

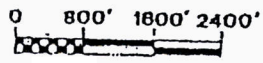
**HENRIETTA
TOWNSHIP
ZONING
BOOK**

HENRIETTA TOWNSHIP ZONING MAP

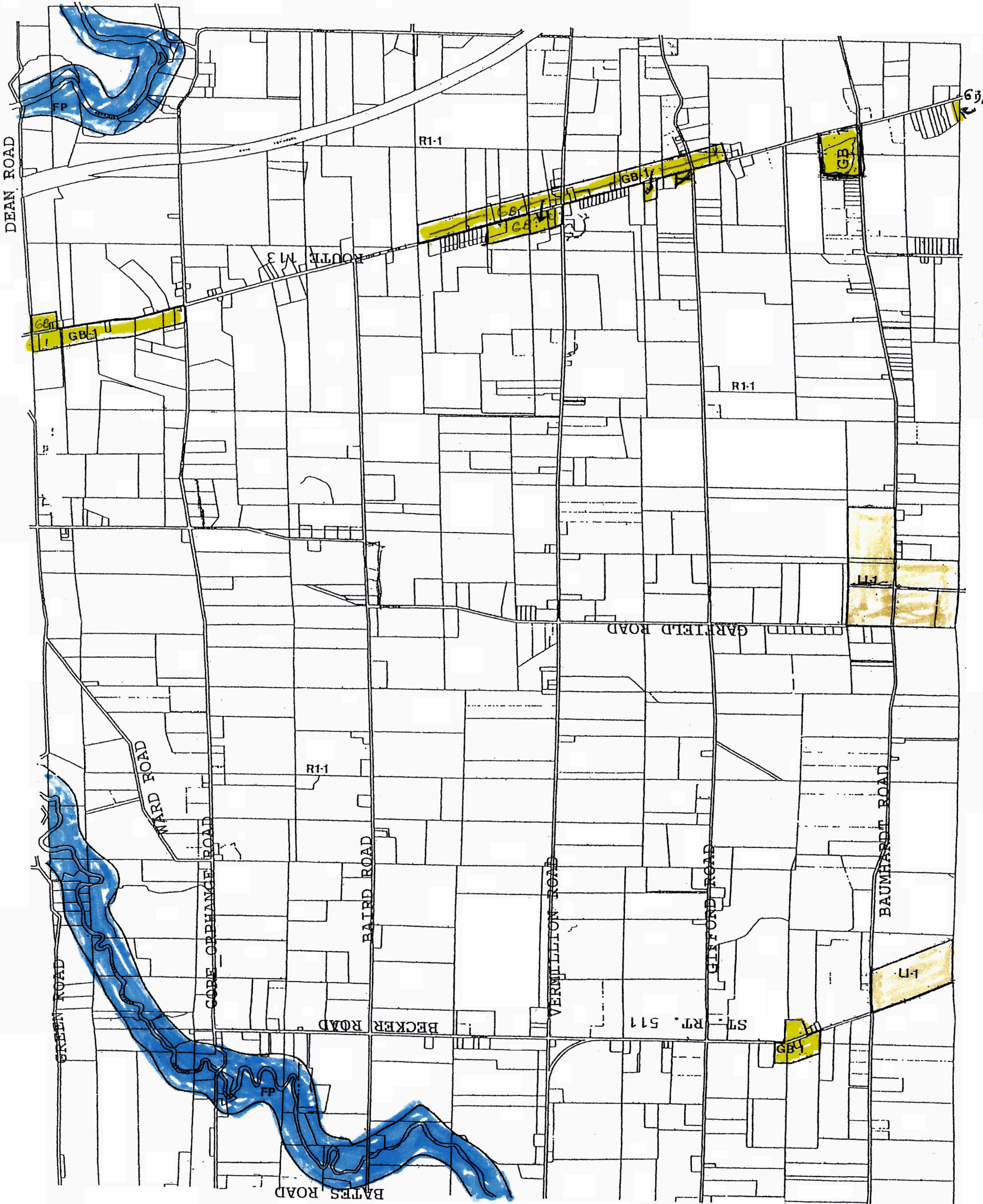
MARCH, 1981

PREPARED BY THE LORAIN COUNTY REGIONAL PLANNING COMMISSION

MARCH, 1973
 REVISED: MARCH, 1978
 REVISED: SEPT., 1980
 REVISED: AUG. 4, 2004



R1-1 RESIDENTIAL
 GB-1 GENERAL BUSINESS
 L1-1 LIGHT INDUSTRIAL
 FP FLOOD PLAIN



R1-1 RESIDENTIAL
 L1-1 LIGHT INDUSTRIAL
 ALL GB-1 AND L1-1 DISTRICTS ARE 675 FEET IN DEPTH.

GB-1 GENERAL BUSINESS
 FP FLOOD PLAIN

HENRIETTA TOWNSHIP LAND USE GOALS AND OBJECTIVES

TOWNSHIP GOALS

1. Goal: To encourage the protection of existing development as well as the potential for suitable development of the area through good design and planning.

Objective: 1. Develop a land use policy plan which is reflective of the Township needs and desires.

2. Goal: To encourage the maximum number of development opportunities which are consistent with sound planning, good design and free enterprise.

Objective: 1. Establish a zoning plan which relates to the future land use policy plan and provides adequate land areas capable of meeting the needs of the Township.

3. Goal: To recognize the historical significance of the Township.

Objective: 1. Preserve identified historic structures and land sites through the careful institution of land use plans and regulatory measures.

4. Goal: To encourage the wise and efficient utilization of available resources including the diminishing land supply.

Objectives:

1. Develop those areas served by public facilities or in those areas which can be economically served by public facilities in the future.
2. Maintain controlled growth in those areas identified as prime agricultural lands.
3. Minimize the conflicts of land uses.
4. Establish growth districts which correlate similar land uses in order to maintain economic integrity.
5. All growth districts shall be related to those lands areas containing the soils having necessary attributes to support the proposed land types.

HOUSING

1. Goal: To attract and maintain a variety of housing arrangements and a high quality of the housing stock.

Objectives:

1. Establish residential districts of varying densities and housing types.
2. Relate the variety of residential growth districts to those areas either presently served or planned for future public facility services.
3. The different residential districts shall be related to those land areas containing the soil types necessary to support such uses.
4. Protect and preserve existing property values.

5. Discourage residential development in Commercial and Industrial growth areas.

COMMERCIAL

1. Goal: To encourage development and availability of the supply of goods and services in the most convenient locations to serve all the residents of the Township with a minimum conflict between these and other land uses.

- Objectives:
1. Consolidated strip commercial areas.
 2. Limit the land area for commercial development to a ratio proportionate to that which the population and the existing market needs can economically support.
 3. Minimize the conflict of other land use types and other commercial types.
 4. Identify the commercial needs of the Township and develop specific growth areas to meet these needs.
 5. Commercial growth areas shall be located adjacent to major transportation routes and systems in a manner which permits ease of access for the people and goods.

INDUSTRIAL

1. Goal: To encourage industrial expansion and development in the Township in order to broaden and strengthen the economic base and provide employment.

- Objectives:
1. Provide suitable land in appropriate locations adjacent to major transportation systems, roads, rail and air.
 2. Minimize the conflict with other land uses.
 3. Encourage the establishment of industrial parks in order to maximize the potential of the land and minimize land requirements.
 4. Develop adequate zoning legislation to encourage development and create an environment of harmony with residential uses.

ENVIRONMENT

1. Goal: To encourage the improvement and protection of the physical and aesthetic environment and land values within the Township.

- Objectives:
1. Encourage the proper care and maintenance of the Township's environment.
 2. Wetlands, woodlands and scenic areas should be preserved.
 3. Flood plain zoning should be established to protect those areas subject to frequent flooding from the encroachment of urban development.

4. Growth areas based on soil suitability should be identified and zoned accordingly.
5. Conflict of land uses shall be minimized and/or eliminated.

HENRIETTA TOWNSHIP

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**ZONING RESOLUTION AS SET FORTH BY THE
HENRIETTA TOWNSHIP TRUSTEES**

LORAIN COUNTY, OHIO

A resolution providing for the zoning of the unincorporated area of Henrietta Township by regulating the location, the size and use of buildings and structures, the area and dimensions of lots and yards and the use of land and for such purposes as dividing the unincorporated area of the Township into zones or districts of such numbers, sizes and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

WHEREAS, the Trustees of Henrietta Township deem it in the interest of the public health, safety and economic stabilization of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township.

NOW, THEREFORE, BE IT RESOLVED by the Trustees of Henrietta Township.

ARTICLE 1

TITLE AND PURPOSE

101 **TITLE**

This resolution shall be known and may be cited as the Zoning Resolution of Henrietta Township.

102 **PURPOSE**

For the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect property values; to secure the most appropriate use of land, and to facilitate adequate but economic provisions of public improvements, all in accordance with a comprehensive plan, the Township Trustees find it necessary and advisable to regulate the location, bulk, and size of buildings and other structures and the uses of land for trade, industry, residence, recreation or other purposes, and for such purposes divide the unincorporated area of the Township into districts or zones.

ARTICLE II

DEFINITIONS

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INTERPRETATION OF TERMS OR WORDS

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

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

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DEFINITIONS

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

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

Agricultural Land-Prime: The land best suited (typically capability Class I and II) for agricultural production (as defined). It is now or could be available for such uses and could be cropland, pasture land, forest or other land. It does not include urban build-up or water areas.

Agricultural Land-Unique: Land other than prime agricultural land (land

utilized that is other than Class I and II) that is being used for specific high-value agricultural production (as defined). It has the special combination of soil quality, location, climate, exposure, air drainage, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods.

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

Alley: See Thoroughfares.

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

Arterial Street: See Thoroughfares.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

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

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

Bed and Breakfast: A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation for unrelated persons where no cooking or dining facilities are provided in individual rooms.

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

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

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to be the highest point of the roof for flat roofs, to the deck line of mansard roofs

and the main height between eaves and ridge for gable, hip and gambrel roofs.

Building line: See Set Back Line.

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

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

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

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

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

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

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

Collectors Vehicle: Any motor vehicle or agricultural tractor or traction engine of special interest having a full market value of one hundred dollars or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained or used essentially as a collectors item, leisure pursuit or investment but not as the owners principle means of transportation.

Conditional Use: A use of buildings or land which by the nature of it, requires review by the Board of Appeals, as set forth in section 1306.04 in order to determine its affect upon adjacent existing uses.

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

Corner Lot: See Lot Types.

Disabled Vehicle: Any vehicle meeting the following two conditions:

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

Demolition Materials (1989): Materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, driveways and highways, items being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation material.

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

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

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

Dwelling-Farm Related: Any building which is designed for and occupied by one family; other than the primary residence, which is occupied by either the owner or operator; or an employee who derives the majority of his or her gross income from the agricultural operation and/or said family head is a retiree (or spouse) of the same agricultural operation such as a father retiring and turning over the farming to one of his children and which exists as a separately deeded property, whether by the same owner

of the farm or separate owners, conforming to the County Subdivision Regulations, County Health Code and this zoning text.

Dwelling-Single Family: Any group of rooms located within a residential building (#1 below) which is utilized by one family as opposed to two families for its living, sleeping, cooking and eating needs.

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

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

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

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

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

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

Financial Institution: Those institutes engaged in receiving, exchanging, lending and safeguarding monies.

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

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

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

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

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

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

Garage, Private: A detached accessory building or portion of a principle building for the parking or temporary storage of travel trailers and/or boats of the occupants of the premises.

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

Hazardous Wastes-Materials: As are described in Ohio Revised Code Section 3734.01 (J) or in such state as it may hereafter be amended.

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

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

1. **Accessory Structure:** A structure with the same architectural style and design of the principle dwelling or structure. Maximum percent of lot coverage shall be adhered to as set forth in each district in this resolution.
2. **Accessory Use Type I:** Home occupation within a dwelling. Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. **Accessory Use Type II:** Home occupation within an accessory structure. Such occupation shall be carried on entirely within a structure and shall be clearly incidental and subordinate to the land use for residential purposes.

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

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

Junk Motor Vehicle: Any motor vehicle meeting the following requirements:

1. Three (3) years or older.
2. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission.
3. Inoperable.

Junk Yard: Is the use of more than one hundred (100) square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, bought, exchanged, baled, stored, packed, sorted, disassembled, dismantled or handled. Two (2) or more disabled motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard.

kennel or Cattery: Any lot or premises on which four (4) or more dogs or cats more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

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

Local Street: See Thoroughfare.

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

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

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

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

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

Lot Measurements: A lot shall be measured as follows:

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

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

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

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

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

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

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

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

Mineral Extractions, Storage, and Processing: See Extractions.

Modular Units: Any portable structure which is an assembly of material or products comprising all or part of a total structure which, when constructed, is self-sufficient, and when installed constitutes the structure or part of a structure, except for its preparations for placement and so designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of

Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public Law 93-383 as amended, and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

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

Motor Salvage Dealer: Any person who engages in business primarily for the purpose of selling salvaged motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. Any person making more than five casual sales of salvage motor vehicles in a twelve- (12) month period is a motor vehicle salvage dealer.

