

ARTICLE 9

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

9.0 Purpose

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements and traffic generation. Consequently, conditional use permits are not affected by the transfer of ownership.

9.1 Contents of Conditional Use Permit Application

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days transmit it to the Planning Commission. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Comprehensive Plan, to include an evaluation of the effects on adjoining properties

of such elements as traffic circulation, noise, glare, odor, fumes and vibration;

8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by Ordinance;
10. A narrative addressing each of the applicable criteria contained in Sections 9.2.

9.2 General Standards For All Conditional Uses

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

1. Is in fact a conditional use as established under the provisions of Article 9 and appeals on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives, or with any specific objective, of the County's Comprehensive Plan and/or the zoning ordinance;
3. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

9.3 Specific Criteria For Conditional Uses.

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Ordinance as provided for in Section . Nothing in this Section shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 9, Section 9.2.

9.4 Public Service Facility

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
- b. Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.
- c. Must be licensed by the State Fire Marshal's Office.

9.5 Church

- a. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
- c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
- d. A cemetery shall not be a permitted use in conjunction with the church.

9.6 Cemetery

- a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
- c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

9.7 **Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service and Book-keeping Service Offices and Other similar establishments**

- a. Parking spaces shall be provided as required in this Ordinance, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
- b. The design, location and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

9.8 **Veterinary Clinic and Kennel**

Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.

Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.

No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

In addition, the following shall apply:

Animal hospital, veterinarians' offices and commercial animal kennels are permitted within the General Commercial and Industrial Districts, subject to the provision that all buildings, structures and facilities, including runways, are located at least 300 feet from any property line in the Agricultural District or any residential district, and other pertinent provisions of this ordinance.

Veterinarian Outpatient Clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed 45 decibels.

Building plans submitted for Building Permit Application for Veterinarian Outpatient Clinics shall include a certificate by a registered Architect or Acoustical Engineer that the building will meet the requirements. Existing buildings that are to be used as Veterinarian Outpatient Clinics shall also be certified by a registered Architect or Acoustical Engineer as complying with the requirements. Standards that apply to Kennels shall be as follows:

- a. Minimum lot area shall be two (2) acres.
- b. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be within the rear yard.
- c. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet away from all property lines.
- d. All outdoor running areas shall be enclosed to prevent the escape of animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.
- e. All animal wastes shall be regularly cleaned up and properly disposed of; and
- f. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded at the site.

9.9 Child Day Care Center-Type A. Family Day-Care Home

- a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals;
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety and reduce the impact on the residential character of the neighborhood. The outgoing vehicles during high volume periods and shall provide a safe dropoff point for children that will not impede other traffic.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

9.10 Funeral Home

- a. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion,

promote safety and reduce the impact on the character of the neighborhood. The plan shall provide the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe dropoff point for visitors that will not impede other traffic.

9.11 Boarding Home, Rooming House

- a. No more than one person shall occupy each sleeping room.
- b. Fire escapes shall be provided as approved by the Board of Zoning Appeals.
- c. Fire exit instructions shall be posted in each sleeping room.
- d. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

9.12 Bed-and-Breakfast Homestay or Tourist Home

A private owner-occupied residence with one to three guest rooms. The bed and breakfast homestay must be subordinate and incidental to the main residential use of the building.

Standards that apply to bed-and-breakfast or tourist homes are as follows:

- a. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- b. All floors above grade shall have direct means of escape to ground level.
- c. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- d. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. One unit announcement sign shall be permitted exceeding not two feet in area and three and one-half feet in height.
- f. Length of stay shall not exceed fourteen (14) days.

9.13 Mini-Storage Buildings

- A. Purpose - This section is to provide for the development of mini-storage buildings in commercial district C-2 and such use shall be a conditional use. For the purpose of this Ordinance, a mini-storage building shall mean a structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where the maximum size of the stall shall be six hundred square feet and not more than four thousand square feet shall be leased to a single tenant.

