ELYRIA TOWNSHIP ZONING RESOLUTION

INCLUDING AMENDMENTS PASSED THRU 11/09/2013

UPDATED 06/12/2025

ZONING INSPECTOR

TOM BLAZ

TOWNSHIP TRUSTEES

RICK HUTMAN

WILLIAM HOLTZMAN

TIM VAN DYKE

ALL PERMITS ARE ISSUED BY APPOINTMENT AT

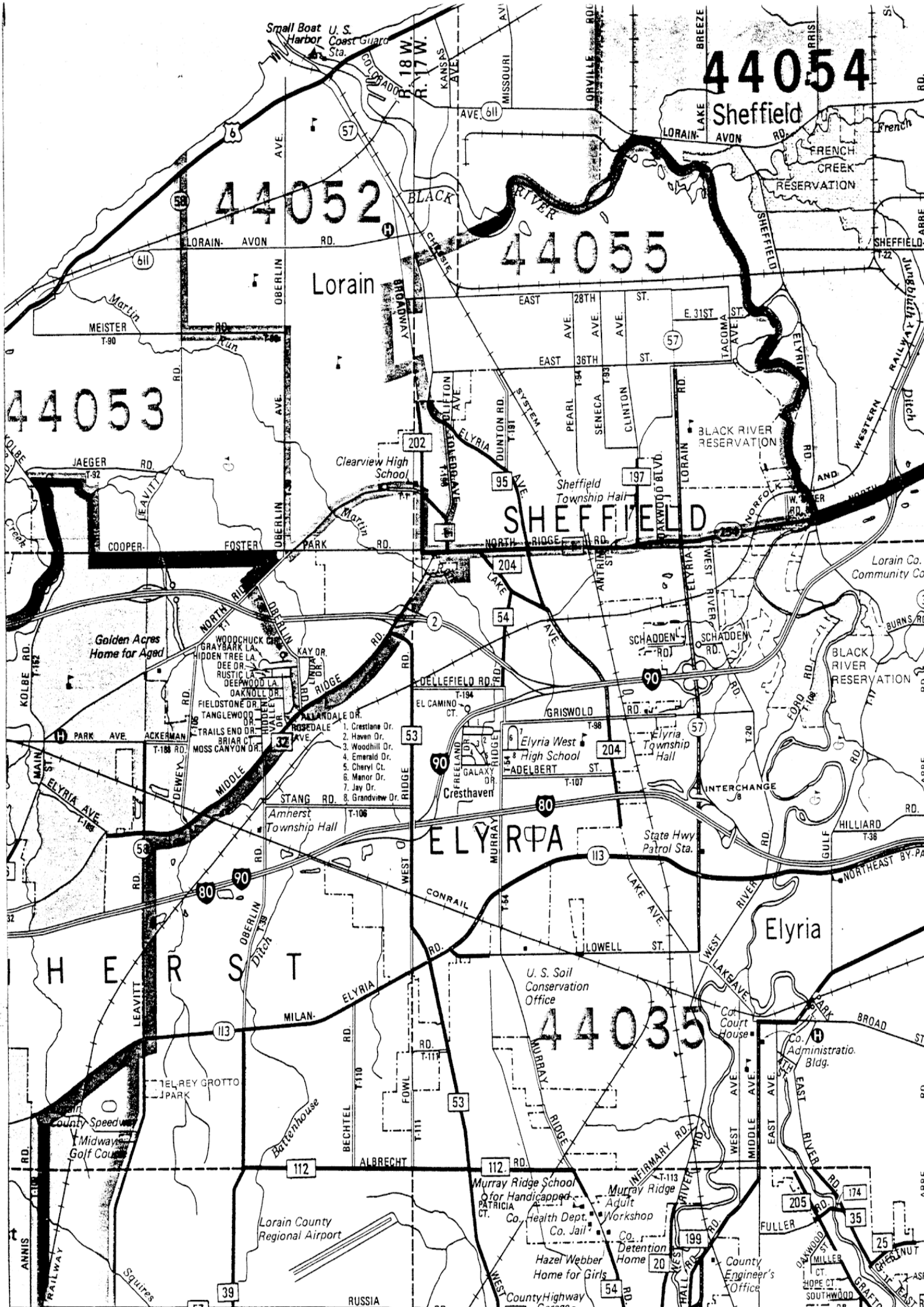
ELYRIA TOWNSHIP ZONING OFFICE

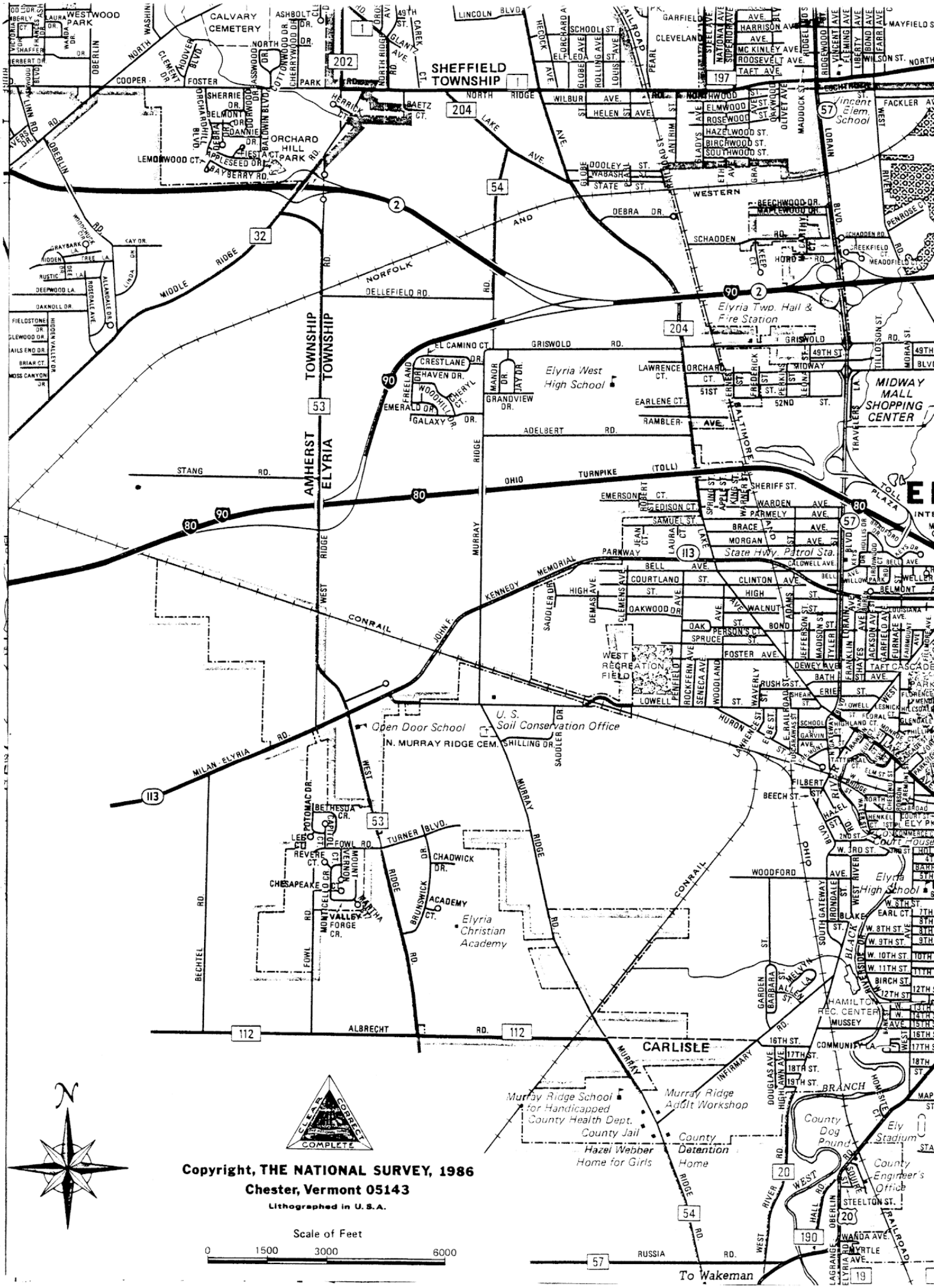
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41416 GRISWOLD ROAD

ELYRIA, OH 44035

Website: www.elyriatownship.com


44054
Sheffield
44052
44055
Lorain
44053
SHEFFIELD
ELYRIA
HERST
Elyria
44035
Small Boat Harbor
U. S. Coast Guard Sta.
R. 18 W.
R. 17 W.
COLORADO
KANSAS AVE.
MISSOURI AVE.
ORVILLE RD.
BREEZE
HARRIS
LORAIN-AVON RD.
LAKE
French
FRENCH CREEK RESERVATION
SHEFFIELD
BLACK RIVER
CHESSIE
BROADWAY
OBERLIN
Martin Run
MEISTER RD.
T-90
JAEGER RD.
T-92
LEAVITT
COOPER-FOSTER PARK RD.
EAST 28TH ST.
EAST 36TH ST.
E. 31ST ST.
TACOMA AVE.
ELYRIA AVE.
CLEVELAND-AKRON-COLUMBUS RAILWAY SYSTEM
DUNTON RD.
T-181
PEARL T-94
SENECA T-93
CLINTON RD.
BLACK RIVER RESERVATION
Clearview High School
Sheffield Township Hall
OAKWOOD BLVD.
LORAIN
NORFOLK AND WESTERN RAILWAY
Junglbluth Ditch
NORTH RIDGE RD.
WEST RIVER RD.
Lorain Co. Community Co
Golden Acres Home for Aged
WOODCHUCK CT.
GRAYBARK LA.
HIDDEN TREE LA.
DEE DR.
RUSTIC LA.
DEERWOOD LA.
OAKNOLL DR.
FIELDSTONE DR.
TANGLEWOOD DR.
TRAILS END DR.
BRIAR CT.
MOSS CANYON DR.
KAY DR.
LINDA DR.
ALLANDALE DR.
ROSEDALE AVE.
1. Crestlane Dr.
2. Haven Dr.
3. Woodhill Dr.
4. Emerald Dr.
5. Cheryl Ct.
6. Manor Dr.
7. Jay Dr.
8. Grandview Dr.
KOLBE RD.
T-162
PARK AVE.
ACKERMAN
T-188 RD.
DEWEY
MAIN ST.
ELYRIA AVE.
T-165
MIDDLE RIDGE RD.
T-105
T-1
OBERLIN
SCHADDEN RD.
BLACK RIVER RESERVATION
FORD RD.
T-100
T-117
BURNS RD.
DELLEFIELD RD.
T-194
EL CAMINO CT.
GRISWOLD RD.
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Elyria Township Hall
ADELBERT ST.
T-107
FREELAND DR.
GALAXY DR.
Cresthaven
INTERCHANGE
STANG RD.
T-106
Amherst Township Hall
MURRAY RIDGE RD.
State Hwy Patrol Sta.
HILLIARD RD.
T-36
GULF RD.
NORTHEAST BY-PA
WEST RIVER RD.
LAKE AVE.
CONRAIL
T-54
LOWELL ST.
OBERLIN Ditch
T-39
LEAVITT
MILAN-ELYRIA RD.
T-111
U. S. Soil Conservation Office
Co. Court House
Co. Administratio. Bldg.
BROAD ST
EAST AVE.
MIDDLE AVE.
WEST AVE.
DELREY GROTTO PARK
Midway Golf Co
BECHTEL RD.
T-110
FOWL RD.
T-111
Battenhouse
ALBRECHT RD.
T-112
Murray Ridge School for Handicapped
PATRICIA CT.
Co. Health Dept.
Co. Jail
Murray Ridge Adult Workshop
Co. Detention Home
INFIRMARY RD.
T-113
Hazel Webber Home for Girls
County Engineer's Office
Lorain County Regional Airport
Squires
RUSSIA
County Highway
WEST RIVER RD.
FULLER
OAKWOOD ST.
MILLER CT.
HOPE CT.
SOUTHWOOD
CHESTNUT
ANNIS
RAILWAY
T-22
SHEFFIELD ABBE


SHEFFIELD TOWNSHIP
AMHERST TOWNSHIP
ELYRIA TOWNSHIP
CARLISLE
Elyria Twp. Hall & Fire Station
Elyria West High School
Elyria High School
Elyria Christian Academy
Open Door School
U. S. Soil Conservation Office
State Hwy. Patrol Sta.
Murray Ridge School for Handicapped
Murray Ridge Adult Workshop
County Health Dept.
County Jail
Hazel Webber Home for Girls
County Detention Home
County Dog Pound
County Engineer's Office
Ely Stadium
Hamilton Rec. Center
MIDWAY MALL SHOPPING CENTER
CALVARY CEMETERY
WESTWOOD PARK
ORCHARD HILL PARK
WEST RECREATION FIELD
N. MURRAY RIDGE CEM.
To Wakeman
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Chester, Vermont 05143
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Scale of Feet
0 1500 3000 6000

ELYRIA 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 short range 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 deminishing land supply.

Objective: 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 conflict 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 land areas containing the soils having the necessary attributes to support the proposed land use 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.

(HOUSING Objectives Continued)

4. Protect and preserve existing property values.
5. Discourage residential development in Commercial and Industrial growth areas.

COMMERCIAL

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

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

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.

ZONING RESOLUTION AS SET FORTH BY THE

ELYRIA TOWNSHIP TRUSTEES

LORAIN COUNTY, OHIO

A resolution providing for the zoning of the unincorporated area of Elyria 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 Elyria 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 Elyria Township.

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100 TITLE AND PURPOSE

101 TITLE

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

102 PURPOSE

For the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect property and 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

200 INTERPRETATIONS AND DEFINITIONS

201 INTERPRETATION OR TERMS OR WORDS

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

a. The word "person" includes a firm association, organization, partnership, trust, company, or corporation as well as individual.

b. The word "building" includes the word "structure".

c. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement

d. The word "lot" includes the words "plot" or "parcel".

e. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

202 DEFINITIONS

Accessory Building - See Building, Accessory

Accessory Use - See Use, Accessory

Acre - 43,560 square feet

Agriculture - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandly, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.

Alterations - As applied to a building, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

Apartment House - A building arranged, intended or designed to be occupied by three or more families living independently of each other

Area, Building - The total of areas taken on a horizontal plane at the main grade level of the principal

building and all accessory buildings exclusive of covered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

Area, Net Site - The total area within the property lines excluding external streets.

Area, Sign - See Sign Area Auto

Court - See Motel

Basement - A story partly underground by having at least one-half of its height below the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

Board of Zoning Appeals - The Board of Zoning Appeals for Elyria Township, Ohio.

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

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

Building, Accessory - A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building, Detached - A building surrounded by open space on the same lot.

Building, Front Line - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

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

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

Camp - Any one or more of the following, other than a hospital, place of detention or school offering general instruction:

Type 1. Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or temporarily.

Type 2. Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individual, families, or groups.

Camping Ground - A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of travel trailers, tents or movable temporary dwelling, rooms or sleeping quarters.

Church - A building designed for the purpose of assembly and worship.

Club - A building or portion thereof or premises owned or operated by an organization catering exclusively to members and their guests for social, literary, political, educational or recreational purposes which are not conducted primarily for gain, providing that vending stands, merchandising, or commercial activities are not conducted except as required generally for the membership and purposes of such club.

Conditional Use - See Use, Conditional

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

Court, Inner - A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, Outer - A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

Coverage - That percentage of the plot or lot area covered by the building area.

Density - unit of measurement; the number of dwelling units per acre of land.

Detached Building - See Building, Detached.

Dump - (Solid Waste-Non-Chemical) - A lot of land or part thereof used primarily for the Disposal by abandonment, dumping, burial burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or wasted material of any kind.

Duplex - See Dwelling, Two-Family

Dwelling - A building designed or used as the living quarters for one or more families. The terms "dwelling", "single-family dwelling", "two-family dwelling", or "dwelling group" shall not be deemed to include motel, rooming house or tourist home.

Dwelling, Single-Family - A building designed for or occupied exclusively by one family and separated from other dwelling units by open space.

Dwelling, Two-Family (Duplex) - A building consisting of two dwelling units which may be either attached side by side or one above the other.

Dwelling, Multiple - A building consisting of three or more dwelling units.

Dwelling, Group - A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having one yard in common.

Dwelling, Unit- A building or portion thereof providing complete housekeeping facilities for one family.

Family - One or more persons living, sleeping, cooking and eating on the same premises, Where the individuals are related by marital, blood or legally appointed, (ie: adoptions, foster care,

guardianship, etc.) for the purpose of acting as a single housekeeping unit.

Farm - Any parcel of land containing at least five acres which is used for the raising of agricultural products; livestock, poultry and dairy products. It includes necessary far structures and the storage of equipment used subject, however, to applicable regulations.

Filling Station - See Gasoline Station

Rood Stage - The highest point at which the 100 year flood waters have risen in the specific area in question.

Floor Area of a Residential Building - The sum of the gross horizontal area devoted to the several floors of a residential building excluding basement floor area, not devoted to residential use. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building - The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

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

a. Not more than one space is rented for parking to persons not resident on the premises.

b. No more than one commercial vehicle per dwelling unit is parked or stored.

c. The commercial vehicle permitted does not exceed two tons capacity.

Garage, Public - Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

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

Gasoline Station - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

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

a. Accessory Structure: A structure with the same architectural style and design of the principal dwelling or structure. Maximum percent of lot coverage shall be adhered to as set forth in each district in this resolution.

b. 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.

c. 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.

Hospital - Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home and any other place for the diagnosis, treatment or other care of human ailments.

Hospital, Animal - An establishment for the medical and/or surgical care of sick or injured animals.

Institution - A building occupied by a non-profit corporation or a non-profit establishment for public use.

Junk - Any worn-out, cast-off, or discarded article or material which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard - The use of more than 200 square feet of the area of any lot, whether inside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk or scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel - A structure used for the harboring, grooming, breeding, boarding, training or selling of more than three domestic animals that are more than six months old.