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

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

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

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

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

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

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

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Printing and Publishing: See Manufacturing, Light.

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

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

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

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

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

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

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

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

Road: See Thoroughfare.

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

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

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

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

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

Setback Line: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard for each district and extending across the full width of the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty

(60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from the proposed right-of-way line.

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

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

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

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

Slaughterhouse: An establishment where animals are butchered.

Solid Waste: Such materials as are described in Ohio Revised Code Section 3734.01 (E) or in such statute as it may hereafter be amended.

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

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

Street: See Thoroughfare.

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

Swimming Pool: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

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

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

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street:** A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, providing access to abutting properties and protection for arterial or collector streets. (Also called Frontage Street).

Transportation and Trucking: See Manufacturing, General.

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

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

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

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

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

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

1. **Yard Front:** A yard extending between side lot lines across the front of a lot and from the road right-of-way to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot of line both sides of the principal building between the lines establishing the front yard and rear yards.

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

ARTICLE III

GENERAL REGULATIONS

301 PURPOSE

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

302 CONFORMANCE REQUIRED

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

303 GENERAL LOT AREA REGULATIONS

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

303.01 LOT AREA EXCEPTION FOR EXISTING CERTAIN SUBSTANDARD LOTS

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

303.02 CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the side street shall be not less than one Hundred Ten Feet, (110) from the center of any road.

303.03 STREET CONSTRUCTION

No new streets or roads shall be permitted to be constructed, neither shall

the same be accepted as public roads, in a residential district which will permit any already existing structure to remain in non-compliance with the setback building requirements outlined in this or any other section of the Zoning Resolution.

304 GENERAL YARD REQUIREMENTS

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution.

304.01 YARD FOR SINGLE BUILDING

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

304.02 CLEAR VIEW OF INTERSECTING STREETS

No obstruction and/or plantings in excess of three (3) feet in height shall be placed within the road right-of-way or on any corner lot within a triangular area formed by the street right-of-way and a line connecting points twenty five (25) feet from the intersection of the street property lines of the projected points.

304.03 The minimum distance of a driveway shall not be less than twenty (20) feet from a lot line.

305 YARD EXCEPTIONS

305.01 FENCES, HEDGES AND WALLS

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

305.02 ONE STORY GARAGES AS ACCESSORY BUILDINGS

In residential districts one story detached garages or other accessory buildings shall be located no less than fifteen (15) feet from side and rear property lines.

305.03 SIDE AND REAR YARD PLANTINGS

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

305.04 PERMANENT OUTDOOR LIGHTING

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

306 EXCEPTIONS TO HEIGHT LIMITS

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

307 BUILDING REGULATIONS

307.01 GENERAL

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

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

307.02 PRINCIPAL BUILDING

No more than one (1) principal building shall be permitted on any lot.

307.03 BUILDINGS UNDER CONSTRUCTION PRIOR TO ENACTMENT

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

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

307.04

TEMPORARY BUILDINGS

- a. **DURING CONSTRUCTION:** Any structure, temporary basement home or not more than one (1) trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than eighteen (18) months. A separate Zoning certificate shall be required for the use of temporary dwelling quarters. Such certificate can only be extended once by the Zoning Inspector for six (6) months. A performance bond on no event less than \$2500.00 shall be filed with the application for such certificate.
- b. **LIMITED USE:** A cabin or summer cottage may be used for a temporary residence for a period not to exceed six (6) months in any calendar year. Visitor's trailer or mobile home shall be permitted for a period not to exceed six (6) months in any calendar year. Approved sanitary facilities must be provided.
- c. **EMERGENCY USE:** When a dwelling on any lot is destroyed or rendered inhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home may be used as a temporary residence while the permanent dwelling is repaired or reconstructed. Such excluded use shall not be continued for more than eighteen (18) months. A separate zoning certificate is required. Approved sanitary facilities must be provided.

307.05

REAR HOUSES

Rear Houses shall not be permitted in any districts. No apartment house shall have access to a public street, and if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least sixty (60) feet in width and such reserved strip may form a part of any lot width or lot yard or lot area required by the Zoning Resolution, and, if more than one (1) dwelling is located in the rear of another building and has no immediate street frontage, then said easement for access shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling were located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder of this County for record. No easements shall become a street without Lorain County Engineering specifications applying.

307.06 HEALTH BOARD APPROVAL

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

307.07 AIRPORT HAZARD ZONES

The provisions of the Lorain County Regional Airport Zoning Regulations are in full effect where applicable.

307.08 FLOOD PLAIN ZONES

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

307.09 SUBMISSION TO STATE HIGHWAY DIRECTOR (SEE 1201.04)

The provisions of section 1201.04 are in full effect where applicable.

307.10 FRONTAGE REQUIRED FOR BUILDING

No principal building shall be erected on a lot which does not abut on a street of record.

307.11 EROSION AND SEDIMENTATION CONTROL DURING CONSTRUCTION

A plan for erosion and sedimentation control during and after construction shall be included with other plans upon application for a zoning permit for subdivision of five (5) acres or more. The following principles shall be followed in developing and carrying out the plan.

- a. The smallest practical area of land should be exposed at any one time during the development.
- b. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- d. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- e. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

- f. The permanent final vegetation and structures shall be installed as soon as practical in the development.
- g. The development plan shall be fitted to topography and soils so as to create the least erosion potential.
- h. Whenever feasible natural vegetation should be retained and protected.

308 NONCONFORMITIES

308.01 CONTINUANCE

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

308.02 NONCONFORMING LOTS OF RECORD

In any R1-1 District, notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements may be obtained only through action of the Zoning Board of Appeals.

308.03 DISCONTINUANCE

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

308.04 CHANGE

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

308.05 EXTENSION, ENLARGEMENT, REMOVAL

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

308.06 DESTRUCTION, DAMAGE AND RECONSTRUCTION

Any nonconforming building or structure damaged by fire, explosion, act of God or act of the public enemy, may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than fifty (50) percent of its replacement cost at the time of destruction. A zoning permit for such reconstruction must be obtained. Nonconforming building or structure damaged to the extent of more than fifty (50) percent of replacement cost shall not be reconstructed except in the conformity with the provisions of this Resolution, or with a variance from the Board of Zoning Appeals. Any damaged or burned-out homes, which are not repaired, must be torn down and debris cleaned up within two (2) years.

308.07 MAINTENANCE

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

309 SUBMISSION OF PLANS

309.01 APPLICABILITY

This procedure is to be applied when specified in the District Regulations and prior to issuance of a building permit in these districts.

309.02

ACTION BY ZONING COMMISSION AND APPLICANT

Application for development and/or construction of multi-family, commercial (business) and industrial development districts, shall be reviewed by the Zoning Commission in four (4) stages:

- a. Application submission of general plan including sketches.
- b. Submission of preliminary development plans and preliminary architectural drawings and site plans.
- c. Submission of final development plans and final architectural drawings and site plans.
- d. Decision of Zoning Commission given in writing to Zoning Inspector.

309.03

RE-ZONING

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

309.04

CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION

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

309.05

APPLICATION PROCEDURE

- a. The developer shall meet with the Zoning Commission prior to the submission of the preliminary plans of the development. The purpose of the meeting is to discuss early and informally the purpose and effect of these regulations and criteria and standards contained in the applicable district regulations; and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used;

approximately the location of public and private streets; location, type and approximate acreage of all required open spaces. Three copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable zoning district regulations before a considerable amount of time and expense has been invested. A formal application and an application fee are required.

- b. The Zoning Commission shall discuss with the developer the changes if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.
- c. All application submissions shall be submitted to the Zoning Commission not less than two weeks prior to the regularly scheduled meeting.

**309.06 PRELIMINARY SUBMITTAL PROCEDURE AND
REQUIREMENTS**

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

**309.07 SUBMITTAL OF PRELIMINARY ARCHITECTURAL
DRAWINGS**

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

309.08 PRELIMINARY SUBMITTAL TO THE ZONING COMMISSION

- a. The Zoning Commission shall submit in writing to the petitioner the necessary revisions to be shown prior to approval of the preliminary plan, whereupon, the petitioner will submit the revised site plan and architectural drawings to the Zoning Commission.

- b. Upon approval of the preliminary plans by the Zoning Commission, the final plan may be prepared and submitted for review.
- c. Approval of the preliminary plan shall be conditional upon compliance with all other applicable statutes, resolutions and regulations of the Township, County and State.

309.09 FINAL SUBMITTAL PROCEDURES AND REQUIREMENTS

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

310 PERFORMANCE STANDARDS

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

310.01 FIRE HAZARDS

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

310.02 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

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

310.03 NOISE

Noise, which is objectionable as determined by the Commission due to volume, frequency or beat, shall be muffled or otherwise controlled except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

310.04 VIBRATION

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

310.05 SMOKE

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

310.06 ODORS

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

310.07 AIR POLLUTION

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

310.08 GLARE

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

310.10 WATER POLLUTION

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

311 ENFORCEMENT PROVISIONS

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

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

312

ENVIRONMENTAL AND ECONOMIC ASSESSMENT

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

312.01

EXISTING DEVELOPMENT

A. Existing Land Use

1. Comparisons made between the proposed use and those existing land uses adjacent to it to determine compatibility.

B. Zoning Districts

1. Is the range of zoning uses proposed in the change compatible with the range of uses allowed in the adjacent zones?
2. Is the proposed change continuing a desirable pattern of zoning?
3. Does the proposed change grant special privileges to the detriment of adjacent landowners?

C. Existing Residential Densities

1. Evaluation of the proposed parcel in relation to density of proposed area vs. density of surrounding land. Take into consideration that a 4-unit building on one (1) acre maintains the same density as four (4) single family homes on ¼ acre lots.

D. Impact Areas and Vacant Land

1. Comparison of proposed change with regard to development commitments of adjacent vacant land.
2. The effects of proposed development on the development potential of adjacent vacant land.

312.02

DEVELOPMENT IMPACT ON THE TOWNSHIP'S GOALS AND OBJECTIVES

A. Land Use Plan

1. Compatibility of proposed change in relation to Land Use Plan and the Township's long-range objectives.
2. Conditions may change over time thus justifying the proposed change but which is not indicated in the Plan.

B. Transportation Plan

1. The degree to which the change would help to realize or hinder the Transportation Plan.
2. Determination of the ability of change to be served adequately by future improvements.

312.03

DEVELOPMENT IMPACT ON PUBLIC SERVICES AND UTILITIES

A. Sanitary Sewers and Water Lines

1. Impact of change on sewerage system through study of lift station capacity.
If change causes lift station to exceed capacity thus requiring additional pumping and force main capacity or use of and alternative method for getting waste water to treatment plant.
2. Evaluation of location and size of lines serving the proposed area, to determine capability of handling change.

B. Fire Protection

1. The need for additional fire hydrants.
2. Depending on the size of the development, water pressure may have to be increased to handle high-rise building.
3. The addition of more or special fire equipment.

C. Traffic Flow

1. Review of road design capacities and location of major traffic generators.

312.04

IMPACT ON ENVIRONMENTAL FACTORS

A. Preservation of Natural Areas

B. Insurance that water supply is not degraded by pollutants including those transported in storm water.

C. Identification of areas suitable for development

1. Areas presently developed.
2. Currently vacant land suitable for development.

D. Soils and Flooding

1. Review soil maps to determine the limitations of local soils.
2. Enlisting the use of site planning to insure building relates harmoniously to terrain and existing building and roads and nearby residences.

312.05

ENVIRONMENTAL PROHIBITED USES

Dumping, storing, disposing of or burning of solid wastes, hazardous wastes, garbage, refuse, scrap metal, medical waste, tires, rubbish, offal or demolition materials shall be deemed to constitute a nuisance and shall not be permitted in Henrietta Township.

313 POND

Traditional: A man made water impoundment made by construction, a dam or embankment, or by excavating a pit or dugout, greater than 1/4 acres in surface area. Used primarily for recreation and fire protection.

1. A pond must be designed by a registered civil engineer or by the Lorain Soil & Water Conservation District to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
2. The Lorain SWDC will provide technical assistance for pond design to residential and agricultural landowners. Industrial and commercial sites will need to obtain & seeded and maintained according to the Standards and Specifications of the Natural Resource Conservation Service Field Office Technical Guide.
3. Only those dams which do not require a permit under the Ohio Dam Safety Law will be covered by this agreement.

Dams which do not require a permit are as follows:

1. The Dam, regardless of height, will have a storage capacity of not more than 15 ACRES or;
 2. The dam, regardless of storage capacity, will be six (6) feet or less in height; or
 3. The dam will be less than 10' high and will have storage capacity of 50 (fifty) acres feet or less.
 4. All dams not falling in the above categories must apply for a permit through the Division of Water, Ohio Department of Natural resources. Dams requiring permits are not within the jurisdiction of the Lorain SWCD.
4. All Ponds must be at least 10,000 square feet in size with no dimension smaller than 80 feet. Any exceptions will be dealt with on a case basis.
 5. Copies of the Standards & Specifications are on file at the Lorain SWDC Office.