- B. Not to Restrict Use by Right - Nothing herein shall be deemed to limit warehouse use within an industrial district as elsewhere permitted or provided for by this Resolution.
- C. Conditional Use-Required - The Zoning Board of appeals may, after the review and recommendation of the Commission, approve a plan for mini-storage buildings upon any tract zoned C-2 when such plan is found to comply with the conditions and requirements hereinafter set forth.
- D. Contents of Plan; Site Review
1. General Requirements
 - a. No lot shall be less than two acres.
 - b. The lot shall abut and gain direct access to a local nonresidential, collector, or arterial street as specified in the Major Thoroughfare Plan.
 - c. The plan shall show the existing site along with surrounding land within 200 feet of its border. Street rights-of-way and easements shall be included. (The area 200 feet adjacent to the site may be shown by a location map.)
 - d. The plan shall be drawn at a scale of one inch equals 50 feet or larger. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet. Building elevations shall also be included on the plan along with specification of the colors of buildings and materials to be used.
 - e. Stormwater management shall be incorporated into the plan so that stormwater runoff from the site will not increase as a result of the proposed development. The facility shall be designed to control the stormwater runoff from at least a 25, year return frequency storm as certified by a professional engineer.
 - f. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
 - g. Outdoor Lighting of any kind - All outdoor lights shall be shielded to direct light and glare only onto the mini-warehouse premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.
 - h. Building setbacks shall be as follows:
 - Front Yard - Not less than 25 feet on which all parking and internal drives are prohibited.
 - Side Yard - Not less than 12.5 feet on which all parking and internal drives are prohibited.
 - Rear Yard - Not less than 12.5 feet on which

all parking and internal drives are prohibited, except that a rear yard is not required adjacent to commercial or industrial zoned land, then no rear yard is required.

- i. The storage facility shall be enclosed by a six-foot high, sight-proof fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be set back six feet from the side property lines and rear property line. When a rear property line is not required, a lesser setback for a fence can be granted. Fences shall also be set back 25 feet from the front property line.
- j. Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low-medium and high-profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three feet above curb level, within 15 feet of the intersection of any street right-of-way line or driveway.
- k. Parking shall be provided at a ratio of one space for each 2,000 square feet of gross building area, plus two spaces for the manager. One additional space shall be provided for each additional employee. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the Township.
- l. Building heights shall be limited to one story (not to exceed 14 feet at the eaves).
- m. Signs shall be limited to one ground pole sign at the entrance to the premises. Not more than 32 square feet shall be permitted with a maximum height of 10 feet. This provision shall control any and all contrary or conflicting provisions of the sign regulation of Chapter 19.

E. On-Site Manager Required - No facility herein provided for shall be used or maintained unless or until an on-site manager shall be provided for such facility. Failure to provide such a manager shall be grounds

for revocation of the conditional use permit.

F. Commercial Activity Prohibited - The sale of any item from or at a mini-storage building is specifically prohibited.

1. It shall be unlawful for any owner, operator of lessees of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.

G. Repair of Autos, Boats, Motors and Furniture Prohibited

Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a residential storage warehouse.

H. Violations - Any violation of the regulation regarding mini-storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this zoning ordinance.

9.14 Airport

An airport or heliport may be permitted in any District as a special use, provided:

- a. The area shall be sufficient to meet the Federal Aviation Administration requirements for the class of airport proposed.
- b. There is not existing flight obstruction such as towers, chimneys, or other tall structures, or which would fall within the approach zone to any of the proposed airport runways or landing strips.
- c. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration, or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- d. Any building, hangars or other structures shall be at least 100 feet from any street or lot line.
- e. Adequate space for off-street parking for at least 50 vehicles shall be provided. If, in the opinion

of the Village Council, off-street parking space for more than 50 vehicles will be required, the Council shall increase this requirement.

- f. The application for authorization of an airport shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of the owners of abutting properties; proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings and other structures and facilities; the location and height of all buildings, structures, trees and overhead wires falling within the airport approach zone and less than 500 feet distance from the boundary lines of the airport, other pertinent data such as topography and grading plan, drainage, water and sewage, etc.
- g. The plans or the proposed airport shall be reviewed by the Regional Planning Commission. In its review of the proposed airport, the Planning Commission shall make at least the following two (2) finds:
 - 1. The airport is not in conflict with any existing element of the Master Plan;
 - 2. The benefits of and need for the airport are greater than any possible depreciating effects and damages to the neighboring property.

9.15 Golf courses and driving ranges

- a. All buildings and structure shall be at least 30 feet from all property lines.
- b. A minimum of 2 off-street parking space shall be provided for each driving tee and putting green. Additional spaces shall be furnished for other uses in conjunction with the range.
- c. All drives and parking areas shall be surfaced with a hard, durable material and properly drained.
- d. All lights shall be directed away from site boundary lines.
- e. Fences, planting or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land.
- f. Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area, may be provided at the major entrance.
- g. All driving directions shall be away from any street or highway.