Line, Street - The dividing line between the street and the lot.

Living Area - The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports.

Lot - A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Zoning Resolution and having not less than the minimum required frontage upon an improved public street or an approved private street, either shown and identified by lot number of a plat of record, or considered as a unit of property and described by metes and bounds.

Lot, Corner - A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

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 Depth - A mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Unless otherwise specified, length shall be measured from the edge of street right of way. Lot length and lot depth have the same meaning.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on comer lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yard regulations.

Lot, Interior - A lot other than a comer lot with only one frontage on a street.

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, Through - A lot having frontage on two parallel or approximately parallel streets.

Lot, Width Of - The mean width measured at right angles to its depth.

Lot Lines - Any line dividing one lot from another.

Mobile Home - A dwelling unit designed to be transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection operations.

Motel, Hotel and Apartment Hotel - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming-house, lodging-house, or dormitory which is herein separately defined.

Motor Vehicle Repair Shop - A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

Nonconforming Use - 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 School - A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

Nursing Home - A home or facility for the care or treatment of the aged and disabled.

Open Space - An unoccupied space open to the sky on the same lot with the buildings.

Parking Space - An off-street space available for the parking of one motor vehicle with room for opening the doors on both sides together with properly related access to a public street or alley and maneuvering room.

Principal Building - See Building, Principal.

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

Quasipublic Uses - Churches, Sunday Schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Residential Hotel - A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newstands and other accessory services primarily for serving its occupants and only incidentally for the public.

Salvage Yard - A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as a part of a manufacturing operation.

Service Station - See Gasoline Station

Setback - The minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line or, in the case of an arc street, measured along the radius of such arc. For lots abutting on a thoroughfare as shown on the Major Thoroughfare Plan for Lorain County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan for Lorain County.

Shooting Range Indoor - A totally enclosed building that is equipped for the practice of shooting, including archery, where no activity associated with shooting is conducted outside the building.

Sign - Any letters, pictorial representation, symbol, flag, emblem, illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to any object, subject, place, person, activity, product, service, institution, organization or business.

Sign Area - The surface area of any sign is the entire area within a single contiguous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. Only one side of a free-standing or projecting double faced sign shall be included in calculating surface area, providing that the two display surfaces are joined at an angle no greater than 60 degrees. All sides of multifaced signs, visible from any one street, shall be included in the calculation of surface area.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Story, Height Of - The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the top most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street - A public or private way which affords the principal means of vehicular access to abutting properties.

Street Line - The right-of-way line of any road, street, or highway as proposed on the Major

Thoroughfare Plan of Lorain County, Ohio as amended. All setback distances on the Zoning Map shall be measured from the street line.

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having fixed location on the ground.

Theater, Outdoor - An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Tourist Cabins - A group of buildings, including either separate or a row of cabins which contain living and sleeping accommodations for transient occupancy, and which have individual entrances.

Tourist Home - A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Trailer, Travel - A vehicle used for recreational purposes or temporary living, sleeping or storage.

Use - The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The terms n permitted uses" or its equivalent shall not be deemed to include any nonconforming use.

Use, Accessory - A use incidental to the principle use of a building. In buildings restricted to residential use, the office of a professional man, customary home occupations and workshops shall be deemed accessory uses.

Use, Conditional - A use of land that is of such nature that its unlimited operation could be detrimental to the health, safety, morals and general welfare of residents in the surrounding area or to property or property values, and on which the public has and reserved the right to permit the use, subject to certain general and specific conditions stated in the Resolutions which are deemed necessary to protect the permitted uses of other affected properties.

Variance - 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 of the premises for the treatment, observations and/or recuperation.

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

Yard - An unoccupied space open to the sky, on the same lot with a building or structure.

Yard, Front - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the center-line of the alley, if there be an alley, and the rear line of the building.

Yard, Side - An open unoccupied space on the same lot with a main or accessory building situated between that building and side line of the lot and extending from the front yard to the rear yard.

Zoning Board of Appeals - The Zoning Board of Appeals of Elyria Township

Zoning Certificate - A document issued by the Zoning Inspector authorizing the construction or reconstruction of structures, or uses consistent with the terms of the Zoning Resolution, and for the purpose of carrying out and enforcing its provisions.

Zoning Commission - The Zoning Commission of Elyria Township.

Zoning Inspector - The Zoning Inspector of Elyria Township, Ohio.

Zoning Resolution - The officially adopted zoning regulations as contained in the Zoning Resolution of Elyria Township.

ARTICLE III

300 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 requirement 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.

302.01 MOBILE HOMES AND TRAILERS

1/19/89

Mobile homes and trailers shall not be permitted in any district except for storage of vacation or utility trailers owned by a resident or for use as a temporary building during construction.

302.02 SALE OF FIREWORKS - Shall not be permitted in any district.

302.03 YARD SALES

1/19/89

Typically permitted sales allowed: Basement, Estate, Garage Patio, Porch, Rummage, Yard.
Sales may be conducted for five (5) consecutive days-Sales limited to two (2) per year.

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

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 thirty-five (35) feet from the right-of-way line.

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

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

305 YARD EXCEPTIONS

305.01 FENCES, HEDGES, WALLS AND EARTHEN MOUNDS
3/18/08

In all districts, except Industrial districts, fences, hedges, walls and earthen mounds may be constructed to a maximum height of six (6) feet on any required side or rear yard beginning at the set-back building line and to a height of three (3) feet in any required yard abutting a road-right-of-way.

In an Industrial district, a maximum height of ten (10) feet is permitted.

In all districts, fence and wall framing shall face in and finished sides shall face out except when not a boundary line fence, ie: play area, garden area, swimming pool area, pet area, pet run.

Permit required-No person, firm, or corporation shall construct a fence, hedge, wall or earthen mound without first obtaining a permit from the Zoning Inspector.

305.02 ONE STORY DETACHED GARAGES OR ACCESSORY BUILDINGS
4/5/99

In residential districts one story detached garages or other accessory buildings overhang or foundation shall be located no less than five (5) feet from side and rear property lines. Said accessory building shall not exceed 1500 square feet.

305.03 SATELLITE DISHES (All Districts)

11/2/89

A. The following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites in or on dwellings.

1. Such ground stations or antennas shall be for the personal use of residents and their guests only.

2. Such ground stations or antennas shall contain no graphic message or advertising.

3. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

a. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above grade height of twelve feet.

b. Such stations or antennas shall maintain minimum rear and side lot line requirements for the district in which said accessory structure is located.

c. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be utilized.

d. Wiring between such station and any other structure shall be placed underground.

e. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

4. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

a. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires, and shall not be mounted on a pitched roof facing the front yard.

b. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed the height above the roof on which it is mounted at the roof's highest point.

c. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed four (4) feet.

d. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

B. In or on other than dwellings, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

1. Such ground stations or antennas shall contain no graphic message or advertising. .

2. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

a. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure on the property where the station is located and shall not exceed an above grade height of twelve feet.

b. Such stations or antennas shall not be located within fifty feet of a public right-of-way, thirty feet of a rear or side lot line and not closer than fifty feet from a lot line of a Residential District.

c. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of a galvanized construction shall be utilized.

d. Wiring between such station and any other structure shall be placed underground.

e. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

3. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and Requirements:

a. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.

b. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

4. Permit required - No person, firm, or corporation shall place a Satellite Dish without having first obtaining a permit from the Zoning Inspector.

305.04 WIRELESS TELECOMMUNICATION FACILITY OVERLAY DISTRICT
4/5/99

A. PURPOSE AND INTENT:

The Wireless Telecommunication Facility Overlay is the entire district of the township and is established to provide for the construction and use of Wireless Telecommunication Towers and Facilities as permitted uses, conditional uses, and accessory uses depending upon the specific land areas of the Township in which they are proposed to be located. The purpose of this District is to balance the competing interests created by the federal Telecommunications Act of 1996, Pubic Law 104-104, and the interests of the Township in regulating Wireless Telecommunication Towers and related Facilities for the following purposes: to regulate a commercial use so as to provide for orderly and safe development within the Township; to protect property values; to maintain the aesthetic appearance of the Township, including its rural character: to provide for and protect the health, safety, morals and general welfare of the residents of the Township; to protect residential properties, parks, open spaces and the non-intensive commercial. zoning districts which are characteristic of the Township from the adverse effect of Towers and related Facilities; to promote collocation of Wireless Telecommunication Facilities in order to decrease the number of Towers in the Township; and to maintain, where possible, the integrity of the existing zoning regulations, contained in the Zoning Resolution.

The Wireless Telecommunication Tower Overlay District regulations shall control and supersede wherever they are inconsistent with other provisions of the Zoning Resolution. If no inconsistency exists between the provisions of this Overlay District

and the provisions of the underlying zoning district, the underlying zoning district regulations and other provisions of the Zoning Resolution shall remain in full force and effect and shall regulate all land use and development.

The Wireless Telecommunication Facility Overlay District establishes a hierarchy of acceptable land areas for location of Wireless Telecommunication Towers and related Facilities through the establishment of such use as a permitted use in certain land areas, as a conditional use in other, more sensitive land areas, or as an accessory use for erection of Wireless Telecommunication Antenna only, which determination is dependent upon the location and characteristic of such land areas and the impact such Towers will have on adjoining properties.

Except as provided in this section, Wireless Telecommunication Facilities are prohibited in the Township.

B. PERMITTED USE:

1. A Wireless Telecommunication Tower and Facility may be located as a permitted use in the following areas, as set forth on the Township Zoning Map, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector:

a. A Wireless Telecommunication Tower and/or Antenna Facility is permitted in an Industrial District.

b. A Wireless Telecommunication Tower and/or Antenna Facility is permitted in any interstate highway and interstate right-of-way. A Tower located within an interstate highway right-of-way shall not be subject to setback requirements.

c. A Wireless Telecommunication Tower and/or Antenna Facility is permitted in a Commercial or Residential District only in the areas designated as a WTFO District on the zoning map which are within the fifty (50) foot area adjacent to an interstate highway right-of-way.

A Tower located within the fifty (50) foot area adjacent to an interstate highway right-of-way shall:

1. Be set back three hundred (300) feet from existing dwelling units;
2. Be set back one hundred ten percent (110%) of the height of the Tower from property lines other than the interstate highway right-of-way.
3. Not be subject to a set back requirement from the interstate highway right-of-way.

d. A Wireless Telecommunication "Tower and/or Antenna Facility may be permitted on any property owned or controlled by the Board of Township Trustees under such conditions, standards and regulations as deemed appropriate by formal approval of the Board of Township Trustees, provided such property is used for the provision of public services such as fire services, police service, or road or other maintenance services. In the event such property is located in a residentially zoned district, prior to the approval by the Township Board of Trustees of any construction of a Wireless Telecommunication Tower Facility on such property, advance notice by certified mail of a public meeting by the Trustees on the issue shall be given to each owner of property, as shown on the County Auditors current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the Tower is proposed to be constructed.

C. CONDITIONAL USE:

A Wireless Telecommunication Tower Facility may be located as a Conditional Use in a Commercial District outside the fifty foot (50) area adjacent to an interstate highway right-of-way, designated as a WTFO District on the Zoning Map and upon the approval of the Board of Zoning Appeals and issuance of a zoning certificate, provided the applicant demonstrates compliance with the following standards, as well as the standards set for in section 17.5 herein:

a. There is no Technically Suitable space for the applicants Wireless Telecommunication Antenna(s) and related Facilities reasonably available on an existing Wireless Telecommunication Tower, building or structure within the geographic area to be served, including the areas set for in the Subsection B. With the zoning certificate application, the applicant shall list the location of every Tower, building or structure and all of the areas set for in Subsection B that could support the Proposed Antenna(s) or Tower Facility so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available on an existing Tower, building or structure or that a Technically suitable location for a Tower Facility is not available in any area set for in the Subsection B. If another Tower, building or structure, or an area set forth in Subsection B. is Technically Suitable, the applicant must show that it has requested to Collocate on the existing Tower, building or structure and the Collation request was rejected by the owner of the Tower, building or structure or that it has requested all property owners with Technically Suitable locations to permit it to locate a Tower Facility in all Technically Suitable Area(s) set for in Subsection B. under reasonable terms and that each request was rejected. In all Circumstances, owners of existing Towers Shall promptly respond to request for Collocation, but in No event shall they respond more than thirty (30) days from the date of receipt of a written request for Collation. If there is a Technically Suitable location on an existing Tower, the applicant must further show that it has offered to allow the owner of the existing Tower to Collocate an Antenna(s) on reasonably reciprocal terms on another Tower owned or controlled by the applicant within the Township, if such a Tower exists and space is available on such Tower for Collocation and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage Collocation.

b. As a condition of issuing a conditional zoning certificate to construct and operate as Wireless Telecommunication Tower in the Township, the owner/operator of the Tower is required to allow Collocation until the Tower has reached full Antenna capacity, but in no event fewer than three (3) additional Antenna platforms for three (3) additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the Tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set for in this Section 305.04.

c. The color of the Wireless Telecommunication Tower shall be as required by the Board of Zoning Board of Appeals.

D. ACCESSORY USE:

The erection or construction of a Wireless Telecommunication Antenna(s) on an existing Wireless Telecommunication Tower in any zoning district shall be a

permitted accessory use as a collocation on such Tower and shall be approved upon submission of an application for a zoning certificate to the Zoning Inspector which meets all applicable regulations in Subsection E hereof related to placement of the Antenna and related Facilities.

E. STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION TOWER FACIL1TIES:

Except as otherwise provided in Section 305.04 all Wireless Telecommunication Facilities shall comply with the following standards:

a. Design:

All Wireless Telecommunication Towers shall be of a monopole design. Towers and Antennas shall be designed to meet all FCC and Ohio Basic Building Code requirements.

b. Maximum Height of Wireless Telecommunication Tower and Related Facilities:

A Wireless Telecommunication Tower shall be less than two hundred (200) feet in height as measured from the average ground level at the base of the Tower. The maximum height of any Wireless Telecommunication Antenna installed pursuant to section 305.04 (B), (C), (D), shall be no greater than the height of the existing Tower or structure to which it is attached. No Equipment Building for a Wireless Telecommunication Facility shall exceed ten (10) feet in height from building grade.

c. Additional Permitted Use:

A Wireless Telecommunication Tower Facility may be located on a lot with another use.

d. Minimum lot area:

The lot upon which a Wireless Telecommunication Facility is located shall have the same minimum lot area as that required for underlying zoning district and the lot area shall be sufficient to provide for all requirements of setbacks, yards and building coverage as may be specified in the underlying zoning district. The Facility may be located, however, on a leased area of a lot, which leased area is smaller than the minimum lot area required for the underlying zoning district.

e. Location of Wireless Telecommunication Tower on the lot:

1. Unless otherwise provided in this Section, a Wireless Telecommunication Facility must comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located, except the minimum setback from the nearest lot line of residentially- zoned property or property used for a residential use shall be one hundred ten percent (110%) of the height of the Tower. A Telecommunication Tower shall be set back a minimum of three hundred feet from a dwelling unit.

2. When such Facility is located on property adjoining an interstate highway right-of-way, this setback requirement shall not apply to the boundary line of the interstate highway right-of-way as set forth on the Zoning Map.

3. A Wireless Telecommunication Tower must be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties. hi no event shall any portion of a Wireless Telecommunication Facility be

located in front of the principal building on the lot, if any.

f. Spacing:

Except as otherwise provided for in this Section, there shall be a separation of at lease one-half mile radius between Wireless Telecommunication Towers.

g. Collocation:

A report shall be prepared and submitted by a qualified and licensed professional engineer which report shall certify that the Tower shall have the structural loading capacity to support at least four antenna platforms of equal loading capacity.

h. Access and Parking:

The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of ten (10) feet in width and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. There shall be a maximum of one (1) off-street parking space on the site.

i. Fencing:

Fencing shall be provided for public safety reasons. A fence, at least six (6) feet in height, but no greater than eight (8) feet in height, shall be erected completely around those portions of the Wireless Telecommunication Facility that comes in contact with the ground. One “No Trespassing’ sign of no greater than four (4) square feet shall be conspicuously posted on the perimeter fence of the Facility with a telephone number of a person to contact in the event of an emergency.

j. Buffer Area:

A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the Wireless Telecommunication Facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the Facilities, other than the Tower itself. The fifteen (15) foot landscape buffer shall consist of a tight screen fence of hardy evergreen shrubbery not less than six feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.

k. Outdoor Storage:

Overnight outdoor storage of any supplies, vehicles or equipment related to the use of the Wireless Telecommunication Facility is prohibited except during the Facility construction period and to supply emergency power to the Facility only during a power outage.

l. Lighting:

All Wireless Telecommunication Antennas or Towers one hundred (100) feet in height or greater shall be illuminated for aviation purposes every 100 foot starting at the mast top, by the most visually non-obtrusive “state of the art” lighting available, unless otherwise required by the Federal Aviation Administration

("FAA"). Lighting fixtures or signs shall no be attached to the Antenna or Tower. Unless required by law, all Antennas or Towers less than one hundred (100) feet in height shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or Tower. If lighting is required by the Federal Aviation Administration, "FAA" regulations apply.

Lighting for security purposes shall be permitted at the Wireless Telecommunication Facility with a prior approval of the Board of Zoning Appeals pursuant to a conditional zoning certificate issued and renewable each year.