POLICIES:

1. The Lorain Soil & Water Conservation District Board of Supervisors, their employees, and Natural Resources Conservation Service employees; and township trustees and appointed representatives will coordinate their efforts and cooperate to get well planned and properly constructed ponds built in the Township.
2. All Ponds must meet minimum zoning requirements as far as size, set-backs from property lines, road set-backs, etc., as determined by local township zoning regulations.
3. A soils investigations must be performed at each proposed pond site to determine if the soils are suitable for building a pond. The landowner is responsible for the cost of and schedule of a backhoe to dig test holes with a district or NRCS technician present to determine the suitability of the soil.
4. If the soils are determined to be suitable for a pond, the landowner will be required to make a deposit of \$200.00 for a pond up to .5 acre (1/2 acre) in surface area, or \$300.00 for a pond larger than .5 (1/2 acre). The District will provide the landowner with two copies of the approved plan for the proposed pond.
5. The landowner may also use the services of a qualified private engineer to the prepare the pond plan. In this case, the district will review the plans and provide written comments to the township. Since the Natural Resources Conservation Service cannot approve plans designed by a private Engineer, it will be the responsibility of the township, based on written comments provided by the district, to determine if the plan prepared by the private engineer is acceptable.

6. Ponds being considered or planned on commercial or industrial property will be designed by a qualified private engineer. This includes retention/detention structures as well as typical ponds. The district and NRCS can provide consultive assistance to the private engineer on request.
7. The landowner will arrange a pre-construction conference between the contractor, the landowner and representative from the district prior to the start of construction to insure that all parties understand the entire project.
8. Any requests for a variance from NRCS Standards and Specifications and/or from township zoning will be processed by the township. In the event that a variance is granted and results in the plan no longer meeting NRCS Standards and Specifications, it will be the decision of the Board of Supervisors of the LWCD whether technical assistance will be withdrawn from that particular job.

PROCEDURES:

1. The landowner desiring a pond should contact the local Zoning Inspector for permit requirements, zoning requirements, (set backs, etc.)
- 1A. Agricultural/Residential ponds shall be located no closer than 100 feet to any "right of way" and no closer than 50 feet to any side lot or rear property line. The pond shall not cause a hazard to nearby residents
2. The landowner should contact the district office to schedule a site review and soils investigation. A backhoe is needed for the soils investigation. (The landowner is responsible for the cost of the backhoe).
3. If the site and soils are suitable, a pond plan will be prepared by the district when the landowner pays the deposit, (\$200. under .5 acre or 4300.00 for ponds over .5 acre) A copy of the cover letter is sent to the Township Zoning Inspector when the completed plan is mailed to the landowner. The pond deposit is valid for a period of one year.
4. The landowner will present a copy of the plan to the township when applying for a permit.
5. Prior to the start of construction, the landowner and contractor will meet with the district or NRCS technician to review the pond plan to insure proper understanding of all standards and specifications, utilities, and any other circumstances.
6. The landowner shall notify the district when construction is to start.
7. The contractor and/or landowner shall coordinate a construction check of the pond with a district or NRCS technician before moving from the site. This is to insure that all earthmoving and structures are installed as planned before leaving the site.
8. Deficiencies that are not corrected before the contractor leaves the site will be reported by the district to the landowner and a copy to the township for appropriate action.
9. When the pond is completed and seeded according to the plan, a letter of completion will be sent to the landowner, with a copy to the Township Zoning Inspector and deposit is returned to the landowner.

314 PRIVATE SWIMMING POOL (R1-1, GB-1, L1-1)

- A. Definition - A private swimming pool as regulated herein, shall be any pool, lake or open tank, but not including farm ponds, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half feet. No such swimming pool shall be allowed in any R-district except as an accessory used to a residence or as a private club facility and unless it complies with the following conditions and requirements.
- B. Exclusive Private Use - The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
- C. Distance Requirements - The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 20 feet to any property line.
- D. Fencing - The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from the adjacent properties.
- E. Drainage - Adequate provision for drainage shall be made subject to approval by the County Engineer.
- F. Lighting - Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from adjoining properties.
- G. Permit Required - No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans thereof to the Zoning Inspector and the Health Department.

ARTICLE IV

CONDITIONALLY PERMITTED USES

401

GENERAL REQUIREMENTS

- a. Zoning Board of Appeals-The Zoning Board of Appeals may allow conditionally permitted uses subject to: The general conditions as set forth in Article III: The Submission of Plans as set forth in Article III, where applicable and the specific conditions set forth herein.
- b. Conditional Use Permit-Conditional use permits shall be filed in the Township Hall and shall be a public record. Conditional use permits shall be consecutively numbered and filed by number.
- c. Inspection-The Zoning Inspector may inspect the premise at any reasonable time. Failure to comply with the regulations as established herein and others as the Zoning Board of Appeals may add will be considered reason for revocation of the conditional permit.
- d. Violations-Conditional use permits shall be revoked after 30 days from date of written notice of violation unless said violation has been corrected.

402

AUTOMOBILE AUTOMATIC WASH STATIONS (GB-1)

- a. Off-Street Reserve Space-Reserve space for not less than five (5) automobiles per washing lane shall be provided.
- b. Required Off-Street Parking-One space for each two employees plus one space for the owner or manager.
- c. Frontage and Depth-A minimum frontage of 300 feet and an area of 2 acres are required.
- d. Sand Trap-A sand trap for waste water with a minimum capacity of 120 cubic feet shall be provided within the building for protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board practices. Said use shall be located one hundred feet from any lot in a residential district.
- e. Retail Sales-Retail sales of related commercial products shall be permitted.
- f. Repair Work-Repair work shall not be permitted.
- g. Services-Services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.
- h. Hours of Operation-Facilities located adjacent to a residential area shall be used only during the hours of 7:00a.m. to 10:00p.m.
- i. Distance from Side Lot Line- The building shall be a minimum of 40 feet from the side lot line.

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

403

AUTOMOBILE REPAIR GARAGES (GB-1)

- a. Fencing-When such use abuts a lot in any residential district, a three foot solid wall, chain link fence, or a painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a six-foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of not more than three feet from the street right-of-way to the building line and a minimum of six feet along the remainder of the property lines.
- b. Distance from Residential Areas-Buildings used for such purposes shall not be nearer than 75 feet from any residential district.
- c. Repairs-Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.
- d. Access-No more than two driveway openings shall be permitted directly from any major thoroughfare nor more than one driveway opening from any minor street, each of which shall not exceed thirty feet in width at the property line at its intersection with the street line. No part of any access way shall be nearer than 100 feet to the intersection of any two street right-of-way lines, nor shall any such part be nearer than 50 feet to any side or rear property line.
- e. Off-Street Parking-One space for each employee shall be provided in addition to one space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles.
- f. Storage-No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the building on the premises.
- g. Lot Size-The minimum lot size shall be two (2) acres with a three hundred- (300) foot frontage.

404

CEMETERIES (RI-1)

- a. Access-The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of two (2) points of entry set at two hundred (200) feet between centerlines.
- b. Minimum Site Size-Ten (10) acres.
- c. Building Setback-All burial buildings or accessory buildings shall be set back at least seventy-five (75) feet from any street right-of-way

bounding the cemetery. There shall be two (2) side yards and a rear yard of at least fifty (50) feet each.

- d. Exempt from annual conditional permit renewal.

405

DAY CARE CENTER (RI-1, GB-1)

- a. Interior Floor Space-No less than one hundred (100) square feet per child
- b. Yards Required-Side and rear yards shall be a minimum of fifty (50) feet.
- c. Lot Frontage Area-Three hundred (300) foot frontage and an area of two (2) acres maintained.
- d. Play Area-There shall be provided on the site a usable outdoor play area of seventy-five (75) square feet per child enrolled exclusive of front yard, required side yards, driveways and parking areas.
- e. Fencing-The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.
- f. Development Plan-A development plan must be submitted at the time of application for a conditional use permit.

406

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

- a. General Requirements-Any owner, lessee or other person having an interest in mineral land may file with the Zoning Board of Appeals, an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located and with the following additional requirements.
- b. Distance From Property Lines-No quarrying operation shall be carried on or any stock pile planned closer than 50 feet to any property line, unless a greater distance is specified by the Zoning Board of Appeals where such is deemed necessary for the protection of adjacent property.
- c. Distance From Public Right-of-Way-In the event that the site of the mining, quarrying or extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 300 feet to the nearest line of such right-of-way.
- d. Fencing-Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Zoning Board of Appeals such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.
- e. Equipment-All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatments as may be specified by the County Engineer.

- f. Processing-Crushing, washing and refining or other similar processing may be authorized by the Zoning Board of Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
- g. Drainage Damage-Any party responsible for damage to tile or waterways of record must restore them to their previous condition.
- h. Performance Bond-All persons or groups of persons, corporations, or private contractors wishing to extract minerals or topsoil from land within Henrietta Township shall submit to the Township Trustees, a bond for a sum to be determined by the Trustees which shall be held during the operation of the extraction process and for a period not to exceed 365 days after removal of equipment from the site. The condition of this bond shall be that the persons or groups of persons, corporations or private contractors responsible for the extraction process shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such bond shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.
- i. Applications—Contents, Procedure-An application for such operation shall set forth the following information:

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

Name of the applicant-making request for such permit.

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

Location of processing plant to be used.

Type of resources or material to be removed.

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

Description of equipment to be used.

Method of rehabilitation and reclamation of the mined area.

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

407

FUNERAL HOME (GB-1)

- a. Site Size-Minimum site size shall be two (2) acres with a minimum width of three hundred (300) feet.
- b. Access-The proposed site shall front upon a major thoroughfare. All ingress to the site shall be directly from said thoroughfare.
- c. Yards Required-Each front, side and rear yard shall be at least fifty (50) feet in width and be appropriately landscaped in trees, shrubs and

grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified in Article XI and except for required entrance drive and those walls and/or fences used to obscure the use from abutting residential districts.

- d. Area Coverage-No more than thirty (30%) percent of the grass site area shall be covered by buildings, including accessory buildings.
- e. Appearance of Buildings-All buildings shall be harmonious in appearance with any abutting surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.
- f. Off-Street Parking-Off -street parking shall be provided in conformance with the schedule outlined in Article XI. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by a fence at least four feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

408

GOLF COURSE (R1-1)

- a. Site Size and Frontage-The site shall contain a minimum of 35 acres for a par 3-9 hole golf course a minimum of eighty acres for a nine-hole golf course and one hundred and sixty acres for an eighteen-hole golf course. Lot frontage shall be a minimum of sixty feet in addition to the width needed for any desired sign.
- b. Distance from Road Right-of-Way-All principal and accessory buildings shall be located not less than one hundred feet from the road right-of-way sideline.
- c. Access-Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty feet in width and constructed of a hard-surfaced material.
- d. Height-No structure shall be erected in excess of thirty-five (35) feet in height.
- e. Course Layout-Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted to the Township Zoning Board of Appeals for review. The Township may request the review of the Lorain County Regional Planning Commission if desired prior to the issuance of a conditional zoning permit. Such review by the Commission shall be advisory to the Township Board of Appeals.
- f. Distance from Residential Areas-Buildings and parking areas shall be not less than two hundred feet from any property line of abutting residentially zoned land.

- g. Lighting-Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.
- h. Parking-Ten parking spaces per hole shall be provided in addition to one space per thirty-five square feet of floor area for public assembly. All parking spaces shall be located not less than seventy-five feet from any residential district and fifty feet from the road right-of-way side line.
- i. Fencing-A minimum of six feet in height shall be provided around all recreation areas (tennis courts, swimming pools, and shuffle boards courts), thereby permitting access only to members or users of the golf course.
- j. Retail Sales-Pro-shops and sale of goods incidental to the principal use shall be permitted. The sale of food and beverages shall be permitted if contained within the principal building or structure.

409

**HOME OCCUPATION (R1-1) (GB-1)
TYPE 1**

Within a Dwelling unit provided that:

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

TYPE 2

Within an accessory structure provide that:

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

410

MINIATURE GOLF COURSES (R1-1, GB-1)

- a. Minimum Setback-One hundred (100) feet from road right-of-way, with minimum side and rear yards of at least fifteen (15) feet each. The course shall be located no closer than two hundred (200) feet from any structure used for human occupancy.
- b. Landscaping-The lot shall be so landscaped as to screen the use from adjoining properties.
- c. Noise-Loudspeakers, which causes a hazard or annoyance, shall not be permitted.
- d. Access-All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.
- e. Lighting-No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- f. Hours of Operation- 7A.M. To 11 P.M.

- g. Retail Sales-The sale of pre-packaged food and beverages and commercial products clearly incidental to the use shall be permitted.
- h. Prohibited Activities-No intoxicating beverages may be sold or permitted. No mechanical amusement devices or games of chance shall be allowed.
- i. Parking-No parking shall be permitted on the public right-of-way.