9.16 Hotels and Motels

Motels shall utilize collective sewers connecting with an approved community or individual sewage disposal system.

Any lot to be used for a motel shall not be less than

one (1) acre in area and shall contain not less than two thousand (2,000) square feet per sleeping unit. All buildings and structures shall be distant at least sixty (60) feet from a front lot line and at least twenty-five (25) feet from the rear and side lot lines. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five percent of the area of the lot.

All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

Motels, motor courts and hotels may be established in business and industrial districts subject to area, yard and height regulations or those districts.

Motels, motor courts and hotels may be established in office districts subject to area, yard and height regulations of those districts and provided no part of the property so used is located within one hundred (100) feet of any residential districts.

Associated commercial uses may be established in office districts in conjunction with motels, motor courts and hotels subject to the following limitations in addition to any other applicable requirements of this resolution for the districts in which such uses are located.

Allowable commercial uses shall be located only in a motel, motor court or hotel having a minimum of seventy-five (75) rental units.

Gross floor area used for commercial purposes shall be limited to seventy-five (75) square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities shall not be included in determining gross floor area used for commercial purposes.

Public entry to commercial facilities shall be from interior of building with no direct public entrance from street or outside of building permitted.

No merchandise or merchandise display window shall be visible from outside the building.

No outside storage or display of merchandise shall be permitted.

No business or identification sign pertaining to commercial uses shall be visible from outside the building.

Permitted commercial uses shall be limited to the following: dispensing of drugs, flower shops, laundry and dry cleaning

pick-up stations, restaurants, food and beverage service facilities, snack bars and sundries shops.

Motels, motor courts and hotels may be established in the institutional districts subject to area, yard and height regulations of those districts and provided no part of the property so used is located within one hundred (100) feet of any residential district. Associated commercial uses may be established in the institutional districts in conjunction with motels, motor courts and hotels except that restaurants and food and beverage service facilities shall be exempt from these limitations.

9.17 Transmitter/Receiver Towers

Transmitter towers and accessory buildings used only in connection with the operation of the transmission of radio, facsimile, or television broadcasting after the plan for the location of such structures and the method of operation shall have been approved by the zoning inspector when in compliance with the following regulations:

1. No building or structure other than the aforesaid accessory buildings shall be located or proposed to be located within a circle having the transmitter tower as its center and a radius equal to twenty percent (20%) of the height of the tower or one hundred (100) feet, whichever is the greater.
2. No building or structure other than the aforesaid accessory buildings shall be located in an area twenty (20) feet each side of the radial line between the center of the transmitter tower and each guy anchorage.
3. No tower guy anchor and approved enclosure for the same shall be located closer than thirty (30) feet to any lot line, street line, or street line extended if the adjacent lot or parcel is used or intended to be used for residence purposes.

9.18 Cellular Telephone Communications Service

In the case of a public utility that plans to construct a tower in the village in an area zoned for residential use, the public utility shall conform to the provisions set forth in this Ordinance.

9.19 Housing for the Elderly

Housing for the elderly, which shall not exceed a height of forty (40) feet. All housing for the elderly shall be provided on a site of at least five (5) acres in area and may provide the following:

- a. Townhouse and/or apartment-type dwelling units.
- b. Common services containing, but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
- c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- d. Total coverage of all buildings, (including dwelling units and related service buildings) shall not exceed thirty-five (35) percent of the total site, exclusive of any dedicated public right-of-way.

9.20 Convalescent and/or Nursing Home

Convalescent and/or nursing home, not to exceed a height of forty (40) feet when the following conditions are met:

- a. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements and spaces required for accessory uses.
- b. No building shall be closer than forty (40) feet from any property line.

9.21 Education Facilities

Educational facilities such as colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, all subject to the following conditions:

- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
- b. No building or other use of land, except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as part of this site.

9.22 Firework Sales

Any business handling fireworks must meet the following provisions:

- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
- b. No building or other use of land, except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as

part of this site.

9.23 Sewage Treatment

Sewage treatment plants (public or private) provided such facilities are set back a minimum of fifty (50) feet from any adjoining residential property line and are screened from view of any residential property.

9.24 Public, Parochial Schools

Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools. No school permitted in this subsection shall be located nearer than one hundred (100) feet to any adjacent zoned single-family property. Every school property shall be surrounded by a minimum five foot chain link fence on property sides.