Fee shall be specified by the Board of Township Trustees.

m. Notification to the Fire Department:

The owner or operator of a Wireless Telecommunication Tower shall notify the Township Fire Department by certified mail of the location and height of the proposed Tower as a conditio9n of issuance of a zoning certificate.

n. FCC Compliance:

Prior to receiving final inspection by the Zoning Inspector, documented certification shall be submitted to the Zoning Inspector, certifying that the Wireless Telecommunication Facility complies with all current Federal Communications Commission ("FCC") regulations for non- ionizing electromagnetic radiation (NIER).

o. Advertising:

No advertising shall be permitted on the Wireless Telecommunication Facility.

p. Time Limit for Commencement and Completion of Construction

After issuance of a zoning certificate to construct a Wireless Telecommunications Facility, the applicant shall commence construction within six (6) months and shall complete construction within twelve (12) months or the zoning certificate shall expire. As a condition of issuance of the certificate, the Zoning Inspector shall require the applicant and the owner of the property to certify that if construction is not commenced within the six (6) months or completed within twelve (12) months, that the site will be available for another Wireless Telecommunication Facility.

q. Removal of Wireless Telecommunication Facilities:

1. The owner or operator shall agree to remove a nonfunctioning Wireless Telecommunication Facility within one (1) year of ceasing its use. The owner/operator of the Antenna and/or Tower shall, on no less than an annual basis from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector as to the continuing operation of every Facility that is subject to this Section. The owner/operator of the Antenna and/or Tower shall sign a written consent agreeing to permit periodic inspections of the Wireless Telecommunication Facility by the Zoning Inspector or his designee.

2. The owner or operator shall be required, as a condition of issuance of a zoning certificate, to past a cash or surety bond acceptable to the Board of Township Trustees of not less than one hundred dollars ($100) per vertical foot from natural grade of the Wireless Telecommunication Antenna or

Tower Facility shall be removed within one (1) year of cessation of use and abandonment. A surety bond posted pursuant to this subsection shall be renewed on an annual basis. Any successor-in-interest or assignee of the owner/operator of the Facility shall also post such a bond.

F. ZONNG CERTIFICATE FEES:

a. The fees for applications for zoning certificates as required by Section 305.04 shall be as Specified by the Board of Trustees.

b. Reimbursement of Expenses: The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the Zoning Inspector, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in this Section which are not covered by the application fees established by the Board of Township Trustees.

G. PUBLIC UTILITY EXEMPTION:

a. In the event a Wireless Telecommunication Tower Facility is to be owned or principally used by a public utility engaged in the provisions of Telecommunication services, the regulations of the District do not apply when the proposed location of the Tower Facility is in an area of the Township which is not residentially zoned. The proponent of such Tower Facility must file a written applications for a zoning certificate with the Zoning Inspector supported in writing by a preponderance of Substantial Evidence that the Tower will be owned or principally used by a public utility engaged in the provisions of Telecommunication services. The applicant must also demonstrate by a preponderance of Substantial Evidence that it possess a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for purposes of this exemption.

1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;

2. Whether the applicant provides its good or services to the public indiscriminately and reasonably;

3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;

4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;

5. Whether the good or service offered by the applicant is vital;

6. Whether there is a lack of competition in the local marketplace for the good or service;

7. Whether there is regulation by a governmental authority and the extent of that regulation; and

8. Whether the applicant possesses the power of eminent domain.

b. No single factor set forth above is controlling as to whether the applicant is a

"public utility" engaged in the provision of Telecommunication services". Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

c. If the Zoning Inspector determines to deny the applicant such "public utility" status, the Inspector shall do so in writing, and state the reasons therefore. Such decision of denial by the Zoning Inspector shall no be a final decision by the Township on this issue. Any determination by the Zoning Inspector that the applicant is not a public utility engaged in the provisions of Telecommunication services shall be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in the Zoning Regulation. The decision of the Board of Zoning Appeals shall be the final decision of the Township on this issue.

d. In the event a Wireless Telecommunication Facility is proposed to be in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of Telecommunication services, the public utility shall be exempt from the requirements of this Zoning Resolution if it meets all of the criteria 1, 2, and 3 below, as follows:

1. All of the requirements of Subsection G. a through c are met;

2. The public utility provides both of the following by certified mail;

a. Written notice to each owner of property as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the Tower is proposed to be constructed, stating all of the following in clear and concise language:

• The public utility's intent to construct the Tower:

• A description of the property sufficient to identify the proposed location; and

• That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the Tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

b. Written notice to the Board of Township Trustees of the information specified in Subsection G. (d) 2 a. of this Section. The notice to the Board of Trustees also shall include verification that the person has complied with Subsection On G. (d) 2a. of this Section; and

3. If the Board of Township Trustees receives notice from a property owner under Subsection G.(d) 2 a. of the Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the Wireless Telecommunication Tower within fifteen (15) days after the date of mailing of the notice sent under Subsection G.(d) 2 b. of this Section, the Board of Trustees shall request that the Clerk of the township send the person proposing to construct the Tower written notice that the Tower is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the

provisions of this Zoning Resolution shall apply to the Tower without exception. If the Board of Trustees, however, receives no notice under Subsection G. (d) 2 a. of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection G. (d) 3 within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution.

H. DEFINITIONS:

a. “Collocation” means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.

b. “Monopole” means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

c. “Personal Wireless Service” means commercial mobile service, and common carrier wireless exchange access services as defined by federal law at 47 US.C. 332(c)(7).

d. “Substantial Evidence” means such relevant evidence as a reasonable mind would accept as adequate to support as conclusion.

e. “Technically Suitable” means the location of a Wireless Telecommunication Antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the Township.

f. “Telecommunications” means the technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term “Personal Wireless Service”.

g. “Wireless Telecommunication Antenna” or “Antenna” means the physical device or an array of elements constituting a physical device through which an electromagnet, wireless telecommunication signal authorized by the Federal Communications Commission is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

h. “Wireless Telecommunication Equipment Building” or “Equipment Building” means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.

i. “Wireless Telecommunication Facility” or “Facility” means a facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provisions of personal wireless services.

j. “Wireless Telecommunication Tower” or “Tower” means any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

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, and aerials. Such 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 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
3/18/08

A. DURING CONSTRUCTION - Any structure, temporary basement home or not more than one trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than twelve (12) months. A separate zoning certificate shall be required for the use of temporary dwelling quarters. Such certificates shall not be renewed or extended. A performance bond in no event less than $2500 dollars shall be filed with the application for such certificate. Approved sanitary facilities must be provided.

B. LIMITED USE - A cabin or summer cottage may be used for a temporary residence for a period not to exceed seven (7) months in any calendar year. Visitor's trailers or mobile homes shall be permitted for a period not to exceed (2) weeks 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 be continued for not more than twelve (12) months. A separate zoning certificate shall be required for such emergency use. A performance bond in no event less than

$1000 shall be filed within sixty (60) days of the date of application for such certificate. Approved sanitary facilities must be provided.

307.05 REAR HOUSES

Rear Houses shall not be permitted in single family residential districts. No apartment house shall be erected or altered or used unless the same 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 dwelling is located in the rear of another building and has 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 deed and shall be filed with the Recorder of this County for record.

307.06 HEALTH BOARD APPROVAL
12/2/91

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. Including any renovation involving additional plumbing facilities.

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 MUNICIPAL PLANNING COMMISSION AUTHORITY

The authority of village or city planning commissions shall be observed where applicable.

307.10 SUBMISSION TO STATE HIGHWAY DIRECTOR (see 1701.04)

The provisions of Section 1701.04 are in full effect where applicable.

307.11 FRONTAGE REQUIRED FOR BUILDING

No principal building shall be erected on a lot which does not abut on a street of record and if located in the rear of another building and has no immediate street frontage, than a permanent easement for access shall be provided over an unoccupied strip of land at least 20 feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by this resolution. Said easements shall be executed with the requirements provided by law for deeds and shall be 200' from a main dwelling, and not more than one dwelling. The frontage requirement for the principal building shall be the

same as the required lot width, except for cul-de-sac development which shall maintain a minimum frontage of 40 feet.

307.12 EROSION AND SEDIMENT 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 twenty (20) dwelling units and all commercial and industrial developments 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 run-off 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.

307.13 PONDS
4/5/99

a. All ponds must be designed by a registered civil engineer or by the Lorain Soil and Water Conservation District to meet the Standards and Specifications of the USDA Natural Resources Conservation Service, before a zoning permit can be issued.

b. The construction of ponds shall not adversely affect the drainage pattern of adjacent properties.

c. The overflow from either an embankment type or dugout type pond shall not be discharged so as to affect the required field for any nearby on-site sanitary system.

d. Ponds shall be maintained so as not to create a health hazard.

e. The construction of a pond and its continued use shall not cause any additional erosion, either on-site or on adjacent properties.

f. Ponds shall not raise the ground water table through infiltration so as to render ineffective any on-site sanitary system.

g. The areas surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and to minimize erosion according to Lorain Soil & Water

Conservation District specifications.

h. Ponds shall be located no closer than 100 feet to any right-of-way side line, and no closer than fifty (50) feet to any side lot line or rear property line.

i. Ponds used for drinking water supply or for swimming must meet the Lorain County Health Department's standards for such use.

j. Any required pumping or filtration equipment shall be located so as not to extend into any required yard in the district in which located.

k. The location of a pond shall not cause a hazard to the general public.

l. Pond use must be specified at the time the permit is issued.

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 "R" District, not withstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirement may be obtained only through action of the Zoning Board of Appeals.

308.03 DISCONTINUANCE

If any nonconforming use of 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 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, ENLARGMENT, 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. A zoning permit for such reconstruction must be obtained within six months of the time of the calamity.

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 ten (10%) 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 not be increased.

309 SUBMISSION OF PLANS

309.01 APPLICABILITY

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

309.02 ACTION BY ZONING COMMISSION AND APPLICANT

Application for developments in all multi-family, commercial (business) and industrial development districts, shall be reviewed by the Zoning Commission in four 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.

309.04 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS

Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Commission and the 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 the criteria and standards contained in the applicable district regulations; and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used; and 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 for 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 on or before the last day of the month if it is to be reviewed the following month at the next regular meeting.

b. Upon approval of the preliminary plans by the Zoning Commission, the final plans may be prepared and submitted for review.

c. Approval of the preliminary plan shall be conditional upon compliance with all other applicable statues, resolutions and regulations of Elyria Township, County and State.

309.09 FINAL SUBMITTAL PROCEDURE AND REQUIREMENTS

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

310 PERFORMANCE STANDARDS

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

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 the 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
12/2/91

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. Commercial Construction Activity hours shall be Monday thru Friday 7:00 a.m. to 8:00 p.m.; Saturday 7:00 a.m. to 4:00 p.m.; Sunday no construction hours, this pertains to all zones. 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.

310.09 EROSION

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

310.10 WATER POLLUTION

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

311 ENFORCEMENT PROVISIONS

311.01 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.

311.02 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

312.01 <u>Existing Development</u>

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 land owners?

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 4 single-family homes on \ acre lots.

D. Impact Areas and Vacant Land

1. Comparison of proposed change with regard to development commitments of adjacent vacant land.

2. The affects 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 Goals

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

B. Transportation Plan

1. The degree to which the change would help to realize or hinder the Transportation Plan.

2. Determination of the ability of the change to be served adequately by future improvements.

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 buildings.
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 of soil maps to determine the limitations of the local soils.
2. Depiction of the flood prone areas. Development will not increase the flood potential for other properties.

312.05 Impact of Development on Quality of Life

A. Public Recreation

1. Development proposals with on-site recreation facilities will not increase demand for local neighborhood parks.

B. Shopping and Service Establishments

1. Impact of change on the availability of goods and services.

2. Change affecting parking facilities.

C. Schools

1. The amount of money brought in by the Townships in relation to money expended for additional facilities needed.

D. Property Value Stability

1. Insuring existing residences that proposed change will not adversely affect property values.

2. Enlisting the use of site planning to insure building relates harmoniously to terrain and existing building and roads and nearby residences.

312.06 REGULATIONS OF OFFENSIVE MATERIALS
11/2/89

The following uses shall be deemed to constitute a nuisance and shall not be permitted in Elyria Township:

The dumping, storing, burying, reducing, disposing of or burning of HAZARDOUS WASTES, INFECTIOUS WASTES, SOLID WASTES, demolition materials, coalburn flyash, flyash, garbage, offal, refuse, rubbish, scrap metal, tires, or other waste materials.

"SOLID WASTES" MEANS MATERIALS AS ARE DESCRIBED IN OHIO REVISED CODE, SECTION 3734.01 (E) OR IN SUCH STATUTE AS IT MAY HEREAFTER BE AMENDED.

"HAZARDOUS WASTES" MEANS MATERIALS AS ARE DESCRIBED IN OHIO REVISED CODE SECTION 3734.01 (J) OR IN SUCH STATUTE AS IT MAY HEREAFTER BE AMENDED.

"INFECTIOUS WASTES" MEANS SUCH MATERIAIS AS ARE DESCRIBED IN OHIO REVISED CODE, SECTION 3734.01 (R) OR IN SUCH STATUTE AS IT MAY HEREAFTER BE AMENDED.

"Demolition Materials" means materials from construction operations and from demolition operations including those items that are affixed to a structure, including driveways; and highways, being constructed or demolished such as brick, concrete, framing and -finishing lumber, glass, plumbing fixtures, roofing materials, stone, wallboard, wiring and insulation materials.
Demolition items such as asphalt, brick, concrete, and stone may be utilized for fill for driveways or to elevate land depressions provided that the plans for such fill are first submitted in writing to the Zoning Inspector and a zoning permit is granted therefore Any such zoning permit for fill purposes shall expire at the end of six (6) months and may be renewed for one additional six month period.

312.07 DEMOLITION OF BUILDINGS
3/18/08

No Demolition shall be conducted without permit issued by the Zoning Inspector. The demolition permit application must be accompanied by an appropriately completed copy of the Ohio Environmental Protection Agency notification of Demolition and Renovation as required by Ohio Administrative Code, OAC, 3745-20-03 and completed in compliance with state and local laws. (ORC 3401)

312.09 MANUFACTURING OR PRODUCING OF ASPHALT OR ASPHALT BY 4/5/99
PRODUCTS, STONE, RAVEL, LIMESTONE, IS PROHIBITED IN ANY
DISTRICT OF ELYRIA TOWNSHIP.

313.00 WIND TURBINE GENERATORS
5/19/2010

Section 313.01 Purpose

The purpose of this amendment is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as "WTG") and anemometer towers in Elyria Township, Lorain County, Ohio. This Amendment is consistent with the stated primary purpose of the Elyria Township Zoning Resolution: "Protecting the public health, safety, comfort and general welfare" of the Elyria Township residents. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this Amendment seeks to:

1. Protect residential and agricultural areas from potential adverse impact of wind turbine generators;

2. Permit wind turbine generators in selected areas, subject to the terms, conditions and provision hereof;

3. Ensure the public health, welfare and safety of the Township's residents in connection with wind turbine generators; and

4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

Section 313.02 Residential All Residential District's (R)

Wind turbines are a permitted use in all Residential Districts.

Any proposed construction, erection, or siting of a wind turbine generator with an aggregate generation capacity of less than five (5) megawatts or anemometer must conform to the following guidelines:

A. A proper zoning permit has been obtained from the Zoning Inspector for the construction of a residential wind turbine generator or anemometer. The cost of this permit shall be set by the township Trustee's.

B. Wind turbines shall be permitted by issuance of a Permit in all districts under the following conditions:

    1. The maximum height of any turbine shall be thirty five (35) feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum verticle height of the turbines blades.

Maximum height therefore shall be calculated by measuring the top of a prop at maximum vertical rotation to the ground. For wind turbine generators mounted on buildings or other structures, the maximum height shall not exceed thirty five (35) feet. Maximum

height for Wind Turbine Generator's mounted on buildings and other structures shall be considered from maximum vertical height of the turbine blades to the ground at the foundation of the building or other structure.

2. Setbacks: The following shall apply in regards to setbacks. Any turbine on a parcel of land shall establish a "clear fall zone" from all neighboring property line. The clear fall zone shall be not less than the maximum height of wind turbine generator plus ten (10) feet. Building mounted wind turbine generators shall maintain a clear fall zone of one hundred (100) per cent of the distance from the mounting location to the maximum height of the wind turbine generator's blade plus ten (10) feet. A turbine shall be erected and place in such a manner that, if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located. Guy wire anchors shall maintain at least ten (10) feet from existing property lines and other structures.

3. Aesthetics: The following provisions shall be applied to the aesthetics issue of wind turbines: The turbine including prop blades, turbine cowling, and tower shall be painted or coated with white, gray, forest green or sky blue. Logos or other identification markers, other than those of the manufacture shall no be permitted anywhere on the turbine.

4. Maintenance: Wind turbines must be maintained in good working order. Turbines that become inoperable for more than nine (9) months must be removed by the owner within sixty (60) days of issuance of zoning violation. Removal includes removal of all apparatus, supports, and/or other hardware associated with the existing turbine.

5. Noise Level: The noise level of the turbine as measured at the closest property line. The audible noise radiation shall not exceed five (5) dB(A) above the National Ambient Noise Level.

6. Capacity: The wind powered turbine generator shall service only one property. The number of wind turbines shall be limited to one (1) per property, except; lots of fifty (50) acres or more shall be limited to two (2) wind turbine generators.

C. Permits

A. A zoning permit shall be required before construction can commence on an individual wind turbine system.

B. As a part of the permit process, the applicant shall investigate with the Lorain County Regional Planning Commission whether or not additional height restrictions apply to the related proposed location of the unit.

C. Applicant shall then provide the Township Zoning Inspector with the following items and/or information when applying for the permit.

1. Location of all public and private airports in relation to the location of the turbine as well as any FAA restrictions that may be applicable to the turbine installation.

2. An engineering report that shows:

    a. The total size and height of the unit.
    b. The total size and depth of the unit's concrete mounting pad.

    c. An average decibel rating for the proposed turbine unit.
    d. A list and/or depiction of all safety measures that will be on the unit including anti-climbing devices.
    e. Data specifying the kilowatt size and generating capacity of the proposed unit.

3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways and neighboring properties.