411

PARKS AND PLAYGROUNDS (R1-1)

- a. Permitted Uses-Uses permitted shall be softball/baseball fields, multiple-use paved areas, landscaped areas, picnic areas, playground apparatus areas and field house.
- b. Site Size-The minimum total site size shall be five acres and the minimum total width shall be not less than three hundred (300) feet.
- c. Access-A minimum of two access points to the site shall be provided maintaining a distance of two hundred (200) feet, centerline to centerline.
- d. Parking-Ten parking spaces shall be provided for each acre of playground area.
- e. Setback Requirements-Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bounding road right-of-way side lines. Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back fifty (50) feet from any bounding street right-of-way or side lot line.
- f. Lighting-When lighting is provided it shall be shielded from adjacent properties.
- g. Noise-No amplification equipment shall be permitted.
- h. Retail Sales-The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.
- i. Development Plan-A development plan must be submitted at the time of application for a conditional use permit.

412

PLANT NURSERY (R1-1, GB-1)

- a. Minimum Site Size-Five acres.
- b. Parking-A minimum of five off-street parking spaces shall be provided or 3.5 square feet of parking space for each square foot of floor space devoted to retailing, whichever is greater.
- c. Setback-Any building or accessory structure shall be set back one hundred feet from any road right-of-way side line and seventy-five (75) feet from all other property lines.
- d. Dead Plant Material-No burning or storage of dead plant material is allowed.

- e. Lighting-All outside lighting shall be directed away and shielded from adjacent properties and public roadways.
- f. Spraying-When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized, said spraying operation shall be directed so as to not affect adjacent properties in any way.
- g. Irrigation-When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.

413

PROSPECTING OIL AND GAS (R1-1, L1-1)

- a. Applicability-These conditions apply to commercial prospecting, exploring for oil and gas, oil and gas wells and service wells accessory thereto, and the storing and transporting of crude oil and natural gas.
- b. General Requirements-All operations shall be in accordance with the rules and regulation of the State of Ohio, Division of Mines, Department of Industrial Relations and provisions pertaining thereto of the Ohio Revised Code as amended. The operator shall furnish a copy of the Application for permit to Drill (as filed with the Division of Mines pursuant to O.R.C. 1509) to the landowner and to the Zoning Inspector. Drilling operations shall be prosecuted with due diligence in keeping with good oil field practice as determined by the Deputy Gas and Oil Well Inspector of the State of Ohio for the district in which such well is located.
- c. Setback Requirements-All wells, storage tanks and other accessory structures shall be located three hundred (300) feet from any house, barn or other building, road right-of-way line, or property line and shall be equipped with safety devices necessary for the safe handling and storing of oil and gas.
- d. Operating Requirements-The operator shall at all times conduct operations and maintain equipment in such a manner so as to maintain property values, provide maximum safety conditions, and shall not create any hazard to health nor create a public nuisance. All unnecessary noise, smoke and odors are to be avoided. Accumulation and disposition of waste material shall be in a manner conducive to good sanitation and to the restoration of all ground surfaces to their natural condition.
- e. Pipe Lines-All pipe lines for the transportation of oil and/or gas shall be buried below a depth of forty-eight (48) inches.
- f. Restoration-After prospecting is complete or upon the abandonment of any well, each hole shall be plugged within thirty (30) days in a manner that will protect all fresh water horizons and the surface of the ground used in connection with the drilling and production of such well shall be restored to its original condition as nearly as practicable. The Zoning Inspector shall be notified by the operator at the time of the plugging of any oil or gas well.

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

414

PRIVATE GAS WELLS

Private gas wells must comply with all State requirements.

415

RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA (R1-1)

- a. Applicability-These conditions shall apply where one or more horses are used, kept or maintained for commercial leasing or hiring purposes for remuneration.
- b. General-All riding or exercising of horses shall be conducted solely on the premises of said stable, academy or area. The use of any public road right-of-way as a part of a stable or riding academy shall be prohibited. All horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.
- c. Lot Area-The lot area required for each horse stabled in a riding stable or academy shall be not less than one (1) acre and the minimum lot shall be not less than five (5) acres with a lot width of not less than five hundred (500) feet.
- d. Building Location-All buildings for riding, showing, housing or keeping of horses shall be located not less than one hundred and fifty (150) feet from the side and rear property lines and two hundred (200) feet from the road right-of-way side line. Accessory structures such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.
- e. Access and Parking-Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area a minimum design area of 600 square feet shall be used per horse being boarded or kept. All driveways and off-street parking areas shall be maintained in a dust-free, all-weather condition. Parking areas shall be located no less than one hundred fifty (150) feet from the street right-of-way. Entrance to the site shall be of sufficient width (not less than 24 feet) in order to facilitate entering and leaving the property at the same time.
- f. Landscaping-All outdoor areas including exercising and parking areas shall be adequately landscaped to screen and buffer the use from any abutting residentially zoned property.

- g. Retail Sales-The sale of commercial products clearly incidental to the intended conditional use shall be permitted. The sale of incidental products shall be conducted wholly within an enclosed building.
- h. Lighting-All outside lighting shall be shielded and directed away from adjacent properties and from public roadways.
- i. Noise-No outdoor amplification system shall be permitted.
- j. Height-No building or structure shall exceed 35 feet in height.
- k. Sanitation-The premises shall be maintained in a sanitary and orderly manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.
- l. Hours of Operation-All activities shall terminate on or before 11 p.m. each day.
- m. Site Plan-When boarding or keeping more than 3 horses, a proposed site plan drawn to scale shall be prepared showing the following:

- Location of buildings
- Location of property lines and adjacent building
- Ingress and egress points
- Parking areas and driveways
- All activity areas
- Landscaped buffer areas and the plant material to be used
- Drainage plan which includes the topography of the site at 5 foot intervals.

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

416

ROADSIDE STANDS (R1-1)

- a. General-Roadside stands shall be used for the sale of products grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the nongrowing season.
- b. Setback-Said use shall be set back 20 feet from any right-of-way sideline.
- c. Parking-Adequate off-street parking shall be provided for a minimum of 4 vehicles or more as determined by the Zoning Board of Appeals depending on the type and size of operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.
- d. Signs-The provisions of Article X shall apply.

417

SERVICE STATIONS (GB-1)

- a. Frontage-A minimum frontage on the primary street of three hundred (300) feet is required.

- b. Building Setback-A minimum setback of 100 feet from all street right-of-way lines is required. A fifteen (15) foot unobstructed buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
- c. Rear Yard-A minimum rear yard of seventy-five (75) feet is required where the use abuts a residential area or forty (40) feet where the use abuts a non-residential area.
- d. Site-A minimum of two (2) acres is required.
- e. Lot Coverage-A maximum lot coverage of twenty (20%) percent shall be permitted.
- f. Access-Maximum width of curb openings for station should not be more than 35 feet or less than 20 feet. No driveway or curb cut for a driveway shall be located within 20 feet of any adjoining property line or within 20 feet of an exterior (corner) lot line as extended. Any two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of 20 feet from the right-of-way line. The angle of the intersection of the centerline of the driveway with the centerline of the street shall be not less than 60 degrees.
- g. Fencing and Landscaping-Any unpaved areas of the site shall be landscaped or maintained in dust-free condition and separated from the paved areas by a curb or other barrier. When such use abuts a lot in any residential district, a 3 foot solid wall, chain link fence or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs shall be incorporated which will attain a maximum height of three feet from the street right-of-way line to the building line and a minimum of six feet along the remainder of the property lines.
- h. There shall be one parking space for each two gasoline pumps and two for each service bay plus one for each employee and one for each rest room provided.
- i. Lighting-Exterior lighting shall be shielded from adjacent properties to prevent possible glare.
- j. Service Equipment-Gasoline pump islands, compressed air connections and other equipment shall be set back a minimum of 30 feet from any right-of-way line. Hydraulic hoists, pits and all lubrications, washing and repair equipment shall be enclosed entirely within a building.
- k. Repair Work-No major repair work shall be conducted in a gas station.
- l. Outdoor Storage of Vehicles-Under any and all conditions, outdoor storage of vehicles shall be limited to 72 hours.

418

VETERINARY HOSPITAL OR KENNELS (R1-1, GB-1)

- a. Parking and Access-Parking shall be provided for a minimum of four car and trailer combinations. Five hundred square feet shall be the minimum required parking and access area for each car and trailer or

van combination. Three hundred (300) square feet shall be required for parking and access space of each vehicle.

- b. Runways, Exercise Areas-All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public or constitute a nuisance.
- c. Building and Enclosures-The main building and any buildings housing animals shall be no closer than one hundred feet from any other lot in any direction. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred feet from any property line.
- d. Manure Piles-Manure piles shall be disposed of daily in a sanitary, nonodorous condition. Open manure piles shall not be permitted.
- e. Lighting-All outside lighting shall be shielded from adjacent properties.
- f. Retail Sales-The sale of incidental products is permitted.

419

CHURCH (GB-1, R1-1)

- a. For purposes of this ordinance, a church shall be defined as a building designed for the purpose of assembly to worship. All churches shall conform to the following conditions.
- b. All buildings, structures, accessory buildings including parking areas or garages shall be setback 50 feet from the side and rear lot lines.
- c. Parking shall be provided as follows: 1 space for each four seats.
- d. Lighting-Lights shall be shielded and directed away from adjacent property and from public roadways.
- e. Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscaped device, adequate to visually screen off this area from the residential district.
- f. Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of two-access point's 70 feet center to center. All points of entrance or exit shall be located no closer than 200 feet from two intersecting major streets or 100 feet from the intersection of a major and minor street, or two minor streets.
- g. A lot area of one acre per one hundred seats with a minimum development of three acres shall be provided.
- h. Exempt from annual conditional permit renewal.

420

RECREATIONAL VEHICLE SALES AND SERVICE (GB-1)

- a. Minimum Area, Minimum Frontage-The minimum area required shall be five acres. Minimum frontage shall be not less than 300 feet.

- b. Related Commercial Activity-Commercial activity shall be directly related to those sales, transactions or exchange, which are directly related to storage, sales or services, offered on the premises. Nothing in this section shall be interpreted in such a manner as to supersede or nullify the commercial zoning provisions found elsewhere in these regulations.
- c. Parking Requirements-At least one parking space shall be provided for each four hundred (400) square feet of building space. All other provisions of Article XI shall be complied with.
- d. Enclosure-All recreational vehicle repairs shall be conducted in an enclosed building. Outside storage and sales are permitted provided the area is properly fenced and landscaped.
- e. Fencing-Buffering Requirements-All recreational vehicle storage and sales areas shall be enclosed at the property line with a farm fence with gates where appropriate. Said fence shall be maintained in good repair. In addition to fencing, the commission may recommend, and the Township Trustees may require suitable landscape plantings or screening along those sides or portions of lot lines that adjoin residential areas.
- f. Setback Requirements-All structures and activity areas shall be located no closer than one hundred (100) feet from any property line.

421

TRANSITION PROVISIONS AND REQUIREMENTS (R1-1)

- a. Intent of Transition Provisions: In order to provide an added measure of reasonableness and flexibility to the regulations set forth in this resolution, and in order to accommodate a natural tendency for gradual transition between two distinctly different kinds of land use activities, there are hereby provided transition zones at the periphery of certain commercial and industrial districts. Within these transition zones restrictions for residential districts are progressively modified within a specified distance to the less restrictive requirements of a commercial or industrial district.
- b. Limits of Transition Zones: Certain GB-1 structures and uses, as specified herein, may be permitted in the R1-1 Residential District within one hundred (100) feet of the GB-1 (General Business), and L1 (light Industrial) Districts, PROVIDED that any nonresidential use allowed within the transition zone shall be permitted only by the application for and the issuance of a conditional use permit, and meets the following additional requirements:
 - 1. In reviewing any such proposed use, the Zoning Board of Appeals shall take every precaution in granting authorizations to achieve the maintenance of the essential residential character and appearance of that portion of a residential district in which transition uses are allowed.

2. The Zoning Board of Appeals may impose such additional conditions and safe guards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the spirit and objectives of this resolution will be observed.
 3. Comments from the Zoning Commission shall be solicited in sufficient time to be received prior to the meeting.
- c. Uses Permitted: Only the following uses shall be permitted in any transition zone.
1. All uses permitted by right in the R1-I District.
 2. Lodges and clubs, excepting such lodges or clubs, the chief activity of which is a service customarily carried on as a business or primarily for gain.
 3. Tourist homes for the accommodation of transient guests with no more than four (4) rooms.
 4. Personal services such as dress-making, millinery, hairdressing, hair cutting, beautician and massage service, PROVIDED, such activity is carried on completely within the principal building.
 5. Business services and sales not involving handling of merchandise or rendering personal services on the premises.
 6. Offices for occupancy by physicians, surgeons, dentists, attorneys, architects or engineers PROVIDED that there are no resident patients.
 7. Off-street parking lots, public or private, PROVIDED that all setbacks and other requirements stated in Article XI (Off-Street Parking Requirements) are met.
- d. Site Development Requirements:
1. Yards: All yard dimensions, height, area and bulk requirements for the particular residential district shall be complied with.
 2. Off-street parking and loading facilities as required for the particular non-residential use shall be provided.
 3. Sign regulations for the particular residential district shall be complied with.
- e. Additional Transition Requirements for Business Districts or Industrial Districts that Adjoin a Residential District: In order to mitigate the detrimental effect on residential properties immediately adjacent to business or industrial activities, the following regulations shall be complied with:
1. Any of the following land and structure uses shall be no closer than one hundred (100) feet to any residential district.
 - a. Gasoline service of filling station.
 - b. Automobile repair and public garages.
 - c. Drive-in food and drink dispensing facilities.
 - d. Drive-in theaters.
 - e. Drive-in golf ranges.