9.25 Automobile Service Stations

- a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- b. The minimum lot area shall be twenty thousand (20,000) square feet, with minimum lot sides of one hundred fifty (150) feet each, and so arranged that ample space is available for motor vehicles which are required to wait for services.
- c. Automobile service stations shall not be located within five hundred (500) feet of any school.
- d. All lighting shall be shielded from adjacent residential districts.

9.26 Travel Trailer Park

- a. All repairs shall be conducted within a wholly enclosed building.
- b. Outdoor areas used for display shall be provided within a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the County Engineer.
- c. Points of ingress and egress to the lot shall be distant at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
- d. All lighting shall be shielded from adjacent residential districts.

9.27 Recycling paper, glass and metal products

Standards that apply to the recycling of paper, glass and metal products are as follows:

- a. All operations, including collection, shall be conducted within a wholly enclosed building.
- b. There shall be no outdoor storage of materials used or generated by the operation.
- c. The applicant shall explain the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust and litter.
- d. The applicant will ensure regular maintenance of the site to assure the immediate collection of stray debris.

9.28 Noncommercial keeping of Livestock

Standards that apply to the noncommercial keeping of livestock are as follows:

A. Minimum lot area shall be as follows:

1. Three (3) acres; additionally, the following list specifies additional area requirements by size of animals kept:
 - a. Group 1: Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of four (4) per acre, with a maximum number of twenty (20) animals.
 - b. Group 2: Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.
 - c. Group 3: Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of ten (10) animals.
2. The keeping of a combination of animal types (Groups 1, 2, and 3) shall require an animal density equal to the ratio of the number of animals, by type. In no case shall a lot contain more than twenty (20) total animals, should one (1) structure be used to house a combination of animal types, the most restrictive setback shall apply.

B. The following lists minimum setbacks imposed upon the placement of any structure used to house noncommercial livestock:

1. Group 1 animals: One hundred (100) feet from any

- property line.
2. Group 2 animals: One hundred fifty (150) feet from any property line.
 3. Group 3 animals: Two hundred (200) feet from any property line.
- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor passive/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines.
- E. All animal wastes shall be properly stored and disposed of so as to not be objectionable at the site's property line.

9.29 Processing of Farm Products

Standards that apply to the processing of farm products are as follows:

- a. The processing facility is located on the same lot and accessory to the principle agricultural use of the site.
- b. A majority of the materials to be processed have been grown or raised on the subject property; the remainder of materials have been grown or raised within the township.
- c. No butchering, slaughtering or rendering uses shall be permitted.
- d. No retail sales of the products shall be permitted, except roadside stands.
- e. All processing activities shall be conducted within a wholly enclosed building which is located behind the principle residence building setback line.
- f. No noxious odor, dust, glare, vibration or noise shall be perceptible at the property line.
- g. All off-street parking and loading areas shall be contained behind the principal residence.
- h. All individuals involved in the process or sale of farm products must reside on the subject property.

9.30 Car Washes

Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit.

Standards that apply to car washes are as follows:

- a. Public sewers and water facilities shall be utilized.
- b. Each washing bay shall provide a one-hundred-foot-

- long onsite stacking lane.
- c. All structures housing washing apparatuses shall be set back fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided, however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one (1) street frontage shall be reduced to fifty (50) feet and the setback on the other street frontage shall be reduced to eighty (80) feet.

9.31 Billboards

Within I-3 Districts, one (1) billboard per lot shall be permitted by conditional permit, subject to the following criteria:

- a. No billboard shall be located within two hundred (200) feet of another billboard.
- b. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- c. All billboards shall be set back at least thirty-five (35) feet from any land within a residential district.
- d. All billboards shall be set back at least one hundred (100) feet from any land within a residential district.
- e. No billboard shall obstruct the view of motorists on adjoining roads or in view of adjoining commercial or industrial uses which depend upon visibility for identification.
- f. No billboard shall exceed an overall size of three hundred (300) square feet nor exceed twenty-five (25) feet in height.