4. Evidence of a "clear fall zone" with manufacturers' recommendation must be attached to the engineering report.

5. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.

6. A dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit application.

Section 313.03 Commercial GB-1, LI, MS-1, NB-1

Wind turbines are a permitted use in all Commercial Districts.

In addition to the requirements set forth in Section 400 of the Zoning Resolution, every application for a commercial wind turbine generator or anemometer tower permit shall be made in writing to the Zoning Department for the Zoning Board of Appeals on the forms provided by the Zoning Department and shall be accompanied by any and all filing fees prescribed by the Township Zoning Resolution and this Amendment. The cost of this permit shall be set by the township Trustee's. The permit application shall include but is not limited to the requirements set forth in Section 401 and the following information:

1. Name and address of the applicant.
2. Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application.
3. A plot and development plan drawn in sufficient detail to clearly describe the following proposed details:
    a. Physical dimensions of the property, existing structures, and proposed structures.
    b. Location of existing and proposed structures.
    c. Location of existing and proposed electrical lines and facilities.
    d. Existing topography.
    e. Proposed grading and removal of natural vegetation.
    f. Wind resource study as described in Section 313.05.
    g. Setbacks as described in Section 313.07.
    h. Ingress and egress identifying location and distance to the nearest County and Township maintained road.
4. A description of the access route from the nearest County and Township maintained road to include:

a. Road surface material stating the type and amount of surface cover;
b. Width and length of access route;
c. Dust control procedures;
d. A road maintenance schedule or program.

5. Utilization of the property under the requested permit.
6. Utility interconnection data and a copy of written notification to any utility of the proposed interconnection.
7. Specific information of the type, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each WTG model, tower and electrical transmission equipment.
8. A soil boring report as described in Section 313.18.
9. A location map to scale of all dwellings within two (2) mile of the boundary of the property upon which the WTG's are to be located.
10. An analysis and written proposal to reduce air navigation clutter on airport radar facilities.
11. One or more detailed computer or photographic simulation drawings showing the site fully developed with all proposed WTG's and accessory structures.
12. A copy of written notification to the Federal Aviation Administration.
13. Any proposed WTG's which are located within two (2) miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link.
14. Any proposed WTG's which are located within a one hundred (100) year flood plain area shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation and flooding, and which shall propose mitigation measures for such impacts.
15. A separate application for conditional use permit shall be submitted for each proposed WTG or anemometer tower.
16. A cost budget for the proposed project, together with estimates/proposals from third parties for the services or materials to substantiate the budget, including without limitation the following:

    a. The costs of site preparation, excavation, access roads or drives, and clearing of vegetation;
    b. The cost of the sub-grade materials, equipment and material costs for the foundation of the proposed structure;
    c. The costs of the structure, including labor, equipment and materials; and
    d. The costs of all ancillary equipment, connection devices, lines and related matters for the project.

Section 313.04 Wind Turbine Generators and Anemometer Towers.

Wind turbine generators and anemometer towers shall comply with all of the following standards as a condition precedent for a permit to be issued:

Section 313.05 Sufficient Wind Resources. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of two years. Said study shall comprehensively articulate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of 1% or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The Township shall retain the services of an independent expert to review the results of the wind resource study prior to acting on the application for conditional use permit. All costs incurred by the

Township for the services of the independent expert shall be borne by the applicant and shall come from the requisite deposit mandated under Section 313.26 hereof.

Section 313.06 Minimum Site Area. The minimum site area for a wind turbine generator or an anemometer tower shall be the height of the highest point of the turbine blade plus fifty (50) feet in all directions.

Section 313.07 Setbacks. For health, safety and welfare purposes, each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

Adjoining Lot Line. Each proposed wind turbine generator shall be setback from any and all adjoining lot lines a minimum distance of the height of the highest point of the turbine blade plus fifty (50) feet in all directions.

All costs incurred by the Township for the services of an independent expert shall be borne by the applicant and shall come from the requisite deposit mandated under Section 313.26 hereof.

Building or Structures. Each proposed WTG shall be setback from any Building or Structure, as those terms are defined under the Township Resolution at Article II, a minimum distance of the height of the highest point of the turbine blade plus fifty (50) feet in all directions.

Road of Right-of-Ways. In addition to the above, a wind turbine generator shall, in all cases, be setback from a public or private road right-of-way or easement a minimum distance equal to the height of the highest point of the turbine blade plus fifty (50) feet. This requirement is to further promote health, safety and welfare as “shadow flicker” could affect driver visibility on roads in the Township.

Wind Access Buffer. For any newly proposed wind turbine generator or anemometer tower, a Wind Access Buffer equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower.

Sensitive Environment Areas. Sensitive environmental areas shall have a setback of at least one (1) mile, and the specified distance shall be determined by the Township Zoning Board and the Ohio Department of Natural Resources.

Scenic Areas. Scenic areas, including parks, highways, recreational areas and others as determined by the Township, shall have a setback of not less than 1 mile; the specific distance of the setback shall be determined by the Township.

Section 313.08 Maximum Height. The maximum wind turbine generator or anemometer tower height from the base to the tip of the blade at its highest point shall not exceed two hundred (200) feet. The Zoning Board may approve an increased height for a wind turbine generator tower, not to exceed two hundred sixty (260) feet from the base to the tip of the blade, if all of the following conditions are met:

1. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

2. The increased height will not result in increased intensity on lighting of the tower to FAA requirements.

Section 313.09 Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than forty (40) feet measured from the highest point of the terrain within one blade radius from the base of the tower.

Section 313.10 Maximum Noise Levels. The audible noise radiation due to wind turbine operations shall not be created which causes the noise level at the boundary of the proposed project site to exceed (30) dB(A) for more than five (5) minutes out of any one (1) hour time period or to exceed thirty five (35) dB(A) for any time period; provided, however, if the Natural Ambient Noise Level without the commercial wind turbine generators is greater than 30dB(A), the audible noise radiation shall not exceed 5 dB(A) above the Natural Ambient Noise Level. A commercial wind energy facility shall not be operated so that impulsive sound below 20 Hz adversely affects the habitability or use of any dwelling unit, hospital, school, nursing home, or other sensitive noise receptor.

Section 313.11 Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the boundaries of the property on which it is located.

Section 313.12 Endangered or Threatened Species. Development and operation of a commercial wind energy facility shall not have a significant adverse impact on the endangered or threatened fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Department of Natural Resources and/or the studies of the U.S. Fish and Wildlife Service. Commercial wind energy facilities must adhere to the guidelines set forth by the U.S. Fish and Wildlife Service, "Guidelines to avoid and Minimize Wildlife Impacts from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132).

Section 313.13 Migratory Birds. Development and operation of a commercial wind energy facility shall not have an adverse impact on migratory bird species.

Section 313.14 Transmission Lines. All electrical transmission lines connecting any wind turbine generator to the public utility electricity distribution system shall be located underground.

Section 313.15 Electromagnetic Interference. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, telephone (including cellular and land line), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to correct any problems, including relocation or removal of the facility, caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto. The applicant for commercial wind turbine generators shall pay for testing of the above

reception for all properties within two (2) miles prior to construction and will pay to correct reception for landowners with degradation of these signals. The entity or agency that conducts the test shall be selected by the Elyria Township Trustee's or Lorain

County Engineer's at the request of the Zoning Board. The costs incurred by the Township for such tests shall be borne by the applicant and shall come from the requisite deposit mandated under Section 313.26 hereof.

Section 313.16 Landscaping. Each proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator shall meet the following landscaping requirements:

1. The base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
2. Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

3. Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

4. To insure compliance with these landscaping standards, the Zoning Board may require additional landscaping on the site after the installation of the wind turbine generator or anemometer tower.

Section 313.17 State or Federal Requirements. Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the FAA, the Public Utilities Commission of Ohio, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the conditional use permit is applied for.

Section 313.18 Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, prepared by a firm which specializes in soil borings and is approved to perform such work in the State of Ohio. The report shall include soil and geologic characteristics of the site based upon on-site sampling and testing. The soil boring reports and the proposed plans for the foundation shall be certified by a registered Professional Engineer licensed in the State of Ohio, who is practicing in his or her area of competency.

Section 313.19 Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:

1. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness and shall be so maintained as to be in

continuous compliance with this paragraph and to prevent any visible oxidation or corrosion.

2. Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind generator or anemometer tower; however, the Zoning Board may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.

3. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:

   i. Shall be the lowest intensity allowable under FAA regulations.

   ii. Shall not be strobe lighting or any other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA and the Township.

   iii. Shall be a red top light that does not pulsate or blink.

   iv. All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.

   v. Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on view corridors from adjacent properties.

   vi. Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guide wires.

Section 313.20 Sign. A sign no more than four (4) square feet in area displaying an address and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls and information inquiries shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.

Section 313.21 Maintenance. The owner or operator of the WTG shall furnish an operation and maintenance report to the Township on an annual basis.

Any physical modification to the WTG that alters the mechanical load, mechanical load path, or major electrical components shall require re-application for conditional use under this Amendment. Like-kind replacements shall not require re-application. Prior to making any physical modification (other than a like-kind replacement), the owner or

operator shall request, in writing, a determination from the Township Board of Zoning Appeals whether the physical modification requires re-application for conditional use permit. The Board of Zoning Appeals shall, in its sole and absolute discretion, make such determination.

Section 313.22 Local Fire Department. The applicant, owner or operator shall submit to the local Fire Department a copy of the site plan. Upon request by the local Fire Department, the owner or operator shall cooperate with the local Fire Department to develop the Fire Department's emergency response plan. Nothing in this Section of this Amendment shall alleviate the need to comply with all other applicable fire laws and regulations. Upon request by the local Fire Department, the owner or operator shall on a yearly basis, participate in High Angle Rescue using the WTG tower.

Section 313.23 A. Hazard Planning. An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:

1. Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard shall be signed by a registered Professional Engineer licensed in the State of Ohio, who is practicing in his or her area of competency.

2. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

3. The following shall be submitted with the application for a conditional use permit for a wind turbine generator:

    i. A listing of any hazardous fluids that may be used on site shall be provided.

    ii. Certification that the turbine has been designed to contain any hazardous fluids shall be provided. This certification shall be signed by a registered Professional Engineer licensed in the State of Ohio, who is practicing in his or her area of competency.

    iii. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released or leaked from the turbine or any other equipment or appurtenances on the site.

    iv. A Hazardous Materials Waste Plan, complying with all federal, state, and county laws and regulations shall be prepared and filed. Approval by all of the above parties shall be a condition to be met prior to the issuance of any permit. Further, approvals or waivers, by the state Department of Environment Quality, the state Department of Natural Resources and/or the Corp of Army Engineers shall also be submitted prior to the issuance of any permit.

B. Decommissioning Plan. The applicant must formulate and submit a Decommissioning Plan to ensure that the WTG project is properly decommissioned. The Decommissioning Plan shall include:

1. Provision describing the triggering events for decommissioning the WTG project.
2. Removal of structures, debris, access roads, and electrical cabling, including transmission lines below the soil surface, as specified in each individual WTG contract with the landowner(s).

3. Provisions for the restoration of the soil and vegetations.
4. An estimate of the decommissioning costs certified by a Professional Engineer approved by the Elyria Township Trustees.
5. A cash bond, secured by the owner/operator, for the purpose of adequately performing the decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning, costs plus anticipated inflation.
6. Identification of and procedures for Township access to the cash bond.
7. A provision that the terms of the Decommissioning Plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

Section 313.24 Removal of Abandoned Wind Turbine Generators or Anemometer Towers. Any wind turbine generator or anemometer tower that is not operated for a continuous period of nine (9) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within ninety (90) days of receipt of notice from the Township. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower. Any foundation associated with a wind generator or anemometer tower shall be totally removed and the site restored to its original state including the planting of any grasses or cover crops, which may have been present prior to construction. Any and all transmission equipment, buildings and fences shall also be removed. Failure to remove an abandoned wind turbine generator or anemometer tower within the ninety (90) day period provided in this subsection, or in the event that the owner or operator of the wind turbine generator or anemometer tower is no longer financially capable, or fails to respond to mail sent to its last address on file with the Township, shall be grounds for the Township to remove the wind turbine generator or anemometer tower structure and all associated equipment or appurtenances at the owner's expense. The Township may sell any salvageable material, deducting the balance due from the cash bond, which the Township shall require.

Section 313.25 Cash Bond, Security Deposit and Infrastructure Deposit.
A cash bond of ten thousand ($10,000.00) dollars shall be required for the following: Expenses, Fee's and Reclamations Expenses in the event of decommissioning.

Section 313.26 Severance Clause. If any section, clause, or provision of the Amendment is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Amendment as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 313.27 Agriculture. Nothing in this Amendment is intended to limit Agriculture as that term is defined under Article II of the Township Resolution.

Section 313.28 Default and Remedies. The applicant's, owner's or operator's failure to materially comply with any of the above provisions, including any conditional use permit granted, shall constitute a default under this Amendment. The appropriate Township body shall

provide written notice to the owner and operator, setting forth the default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, to cure the default and make full restitution, as mandated by the appropriate Township body. If the Township determines in its sole and absolute

discretion, that the default has not been timely cured or full restitution timely made, Article XIX of the Township Zoning Resolution may be invoked by the Township, together with any other remedies at law or equity. Any costs incurred by the Township relative to a default shall come out of the cash security deposit under Section 313.26.

Section 313.29 : Definitions

ADJOINING LOT LINE
The property boundary lines between the real property for the proposed siting of a wind turbine generator or anemometer tower subject of the Application and real property owned by another person, persons or entity.

ANEMOMETER
An instrument for measuring and recording the speed of the wind.

ANEMOMETER TOWER
A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

APPLICANT
The entity or person who submits to the Zoning Department of the Township an application for conditional use for a WTG or anemometer tower.

NATURAL AMBIENT NOISE LEVEL
The normal and predominant noise level absent any industrial or commercial noise radiation, excluding any noise resulting from any Agricultural operations.

PROFESSIONAL ENGINEER
A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

SENSITIVE ENVIRONMENTAL AREAS
Any areas determined by the Ohio Department of Natural Resources, any other state or federal governmental agency, or the Township that consist of unique or sensitive ecological, biological or related ecosystems.

WIND ACCESS BUFFER
The distance between the closest point of any rotor diameters of two or more wind turbine generators.

WIND TURBINE GENERATOR (WTG)
A tower, pylon, or other structure, including all accessory facilities, upon which any, all or some combination of the following are mounted:

A) A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
B) A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or

other electrical or mechanical energy producing device.

C) A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND TURBINE GENERATOR TOWER HEIGHT

A) Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

B) Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

WTG CONTRACT

The agreement between the Applicant and the landowner(s).

WTG FACILITY

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle generator, WTG tower, electrical components, WTG foundation, transformer, substation, and electrical cabling from the WTG tower to the substation.

WTG OPERATOR

The entity responsible for the day-to-day operation and maintenance of the WTG, including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the WTG (unless the property owner has an equity interest in the WTG or if any person holding a security interest in the WTG solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WTG at the earliest practicable date.

ARTICLE IV

400 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 - A conditional use permit shall be renewed annually and a fee, as set forth in the fee schedule, shall accompany such application for said permit, unless otherwise specified herein.

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 (NB-1, GB-1)

a. Off-Street Reserve Space - Reserve space for not less than ten automobile 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. Lighting - All outside lighting shall be shielded from adjacent properties.

d. Frontage and Depth - A Minimum frontage of 125 feet and a depth of 200 feet are required.

e. 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.

f. Retail Sales - Retail sales of related commercial products shall be permitted.

g. Repair Work - Repair work shall not be permitted.

h. Services - Services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.

i. Hours of Operation - Facilities located adjacent to a residential area shall be used only during the hours of 7 a.m. to 10 p.m.

402 AUTOMOBILE AUTOMATIC WASH STATIONS (NB-1 , GB-1) (Cont'd)

j. Distance From Side Lot Line - The building shall be a minimum of 40 feet from the side lot line.

k. 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 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 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 shall not exceed thirty feet in width at the property line at its intersection with the property 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. Signs - The area of all permanent advertising signs on a building or parcel may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of width of a building or part of a building, but shall not exceed a maximum area of one hundred (100) square feet.

404 CEMETERIES (Rl-1, Rl-2)

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 points of entry set at 200 feet between centerlines.

b. Minimum Site Size - 10 acres.

c. Building Setback - All burial buildings or accessory buildings shall be set back at least 75 feet from any street right-of-way bounding the cemetery. There shall be two side yards and a rear yard of at least 50 feet each.

d. Burial lot Setback - All graves or burial lots shall be set back at least (40) feet from any street right-of-way bounding the cemetery. The site shall provide two side yards and a rear yard of at least (40) feet each.

e. Existing Cemeteries - Existing cemeteries may continue to operate as a Nonconforming use. Any future expansions of an existing cemetery not covered by a conditional use permit must comply with the requirements as set forth above.

405 DAY CARE CENTER (Rl-1, MR-1, GB-1)
3/18/08

a. Minimum Site Size - One-half acre up to ten children plus an additional two hundred (200) square feet for each additional child.

b. Interior Floor Space - No less than forty (40) square feet per child.

c. Yards Required - Side and rear yards shall be a minimum of fifty (50) feet.

d. Lot Width and Depth - A 3 1/2 to 1 ratio of width to depth should be maintained.

e. 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.

f. Fencing - The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

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

h. Per Ohio Revised Code

406 EXTRACTION OF STONE, MINERALS AND TOP SOIL (R-l, L-l)
3/18/08

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 operations shall be earned 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, provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting 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 25 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 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 and complies with state and local regulations.

g. Performance Bond - All persons or groups of persons, corporations, or private contractors wishing to extract minerals or topsoil from land within Elyria 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 bond shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.

406 EXTRACTION OF STONE, MINERALS AND TOP SOIL (R1-1, LI-1 (Cont'd)

h. Applications — Contents, Procedure - An application for such operation shall set forth the following information:

Name of the owner or owners of 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 materials 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.

