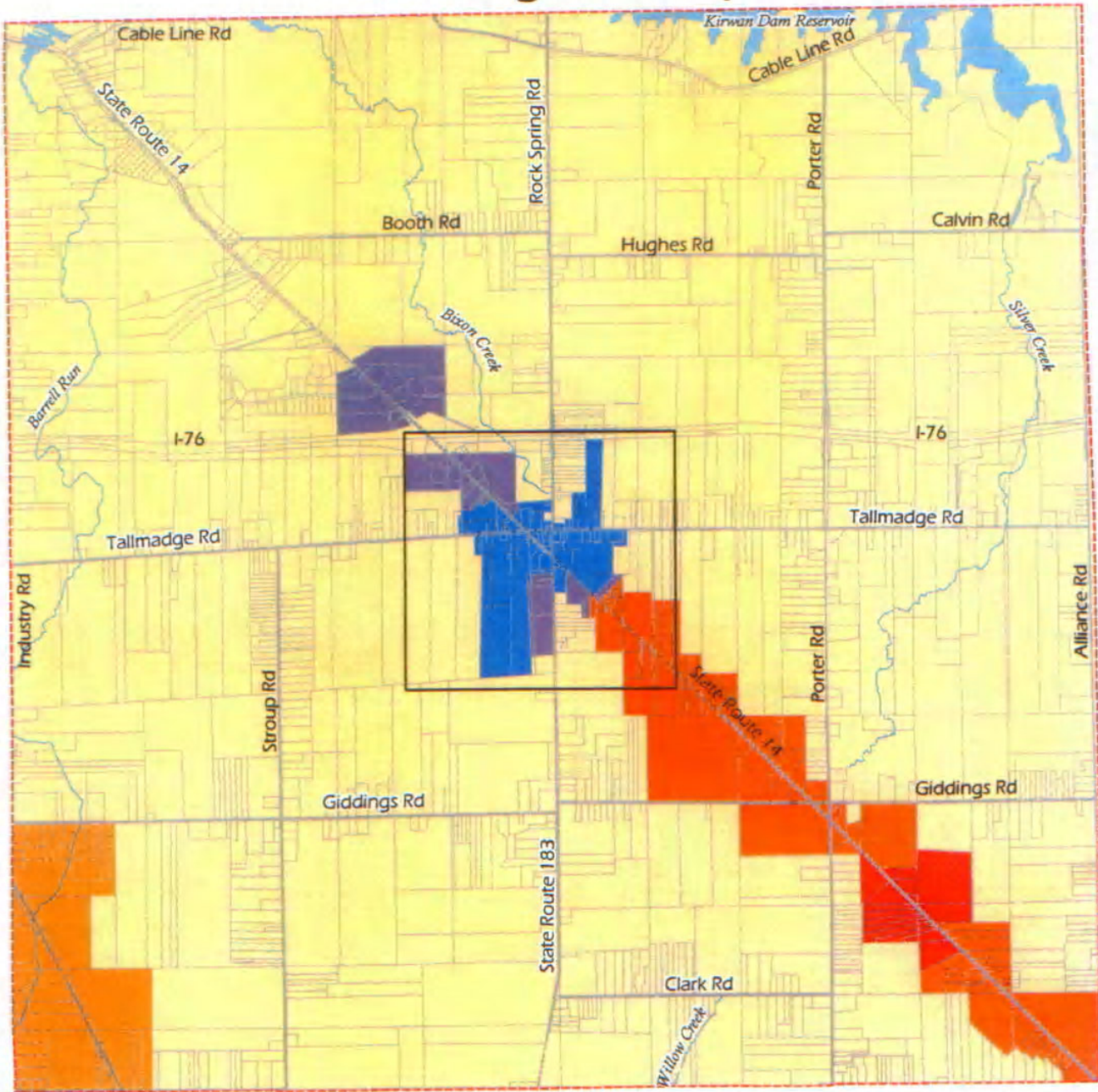
Commercial and Industrial Permits	\$450.00
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Variance Application	\$300.00
Conditional Use Application.....	\$300.00
Conditional Use Permit.....	\$150.00
Conditional Use Permit Review.....	\$300.00
Site Plan Review	\$300.00

Single Copies	\$0.25
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Amended by the Edinburg Township Trustees January 11, 2010 Resolution # 2010-010

Edinburg Township



Proposed Zoning 2005

- General Residential
- Residential, Family Business
- SR 14 Residential, Commercial
- Town Center
- South SR 14, Sales, Service
- Highway, Office, Business

Town Center Inset



December 2005