- f. Amusement parks, carnivals, tent shows.
- g. Music or dancing schools and studios.
- h. Laundry, dry-cleaning establishments.
- i. Animal hospital, clinic, or kennel.

422

NURSING HOMES (R1-1, GB-1)

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

423

RIFLES RANGES (R1-1)

Rifle ranges shall be subject to the issuance of a conditional zoning certificate therefore the following conditions plus such other conditions as the Township Board of Zoning Appeals may require:

- a. All rifle ranges shall be limited to the use of twenty-two (22) caliber firearms.
- b. No rifle range shall exceed a firing range of fifty (50) yards.
- c. All firing shall be in backstops constructed of planking of not less than two (2) inches in thickness and not to exceed five (5) feet in height.
- d. Backstops shall be immediately in front of an earth mound or bank, which is rock free, and of not less than thirty (30) feet in height and extending not less than fifty (50) feet beyond each flank of the backstop.
- e. The use of all rifle ranges shall be under the supervision of responsible personnel.

RECREATIONAL CAMPGROUNDS (R1-1, FP-1)

- a. Area-No campground shall be developed on a lot of less than ten (10) acres. No campsite shall be located on land having a slope in excess of twenty percent.
- b. Setback-Buildings shall be located no closer than three hundred (300) feet to the right-of-way and two hundred (200) feet to the side or rear lot line.
- c. Sanitation-The general criteria for sanitary facilities shall be:
 - 1. Toilet fixtures-1 for each 17 people
 - 2. Showers-1 for each 50 people
 - 3. One restroom with six (6) toilets per campground of 25 units
 - 4. One restroom with six (6) toilets and one (1) combination building with six (6) toilets, four (4) showers and laundry facilities per campground of 50 units.
 - 5. Adequate garbage and rubbish cans with tight fitting lids shall be provided for each campsite.

The campground and all permanent facilities and equipment shall be kept in clean orderly and sanitary condition and free from any condition that will menace the health of any camper or the public or constitute a nuisance.

- d. Water Supply Requirements-Water supply requirements at campgrounds shall be:
 - 1. With showers and flush toilets-40 gallons per camper per day.
 - 2. With flush toilets-25 gallons per camper per day.
 - 3. Without showers or flush toilets-5 gallons per camper per day.
 - 4. Emergency Storage-The capacity of the water storage reservoir or tank should provide for double the expected daily use. If a pressure system is developed, a "standby" or emergency supply of water should be provided.
 - 5. Distance from drinking water to unit-300 feet maximum, 100 feet or less optimum.
- e. Fire Protection-The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department which serves the area.
- f. Prohibited Activities-No intoxicating beverages may be sold or permitted on the campgrounds. No mechanical amusement devices or games of chance shall be allowed.
- g. Hours of Operation-Under no condition shall activities continue past 12 p.m.-at which time all lights in halls, buildings, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.

- h. Noise-No amplification equipment shall be permitted. Radios, television sets and phonographs shall be permitted providing that in the judgment of the Zoning Inspector these are not operating louder than normally operated in a residence.
- i. Retail Sales-The sale of soft drinks shall be permitted provided that the vending equipment and the area where located shall be properly maintained.
- j. Parking-The following parking space must be provided:
 - Car-300 square feet;
 - Car and Trailer-600 square feet;
 - One space or hard stand per camper unit, minimum space for 2 cars, or car and trailer
 - Optimum space for 3 cars must be provided at each restroom.
- k. Hard Stand Areas-To accommodate self-contained camping trailers, all-weather hard stand areas, 10 feet x 40 feet shall be provided and so designed that the car and camping trailer can be backed onto the hard stand area with the minimum amount of maneuvering.
- l. Trailer Length-Camping trailers are limited to a length of 28 feet, except self-propelled camper vehicles.
- m. Access Roads-All access roads shall be maintained in an all-weather, dust-free condition.
- n. Lighting-All outdoor lighting shall be shielded to prevent glare to adjoining properties.
- o. Camper Vehicles-All camper's vehicles shall display the current year license plates. No campground shall be used for permanent occupancy or as a mobile home park. Travel or camping trailers shall not be allowed to exceed a stay of seven months, and only between the periods of April 15th and November 15th.

425

CONVERSION OF A SINGLE FAMILY DWELLING UNIT TO A TWO FAMILY DWELLING UNIT

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

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

426

JUNKYARDS AND MOTOR VEHICLE SALVAGE YARDS (L1-1)

- a. All junk motor vehicle and motor vehicle parts are to be stored on a concrete pad, sloped to contain any drainage of oil, gasoline or other contaminants that might drain to the soil. The pad may not have any cracks that would permit seepage to the soil.
- b. The lot drainage would have to be processed to remove all impurities that would drain off the concrete pad.
- c. Within thirty (30) of ending operation the lot would have to be completely restored to bare land.
- d. The yard would have to be enclosed by a sound five (5) foot masonry wall with brick facing to completely hide all junk and motor vehicles from view. Junk could not be piled higher than this wall. The outside twenty-five (25) foot deep perimeter of this lot would be landscaped with shrubs, trees and grass as approved by the Zoning Commission. All the trees, shrubs and grass would have to be trimmed for a neat appearance.
- e. All gates would have to be solid.
- f. Signs-The provisions of Article X shall apply.
- g. Must comply with County Health and EPA Regulations.

427

Cel towners shall be a minimum of 3 times the height of the towners back from the right-of-way setback and a distance equal to or exceeding the height of the tower away from any rear or side lot.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

501 PURPOSE

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

502 DISTRICTS

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

- R1-1 Agricultural Residential District
- GB-1 General Business District
- L1-1 Light Industrial District
- FP-1 Flood Plain District

503 ZONING MAPS

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

504 INTERPRETATION OF DISTRICT BOUNDARIES

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

- a. Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way lines, such as centerlines, street lines, or highway right-of-way lines shall be considered to be such boundaries.
- b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c. Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or of the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the

zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

- d. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- e. Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- f. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Resolution shall be determined by dimension notes on the map, or by the use of the scale appearing on the map.

ARTICLE VI

AGRICULTURAL RESIDENTIAL – R1-1

601 PURPOSE

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

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

602 PERMITTED USES

Agriculture (Farms)
Single Family Dwellings
Two-Family Dwellings
Accessory Buildings incidental to the principal use which do not include any activity conducted as a business.
Greenhouses
Public Schools
Open Space
Water Impoundment Facilities
Private Swimming Pools
Cemeteries
Churches

603 CONDITIONALLY PERMITTED USES

Day Care Center (see section 405)
Golf Courses (see section 408)
Home Occupations (see section 409)
Miniature Golf Courses (see section 410)
Nursing Homes (see section 423)
Parks and Playgrounds (see section 411)
Plant Nursery (see section 412)
Private Gas Wells (see section 414)
Prospecting Oil and Gas (see section 413)
Recreational Campgrounds (see section 425)
Wireless Telecommunication Towers

Riding, Boarding and show Stables (see section 415)
Roadside Stands (see section 416)
Transition Provisions (see section 422)
Extraction of Stone, Minerals and Topsoil (see section 406)
Veterinary Hospital or Kennels (see section 418)
Wind Energy Systems

604

LOT AND YARD REQUIREMENTS

Farm

Farm Minimum Lot Area-five (5) acres
Minimum Frontage and Width-three hundred (200) feet
Minimum Front Yard Depth - One hundred and ten (110) feet (110) from
the center of any road.
Minimum Rear Yard-fifty (50) feet
Minimum Side Yard Width-twenty (20) feet with total side yard
Not less than forty (40) feet
Percentage of Lot Coverage-All buildings including accessory
Buildings shall not cover more than thirty percent (30%)
Of the net area of the lot.
Minimum lot width at building setback line-three hundred (300)
Feet

Single Family Dwelling

Minimum Building Lot-two (2) acres
Minimum Frontage and Width-two hundred (200) feet
Minimum Front Yard Depth - One hundred and ten (110) feet
center of any road
Minimum Rear Yard-fifty (50) feet
Minimum Side Yard-not less than twenty (20) feet but the sum of
Two (2) side yards shall not be less than forty (40) feet.
Percentage of Lot Coverage-All buildings including accessory
Buildings shall not cover more than thirty person (30%)
Of the area of the lot.
Minimum lot width at building setback line-two-hundred (200)
Feet

Two Family Dwelling

Minimum Building Lot-two (2) acres
Minimum Frontage "Continuous" and Width-two hundred (200) feet
Minimum Front Yard Depth - One hundred and ten (110) feet
center of any road
Minimum Rear Yard-fifty (50) feet
Minimum Side Yard-not less than twenty (20) feet but the sum of
Two (2) side yards shall not be less than forty (40) feet.
Percentage of Lot Coverage - All buildings including accessory
Buildings shall not cover more than thirty percent (30%)
of the area of the lot.

Minimum lot width at building setback line-three hundred (300)
Feet

605 MAXIMUM BUILDING HEIGHT

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

606 REQUIRED MINIMUM LIVING AREA

Single Family Dwelling 1400 square feet.

607 PERMITTED SIGNS

The provisions of Article X shall apply in this District.

608 OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

609 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

610 WIND ENERGY SYSTEMS

Wind Energy Systems shall be a conditional permit use in all districts, except in a flood plain district, with a minimum set back of 150 ft. from the center of the road, or a distance of a minimum of 1.1 x the operating height of the wind energy system (whichever is greater) away from any right of way (road or other), side lot, or rear property line (for fall zone protection). The height shall be determined by the uppermost part of the tower or the blades, whichever is greater, The wind energy system must be kept in good repair or removed within 6 months of notification.

ARTICLE VII

GENERAL BUSINESS-GB-1

701

PURPOSE

The General Business District is created to provide retailing and personal services. This district is so designed to permit commercial development of permitted uses which will be limited only by standards set forth to protect the abutting districts and as directed against the extension of strip zoning. The General Business District shall be considered for use in limited areas adjacent to the major activity centers and in accessible locations along arterial streets on the major thoroughfare plan. Strip zoning in this district shall be prohibited. Residential housing shall be permitted providing it meets R1-1 residential lot size and other specifications.

702

TYPICALLY PERMITTED USES

Aircraft Sales and Services
Antique Stores
Automobile Accessory Stores
Bakery (goods for sale on premises only)
Bank (branch office)
Bar, Grill, Cocktail Lounge, State Liquor Store
Barber and Beauty Shops
Bicycle Rental Sales and Service
Bicycle Repair Shop
Billboards and Signs, subject to the provisions in Article X
Boat and Sporting Goods Store
Bookstore
Bowling Alley, provided that building used for such purpose is at least
 One hundred (100) feet from any residential district.
Building Materials and Sales, if conducted in an enclosed building.
Café
Churches
Cleaners and Laundry (collection and distribution only, custom and
 Self-service)
Clinics, Medical and Dental
Clubs (swimming, Y.M.C.A., etc.) Lodges
Convenience Food Stores
Dairy Products Store (no bottling or drive-in types permitted)
Delicatessen
Discount Stores (variety, drugs, etc.)

Doughnut Shop
 Drive-in Ice Cream Store
 Drive-in Banks
 Drive-in Restaurants
 Drugstore
 Dry-cleaning, custom and self-serve
 Egg and Poultry Store, no killing of fowl on premises
 Exterminator Service
 Farm, Fruit and Produce Stands
 Farm Implement Sales
 Floor Covering
 Food and Grocery Stores
 Food Lockers
 Garden and Nursery Centers
 Gift, Novelty and Souvenir Stores
 Golf Driving Ranges
 Governmental Buildings
 Hardware Store
 Laundry, custom and self-service
 Locksmith, Lawnmower Service
 Monument Sales, provided cutting is done in an enclosed building
 Motels, Tourist Cabins and Courts
 Motorcycle Sales and Service
 Pet Store, Supplies
 Photostatting, Printing, Publishing
 Public Parks and Playgrounds
 Restaurants/Taverns
 Supermarkets
 Tailor Shop, including pressing
 Tennis Club
 Travel Trailer and Pick-up Coach Sales and Service
 Lawn Mower Sales and Service
 Accessory buildings incidental to the principal use which do not include
 any activity conducted as a business
 Wind Energy Systems

703

CONDITIONALLY PERMITTED USES

Automobile Automatic Wash Stations (see section 402)
 Automobile Repair Garages (see section 403)
 Funeral Homes (see section 407)
 Mobile Home and Recreational Vehicle Sales and Service (see section
 421)
 Plant Nursery (see section 412)
 Service Stations (see section 417)
 Veterinary Hospital or Kennel and/or Cattery (see section 418)

704 BUILDING HEIGHT LIMIT

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

705 REQUIRED LOT AREA

The lot area shall be not less than 25,000 square feet and having a lot width and frontage of not less than one hundred (100) feet. GB-1 Districts are 675 feet in depth.