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

407 FUNERAL HOME (NB-1, GB-1)

a. Site Size - Minimum site size shall be one acre with a minimum width of one hundred fifty (150) feet.

b. Access - The proposed site shall front upon a major thoroughfare. All ingress to the site shall be directly from said thoroughfare.

c. Yard 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 XVI and except for required entrance drives 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 gross 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.

407 FUNERAL HOME (NB-l.GB-1) (Cont'd)

f. Off-Street Parking - Off street parking shall be provided in conformance with the schedule outlined in Article XVI. 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 four feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

408 GOLF COURSE (R1-1, R1-2, MR-1)

a. Site Size and Frontage - The site shall contain a minimum of 35 acres for a par 3-9 golf hole 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 side line.

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 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. Signs - All signs shall be located at least twenty feet from all road right-of-way side lines and seventy-five feet from any abutting residential property lines. No sign shall be greater than three feet in height.

h. Lighting - Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.

408 GOLF COURSE (R1-1, R1-2, MR-1) (Cont'd)

i. Parking - Ten parking spaces per hold 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.

j. Fencing - A minimum of six feet in height shall be provided around all recreation areas (tennis courts, swimming pools, and shuffle board courts), thereby permitting access only to members or users of the golf course.

k. Retail - 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, R1-2, R2-1, R2-2, R1-3) Specify Type 1, 2, 3
3/18/08

Type 1

Accessory use within a dwelling unit provided that:

1. Such use shall be conducted by a member (s) of the family 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 be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference.

10. There may be one (1) sign advertising the home occupation. A sign may be mounted flat against the wall of the dwelling, not to exceed six (6) square feet in area and non-illuminated.

11. Principal structure of garage may not be expanded.

Type 2

Accessory use within a structure provided that:

1. Such use shall be conducted by a member (s) of the family with no more than one (1) employee.

2. Such occupation shall be carried on entirely within the accessory structure.

3. Such occupation shall be clearly incidental and subordinate to the land use for residential purpose.

4. No activity, materials, goods or equipment indicative of the occupation shall be visible from any public way or adjacent property except for such material, goods and equipment that would be normally visible in the district.

5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.

6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for on site.

7. There may be one (1) sign advertising the home occupation. A sign mounted flat against the wall of the accessory building or dwelling, not to exceed six (6) square feet in area and non-illuminated, and/or one (1) yard sign not to exceed six (6) square feet and non-illuminated and set back at least twelve (12) feet from all street right-of-ways, and so placed so as to not create a visibility hazard at the point of ingress and egress. All side yard requirements for the applicable district shall be met.

8. 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.

9. Home occupation shall be permitted only after it has been approved by the Zoning Board of Appeals.

409 HOME OCCUPATION (Cont'd)
3/18/08

Type III

Accessory use within a dwelling and/or structure provided that:

1. Such use shall be conducted by a member (s) of the family with no more than one (1) employee.

2. Such occupation shall be carried on entirely within the dwelling and accessory structure.

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, except for such material, goods and equipment that would be normally visible in the district.

5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.

6. No commodity shall be sold thereon, unless it was produced on the premises, or unless it is incidental to the services rendered, or the articles produced on the premises.

7. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for on site.

8. No alteration to the exterior of the residential building shall be made which changes the character thereof as a dwelling.

9. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference.

10. There may be one (1) sign advertising the home occupation. A sign mounted flat against the wall of the accessory building or dwelling, not to exceed six (6) square feet in area and non-illuminated, and/or one (1) yard sign not to exceed six (6) square feet and non-illuminated and set back at least twelve (12) feet from all street right-of-ways, and so placed so as to not create a visibility hazard at the point of ingress and egress. All side yard requirements for the applicable district shall be met.

11. Principal structure of garage may not be expanded.

12. 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.

409 HOME OCCUPATION (Cont'd)
3/18/08

13. Home Occupation shall be permitted only after it has been approved by the Zoning Board of Appeals.

410 MINATURE GOLF COURSE (R1-1, R1-2)

a. Minimum Setback - 100 feet from road right-of-way, with minimum side and rear yards of at least 15 feet each. The course shall be located no closer than 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 cause 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 arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.

e. Signs - There shall be no more than one advertisement oriented to each a butting street identifying the activity.

f. 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.

g. Hours of Operation - Under no condition shall activities continue past 11p.m.

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

i. Prohibited Activities - No intoxicating beverages may be sold or permitted. No mechanical amusement devices or games of chance shall be allowed.

j. Parking - No parking shall be permitted on the public right-of-way.

411 PARKS AND PLAYGROUNDS (Rl-1, R1-2, R2-2, MR-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.

411 PARKS AND PLAYGROUNDS (Rl-1, R1-2, R2-2, MR-1) (Cont'd)

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 (Rl-1, R1-2, NB-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.

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 transportation of crude oil and natural gas.

b. General Requirements - All operations shall be in accordance with the rules and regulations 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. 4159.04) to the land owner 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 days (30) 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.

413.01 PRIVATE GAS WELLS

Private gas wells must comply with all State requirements.

414 RECREATIONAL CAMPGROUNDS (Rl-1)

a. Area - No campground shall be developed on a lot of less than ten (10) acres. The minimum campsite shall contain 7,260 square feet. Ratio of campers to total area is based on six units or campsites per acre. No campsite shall be located on land having a slope in excess of twenty (20%) 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:

Toilet Fixtures - 1 for each 17 people
Showers - 1 for each 50 people
One restroom with six toilets per campground of 25 units
One restroom with six toilets and one (1) combination building with six (6) toilets and four (4) showers, plus laundry facilities per campground of 50 units.
Adequate garbage and rubbish cans with tight fitting lids shall be provided.

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

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

With showers and flush toilets - Forty (40) gallons per camper per day.
With flush toilets only - Twenty-five (25) gallons per day.
Without showers or flush toilets - Five (5) gallons per day.
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 "stand-by" or emergency supply of water should be provided.
Distance from drinking water to unit - Three hundred (300) feet maximum, one hundred (100) feet or less minimum.

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 on the campgrounds. No mechanical amusement devices or games of chance shall be allowed.

g. Hours of Operation - Under no conditions shall supervised activities continue

past 12 p.m. at which time all lights in hall, buildings, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.

414 RECREATIONAL CAMPGROUNDS (Cont'd)

h. Noise - No amplification equipment shall be permitted. Radios, television sets and phonographs shall be permitted providing that these, in the judgment of the Zoning Inspector, 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 is wholly enclosed within a building.

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 rest-room.

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 all-weather, dust-free condition.

n. Signs - A sign shall be permitted provided the area of such sign shall not exceed sixteen (16) square feet.

o. Lighting - All outdoor lighting shall be shielded to prevent glare to adjoining properties.

p. 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.

415 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA (Rl-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 or right-of-way as a part of a stable or riding academy shall be prohibited. All Horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.

415 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA (Cont'd)
4/5/99

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 four hundred (400) feet.

d. Building Location - All buildings for the riding, showing, housing or keeping of horses shall be located not less than one hundred and fifty (150) feet from the side and rear property lines and two hundred (200) feet from the road right-of-way side line. Accessory structures such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.

e. Access and Parking - Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area a minimum design area of 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.

q. 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.

i. Noise No outdoor amplification system shall be permitted.

j. Height No building or structure shall exceed 35 feet in height.

k. Signs - one sign which serves to identify the use on the premises shall be permitted with a surface area not to exceed 16 square feet and shall be subject to requirements found in Article XV.

l. Sanitation - The premises shall be maintained in a sanitary and orderly manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.

m. Hours Of Operation - All activities shall terminate on or before 11 p.m. each day.

415 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA (Cont'd)
4/5/99

n. 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 (Rl-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 side line.

c. Parking - Adequate off-street parking shall he 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 XV shall apply.

417 SERVICE STATION (NB-1, GB-1)

a. Frontage - A minimum frontage on the primary street of one hundred twenty-five (125) feet is required.

b. Building Setback - A minimum setback of 100 feet from all street right-of-way lines is required. A 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 75 feet is required where the use abuts a residential area or 40 feet where the use abuts a non-residential area.

d. Site - A minimum of one (1) acre is required.

e. Lot Coverage - A maximum lot coverage of 20% shall be permitted.

f. Access - Maximum width of curb openings for stations should not be more than 35 feet or less than 20 feet. No driveway or curb cut for a driveway shall be located within 10 feet of any adjoining property line or within 20 feet

417 SERVICE STATION (NB-1, GB-1) (Cont'd)

of an exterior (comer) 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 center line of the driveway with the center line 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 restroom 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.

1. 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 for 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.

418 VETERINARY HOSPITAL OR KENNELS (R1-1, GB-1) (Cont'd)

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 PRIVATE SWIMMING POOLS (R1-1, R1-2, R2-1, R2-2, R1-3)
12/17/01

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 use 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 the water line shall not be located closer than ten (10) feet to any property line. Any walks or paved areas or accessory structures adjacent thereto shall not be located closer than five (5) feet to any property line of the property on which located.

d. Fencing - The swimming pool, or it's immediate vicinity shall be so walled or fenced at all times as to prevent uncontrolled access by children from the street or from adjacent properties. Fence shall have a self closing, self latching gate.

For below ground pools, above ground pools and on-ground pools: wall or fence shall be a minimum of (4) feet and a maximum of six (6) feet.

In case of a pool elevated to a height of four feet or more, access to which is gained by a ladder or stairway, such access shall be removed or it shall be secured in such a way that no one may make entry to the pool when the pool is not in use.

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 the adjoining properties.

g. Permit required - No person, firm or corporation shall construct or install a swimming pool without having first submitted an application and plans therefore to

the Zoning Inspector.

h. Mechanics for pool purification must be positioned at least 30 feet from neighboring dwelling and 10 feet from the lot line so that neighbors are not bothered by the noise of the mechanics.

419 PRIVATE SWIMMING POOLS (Cont'd)
4/5/99

i. Electrical - All electrical wiring involved in pool area to be equipped with Ground Fault Interrupters. All electrical shall be inspected by the certified electrical inspector before use.

420 CHURCHES (NB-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 (4) seats.

d. Lighting - lights shall be shielded and directed away from adjacent property.

e. Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.

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 points 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 (100) seats with a minimum development of three acres shall be provided.

421 MOBILE HOME AND RECREATION 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 two hundred (200) 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 XVI shall be complied with.

d. Enclosure - All mobile home and recreational vehicle repairs shall be conducted in an enclosed building. Outside storage and sales are permitted provided the area is properly fenced and landscaped.

421 MOBILE HOME AND RECREATION VEHICLE SALES AND SERVICE (GB-1) (Cont'd)

e. Fencing-Buffering Requirements - All mobile home and 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 screenings along those side 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.

g. Signs, Advertising Devices - No more than one sign or advertising device oriented to each abutting public road identifying the nature of the special use shall be permitted. Signs and advertising must be set back at least fifty (50) feet from the edge of the road right-of-way, and may not exceed fifty (50) square feet in area. All other provisions of Article XV shall be complied with.

422 TRANSITION PROVISIONS AND REQUIREMENTS (R1-1, R1-2)

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 R2-1 and MR-1 structures and uses, as specified herein, may be permitted in the Rl-1 and Rl-2 Residential Districts within one hundred (100) feet of the GB-1 (General Business), and Ll-1 (Light Industrial) Districts. PROVIDED that any nonresidential use allowed within the transition zone shall be permitted only by the application for 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 authorization 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 hearing.

422 TRANSITION PROVISIONS AND REQUIREMENTS (Cont'd)

c. Uses Permitted: Only the following uses shall be permitted in any transition zone.

1. All uses permitted by right in the Rl-1, Rl-2, R2-2.and MR-1 Residential Districts.

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, hair-dressing, 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, dentist, 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 XVI (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:

422 TRANSITION PROVISIONS AND REQUIREMENTS (Cont'd)

a. Gasoline service or filling station.
b. Automobile repair and public garages.
c. Drive-in food or 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.

423 NURSING HOMES (Rl-l, MR-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. Building less than two 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 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 XV.

g. Off-street parking and loading space shall be provided in accordance with the schedule outline in Article XVI.

424 CLINICS, MEDICAL AND DENTAL (GB-1)

a. Site Size - Minimum site size shall be one acre with a minimum width of one hundred fifty (150) 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 structure or parking areas shall be permitted in said yards, except that rear yards may be

424 CLINICS, MEDICAL AND DENTAL (Cont'd)

used for parking purposes under the requirements specified in Article XVI and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

d. Area coverage - No more than thirty percent (30%) of the gross 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 XVI.

425 PLANNED SHOPPING CENTER DISTRICTS (GB-1)
11-2-89

NSC - Neighborhood Shopping Center
CSC - Community Shopping Center
RSC - Regional Shopping Center

INTENT AND PURPOSE

It is the intent of these districts to provide for and encourage the development of grouped retail sales and service establishments or logical and sound locations within the Township. Typically, such planned centers are located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. The group of store units which make up such a center may range in size and type from the relatively small neighborhood shopping center, catering to the daily needs of immediate residential neighborhoods, to the large type of shopping center furnishing a wide range of consumer goods and services.

The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. In recognition of these unique characteristics, the requirements of this district have been designed to provide for the flexible application of protective standards so that an efficient, attractive and pleasing shopping environment can be created for both the business man and the customer. The standards and procedures set forth within the regulations for this district are also intended to promote safe and convenient access to shopping and business facilities by the automobile conveyed customer and to avoid and minimize undue traffic congestion or other adverse effects upon property within adjacent zone districts.

425 PLANNED SHOPPING CENTER DISTRICTS (Cont'd)

USES

a. Permitted Uses

Commercial groupings including seven or more of the uses listed in this section.

1. Department store
2. Five and ten cent or variety store
3. Clothing and apparel store
4. Yard Goods store
5. Furniture store
6. Household appliance store
7. Radio, television, or music store
8. Electric supply store
9. Paint, glass and wall paper store
10. Jewelry store
11. Optical goods
12. Hobby shop
13. Toy shop
14. Camera and photography store
15. Bank
16. Any of permitted uses in an NB-1 District
17. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.

b. Conditionally permitted Uses

1. Preparation and processing of food and drink products to be retailed on the premises.
2. Gasoline station subject to Section 417
3. Church and other buildings for the purpose of religious worship subject to Section 420.

LOT REQUIREMENTS

a. Neighborhood Center - 4 acres
b. Community Center - 10 acres
c. Regional Center - 30 acres

YARD REQUIREMENTS

a. Minimum Front Yard Depth - Forty (40) feet.

b. All other yard requirements as follows:

No structure, with the exception of permitted sign, fences, walls, water towers and light standards shall be located closer to any property line of the center than a distance equal to twice its height.

DEVELOPMENT REQUIREMENTS

a. Location, size and Character of Development. The following regulations, conditions and procedures shall apply to the development of shopping centers.

1. The need for the proposed development has been demonstrated by means of market studies and such other evidence as the Zoning Commission may require.

2. The proposed shopping center is located so that direct and adequate traffic access is supplied from principal thoroughfares and where congestion will not likely be created by the proposed center, or where congestion will be alleviated by presently projected improvements of access thoroughfares.

3. The developer shall be required to pay the cost of the construction and installation of improvements on streets abutting the shopping center, including any acceleration and deceleration lanes or traffic channelization devices deemed necessary to control traffic generated by the shopping center.

4. The proposed plan for development of the shopping center consisting of one or more groups of establishments in building or integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, and will fit harmoniously into and will minimize adverse effects upon the adjoining or surrounding development.

b. Design Regulations. The following regulations shall apply to an integrated shopping center:

1. Building heights. No building shall exceed three (3) stories or thirty-five (35) feet in height.

2. Yards and screening. No building shall be less than forty (40) feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" District by a masonry wall or compact evergreen hedge at least six feet in height. Such wall or hedge shall be placed at least five (5) feet from the property line.

3. Tract coverage. The ground area occupied by all the building shall not exceed in the aggregate thirty-five (35) percent of the total area of the lot or tract.

4. Access drives and illumination of parking areas. Access drives shall be at a minimum interval of 300 feet, and illumination of parking areas shall be so arranged as to reflect the light away from adjoining premises in any

"R" Districts.

425 PLANNED SHOPPING CENTER DISTRICTS (Cont'd)

5. Signs. Each center shall be permitted two free-standing signs not over thirty (30) feet in height with the bottom of the sign sufficiently high to provide adequate traffic visibility, having a maximum total area of 100 square feet and located not closer than ten (10) feet to any street line and not closer than one hundred (100) feet to the adjoining lot line. A single identification pylon or similar structure of a height not in excess of thirty (30) feet and in harmony with the design of the buildings shall be permitted in a shopping center. All signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, to avoid excessive advertising and ensure a harmonious appearance to the center as a whole. In a shopping center 9 all signs shall only be indirectly illuminated, and all signs shall conform to the distance requirements from property lines for the buildings in the center. The provisions of Article XV shall also apply where applicable.

6. Lighting: All outdoor lighting shall be accomplished in such a manner that no illumination sources are visible outside the shopping center property lines.

7. Transition strips: All Planned Shopping Center Districts when located in or adjacent to an Agricultural District, a Residential District, or when adjacent to a school, hospital, or other public institution shall include as an integral part of the site development a strip of land two hundred (200) feet or more in width on all sides except the side fronting on a major thoroughfare. No part of such land may be used for any shopping center functions, except that up to one hundred (100) feet of the strip width on the interior side may be used as part of the parking area. Except for the part that may be occupied by plant materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangement of such plantings and structures, and such proposals shall be subject to the approval of the Zoning Commission.