9.32 Neighborhood Convenience Store

Commercial establishments constructed with the sole intent of servicing local multi-family (R-3) residential developments. Following arrangements shall demonstrate the functions of neighborhood convenience stores:

- a. A neighborhood convenience commercial center may be provided as part of a minimum two hundred (200) unit R-3 Zone development proposal. For each two hundred (200) units proposed, a minimum of one-half (1/2) acre of neighborhood commercial uses, up to a maximum of one and one-half (1-1/2) acres may be constructed.
- b. The granting of this conditional use is tied to the actual construction of a minimum of one hundred (100) dwelling units, plus the road system serving the entire two hundred (200) dwelling units.
- c. Such neighborhood convenience commercial uses shall be located at the intersection of an arterial or collector road and the primary entrance to the proposed R-3 District Development. Direct vehicular

access to the neighborhood convenience commercial center shall be limited to the street within the proposed residential development. Furthermore, any driveway into the neighborhood convenience commercial parking lot shall be set back a minimum of one hundred (100) feet from the arterial or collector street right-of-way line along the site's frontage.

- d. The proposed neighborhood convenience commercial center shall be designed, oriented and constructed to serve the daily needs of the R-3 District development residents. No automobile related uses, arcade or adult-related uses shall be permitted.
- e. The proposed neighborhood convenience commercial center shall be integrated with the R-3 District development and will be linked by safe and convenient pedestrian walkways.
- f. No neighborhood convenience commercial center shall be located within one thousand (1,000) feet of another neighborhood convenience commercial center.
- g. Such commercial center shall be set back a minimum of one hundred (100) feet and screened from adjoining residences.
- h. No outdoor storage shall be permitted. Dumpsters shall be enclosed by a six-foot-high sight-tight fence.
- i. One (1) freestanding sign for the entire neighborhood convenience commercial center shall be permitted along the R-3 district development's street, not along the site's frontage. Such sign shall be no larger than thirty-two (32) square feet and will be set back at least seventy-five (75) feet from arterial or collector street right-of-way along the sites frontage. In addition, the sign shall be set back at least ten (10) feet from any other street right-of-way and one hundred (100) feet from any residence.
- j. All other design standards prescribed in Local Commercial District (LC) shall apply to the proposed neighborhood convenience store(s).

Note: Please refer to Article 10 for official zoning form.

9.33 Night Clubs

A bar, restaurant, coffee house or similar establishment where a dance floor or entertainment is provided.

Standards that apply to night clubs and taverns are as follows:

- a. No part of the subject property shall be located within three hundred (300) feet of any residentially zoned lands.

- b. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light and/or litter.
- c. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- d. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

9.34 Retail Sales Outlet

- a. Retail outlets should be incorporated into planned commercial shopping centers which would integrate the design and dimensions of structures, parking areas and access points with those of existing uses.
- b. The grouping of retail outlets together and controlling access points onto arterial roads will minimize to potential conflicts with through traffic.

9.35 Public Hearing

The Planning Commission shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector.

Note: Refer to Article 10 for official zoning forms.

9.36 Notice of Public Hearing

Before conducting the public hearing required in Section 9.35, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

9.37 Notice to Parties of Interest

Prior to conducting the public hearing required in Section 9.35, written notice of such hearing shall be mailed by the Chairman of the Planning Commission, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed on the application. The notice shall contain the same information as required in Section 9.36 for notices published in newspapers.

Note: Please refer to Article 10 for official zoning form.

9.38 Action by the Board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in Section 9.35, the Commission shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 9.39. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Commission for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Commission, the applicant may appeal through the Zoning Board of Appeals.

9.39 Supplementary Conditions and Safeguards

In granting approval for any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Ordinance.

9.40 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

9.41 Regulation of Accessory Uses

The provisions of this section shall apply to the location and maintenance of accessory uses in order to promote the

public health, safety and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

9.42 Definition

Accessory use and structure means a subordinate use or structure which is incidental to and in association with a principal use or structure and which is customarily required or provided for the principal use or structure.

9.43 Features noted as Accessory Uses and Structures

Accessory uses and structures can either be attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles and signs.

9.44 Accessory Use and Structures as Permitted Uses

To ensure that confusion is at a minimum, each land use district provides specific regulations for accessory uses and structures. However, as a general indication, all accessory uses and structures are considered to be permitted uses and will be enforced as such.

9.45 Certificate for Conditional Use

- a. The Zoning Inspector shall upon the granting of an application by the Board of Zoning Appeals, issue a certificate for any conditional use deemed valid.
- b. The purpose of this section is to protect the owners of lands or structures that are of a conditional nature. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner, one shall be sent to the Erie County Department of Planning and Development and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file, along with an indexed overlay, of all such certificates.

Note: Please refer to Article 10 for the official zoning form.