706 YARDS REQUIRED

Front Yard-Setback of sixty (60) feet from the road right-of-way line. A twenty- (20) foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.

Rear Yard-Half the height of the building, but not less than ten (10) feet.

Minimum Side Yards-Half the height of the building, but not less than ten (10) feet.

Side Yards and Rear Yards Abutting a Residential Area-A seventy-five (75) foot unobstructed buffer strip suitably landscaped.

Access Ways-The use of marginal roads is to be encouraged throughout the district. Each lot shall have not more than two (2)-access ways to any marginal road with forty-five (45) foot separations between centerlines. The width of the accessway leading to or from a highway and/or marginal road shall be not less than twenty (20) feet nor shall it exceed thirty-six (36) feet.

707 PERCENTAGE OF LOT COVERAGE

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

708 SUBMISSION OF PLANS

The provisions of Section 309 shall be in full force and effect in this District.

709 PERMITTED SIGNS

The provisions of Article X shall apply in this District.

710 OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

711 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

712 Wind Energy Systems

Wind Energy Systems shall be a conditional permit use in all districts, except in a flood plain district, with a minimum set back of 150 ft. from the center of the road, or a distance of a minimum of 1.1 x the operating height of the wind energy system (whichever is greater) away from any right of way (road or other), side lot, or rear property line (for fall zone protection). The height shall be determined by the uppermost part of the tower or the blades, whichever is greater, The wind energy system must be kept in good repair or removed within 6 months of notification.

ARTICLE VIII

INDUSTRIAL DISTRICT REGULATIONS

LIGHT INDUSTRIAL L1-1

801

PURPOSE

The purpose of the L1-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous objectionable elements such as noise, odor, dust, smoke or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and less intensive business and residential uses. Residential housing is permitted providing that it meets Residential R1-1 lot size and specifications relative to R1-1 restrictions.

802

PERMITTED USES

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

Acoustical material storage; advertising display manufacturing; agriculture; agricultural implements (repair and service); agricultural tillage (contractors); air express service warehouse; airplane (repair and storage); asphalt siding, shingles, roofing storage; automobiles (assembly of bodies, sales, parts and supplies, repair, brakes, electrical, painting, radiators, upholstery, etc., storage.)

Bakers and baked goods manufacturing; balls and bearings storage; barbecue (bulk preparation and sales); beer and ale distributor (wholesale and storage); belting (repairing); beverages (bottling); beverages (wholesale and storage); bicycles (repairs); biscuit companies (manufacturing); biscuits (wholesale and storage); boat (pleasure, storage); boilers (storage); bookbinders, book publishing (printing); bottles (wholesale); boxes (sales); braces (orthopedic, manufacturing); brick storage yard; brooms (manufacturing); building contractors (equipment and material storage); burglar alarm systems (installation); bus line shops (garage, repair); business machines (manufacturing repair service, storage and wholesale); button covering (fabrics).

Cabinet makers; candy (wholesale distribution); canvas goods (fabrication); carpenter's shops and power woodworking; carpet and rug cleaners and storage; carpets and rugs (warehouse); carpets and rugs (wholesale); cement products manufacturing (pipe, blocks, etc.); cement;

cement storage, cesspool builders and service equipment yard; cigarette manufacture; cigarette service; cigarette manufacturing (machine rolled); cigars (wholesale and storage); cleaning and dyeing processing; clock factory; clothing manufacturing; coin machines manufacturing; coin machines (rental and service); cold storage; concrete contractors (storage yards); concrete products (pipe, beams manufacturing); concrete products (storage); concrete transit mixed; confectioners (wholesale); contractors equipment and supplies (storage); corsets and brassieres manufacturing; cotton seed products (storage); cranes (storage yard).

Dairies (distributing, commercial); decoration (workshop and equipment yard) department store warehouse; desks manufacturing; diaper supply service; diesel engines service, equipment and supplies (not manufacturing); disinfectants (storage and wholesale); display designers and builders shops; distillers (distribution, warehouse); doors, sash and trim wood manufacturing; draperies manufacturing, drilling company equipment yards; dry cleaning establishments (bulk processing); dry goods (wholesale or storage).

Eggs (storage and processing); electric contractors shops, electric equipment assembly; electric plating; electric refrigeration locker; electrical appliances manufacturing; electrical appliances repairs; enameling and painting (custom); engravers and electroplaters; express companies warehouses; exterminating and fumigating (commercial shops).

Farm implements and machinery assembly; feed (wholesale and storage); fences (metal, wholesale and storage); fertilizers (processed, storage only); filters fabrications; fire escape contractors; firewood (storage); fish (wholesale); flags and banners manufacturing; floor refinishing (contractors shop); food processing (general, see under product listing); food products (brokers and distributors, wholesale); food products (warehouse); freight forwarders warehouses; frozen food processing; frozen foods (wholesale, storage and distribution); fruit and vegetable (general, see under product listing); fur warehouse; furnaces (cleaning and repairing shops); furniture cleaners; furniture (repairing and refinishing); furniture (wholesale and storage); fur apparel manufacturing (cutting and assembly).

Garment factory, glass blowing: grocers (warehouse); grocers (wholesale); gunsmiths (repairs).

Harness repair; hat manufacturing; hay and straw (sales and storage); heating and ventilating apparatus (assembly and storage); hoists (equipment storage); horse-shoeing; hosiery manufacturing; hotel

equipment (assembly and custom fabrication); house movers (equipment storage yards).

Ice cream manufacturing; imported goods (warehouse); insulation (contractors equipment yard, storage and wholesale); interior decorators (workshops); iron (custom decorative wrought iron shops); irrigation companies and equipment.

Janitor's supplies, storage and warehouse; jewelers (bulk manufacturing); jobbers (bulk materials).

Knit goods manufacturing.

Junk Yards and Motor Salvage Yards.

Laboratories (commercial, analytical, experimental and research); ladies wear manufacturing; laundries (processing); laundry equipment and supplies (storage); leather goods (manufacturing, fabrication) limb manufacturing (artificial); lime (storage); linen supply laundry service; linoleum (storage); leather goods; liquor (storage and wholesale); lithographers; livestock (supplies, storage and wholesale); locksmiths repair shops; loft builders, lubrication compounds (storage); lumber (cabinet workings); lumber storage yard; stacked lumber (used and wholesale)

Machine shops; machine tools (storage); machinery rental; machinery (used storage); markets (exchanges of goods); meat (storage and wholesale); men's clothing manufacturing; metals, processing, light fabrication from standard shapes; machine shop operation, plating custom and replating, products fabrication and assembly; meters manufacturing; milk bottling plant (other than farm); milliners (wholesale and manufacturing); millinery and artificial flower making; mill work (sale and storage); mineral water (distillation and bottling); mining machinery (wholesale and storage); mirrors (resilvering, custom work); model construction supplies and manufacturing; mortar (bulk preparation and sales); motion picture equipment (storage and manufacturing); motion picture studios; motor freight company warehouses; motorcycles (repairing and sales); mover warehouse.

Newspaper printing; noodle manufacturing; notions (manufacturing, wholesale); novelties (manufacturing and wholesale); nuts (edible, processing).

Office equipment manufacturing (see also business machines); optical goods manufacturing; ornamental metal work (custom hand fabrication); orthopedic appliances manufacturing.

Packing, crating service fabrication; painters equipment and supplies (shops wholesale and storage); paper (storage); paper products (wholesale and storage); pattern shop; paving contractors equipment and storage; paving materials storage yard; photo-engraving company; pickles (processed, wholesale and storage); pipe (used, storage and sales); plasterer (wholesale and storage); popcorn manufacturing; potato chips manufacturing; poultry supplies (wholesale and storage); printers equipment and supplies; wholesale produce (garden); wholesale produce (warehouse); pumps (repairing and rental); printer.

Quick freeze plant; quilt (manufacturing).

Radio equipment assembling, radio repair shop; refrigeration equipment custom installation; refrigerators (servicing); refrigerators (wholesale, storage); restaurant equipment installation and repair, road building equipment (storage yard); rubber stamps manufacturing.

Scaffolds (equipment and storage); scales (commercial, weighing); school equipment and supplies (wholesale); screens, doors and windows manufacturing; screw and bolt manufacturing; seed (wholesale and retail garden supplies); septic tanks (contractors, construction); service station equipment (wholesale); sewer pipe storage; sheet metal work (custom fabrication); shirt factory; shoe repairing equipment and supplies (wholesale); shoe manufacturing; sign erectors (contractors, shops); sign painters; sign maintenance service shops; sign (neon and metal fabrication); sky lights (custom manufacturing); slip covers (custom manufacturing); soaps (wholesale and storage); sporting goods manufacturing; soda water manufacturing; specialties (see coin machines); spices (wholesale and storage); spraying supplies equipment yard; springs (replacement and repairs); stair builders (wood); steel awnings (custom manufacturing); steel erectors equipment yards; steel fabricators (light section); storage warehouse; storage shops; store and office fixtures (contractors shops); stove and range (wholesale and storage); surgical supplies (wholesale distributors).

Tank coating equipment yard, tanks (erection, contractors yard); taxidermists; tents and awnings and manufacturing; termite control contractor shops; terrazzo contractor shops; thermometers manufacturing (wholesale, storage); tool grinding and sharpening; tools (wholesale and distribution); towels (supply and service); tractors (rentals); trailers (repairing); transfer business; truck freight movers (see express also); truck manufacturing.

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

Wall board (wholesale and storage); wallpaper manufacturing; warehouses, watches manufacturing; water (distilled, processing); water coolers (drinking or curative, bottling and distribution); water coolers (drinking fountains, repair and service); water heaters (service and repairing); water softening equipment (service and repairing); water supply systems (contractors shops); water proofing (material storage); weighers (commercial); welding (commercial); welding (equipment and supplies storage); well drilling (equipment yard); wholesale produce (storage and market); commercial winches (equipment yard); window display (installations, studio and shop); wines (storage, bottling and wholesale); wood (storage yard); woodworking (cabinet and custom millwork); woodworking (equipment, wholesale); woven goods (fabrication and assembly).

Other uses of a like nature.

Conditionally Permitted Uses.

Extraction of Stone, Minerals and Top Soil (see section 405)
Prospecting Oil and Gas (see section 413)

803 BUILDING HEIGHT

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

804 LOT AND YARD REQUIREMENTS

804.01 LOT AREA

Every lot in a L1-1 District shall contain a minimum area of one (1) acre and a lot frontage and width of one hundred and twenty-five (125) feet provided that central water and sewer facilities or package treatment plants are available. L1-1 Districts shall be 675 feet in depth.

804.02 CORNER LOTS

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

804.03 YARDS REQUIRED

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

- a. Front Yard-The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall

be appropriately buffered, (see section 807-buffering). Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.

- b. Side Yard-There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district shall be appropriately buffered. Such space shall remain open and unoccupied by any principal or accessory building or use.
- c. Rear Yards-There shall be a rear yard of not less than seventy-five (75) feet. Rear yards used for parking shall be appropriately surfaced with a desirable dust free material and shall be graded and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting any residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately buffered as per Section 807-Buffering and shall remain open and unoccupied by any principal or accessory building.

804.04 PERCETAGE OF LOT COVERAGE

Buildings together with their accessory uses in an L1-1 District shall cover not more than forty (40%) percent of the area of any lot.

805 SUBMISSION OF PLANS

The provisions of Section 309 shall be in full force and effect in this District.

806 STREETS, SEWERS AND WATER LINES

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

807 BUFFERING

807.01 INTENT

The intent of this section is:

To extend space or screen undesirable views to reduce the impact of the one land use upon another.

To increase soil water retention through landscape requirements.

To protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses and certain multi-family uses.

To supplement land use planning and not to be considered as its substitution.

807.02 PURPOSE

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

807.03 DEFINITIONS

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

807.04 GENERAL PROVISIONS

- a. Materials-Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or a combination thereof.

- b. Screening-Screening shall consist of plant material or other non-living durable landscape material.
- c. Buffered Areas
 - 1. Location and Width-Buffering areas shall be located on those less restrictive portions of land bordering or abutting a more restrictive zoned or use district and shall be a minimum of thirty (30) feet in width.
 - 2. Use-Designated buffered areas shall be used for no other purpose than plantings or screening except necessary ingress or egress to or from the buffered area.
 - 3. Design-A buffered area shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate use of such easement areas for fire protection purposes.
- d. Fences and Walls-Fences shall be acceptable as part of a landscape buffer, where traffic noise and light create a need for a buffer. When used, they shall have a decorative style and type. Walls and berms should be used only in most unusual cases, as one of several options to the developer to fulfill the buffering requirement.
- e. Natural Plantings Requirements-Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty (60%) percent, when viewed from two (2) to ten (10) feet above ground level.
- f. Buffering Effect-The desired building effect shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be created because of expected growth or material shortages, but in no event shall the Zoning Commission extend such period beyond five years from the time initial installation was to have been installed.
- g. Modification of Requirements-The Zoning Commission may modify or change the location of a buffered area contiguous to side and rear property lines where topographical problems prevent the installation thereof of buffer materials or plantings.