8. Parking Areas and circulation: All automobile parking areas and interior circulation for motor vehicles shall be designed in accordance with the following requirements and the provisions of Article XVI:

a. Notwithstanding the parking space requirements specified in Article XVI there shall be provided four (4) square feet of parking space for every square foot of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purposes of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.

b. Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Such walkways shall not intersect with a vehicular way more than once.

c. Automobile, pedestrian and truck traffic shall be separated to the fullest possible extent.

d. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up to traffic into external street under conditions of anticipated maximum center-destined traffic.

e. All areas accessible to vehicles or pedestrians shall be illuminated.

9. External Access: Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. Further, the owners or developers of the center shall show, to the complete satisfaction of the Zoning Commission, that all access points to an external thoroughfare or street shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the thoroughfare or street.

10. Surface Improvements: All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dustless surface, and shall be so graded and provided with adequate drainage facilities that all collected surface water is effectively carried away from the site.

SITE PLAN APPROVAL REQUIRED

To assure that the planned shopping center design and location will not be detrimental to any existing or proposed development in adjacent areas, and that the egress and ingress of vehicles on the shopping center will not intensify traffic congestion, a site plan indicating the site layout with regard to the locations and dimensions of the vehicular circulation patterns to and from the site, store locations and dimensions, off-street parking spaces, landscaped yards, and the location, type, and lighting of signs shall be submitted to, and approved by, the Zoning Commission. Section 309 shall apply in this District.

MARKET ANALYSIS REQUIRED FOR ZONE CHANGE REQUESTS

A request to develop a shopping center should be evaluated from evidence gathered in a market analysis setting forth economic justifications and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade area of the community and travel time from various parts thereof, to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise existing or anticipated competing commercial facilities, and other data and analyses which relate to the need for and feasible success and stability

of the proposed center.

The purpose of this requirement is to protect the Township from the overdevelopment of retail sales and service establishments which could prove highly injurious to the community welfare.

426 AUTO/TRUCK VEHICLE SALES & SERVICES
4/5/99

a. Minimum Area, Minimum Frontage - The minimum area required shall be one acre. Minimum frontage shall be not less than one hundred (100) 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 25% of lot shall be provided for customer parking. All other provisions of Article XVI shall be complied with.

d. Enclosure - All 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 vehicle storage and sales areas shall be enclosed at the property line with a fence where appropriate. Said fence shall be maintained in good repair. In addition to fencing, suitable landscape plantings or screenings along those side or portions of lot lines that adjoin residential areas. Article XV apply.

f. Setback Requirements - All structures and activity areas shall be located no closer than one hundred feet from any property line.

g. Signs, Advertising Devices - The provisions of Article XV shall apply.

h. Lighting - Exterior lighting shall be shielded from adjacent properties to prevent possible glare.

i. Wrecked Vehicles - all wrecked vehicles be licensed and stored for not more than 30 days on the premises.

427 INTERNET SWEEPSTAKES CAFÉ'S GB-1& LI-1
03/04/2013

Elyria Township has determined that for the health, safety and general welfare of its residents, it is necessary to adopt reasonable regulations for the control of computerized Sweepstakes devices, sweepstakes cafes and similar operations to prevent the adverse effects of concentration or clustering of sweepstakes cafes and to prevent the negative effects of such uses individually upon an area.

The objectives of this subsection are to prevent safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy.

(1) Definitions. The following definitions shall apply for the purposes of regulating Sweepstakes cafes:

(A) "Computerized Sweepstakes Device" means any computer, machine, game, apparatus or Internet access device which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value, whether or not the value is predetermined, provided that such use is not in violation of any applicable law, regulation or ordinance regarding illegal gambling. This term includes, but is not limited to internet cafes, internet sweepstakes, sweepstakes terminal cafes, electronic gaming operations or cybercafés. This does not include any machines designated for use by the State Lottery Commission.

(B) "Sweepstakes Cafe" means any parcel upon which any "Computerized Sweepstakes Device" is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

(C) "Sweepstakes" means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which may be predetermined.

(2) The computerized sweepstakes devices shall not be prohibited by state or federal law.

(3) Configuration:

(A) There shall be a minimum of 30 square feet of floor space required for each device.

(B) A minimum of 1 parking space shall be provided for every computerized sweepstakes device.

(C) The gaming operations shall be visible and open to the store front.

(D) No exterior window shall exceed a window tint of 35%.

(E) All devices shall be located on the premises in conformity with the floor plan filed with the application for the zoning permit and shall:

i) not impair ingress or egress to the premises; and

ii) not interfere with free and unfettered passage through the premises; and

iii) be located so to permit a clear and unobstructed view of the entire portion of the premises devoted to the operation of computerized sweepstakes devices immediately upon entry.

(4) Operations:

(A) Each sweepstakes café shall be operated in compliance with any and all pertinent rules and regulations of the Federal Trade Commission and State of Ohio.

(B) There shall be no sleeping facilities and/or living quarters located on the premises.

(C) The operation of the sweepstakes café shall not:

i) Create any obstruction to a public street, sidewalks, alleys or walkways in the vicinity of any entrance or exit of the sweepstakes cafe.

ii) Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding properties.

(6) Application requirements. Each application for conditional use approval for a sweepstakes café shall be required to submit the additional information set forth below:

(A) A floor plan of the premises indicating the location and dimensions of the building floor area indicating the proposed locations of the computerized sweepstakes devices, cashier terminal, storage spaces, the location of any other activity taking place within the premises, exit locations, and windows locations. All areas of the premises must be clearly labeled for their proposed use.

(B) A map of the area within 1,500 feet of the proposed sweepstakes café indicating the distance from all residences, religious institution schools, day care center, public or private school, public park or playground, public library, or recreation center or facility regularly housing children, any existing electronic gaming operation, establishment with a liquor permit, tattoo and

body piercing establishment or adult and sexually oriented business.

427 INTERNET SWEEPSTAKES CAFÉ'S GB-1& LI-1 (cont'd)

(C) Specifications of the days of the week and the hours of the day during which the sweepstakes café will be open.

(D) The applicant shall provide copies of applicable licenses and provide a certificate or report from an authorized independent testing laboratory showing that the computerized sweepstakes devices comply with all state requirements.

(E) Existing computerized sweepstakes have 30 days to comply.

(F) Signage – See Article 1500 Signs.

(G) Lighting – All outside lighting shall be shielded and directed away from adjacent properties. See Article 3 Section 310.08.

(H) LICENSE/PERMIT FEES

A. Sweepstakes Terminal Café - The fee for a new Sweepstakes Terminal Café permit shall be one thousand, five hundred dollars ($1,500.00). Fee shall accompany said application.

B. Sweepstakes Terminal Café Renewal - The renewal fee for Sweepstakes Terminal Café shall be seven hundred fifty dollars ($750.00) per renewal year.

C. Computerized Sweepstakes Devices - The fee for each computerized sweepstakes device license/permit shall be thirty dollars ($30.00) per device, per month.

D. Said permits are non-transferable and non-refundable.

428 INDOOR SHOOTING RANGES
12/19/2012

1. The designated area for Indoor Shooting Ranges shall be General Business 1 (GB-1) and Light Industrial 1 (LI-1).

2. Said fee for New Indoor Shooting Ranges Conditional Use permit shall be Five Hundred dollars, ($500.00) and Renewable Yearly Fee of Two Hundred Fifty dollars ($250.00).

3. Noise Level – Indoor Shooting ranges should substantially comply with safety guidelines generally recognized and accepted by the National Riffle Association (NRA). Suggested safety guidelines as set forth in the 2004 publication of the "NRA Range Source Book". A copy of which is kept by the Zoning Inspector.

4. Parking – One (1) parking space for every two hundred fifty (250) square feet

of floor area.

5. Hours of operation shall be limited from 8:00 a.m. to10:00 p.m.

428 INDOOR SHOOTING RANGES (cont'd)
12/19/2012

1. The designated area for Indoor Shooting Ranges shall be General Business 1 (GB-1) and Light Industrial 1 (LI-1).

2. Said fee for New Indoor Shooting Ranges Conditional Use permit shall be Five Hundred dollars, ($500.00) and Renewable Yearly Fee of Two Hundred Fifty dollars ($250.00).

3. Noise Level – Indoor Shooting ranges should substantially comply with safety guidelines generally recognized and accepted by the National Riffle Association (NRA). Suggested safety guidelines as set forth in the 2004 publication of the "NRA Range Source Book". A copy of which is kept by the Zoning Inspector.

4. Parking – One (1) parking space for every two hundred fifty (250) square feet of floor area.

5. Hours of operation shall be limited from 8:00 a.m. to10:00 p.m.

429 TOWING AND STORAGE FACILITIES
03/04/2013

a. The entire area of said facility shall be enclosed with a six foot fence with privacy fencing or an enclosure approved by Elyria Township shall be installed along any side facing a street or public parking.

b. Access to said facility should be maintained by a locking automobile gate or other gate capable of being locked with a heavy-duty lock.

c. Said facility shall remain under lock and security at all times when not attended by the operators.

d. Said facility shall contain a minimum of 1.50 acres and a maximum of 3 acres.

e. All vehicles at said facility shall be stored in rows no more than four (4) vehicles deep with drive aisles at least twenty-five (25) feet wide on each side of the four (4) deep rows.

f. No vehicles, shall be stored or remain at said facility more than sixty (60) days. Shall supply written inventory on request.

g. Any and all fuel, oil or other liquid shall be pumped out of any vehicles that are severely leaking and said vehicles shall be placed on a concrete pad until fluids are removed.

h. Any fuels and/or discharge from stored vehicles shall be contained following applicable state and federal guidelines.

ARTICLE V

500 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 Elyria Township are hereby divided into the following districts:

	R1 – 1	Agricultural Residential District
	R1 – 2	Low Density Residential District
2/07	R1 - 3	Single Family Residential District
	R2 – 2	Two Family Medium Density Residential District
	MR–1	Multiple Family Residential District
	NB- 1	Neighborhood Business District
	MS- 1	Motorist Service District
	LI - 1	Light Industrial District

503 ZONING MAPS

The boundaries of the districts are hereby established as shown on a map entitled, "The Official Zoning Map of Elyria 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 center lines, 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 or 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.

504 INTERPRETATION OF DISTRICT BOUNDARIES (Cont'd)

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

600 AGRICULTURAL RESIDENTIAL - Rl-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
Accessory Buildings incidental to the principal use which do not include any activity conducted as a business. Greenhouses
Water Impoundment Facilities
Churches

603 CONDITIONALLY PERMITTED USES 1/6/94

Cemeteries (see section 404)
Customary Home Occupations (see section 409)
Golf Courses (see section 408)
Miniature Golf Courses (see section 410)
Nursing Home (see section 423)
Parks and Playgrounds (see section 411)
Plant Nursery (see section 412)
Private Swimming Pool (see section 419).
Prospecting, Oil and Gas (see section 413)
Recreational Campgrounds (see section 414)
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)
Day Care Centers (see section 405)
Clubs

Photography Studio

604 LOT AND YARD REQUIREMENTS
1/6/94

Farm Minimum Area - five (5) acres.
Single Family Dwelling Minimum Lot Area - 35,000 square feet.
Minimum Frontage and Width - one hundred (100) feet.
Minimum Front Yard Depth - seventy (70) feet for all Major Thoroughfare, Federal and State Highways; fifty (50) feet for all other highways.
Minimum Rear Yard - fifty (50) feet.
Minimum Side Yard Width - not less than 10(10) feet on each side.
Percent of Lot Coverage - All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot

605 MAXIMUM BUILDING HEIGHT

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five feet in height.

606 REQUIRED MINIMUM LIVING AREA
4/5/99

Single Family Dwelling - 1000 livable square feet.

607 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

608 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

609 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE VII

700 SINGLE FAMILY RESIDENTIAL - Rl-2

701 PURPOSE

The Rl-2 District is created to provide for single family residential uses at a density of not more than two dwelling units per gross acre.

702 PERMITTED USES

Agricultural
Single Family Dwellings Accessory buildings incidental to the principal use which does not include any activity conducted as a business
Public schools
Open spaces
Churches

703 CONDITIONALLY PERMITTED USES

1/6/94

Cemeteries (see section 404)
Clubs
Golf Courses (see section 408)
Home Occupation (see section 409)
Miniature Golf Courses (see section 410)
Parks and Playgrounds (see section 411)
Photography Studio
Plant Nurseries (see section 412)
Private Swimming Pool (see section 419)
Transition Provisions (see section 422)

704 LOT AND YARD REQUIREMENTS

1/6/94

Minimum Building Lot - 1/2 acre
Minimum Frontage and Width - hundred (100) feet
Minimum Front Yard - fifty (50) feet
Minimum Rear Yard - twenty (20) feet
Minimum Side Yard - not less than (10) feet on each side.
Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.

705 MAXIMUM BUILDING HEIGHT

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

706 REQUIRED MINIMUM LIVING AREA

4/5/99

Single Family Dwelling - 1000 livable square feet.

707 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

708 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

709 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

710A AGREICULTURAL RESTRICTIONS

06/12/2025

Animal husbandry, poultry husbandry, and other caring of and/or raising of livestock, equine, or fur-bearing animals is prohibited within R1-3 districts within Elyria Township. Such regulations shall only apply to platted subdivisions or contiguous or non-contiguous areas stated in R. C. 519.12 (B) which are also located in R1-3 districts.

ARTICLE VII - 700A

10/11/2023

700A SINGLE FAMILY RESIDENTIAL - Rl-3

701A PURPOSE

The Rl-3 District is created to provide for single family residential uses at a density of not more than 5.3 dwelling units per gross acre.

702A PERMITTED USES

Agricultural
Single Family Dwellings Accessory buildings incidental to the principal use which does not include any activity conducted as a business
Public schools
Open spaces
Churches

703A CONDITIONALLY PERMITTED USES

Cemeteries (see section 404)
Clubs
Golf Courses (see section 408)
Home Occupation (see section 409)
Miniature Golf Courses (see section 410)
Parks and Playgrounds (see section 411)
Photography Studio
Plant Nurseries (see section 412)
Private Swimming Pool (see section 419)
Transition Provisions (see section 422)

704A LOT AND YARD REQUIREMENTS

Minimum Building Lot – 65’ (feet) x 125’ (feet)

Minimum Frontage and Width – sixty five (65) feet
Minimum Front Yard - thirty (30) feet
Minimum Rear Yard - thirty (30) feet
Minimum Side Yard - not less than (10) feet on each side.
Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.

705A MAXIMUM BUILDING HEIGHT

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

706A REQUIRED MINIMUM LIVING AREA

Single Family Dwelling - 1200 livable square feet.

707A PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

708A OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

709A GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

710A AGRICULTURAL RESTRICTIONS
06/12/2025

Animal husbandry, poultry husbandry, and other caring of and/or raising of livestock, equine, or fur-bearing animals is prohibited within R1-3 districts within Elyria Township. Such regulations shall only apply to platted subdivisions or contiguous or non-contiguous areas stated in R. C. 519.12 (B) which are also located in R1-3 districts.

ARTICLE VIII

800 TWO FAMILY RESIDENTIAL - R2-1

801 PURPOSE

The R2-1 District is created to provide for single family residential uses at a density of not more than two (2) dwelling units per gross acre. The minimum lot size required herein is based upon those conditions ordinarily existing in the Township at the time of adoption.

802 PERMITTED USES

Single Family Dwellings
Two Family Dwellings (up and down, side by side)
Accessory Building incidental to the principal use, which does not include any activity Conducted as a business.
Public Schools
Open Space
Churches

803 CONDITIONALLY PERMITTED USES
1/6/94

Home Occupations (see section 409)
Parks and Playgrounds (see section 411)
Private Swimming Pool (see section 419)
Photography Studio
Clubs

804 LOT AND YARD REQUIREMENTS

Required Lot Area - There shall be -a minimum lot area of
not less than one-half (1/2) acre per dwelling unit, and
not less than 125 feet frontage and width for two-family
units and not less than seventy-five (75) feet for single family units.
Minimum Front Yard - forty (40) feet
Minimum Rear Yard - twenty (20) feet
Minimum Side Yards - Not less than ten (10) feet on each side.
Percentage of Lot Coverage - All Buildings including accessory buildings shall not cover more than thirty (30%) percent of the area of the lot.

805 HEIGHT

No residential building shall hereafter be erected or structurally, altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

806 REQUIRED MINIMUM LIVING AREA
4/5/99

Single Family Dwelling - 1000 livable square feet
Two Family Dwelling - 1440 livable square feet

807 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

808 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

809 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE IX

900 TWO FAMILY RESIDENTIAL - R2-2

901 PURPOSE

The R2-2 District is created to provide for single family residential uses at a density of not more than 29 dwelling units per gross acre. This District may be used only when public water and sewer services are available or when adequate treatment plants are provided in conjunction with public water.

902 PERMITTED USES

Single Family Dwellings
Two Family Dwellings (up and down, side by side)
Accessory Buildings incidental to the principal use which does not include any activity conducted as a business.
Public Schools Open Space Churches

903 CONDITIONALLY PERMITTED USES

1/6/94

Home Occupations (see section 409)
Clubs
Parks and Playgrounds (see section 411)
Photography Studio
Private Swimming Pool (see section 419)

904 LOT AND YARD REQUIREMENTS

1/19/89

Required lot Area - There shall be a minimum lot area of not less than 15,000 square feet for single family, and 30,000 square feet for two family, and not less than seventy-five (75) feet for single family units.

Minimum Front Yard - forty (40) feet
Minimum Rear Yard - twenty (20) feet
Minimum Side Yard - Not less than ten (10) feet on each side.
Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30%) of the area of the lot.

905 MAXIMUM BUILDING HEIGHT

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

906 REQUIRED MINIMUM LIVING AREA
4/5/99

Single Family Dwelling - 1000 livable square feet
Two Family - 1440 livable square feet

907 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

908 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

909 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE X

1000 MULTIPLE FAMILY RESIDENCE - MR-1

1001 PURPOSE

The MR-1 District is created to provide for a variety of housing types to include garden apartments, townhouses, condominiums or other housing facilities of a similar character and density and in those areas suitable for such developments within the Township. This District may be used only when public sewer and water services are available or when adequate treatment plants are provided in conjunction with public water.

1002 PERMITTED USES

Single Family Dwelling
Two Family Dwelling
Multiple Family Dwelling
Accessory Uses clearly incidental and customary to the operation of the above uses.
Churches

1003 CONDITIONALLY PERMITTED USES

1/6/94

Day Care Centers (see section 405)
Funeral Homes (see section 407)
Golf Course and Country Clubs (see section 408)
Parks and Playgrounds (see section 411)
Photography Studio

Nursing Home (see section 423)

1004 LOT AND YARD REQUIREMENTS

1004.01 LOT DEVELOPMENT AREA

A minimum lot area of five (5) acres shall be required.

1004.02 MULTIPLE FAMILY (Four or more)

Minimum Lot area - 3,600 square feet per unit.
Minimum Lot Width and Frontage - 100 feet plus 2.5 additional per unit.
Minimum Front Yard - 40 feet.
Minimum Side Yard - Equal to one-half (1/2) the height of the building but not less than ten (10) feet.
Minimum Rear Yard - 40 feet. Single Family - 15,000 square feet minimum Two Family - 30,000 square feet minimum

1005 MAXIMUM BUILDING HEIGHT

No building hereafter erected or structurally altered shall exceed a height of forty (40) feet.

1006 MINIMUM GROSS FLOOR AREA PER DWELLING UNIT

Within the MR-1 District, no building shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum gross floor area per dwelling unit is provided:

Efficiency Suites - 600 square feet
One Bedroom Dwelling Unit - 750 square feet
Two Bedroom Dwelling Unit - 900 square feet
Three Bedroom Dwelling Unit - 1,200 square feet
Four or More Bedroom Dwelling Unit - 1,500 square feet

1007 ACCESSORY STRUCTURES

All accessory structures not attached to the principal structures shall be set back twenty (20) feet from the principal building and not less than five (5) feet from the side and/or rear lot lines.

1008 PERCENTAGE OF LOT COVERAGE

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

1009 MINIMUM LIVEABLE OPEN SPACE

A minimum of forty-five (45) percent of the gross land area shall be liveable open space for the use and enjoyment of the residents of the project. Liveable open space is the minimum required non-vehicular open space unobstructed to the sky, generally in lawn

area (including required yard areas that are left as lawn areas) or paved areas for recreation. The minimum recreation space performance standard listed for this district shall be included as a part of the livable open space. No parking areas, loading areas or access drives can be included as part of the liveable open space to be provided on the lot.

1010 MINIMUM RECREATION SPACE

A minimum of ten (10%) percent of the gross land area shall be usable recreation space. The recreation space shall be counted as a part of the required liveable open space. Recreation areas shall be located a minimum distance of twenty (20) feet from all principal buildings. The recreation space can include open space for both passive and active recreation. Passive recreation facilities might include common sitting areas in the form of sundecks or garden areas. Active recreation areas may include swimming pools, tennis courts, shuffle board courts, playgrounds and playfields, or tot lots.

1011 DISTANCE BETWEEN BUILDINGS ON THE SAME LOT

No principal building shall be closer to any other principal building than the average of the heights of said buildings.

1012 REQUIRED COURT DIMENSIONS

1012.01 INNER COURTS

The least dimensions of an inner court shall be not less than forty (40) feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passage way shall have a cross section area and sufficient headroom to permit the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

1012.02 OUTER COURTS

The width of any outer court shall be not less than the average height of the walls forming said court. The depth of an outer court formed by walls on three sides, shall be not greater than one and one-half (1 1/2) times the width.

1013 BUFFER YARDS

No building shall be located closer than the height of the principal building from each side or rear property line which adjoins any other district line.

1014 SUBMISSION OF PLANS

The provisions of Section 309 shall apply in this District.

1015 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

1016 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

1017 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE XI

1100 NEIGHBORHOOD BUSINESS - NB-1

1101 PURPOSE

The Neighborhood Business District is created to provide for the retailing of convenience goods and essential personal services, in order to satisfy the daily and weekly household and personal needs of the surrounding residential neighborhoods.

1102 TYPICALLY PERMITTED USES

Bank (branch offices)
Barber and Beauty Shops
Bakery (goods for sale on premises only)
Bicycle Repair Shops
Bookstore
Convenience Food Stores
Cleaners and Laundry (collection and distribution only, custom and self-service)
Delicatessen
Dairy Products Store (no bottling or drive-in types permitted)
Drugstore
Food and Grocery Stores
Governmental Buildings
Hardware Stores
Locksmith, Lawnmower Service
Public Parks and Playgrounds
Tailor Shop, including pressing Accessory buildings incidental to the principal

use which do not include any activity conducted as a business

1103 CONDITIONALLY PERMITTED USES
1/6/94

Automobile Automatic Wash Stations (see section 402)
Church (see section 420) Photography Studio
Plant Nursery (see section 412) Service
Station (see section 417)

1104 BUILDING HEIGHT

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

1105 YARDS REQUIRED
5/25/89

Rear Yards - half the building height but not less than 10 feet.

Minimum Side Yard - twenty (20) feet where there is no rear access, half of the building height but not less than ten feet.

Side Yards abutting a Street - fifty (50) feet from road right-of-way line.

1105 YARDS REQUIRED (Cont'd)

Side Yards and Rear Yards Abutting A Residential Zone - a one hundred (100) foot unobstructed buffer strip suitably landscaped.

Accessways - Each lot shall have not more than two access-ways to any one street or highway with a 45 foot separation between centerlines. The width of the accessways leading to or from a highway shall be not less than twenty (20) feet nor shall it exceed thirty-six (36) feet. Accessways shall not be closer than seventy (70) feet to the right-of-way side line.

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

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.

1106 PERCENTAGE OF LOT COVERAGE

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

1107 SUBMISSION OF PLANS

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

1108 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

1109 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

1111 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE XII

1200 GENERAL BUSINESS - GB-1

1201 PURPOSE

The General Business District is created to provide retailing and personal services which require larger tracts of land and encompass a larger service area than that of the Neighborhood Business District. 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.

1202 TYPICALLY PERMITTED USES:

Aircraft Sales and Services
Antique Stores
Automobile - Truck, Travel Trailer Sales Lot
Automobile Accessory Store
Bar, Grill, Cocktail Lounge, State Liquor Store
Bicycle Rental Sales and Service
Billboards and Signs, subject to the provisions of Article XV.
Boats and Sporting Goods Store 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.
Cafe
Clubs (swimming, Y.M.C.A., etc.) Lodges

Discount Stores (variety, drugs, etc.)
Doughnut Shop
Drive-in Ice Cream Store
Drive-in Banks
Drive-in Restaurants
Dry Cleaning, custom and self-service
Egg and Poultry Store, no killing of fowl on premises
Exterminator Services
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
Laundry, custom and self-service
Monument Sales provided cutting is done in an enclosed building
Motels, Tourist Cabins and Courts

1202 TYPICALLY PERMITTED USES: (Cont'd)

Motorcycle Sales and Service
Pet Store, Supplies
Photographic Studio
Photostatting, Printing, Publishing
Restaurants/Taverns
Supermarkets
Tennis Club
Travel Trailer and Pick-up Coach Sales and Service
Lawn Mower, Sales and Services
Accessory buildings incidental to the principal use which do not include any activity conducted as a business.

1203 CONDITIONALLY PERMITTED USES
03/04/2013

Automobile Automatic Wash Stations (see section 402)
Automobile Repair Garages (see section 403)
Churches, (see section 420)
Clinics, Medical and Dental (see section 424)
Day Care (see section 405)
Funeral Homes (see section 407)
Internet Sweepstakes Café's (see section 427)
Mobile Home and Recreational Vehicle Sales and Service (see section 421)
Planned Shopping Center Districts (see section 425)
Service Stations (see section 417)
Shooting Range Indoor (see section 428)

Towing and Storage Facilities
Veterinary Hospital or Kennel and/or Cattery (see section 418)

1204 BUILDING HEIGHT LIMIT

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

1205 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.

1206 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.

1206 YARD REQUIRED (Cont'd)

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 one hundred (100) 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 2 access-ways to any marginal road with a forty-five (45) foot separation between center lines. 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.

1207 PERCENTAGE OF LOT COVERAGE
1/6/94

All buildings, including accessory buildings shall not cover more than fifty (50%) percent of the area of the lot.

1208 SUBMISSION OF PLANS

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

1208.01 STATE APPROVAL
11/2/89

No certificate shall be issued for a Commercial building without written evidence that the state building department has reviewed and approved the plans for same.

1209 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

1210 OFF-STREET PARKING AND LOADING.

The provisions of Article XVI shall apply in this District.

1211 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE XIII

1300 MOTORIST SERVICE - MS-1

1301 PURPOSE

The Motorist Service District has been created in order to achieve, among others, the following purposes:

a. To provide districts on major roads in the immediate vicinity of freeway interchanges to serve the needs of the motoring public.

b. To protect and stabilize developments from traffic congestion and hazards by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets.

c. To provide the maximum protection to existing and proposed residential areas.

1302 PERMITTED USES

1302.01 PRINCIPAL USES

Automobile Service Stations - Emergency minor repairs only
Motels and Hotels
Restaurants and Eating Places serving food and beverages in wholly enclosed buildings.
Other similar uses which serve the long-distance motoring public including: Trailer Camps, Sales, Service; Truck Service Points; Truck Terminals

1302.02 ACCESSORY USES WHEN OPERATED IN CONJUNCTION WITH THE ABOVE PRINCIPAL USE:

Off-Street Parking
Restaurant, Assembly Rooms and Auditoriums in connection with Motels and Hotels.
Enclosed Snack Bars in connection with Service Stations and Motels.
Swimming Pools and other recreational facilities in conjunction with Motels.
Signs, in accordance with regulations provided hereafter.
Sales of Gifts and Novelties
Overnight Parking for Recreational Vehicles or Travel Trailers
Other Similar accessory uses including - Drug Store; Delicatessen; Tailor Shop; Barber Shop.

1303 HEIGHT REGULATIONS

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

1304 REQUIRED LOT AREA

1304.01 SERVICE STATION

The lot area shall be not less than three-quarters (3/4) acre and the lot width shall be at least one hundred fifty (150) feet

1304.02 MOTEL OR HOTEL WITH OR WITHOUT EATING, ASSEMBLY, RECREATION

a. The lot area shall be not less than three (3) acres and the lot width shall be at least two hundred (200) feet

b. The lot area occupied by a motel or hotel shall be not less than that set forth above, or not less than 1300 square feet of lot area for each lodging unit, whichever is greater. Each lodging unit shall be comprised of at least 275 square feet of floor area; shall contain not more than two sleeping rooms; and, shall not contain cooking facilities.

1304.03 RESTAURANT, IF SEPARATE BUILDING

The lot area shall be not less than one and one-half (1 1/2) acres and the lot width shall be at least two hundred (200) feet.

1304.04 OTHER PERMITTED USES

The lot area shall be not less than three-quarters (3/4) acre and the lot width shall be at least one hundred fifty (150) feet.

1305 PERCENTAGE OF LOT COVERAGE

All buildings, including accessory buildings shall not cover more than fifty (50%) percent of the area of the lot.

1306 LANDSCAPED AREAS

Each lot shall have landscaped areas which shall be part of any lot which is not covered by buildings, accessory uses, drives and parking lots. The landscaped areas shall be developed and maintained as lawns, along with trees and shrubs, or maintained in an orderly natural state.

1307 YARD REGULATIONS

1307.01 SERVICE STATION BUILDING

Front Yard required - sixty (60) feet
Side and Rear Yard adjacent to Residential Districts - one hundred (100) Feet.
Side and Rear Yards adjacent to Non-residential District - thirty-five (35) feet.

1307.02 SERVICE STATION PUMPS

Front Yard Required - thirty (30) feet
Side and Rear Yards adjacent to Residential District -one hundred (100) feet.

Side and Rear Yards adjacent to Non-Residential District -thirty-five (35) feet.

1307.03 MOTEL, HOTEL, RESTAURANT

Front Yard Required - thirty-five (35) feet
Side and Rear Yards adjacent to Residential District -one hundred (100) feet.
Side and Rear Yards adjacent to Non-Residential District -thirty-five (35) feet.

1307.04 PARKING

Front Yard Required - thirty-five (35) feet
Side and Rear Yards adjacent to Residential District -Thirty (30) feet
Side and Rear Yards adjacent to Non-Residential District -ten (10) feet

1307.05 OTHER USES

Front Yard Required - sixty (60) feet
Side and Rear Yards adjacent to Residential District -one hundred (100) feet.
Side and Rear Yards adjacent to Non-Residential District -Thirty-five (35)

feet.

1307.06 BUFFER STRIP

Within the front yard and adjacent to the street right-of-way line there shall be an open unobstructed buffer strip of twenty (20) feet in depth. Except for the access drive, no other facilities shall be located within this area. Parking of vehicles in this buffer strip shall be prohibited. Except for access-ways permitted, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress and egress and shall be continuous for the lot adjoining the street or highway right-of-way line.

1307.07 LIGHTING

All lighting shall be shielded so as not to cause glare which would be hazardous to or would be to of adjacent property.

1307.08 LOTS ABUTTING ON A THOROUGHFARE

For lots abutting on a thoroughfare shown on the officially adopted Major Thoroughfare Plan of Lorain County, the minimum setback shall be equal to the setbacks provided herein plus one-half (1/2) of the right-of-way specified for that thoroghfare on the Major Thoroughfare Plan.

1308 OFF-STREET PARKING AND LOADING

1308.01 OFF-STREET PARKING REQUIREMENTS

Each parking space shall be not less than 200 square feet, exclusive of drives and fuming spaces. All Parking areas and driveways shall be graded and hard-surfaced with asphalt or concrete. Bumper guards shall be provided to establish the limit of each parking area, except at accessways. No parking shall be permitted on a thoroughfare specified as a major thoroughfare on the officially adopted Major Thoroughfare Plan of Lorain County.

1308.02 MINIMUM REQUIRED PARKING SPACES

Gasoline Service Station - 1 space per employee, plus 1 space per grease rack, plus 1 space per restroom.

Motel or Hotels - 1 space per lodging unit, plus 1 space per each 2 employees.

Meeting Hall - 1 space per 3 seats.

Restaurant - 1 space per 2 seats, plus 1 space per each 3 employees.

1308.03 OFF-STREET LOADING FACILITIES

Off-street loading facilities shall not be located in the required front, side and rear yards, and the loading space shall not be used for repairing or servicing of motor vehicles. A space or spaces shall be provided within the structure of such dimensions as to accommodate the trucks employed for loading or unloading goods for a particular use. Each space shall have a vertical clearance of at least fourteen (14) feet.

1309 ACCESS DRIVES

Access drives to major streets shall be controlled in the interest of public safety and to maintain the designed capacity of the major street system.

a. Drives shall be so designed and located, that vehicles can safely enter and leave the facility with no need to park, stand or maneuver back and forth on the major thoroughfare right-of-way.

b. Those portions of the access drive located within the highway right-of-way shall be paved of material equal to the highway pavement; be no greater than thirty-five (35) feet wide; be designed to prohibit surface drainage from flowing directly onto the highway pavement; include minimum twenty (20) foot turning radii between the edge of the drive and the highway pavement; and, be curbed.

c. Each lot shall not have more than two (2) access drives to any one street or highway. The width of any access drive shall not be less than sixteen (16) feet nor shall it exceed thirty-five (35) feet. Insofar as practicable the use of common accessways by two or more uses shall be encouraged to reduce the number of such highway access points. The fronting of uses on a marginal service street shall also be encouraged.

d. There shall be no access drives permitted for a minimum distance of 600 feet measured along road centerlines from the outermost ramp terminal right-of-way to the first access drive. To accomplish this objective, marginal service roads, combining the access of several developments, or other approved facilities shall be encouraged.

1310 SIGNS - Provisions of Article XV shall apply in this District.

ARTICLE XIV

INDUSTRIAL DISTRICT REGULATIONS

1400 LIGHT INDUSTRIAL LI-1

1401 PURPOSE

The purpose of the LI-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.

1402 PERMITTED USES

12/2/91

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 ten (10) 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; asbestos and asbestos products 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 bearing 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 (fabric).

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 machine (rental and service); cold storage; concrete contractors (storage yards); concrete products (pipe, beams manufacturing); concrete products (storage); concrete lime (storage); transit mixed; confectioners (wholesale); contractors equipment and supplies (storage); corsets and brassiere manufacturing; cotton seed products (storage); cranes (storage yard).

1402 PERMITTED USES (Cont'd)

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 juice processing; fruit and vegetable market (wholesale); fruits and vegetable processing (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 (repair).

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.

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); locksmith repair shops; loft builders, lubrication compounds (storage); lumber (cabinet workings); lumber storage yard; lumber (used and wholesale).

1402 PERMITTED USES (Cont'd)

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 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 warehouse; motorcycles (repairing and sales); mover warehouses.

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; overall 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 assembly, radio repair shops; 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; specialities (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 shop; stove and ranges (wholesale and storage); surgical supplies (wholesale distributors).

1402 PERMITTED USES Cont'd)

Tank coating equipment yard, tanks (erection, contractors yard); taxidermists; tents and awnings and manufacturing; termite control contractor shops; terazzo 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); trucks manufacturing.

Wall board (wholesale and storage); wallpaper manufacturing; warehouse, watches manufacturing; water (distilled, processing); water coolers (drinking or curative, bottling and distribution); 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 rentals); window display (installations, studio and shops); 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.