807.05

APPLICABILITY

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

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

807.06

PROCEDURES

- a. When an application for a Zoning Permit is made, the Zoning Inspector shall determine if the buffering requirement might be applicable. If he determines that the request comes under the buffering requirements, the Zoning Inspector shall advise the applicant of this fact and shall submit a request to the Zoning Commission that the matter be reviewed once the applicant has furnished the Zoning Commission with the following:
 1. A copy of the site plan.
 2. Topography of the building site and surrounding area.
 3. A complete description of the area to be constructed or modified.
- b. The applicant shall provide to the Zoning Commission, a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.
- c. Where buffering is required, a Zoning Permit shall not be issued by the Zoning Inspector until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement. The agreement between the Zoning Commission and the owner and/or developer shall include among other requirements, the following:
 1. Provisions for maintenance of the landscape buffers on the part of the applicant.
 2. Replacement procedures for any portion of the landscape buffer that is for any reason no longer viable.
 3. For replacement of the landscape buffer involving plant material that does not extend beyond the next growing season.
 4. For replacement of landscape material such as fences and the like.
 5. To replace landscape material within sixty (60) days from the date of notification by the Zoning Inspector or non-compliance.

807.07

PERMITTED SIGNS

The provisions of Article X shall apply in this District.

807.08

OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

807.09 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

807.10 SUBMISSION OF PLANS

The provisions of Section 309 shall be in full force and effect in this District in addition to those requirements noted in Section 807.06.

807.11 Wind Energy Systems

Wind Energy Systems shall be a conditional permit use in all districts, except in a flood plain district, with a minimum set back of 150 ft. from the center of the road, or a distance of a minimum of $1.1 \times$ the operating height of the wind energy system (whichever is greater) away from any right of way (road or other), side lot, or rear property line (for fall zone protection). The height shall be determined by the uppermost part of the tower or the blades, whichever is greater. The wind energy system must be kept in good repair or removed within 6 months of notification.

ARTICLE IX

FLOOD PLAIN ZONE REGULATIONS FP-1

901 PURPOSE

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

902 PERMITTED USES

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

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

903 CONDITIONALLY PERMITTED USES

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

- a. Be so designed as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles, stilts, cantilevering or other such construction methods, which will place the desired building and structures above the determined flood elevation in a safe manner. The foundation and structural supports of buildings and structures shall be so designed to withstand the

- anticipated level, volume and velocity of the floodwaters and to minimize the impeding of the natural free flow of the floodwaters.
- b. Be constructed under said conditional use permits so as to have minimum first floor elevation of not less than three (3) feet above the established flood plain.
 - c. Be designed so as not to require back filling in the flood plain areas with any material in any manner, unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment of the flood plain shall be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the flood plain would thereby result.
 - d. Be designed to accommodate utilities, roads, off-street parking, railroads, dams, rivers, structures and building for public or recreational uses, so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

Golf Courses (see section 407)
 Parks and Playgrounds (see section 410)
 Plant Nursery (see section 411)
 Recreational Campgrounds (see section 423)

904 SUBMISSION OF PLANS

The provisions of Section 309 shall apply in this District.

905 TOWNSHIP LIABILITY

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

906 PERMITTED SIGNS

The provisions of Article X shall apply in this District.

907 OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

908 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

909

CONSTRUCTION REQUIREMENTS

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

ARTICLE X

SIGNS

1001 PURPOSE

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

1002 GENERAL

- a. Public notices and Christmas display lighting shall be exempted from the requirements of this Resolution.
- b. Area measurements for any sign consisting of separate letter or designs or symbols or parts thereof that are constructed without being fixed to a back ground structure shall be made by measuring the overall area occupied by the letters, designs or symbols.
- c. Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.
- d. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any specified "R" District shall not exceed six (6) square feet. Signs for conditional uses in any business, commercial or industrial district shall be as specified or conform to the requirements for the most similar use in the district in which it is located subject to approval of the Zoning Board of Appeals.
- e. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate system, if such laws are more restrictive than the provisions of this Resolution, they shall apply. The total area of all free-standing signs, pole signs, or signs projecting beyond building walls shall not exceed two hundred (200) square feet for any individual business establishment or use in any district.
- f. All signs and the area surrounding them shall be maintained by the owner and kept in good repair. Failure to comply will be deemed cause for removal.
- g. Any sign which no longer advertises a bonafide business conducted or a product sold for a period of six (6) months shall be taken down and removed by the owner.

1003 RESIDENTIAL DISTRICT

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

- b. Real estate signs advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted provided such sign shall not exceed four (4) square feet.
- c. Signs for home occupations, professional activities and nonconforming uses, where existing or permitted, shall not exceed six (6) square feet in area in any "R" District.
- d. Bulletin boards and signs for a church, school, community or other public or semipublic institution and permitted conditional uses shall be permitted provided the area of such sign does not exceed twenty (20) square feet per face.
- e. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed nine (9) square feet and faces the main thoroughfare.
- f. No building wall shall be used for display of advertising except pertaining to the use carried on within such building.
- g. Temporary signs shall be permitted not closer than the highway right-of-way line provided no part of the sign is more than three (3) feet above ground level.

1004

BUSINESS DISTRICTS

- a. In a business or commercial district, each business shall be permitted fascia or wall signs. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted within certain districts.
- b. The erection of outdoor advertising signs shall be permitted in all commercial districts provided such signs advertise a bonafide business or service conducted on the premises and the size of the sign shall be limited as provided herein.
- c. The area for all permanent signs located on the premises with any industrial use shall be limited to an area not to exceed one and one-half (1 ½) square feet per lineal foot of building width, but not to exceed 200 square feet.
- d. Free-standing signs serving an individual business or a group of business establishments shall be permitted if they have no more than a total sign area of one hundred (100) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any street, right-of-way or adjoining lot line.
- e. Pole signs of symbolic design shall be permitted for automobile service stations and other similar business establishments provided:

No part of such sign shall project into the right-of-way of any street or highway.

The support of such sign shall be set back at least twenty (20) feet from any public right-of-way;

The maximum area of any one face of such sign located within the front yard shall not exceed fifty (50) square feet;

The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District nor within twenty (20) feet of the intersecting right-of-way of any state or federal highway and major or secondary street.

1005 INDUSTRIAL USES

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

1006 SETBACK REQUIREMENTS

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

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

1007 YARD PROVISIONS

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

1008 ALLOWED SIGNS

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

- a. Number of signs-Each building may have one building sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use. In

addition, there may be an occupancy sign and one pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.

- b. Location of signs-No sign shall overhang the public way to within three (3) feet of the curb line. No sign, except on a marquee or canopy providing shelter, shall overhang more than one-third (1/3) of the sidewalk width.
- c. No sign shall extend more than fifteen (15) feet above record grade or more than four (4) feet above the lowest point of the roof of the single story building with which it is associated, whichever is less restrictive, nor above the third floor of a multi-story building, except that motels, hotels, and other transient lodgings may display such signs up to forty (40) feet above record grade.
- d. The top of pedestrian signs shall be no higher than ten (10) feet above the sidewalk.
- e. For other than first floor occupants, occupancy signs shall be located between the second and third floors.
- f. Permanent signs on the surface of or inside display windows shall cover no more than ten percent (10%) of the display window area.
- g. Portable signs shall be allowed without permit not to exceed ten (10) days in any thirty (30) days period provided such signs meet all other requirements of this Resolution.
- h. The minimum height of the lowest member of a projection sign shall be not less than ten (10) feet.

1009

LETTERING SIZE

- a. Building signs shall not employ letters exceeding eight (8) inches in height in Residential Districts as defined in this Resolution or eighteen (18) inches in height elsewhere.
- b. Occupancy signs shall not employ letters exceeding six (6) inches in height.
- c. Pedestrian signs shall not employ letters exceeding three (3) inches in height.

1010

ILLUMINATION

- a. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it; without causing glare for motorists, pedestrians, or neighboring premises.
- b. Illuminated signs, including neon signs, shall not produce more than one (1) foot-candle of illumination four (4) feet from the sign.
- c. All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources

directed so as to avoid glare for motorists, pedestrians or neighboring premises. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one (1) foot-candle.

1011

TEMPORARY SIGNS

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

- a. Construction signs-one (1) unlighted sign of up to twenty (20) square feet identifying parties involved in construction on the premises where the sign is located; one (1) illuminated sign up to forty (40) square feet identifying the owner's name and the activity for which the building is intended and describing the construction process, but not including the advertising of any product. These signs must be removed within fourteen (14) days after the beginning of the intended activity.
- b. Real estate signs other than in a residential district-one (1) unlighted sign of up to twenty (20) square feet pertaining to the sale, rental, or lease of the premises on which the sign is displayed, to be removed within fourteen (14) days after sale, rental or lease.
- c. Event signs-unlighted signs of up to thirty-two (32) square feet displayed on private property and limited to one (1) per each premise announcing a campaign, drive or religious organization, to be removed within fourteen (14) days after the event.
- d. Temporary displays or signs advocating the election of a candidate or candidates or the passage or disapproval of an issue shall not be governed by the provisions of this Article provided the same are removed within (10) ten days after the completion of the election involved. Failure to remove such signs herein shall be deemed a violation of this Resolution.
- e. Display window signs-signs on the surface of or inside display windows lighted only by building illumination and covering no more than 20 percent (20%) of the display window area.

1012

PROHIBITED DEVICES

- a. No sign or light shall move, flash, or make noise.
- b. Colored lights and illuminated signs employing colors in use in traffic signal light are prohibited within view of any signalized intersection.
- c. Any imitation of official traffic signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning" are prohibited.
- d. Fluorescent colors in the yellow to red spectrum are prohibited.

ADMINISTRATION

- a. No sign, except those specifically exempted by this Resolution shall be erected without a permit issued by the Township Zoning Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information by the Zoning Inspector as evidence of the permit.
- b. Fees for sign permits shall be fixed by the Township Trustees.
- c. Appeals may be made to the Zoning Board of Appeals by the same procedure governing other zoning appeals.
- d. If the Zoning Inspector finds a sign to be in violation of this Zoning Regulation the property owner and the lessee will be given written notice to take corrective actions within 30 days of such notice. If the owner or lessee fails to remove or to make the necessary repairs within the specified time period, the Zoning Inspector shall cause said sign to be removed at the expense of the owner.

ARTICLE XI

OFF STREET PARKING AND LOADING FACILITIES

1101 GENERAL REQUIREMENTS

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

1102 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1117 of this Resolution.

1103 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring

delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1104 PAVING

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

1105 DRAINAGE

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

1106 MAINTENANCE

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

1107 LIGHTING

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

1108 LOCATION OF PARKING SPACES

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

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

1109

SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened with a twenty (20) foot buffer strip on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be neither less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premise in any residential district shall be landscaped with grass, hardy shrubs of evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

No one area for off-street parking of motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.

1110

REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Trustees shall be required.

1111

DISBALED, JUNK, COLLECTOR AND DEMOLITION DERBY OR RACE CAR

- a. The parking of one or more disabled vehicles for a period of more than two (2) months shall be prohibited unless such vehicle is stored in an enclosed garage or other enclosed accessory building.
- b. A junk vehicle is prohibited unless stored in a licensed motor vehicle salvage yard.
- c. Collector, demolition derby or racecars are permitted. The vehicle must be stored in an enclosed garage or other accessory building.

1112

MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other

institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way. All off street parking shall have a twenty-foot buffer strip on side and rear lines.

1113 JOINT USE

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

1114 WIDTH OF DRIVEWAYS

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

1115 ACCESS

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

- a. One way traffic-For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.
- b. Two-way traffic-Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one (1) aisle or driveway shall have direction signs or markings in each aisle or driveway.

1116 STRIPING

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

1117 PARKING SPACE REQUIREMENTS

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

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
RESIDENTIAL	
Single Family or Two Family Dwelling	Two (2) for each unit
Apartment Hotels, Apartments, Or Multi-Family Dwellings	Two (2) for each unit
Boarding Houses, Rooming Houses, Dormitories, and Fraternity Houses which have Sleeping rooms	Two (2) for each sleeping room or two (2) for each permanent occupant
COMMERCIAL	
Automobile Service Station	One for each two gasoline pumps and two for each service bay plus one for each employee and one for each restroom.
Hotels, Motels	One per each sleeping room plus one space for each two employees
Funeral Parlors, Mortuaries and similar type uses	One for each 100 square feet of floor area in slumber rooms, parlors, or service rooms
Retail Stores	One for each 250 square feet of floor area
Bank, Financial Institutions and similar uses	One for each 200 square feet of floor area

Offices, Public or Professional Administration, or Service Buildings One for each 400 square feet of floor area

All other types of Business or Commercial uses permitted in any Commercial District One for each 300 square feet of floor area

RECREATIONAL OR ENTERTAINMENT

Dining Rooms, Restaurants, Taverns, Night Clubs, etc. One for each 200 square feet of floor area

Bowling Alleys Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.

Dance Floors, Skating Rinks One for each 100 square feet of floor area used for the activity

Outdoor Swimming Pools, Public or Community or Club One for each 5 persons capacity plus one for each 4 seats or one for each 30 square feet of floor area used for seating purposes, whichever is greater

Auditoriums, Sport Arenas, Theaters, and similar uses One for each 4 seats

INSTITUTIONAL

Churches and other places of Religious Assembly One for each 4 seats

Hospitals One for each bed

Sanitariums, Homes for the Aged, Nursing Homes, Children's Homes, Asylums and similar uses One for each two beds

Medical and Dental Clinics One for every 200 square feet of floor area of examination, treating room, office and waiting room

Libraries, Museums, and Art Galleries One for each 400 square feet of floor area

SCHOOLS, (PUBLIC, PAROCHIAL, OR PRIVATE)

Elementary and Junior High Schools Two for each classroom and one for every eight seats in auditoriums or Assembly halls

High Schools One for every ten students and one for each teacher and employee

Business, Technical and Trade Schools One for each two students

Colleges, Universities One for each four students

Kindergartens, Child Care Center, Nursery School and similar uses Two for each classroom but not less than six for the building

INDUSTRIAL

All types of Manufacturing, Storage and Wholesale uses permitted in any Industrial District One for every 2 employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business

Cartage, Express, Parcel Delivery, and Freight Terminals One for every 2 employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises

1118

GENERAL INTERPRETATIONS

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

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

1119

PLOT PLAN REVIEW

Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Inspector before a zoning permit can be issued. Such plans and specifications shall show the locations, basis and capacity calculation, size site design, surfacing, marking, lighting, and drainage. Curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.

ARTICLE XII

ADMINISTRATION-ENFORCEMENT

1201 ZONING PERMITS

1201.01 ZONING PERMITS REQUIRED

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

1201.02 CONTENT OF APPLICATION FOR ZONING PERMIT

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

- a. Name, address, and phone number of applicant and owner.
- b. Legal description of property.
- c. Existing use.
- d. Proposed use.
- e. Zoning District.
- f. Plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alterations.
- g. Building heights.
- h. Number of off-street parking spaces or loading berths.
- i. Number of dwelling units.
- j. Indicate the location of underground fuel tanks.
- k. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

1. Farm building permits application plans shall be submitted in triplicate, drawn to scale, showing the actual dimensions and the shape and location and dimensions of the proposed building(s) or alterations.

1201.03 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall approve, refer, or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

1201.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

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

1201.05 EXPIRATION OF ZONING PERMIT

If work described in any zoning permit has not begun within six (6) months from the date of the issuance thereof said permit shall expire. If the work described in any zoning permit has not been fully completed within two (2) years of the date of issuance said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given

to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained.

1202 FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section XII of this resolution.

1203 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 1401 of this Resolution.

1204 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred any person shall file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution. The Zoning Inspector shall respond within thirty (30) days to the person filing the written complaint as to the action taken and when.

1205 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, and all other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only through the Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

1206 APPLICATION FOR A PERMIT

Applications for permits shall be filed in the Township Office and shall be a public record. Applications for permits shall be filed by date.

1207 ZONING AMENDMENTS

1207.01 GENERAL

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

1207.02 INITIATION OF ZONING AMENDMENTS

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

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

1207.03 CONTENTS OF APPLICATION

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

- a. Name, address, and phone number of applicant.
- b. Proposed amendment to the text of legal description.
- c. Present use.
- d. Present zoning district.
- e. Proposed use.
- f. Proposed zoning district.
- g. A vicinity map at a scale approved by the Zoning Inspector showing proposed zoning and such other items as the Zoning Inspector may require.
- h. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned.

1207.04 TRANSMITTAL TO THE ZONING COMMISSION

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

1207.05 SUBMISSION TO STATE HIGHWAY DIRECTOR

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

1207.06 PUBLIC HEARING BY THE ZONING COMMISSION

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

1207.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding a public hearing, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 10 days before the hearing or as noted in ORC 519.12. This notice shall set forth the time and place of the public hearing the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

1207.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by certified mail return receipt

at least ten (10) days per ORC 519-12 before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

1207.09

SUBMISSION TO LORAIN COUNTY PLANNING COMISSION

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

1207.10

RECOMMENDATIONS BY THE ZONING COMMISSION

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

1207.11

PUBLIC HEARING BY THE TOWNSHIP TRUSTEES

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

1207.12

NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing shall be given by the Township Trustees by at least on publication in one or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days per ORC 519-12 before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1207.13 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES

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

1207.14 ACTION BY THE TOWNSHIP TRUSTEES

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

1207.15 EFFECTIVE DATE REFERENDUM

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

1207.16 The zoning resolutions of the Township adhere to the ORC 519.12 regarding the notification process.

ARTICLE XIII
ZONING BOARD OF APPEALS

1301 PURPOSE

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

1302 ORGANIZATION AND PROCEDURE

1302.01 APPOINTMENT

The Board shall be composed of five (5) members, all of whom are residents of the Township. Members shall be appointed by the Trustees for a period of five (5) years. The terms shall be so arranged so that the term of one (1) member shall expire each year. Should any vacancy on the Board occur for any reason, the Trustees shall appoint a successor to serve the unexpired term. The Trustees have the right to remove any members of the Board with due cause.

1302.02 ORGANIZATION AND RULES

- a. The Zoning Board of Appeals shall organize annually and elect a chairman, vice-chairman from its membership. The Zoning Board of Appeals shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.
- b. The chairman shall preside at all meetings of the Zoning Board of Appeals. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Zoning Board of Appeals. The chairman may appoint committees deemed necessary to carry out the business of the Zoning Board of Appeals. The chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Zoning Board of Appeals.
- c. The vice-chairman shall serve in the absence of the chairman. He shall have all the powers of the chairman during his absence, disability or disqualification.
- d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Zoning Board of Appeals.

1302.03 MEETINGS

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

1302.04 VOTING

- a. All actions of the Zoning Board of Appeals shall be taken by resolution, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three- (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector.
- b. No member of the Zoning Board of Appeals shall vote on any matter in which he is personally or financially interested.

1302.05 MINUTES AND RECORDS

The secretary of the Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Township Hall and shall be a public record.

1302.06 WITNESS AND OATHS

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

1302.07 DEPARTMENT ASSISTANCE

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

1303

GOVERNING GUIDELINES

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

1304

JURISDICTION AND POWERS

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

- a. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.
- b. To hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this Resolution.
- c. To hear and decide upon application for variances under the terms provided in this Resolution.
- d. To interpret the provisions of the Zoning Resolution or Map where there is doubt as to meaning or application. The Zoning Board of Appeals shall have specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.
- e. To exercise such other powers as may be granted to the Zoning Board of Appeals by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

- f. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for Judicial review, interpretation, variance or conditional uses as defined in this Article.

1305 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

1305.01 APPEALS

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

1305.02 FEES-SEE SECTION 1205

1305.03 STAY OF PROCEEDINGS

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

1305.04 VARIANCES

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

1305.05

APPLICATION AND STANDARDS FOR VARIANCES

The variance from the terms of this Resolution shall not be granted by the Zoning Board of Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Zoning Board of Appeals containing:

- a. Name, address, and phone number of applicants.
- b. Legal description of property.
- c. Description of nature of variance requested.
- d. A narrative statement demonstrating that the requested variance conforms to the following standards:

That special conditions and circumstance exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or building in the same district.

That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

That special conditions and circumstances do not result from the actions of the applicant.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

- e. Applications for a variance shall be filed in the Township Hall and shall be a public record. Applications for a variance shall be consecutively numbered and filed by number. A copy of the decision of the Zoning Board of Appeals shall be filed with the application.

1305.06 A

CONDITIONS FOR GRANTING USE VARIANCES

Variations may be granted by the Zoning Board of Appeals where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for a variance may be made to the Zoning Board of Appeals through the Zoning Inspector by an aggrieved property owner. A variance from the provisions or requirements of this Resolution shall not

be authorized by the Zoning Board of Appeals unless it finds that all the following facts and conditions exist:

USE VARIANCES

- a. That unnecessary hardship would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.
- b. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.
- c. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- d. That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
- e. That the granting of such variance will not be contrary to the public interest (health, Safety) or the intent and purpose of this Resolution and other adopted plans;
- f. That said variance will not permit the establishment within a district, or any use other than those permitted by right within that district, or any use for which a conditional permit is required;
- g. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.
- h. That said variance, if granted, is minimum modification that will make possible the reasonable use of the land, building or structure;
- i. That in no instance shall a variance be considered for the following reasons:

Presence of nonconformity's in the zoning district;
Previous variances granted in the zoning district;
Uses in adjoining zoning districts;

The applicant's belief that the intended use would be permitted upon his purchase of the land;
The character standing of the applicant;
Hardship being demonstrated beyond the contest of zoning;
e.g. economics and health.

1305.06 B CONDITIONS FOR GRANTING AREA VARIANCES

AREA VARIANCE "PRACTICAL DIFFICULTIES" TEST:

The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely effect the delivery of governmental services (e.g. water, sewer, and garbage).
5. Whether the property owner purchased the property with the knowledge of the Zoning Restriction.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

1305.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS

The Zoning Board of Appeals shall have no powers to authorize, as a variance, the establishment of a nonconforming use where none previously existed. The substitution of a nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Zoning Board of Appeals shall adhere to all regulations contained in Section 308 of this Resolution in acting upon all nonconforming uses and modifications thereto.

1305.08 CONDITIONS IMPOSED BY THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution

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

1305.09 LAPSES OF VARIANCES

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

1305.10 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

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

1305.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding a public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1305.12 NOTICE TO PARTIES IN INTEREST

Parties of interest shall be notified, before holding the public hearing, by the Chairman of the Zoning board of Appeals, ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

1306 **PROCEDURE AND REQUIREMENTS FOR APPROVAL OF
CONDITIONAL USES**

1306.01 **CONTENTS OF APPLICATION FOR CONDITIONAL USE
PERMIT**

An application or conditional use permit shall be filed with the Chairman of the Zoning Board of Appeals and the Chairman of the Zoning Commission by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

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

1306.02 **GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL
USES**

In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plan;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the

existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- e. Will not create excessive additional requirements at public cost of facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
- h. Will not result in the destruction, loss, or damage of a natural, scenic, historic feature of major importance.

1306.03

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

1306.04

ZONING COMMISSION REVIEW AND COMMENT

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

1306.05

PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

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

1306.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding a public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.

1306.07 NOTICE TO PARTIES IN INTEREST

Parties of interest shall be notified in writing, before holding the public hearing, by the Chairman of the Zoning Board of Appeals, fifteen (15) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

1306.08 EXPIRATION OF CONDITIONAL USE PERMIT

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

1307 DECISIONS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall decide all applications for variances; conditional uses and appeals within thirty (30) days after the final hearing thereon. The applicant shall be notified in writing of the Board's decision and the findings of fact, which were the basis for the Board's determination. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination of the Zoning Inspector as in its opinion ought to be made on the premises. The decision shall state any conditions and safeguards necessary to protect the public interest. In reading a decision, the Board shall be guided by standards specified in this Resolution. A certified copy of the Board's decision including all terms and conditions shall be transmitted to the Zoning Inspector and shall be binding upon and observed by him. The Zoning Inspector shall fully incorporate these same terms and conditions in the permit to the applicant whenever a permit is authorized by the Board. All findings and decisions shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should show that:

- a. It has considered and evaluated all available information and evidence;
- b. It has heard all parties in question;

- c. Any personal knowledge the Board may have of the subject under question has been taken into account;
- d. The board has received a report on the case based upon an inspection of the parcel in question;
- e. A copy of the Boards decision shall be filed at the Township Hall and shall be a public record. These copies shall be consecutively numbered and filed by number.

1308

DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Zoning Board of Appeals only an appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Zoning Board of Appeals shall be to the courts as provided by Section 1307 of this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of the interpretation and enforcement that may arise; these being the powers of the Zoning Board of Appeals. Under this Article, the Township Trustees shall have only the duties of considering; adopting or rejecting proposed amendments or the repeal of all or part of this Resolution, as provided by law and of establishing a schedule of fees and charges. If, in the course of carrying out the intent of this Article and after review of all appeals cases brought before it, the Zoning Board of Appeals finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

1309

APPEAL TO COURTS

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

1310

The zoning resolutions of the Township shall adhere to the ORC 519.12 regarding the notifications process.

ARTICLE XIV

PENALTY FOR VIOLATION

1401 PENALTIES FOR VIOLATION

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

1402 CIVIL ACTION

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

1403 REMEDIES CUMULATIVE

The exercise of the rights and remedies granted in this Article and the above paragraphs shall in no way preclude or limit the Township or any person from exercising any other right or remedy now or hereafter granted to them under the laws of Ohio.

ARTICLE XV

MISCELLANEOUS PROVISIONS

1501 INTERPRETATION

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

1502 VALIDITY

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

1503 EFFECTIVE DATE

This Zoning Resolution shall take effect and be in force at the earliest date permitted by the Ohio Revised Code. Effective December 23, 1981.

1504 REPEAL

Resolution of Henrietta Township and any subsequent resolution amending the same and all other resolutions or parts of resolutions in conflict herewith or contrary hereto be and the same are repealed.