<u>Conditionally Permitted Uses.</u>
03/04/2013

Extraction of Stone, Minerals and Top Soil (see section 406)
Prospecting Oil and Gas (see section 413)
Internet Sweepstakes Cafe's (see section 427)
Shooting Range Indoor (see section 428)

Towing and Storage Facilities (see section 429)

ADULT ENTERTAINMENT BUSINESSES

1402.01 REGULATION OF ADULT ENTERTAIMENT BUSINESSES
12/17/01

A. PURPOSE AND INTENT

The Elyria Township Zoning Commission and Board of Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult entertainment businesses on the neighborhoods and areas in which those business are located.

The members of the Elyria Township Zoning Commission and Board of Trustees have been provided with, have reviewed, and have considered copies of the "Adult Entertainment Study" dated November 1994, conducted by the New York City Department of Planning; "Adult Entertainment Businesses in Indianapolis, An Analysis" dated February 1984, conducted by the Department of Metropolitan Development of the City of Indianapolis; and the "Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses" date June 6, 1989, conducted by the Attorney General for the State of Minnesota.

The "Adult Entertainment Study" of the City of New York contains summaries of impact studies from the cities of Islip New York; Los Angeles, California; Indianapolis, Indiana; Whittier, California; Austin, Texas: Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina; and the State of Minnesota.

These numerous studies conclude, based on documented evidence, that adult entertainments businesses have negative secondary effects such as increased crime rates decreased property values, curtailed retail trade, deterioration of the quality of rural and urban life, and the spread of sexually transmitted diseases.

The adverse effects of adult entertainment businesses are compounded when such businesses are located in close proximity to each other and have the tendency to create "dead zones."

The Elyria Township Zoning Commission and Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens, protect the citizens from increased crime, the spread of sexually transmitted diseases, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.

The Elyria Township Zoning Commission and Board of Trustees desire to prohibit the establishment of adult entertainment businesses within the close proximity to existing adult entertainment businesses, residentially zoned areas, residences, schools, churches, parks, playgrounds, social service facilities, and neighborhood centers.

It is not the intent of this resolution or any related resolutions to suppress any speech activities protected by the First Amendment to the United States Constitution. The intent is to enact a content-neutral resolution which addresses the secondary effects of adult entertainment businesses.

There is adequate land available in Elyria Township, zoned Light Industrial within which adult entertainment businesses may be located.

It is not the intent of this resolution or any related resolutions to condone, encourage or legitimize the distribution of obscene material or the establishment of adult entertainment businesses.

1402.02 CONDITIONAL USE PERMIT REQUIRED.
12/17/01

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business, and no property shall be arranged for use or used for any adult entertainment business, unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article XIV of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.

2. No adult entertainment business shall be permitted in a location which is within 1,000 feet of another adult entertainment business.

3. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.

4. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any residence or boundary of any residential district.

5. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any boundary of any residential district in a local unit of government abutting the Township.

1402.03 DEFINITIONS.
12/17/01

As used to apply to the regulation of adult use/sexually oriented businesses as contained in this resolution:

1. Adult use/sexually oriented business any of the following:
   adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, adult motion picture theater, adult motel, nude model studio, massage parlor, or sexual encounter center.

2. Specified sexual activities - any of the following:

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

3. Specified anatomical areas:

   (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

   (b) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola.

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

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

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

7. Parcel of land: any quantity of land capable of being described with such definiteness that its location and boundaries may be established, and which is designated by its owner or developer as land to be used or developed as land to be used or developed as a unit or which has been used or developed as a unit.

8. Employee: a person who performs any service or work on the premises of any adult use/sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions, on a full-time, part-time or contract

basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

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

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

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

    (b) instruments, devices, or paraphernalia, other than prophylactics, that are designed for use in connection with specified activities.

A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if: (i) such commercial establishment devotes more than 15 percent of its total floor area to such sales or rentals, (ii) such commercial establishment devotes more than 15 percent of its product display space to such sales or rentals, or (hi) on an annual basis, more than 15 percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of it's principal business purposes is offering for sale or rental for consideration the specified materials, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas or are designed for use in connection with specified sexual activities.

11. Adult Cabaret: a nightclub, bar, restaurant, theater, concert hall, auditorium, or other commercial establishment that for the purpose of arousing, stimulating or gratifying the sexual desire of employees or customers, features:

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

12. Adult motel: a hotel, motel or similar commercial establishment that:

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

13. Adult motion picture theater: a commercial establishment where, for any form of consideration, films motion pictures .video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

14. Nude model studio: any place where a person who appears nude or semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

    Nude model studio does not include:

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

15. Sexual encounter center: a business or commercial enterprise that offers for any form of consideration:

    (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
    (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude or nude.

16. Adult use/sexually oriented businesses as defined in this Zoning Resolution are conditionally permitted in the light industrial zoned districts, provided further that no adult use/sexually oriented business as defined in this Zoning Resolution shall be operated or maintained on a parcel of land located within:

1. A flood plain district.
2. 1000 feet of any parcel of land which is zoned residential.
3. 1000 feet from any parcel of land which a church, public library, public or

private educational facility that serves persons under 18 years of age, elementary school, public park or playground, or state-licensed day care facility.

4. 1000 feet from any parcel of land on which any other adult use/sexually oriented business is located.

For purposes of this section, distance shall be measured in a straight line from property line to property line, using the closest property lines of the parcels of land involved.

1403 BUILDING HEIGHT

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

1404 LOT AND YARD REQUIREMENTS

1404.01 LOT AREA

Every lot in an LI-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.

1404.02 CORNER LOTS

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

1404.03 YARDS REQUIRED

Yards of the following widths or depth 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 1407 -Buffering). Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.

b. Side Yards - 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 abutts any residential district it shall be appropriately buffered as per Section 1407 - Buffering. 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 1407 - Buffering and shall remain open and unoccupied by any principal or accessory building.

1404.04 PERCENTAGE OF LOT COVERAGE
1/6/94

Buildings together with their accessory uses in an LI-1 District shall cover not more than seventy-five (75%) percent of the area of any lot.

1405 SUBMISSION OF PLANS

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

1406 STREETS, SEWERS AND WATER LINES

All streets, severs 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 plot 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.

1407 BUFFERING

1407.01 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 be considered as its substitution.

1407.02 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.

1407.03 DEFINITIONS

a. Landscaping - Living material including but not limited to grass, ground covers, shrubs, vines, hedges, trees and nonliving 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, bush, 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 require physical support to reach mature form.

1407.04 GENERAL PROVISIONS
11/2/89

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

1407.04 GENERAL PROVISIONS (Cont'd)
11/2/89

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.

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 Industrial fencing will be a maximum of seven (7) feet in height with or without barbed wire. If abutting a residential parcel, and if a fence is installed, a seven (7) foot privacy fence is required.

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.

1407.05 APPLICABILITY

Landscape buffering shall be mandatory between zoning districts. All buffering requirements imposed under the provisions of this Section shall be installed or constructed before a certificate of occupancy is issued for a new building or structure, or a vehicular use area is used or occupied. No existing building 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 or multi-family zoned 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 or buffering the parking area which such plans 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.

1407.06 PROCEDURES

a. When an application for Zoning Permit is made. The Zoning Inspector shall determine if the buffering requirements might be applicable. If he determines that the request comes under the buffering requirement, 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 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. A certificate of Occupancy shall not be granted until buffering requirements have been completed. If there is a delay due to inability to comply, i.e. growing season, a temporary permit to occupy may be granted by the season following the date upon which the certificate of Occupancy is

requested.

d. 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 buffer 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 the replacement of landscape material such as fences and the like.

5. To replace landscape material within sixty (60) days from the date of notification by the Zoning Inspector of non-compliance.

1407.07 PERMITTED SIGNS

The provisions of Article XV shall apply in this District.

1407.08 OFF-STREET PARKING AND LOADING

The provisions of Article XVI shall apply in this District.

1407.09 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

ARTICLE XV

1500 SIGNS

1500.01 INTENT AND PURPOSE

Sign regulations, including provisions to control the type, design, size, location, and maintenance thereof, are hereby established in order to achieve among others the following purpose:

a. To promote attractive neighborhoods and maintain the high value of residential districts;
b. To provide for reasonable and yet appropriate conditions for advertising goods sold or services rendered in business districts; and
c. To provide for appropriate signs for identification and encouragement for further growth of offices, laboratories, commercial industrial development.

1500.02 CONFORMANCE REQUIRED

Signs shall be designed, erected, altered, reconstructed, moved or maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.

The display of official public notices, the flag, emblem or insignia of a political unit, or temporary displays in connection with a recognized charity drive or homecoming activities shall not be governed by the provisions of this chapter

.

1500.03 TYPE OF SIGNS

a. Type of Signs; Content. Signs are herein classified according to contents and

use as follows:

1. "Name plate" means a sign indicating the name, address and/or profession of the person or persons occupying the lot.

2. "Motor Service means a sign directing attention to the names of the Business or establishment, the goods or commodities sold and/or services rendered on the lot on which the sign is located. Types of business affected in motor service districts.

   a. Restaurants
   b. Motels/Hotels
   c. Service Stations (fuel, tires, repairs)

3. "On-premise" means a sign directing attention to the name, service or industrial establishment, goods produced or sold or services rendered on the lot on which the sign is located.

4. "Off-premise" advertising for identification signs includes any outdoor sign, billboard or other contrivance directing attention to a business, product service or entertainment, conducted, sold or offered elsewhere than upon the same lot where the sign is located.

5. "Directional" means a sign indicating the direction to which attention is called, either on the same or another lot.

6. "Political" means a sign advocating action on a public issue or a candidate for public office.

7. "Shopping Center District", indicating the name of the shopping center.

8. "Agricultural" means a sign related to agricultural products grown within any district.

b. Type of Signs; Design. Signs are herein classified and defined as follows:

1. "Flat or wall" means a sign erected parallel to or painted on the surface or integral with the wall of any building and not extending more than twelve inches therefrom.

2. "Projecting" means a sign erected on the outside wall of a building and which extends more than twelve inches therefrom.

3. "Marquee" means a sign attached to the soffit or fascia of a marquee, roof over a walk or permanent awning.

4. "Roof" means a sign erected upon and completely over the roof of any building.

5. "Pole" means a sign which is supported wholly by a pole, poles or posts and so designed as to permit pedestrian or vehicular traffic thereunder.

6. "Ground" means a sign with the base wholly on the ground or less than eight feet above grade, wholly independent of any building.

7. "Temporary" means a sign applying to a seasonal or other brief activity constructed of cloth, paper or fabric of any kind with or without a frame.

8. "Portable" means a sign designed to be transported from one location to another.

1500.03 TYPES OF SIGNS (Cont'd)

c. Measurement of Sign Area. The surface area of a sign shall be computed as including the entire face area within a regular, geometric form or combinations of regular geometric forms comprising all of the display area does not necessarily include design, but face area only) of the sign and including all of the elements of the matter displayed. In case of free standing or wall mount letters each letter is to be computed. Only one side of double faced ground, pole or projecting signs shall be included in calculating surface area. Frames and structural members which are not advertising matter shall not be included in the computation of the surface area.

1500.04 RESIDENTIAL DISTRICT SIGNS

Signs in residential districts shall conform to the regulations as set forth in this section, and the following types of signs shall be permitted:

12/2/91

a. Nameplate. One nameplate not to exceed 6 square feet in total sign area shall be permitted for each dwelling unit. Such nameplate shall not be permitted for dwelling of three or more units.

b. Real Estate Signs. One "For Sale" or "To Rent" or "Model Home" sign, not exceeding four square feet in total sign area and not exceeding three feet in height shall be permitted for each dwelling or lot. Such signs shall be located not less than fifteen feet from the front or any side lot line.

c. Temporary Subdivision Development Signs. One sign not exceeding sixty-four (64) square feet in total sign area shall be permitted at each opening to said development, provided further that a maximum of two signs per subdivision

shall be permitted. Permits for such temporary signs shall be for a period not exceeding one (1) year, and may be renewed while construction is being pursued. Signs for the purpose of displaying the names of the builder shall be permitted but will be located no nearer than ten (10) feet to any street line. Such signs shall be removed after completion of the structure.

d. Agricultural Signs. An agricultural sign shall be permitted in any district and shall not exceed thirty-two (32) square feet in total sign area.

e. Apartment Complex. A sign not exceeding thirty-two (32) square feet in total sign area shall be permitted for each apartment complex.

f. Monumental Signs. A permanent subdivision identification ground sign not exceeding thirty-two (32) square feet in total sign area and six and one-half (6 1/2) feet in height indicating the name of the subdivision or residential development from an arterial or collector street. Such sign shall be set back ten feet from the street right-of-way line and shall be part of the overall architectural treatment of the entrance of the development. Illumination, if any, of such sign shall be at the discretion of the Zoning Commission and shall meet the requirements of this chapter.

1500.05 BUSINESS DISTRICT SIGNS
03/04/2013

Signs in business districts shall be accessory to a building or use permitted and shall conform with the regulations set forth in this section.

a. Type of Signs. The following types of signs shall be permitted:

1. Nameplate and bulletin boards as permitted in Section 1500.04.

2. A nameplate not exceeding thirty-two (32) square feet total sign area. Each side shall be permitted for an office if the sign is located on the same lot as the profession or service to which it is directed.

3. A business sign if the sign is located on the same lot as the business or service to which it is directed.

4. A real estate and development sign if the sign is located on the same lot on which the real estate business is conducted or the lot to which attention is directed.

5. Directional signs may be located on site in business parking lots wherever necessary to facilitate the safe and efficient movement of pedestrian and vehicular traffic.

6. Temporary Signs. Temporary sign means any sign not constructed or intended for long-term use and which is not permanently mounted or placed in or on any premises. Long term shall be more than 60 days.

b. Design of Signs. The following types of signs shall be permitted;

1. Flat and Wall signs, if attached to, painted on, or integral with a wall or if attached to the windows or doors of a building occupied by a permitted business or service.

2. Projecting signs, if projecting from a building occupied by a permitted business or service.

3. Pole signs, if located on the same lot as the business or service building, parking or other use to which it directs attention.

4. Ground signs, if located on the same lot as the real estate, business, service or other use to which it directs attention.

5. Temporary signs, if located on the same lot as the real estate, business, service or other use to which it directs attention.

1500.06 AREA OF BUSINESS DISTRICT SIGNS
1/19/89

a. The total area of all permanent signs for each parcel shall not exceed the number of square feet indicated as follows:

1. One pole or one ground sign - choice of either, but not both for each business. Corner property allowed 40% additional signage.

a. Pole - The maximum sign area of any pole sign shall be in accordance with the following schedule:

Schedule of Pole Sign Area Regulations

For a Parcel Having:	Total Area One Side
One Occupant	100 square feet
Two or More Occupants	75 square feet for ea.

b. Ground - Maximum area seventy-five (75) square feet one side.

2. Building sign - the maximum area of each sign shall not exceed three times the property frontage. One sign per business; each owner is allowed a sign proportionate to the percentage of the store frontage.

b. Sign areas shall be permitted in addition to the areas stated in the above table, as follows:

1. Professional or service offices and organizations above the ground floor of a building may have nameplate, or additional signs if the total area of the signs

does not exceed ten percent (10%) of the floor area occupied by the establishment, or fifty (50) square feet, whichever is the smaller. No window sign shall exceed two (2) square feet in sign area.

2. The size, area and design of signs for theaters and places of amusement, shall be determined for each establishment and regulated by conditional use permits issued by the Zoning Commission.

3. Temporary development signs announcing a proposed building, a building under construction or advertising the sale, rental or lease of a building or part thereof, shall be located on the lot occupied by the building or use advertised, and shall not exceed fifty (50) square feet in total sign area.

4. Directional signs of permanent construction, indicating traffic routes and similar functions, shall be permitted.

1500.07 MARQUEES, THEATRICAL SIGNS

a. Marquees will be permitted in business or industrially zoned districts, and must follow set back requirements as indicated in Section 1500.03. The size and square footage will be considered at the time of application for a sign permit by the Zoning Commission. The Zoning Commission will review the design in terms of the area, and structural form.

1500.08 INDUSTRIAL AND MOTOR SERVICE SIGNS

a. The total area of all permanent signs for each parcel shall not exceed the number of square feet indicated as follows:

a. Pole - The maximum sign area of any pole sign shall be in accordance with the following schedule:

Schedule of Pole Sign Area Regulations

For a Parcel Having:	Total Area One Side
One occupant	100 square feet
Two or more occupants	75 square feet for each

b. Ground - Maximum area eight-five (85) square feet one side. The maximum area of each sign shall not exceed three square feet (3) of sign area for each foot of property frontage.

b. Sign areas shall be permitted in addition to the areas stated in the above table, as follows:

1. Temporary development signs announcing a proposed building, a building under construction or advertising the sale, rental or lease of a building or part thereof, shall be located on the lot occupied by the building or use advertised, and shall not exceed fifty (50) square feet in total sign area.

2. Permanent signs, indicating the name, owner or manager of a building shall be permitted, the size and design of which is to be approved by the Zoning Commission.

3. Directional signs may be located on site in industrial parking lots wherever necessary to facilitate the sale and efficient movement of pedestrian and vehicular traffic.

1500.09 OFF PREMISE SIGNS

This section pertains to signs other than interstate oriented. Maximum sign area of each off premise sign shall be no greater than three hundred (300) feet. Signs may be placed on, or along vacant building walls. Building and/or property owners must provide a statement signed by owner or owners as to their approval of location and erection of said sign. If a proposed sign blocks the viewing area of an adjacent property or an occupied building, written permission must be obtained from the owner or owners of the affected properties. When a sign is to be erected along state highways or throughways, laws and regulations as established by the State of Ohio shall also apply, where applicable. Off premise signs will not be closer (front to back) than 350 feet in a vertical plain with another off premise sign. However, one sign may be located one on another, or along side, but no more than two.

1500.10 INTERSTATE SIGNS

a. Interstate-Oriented On-Premise Signs

In Business, Commercial, Motor Service, Agricultural, and Industrial Zoning Districts.

In addition to the signs allowed for a district in which the business is located, one (1) on-premise Interstate-Oriented sign is allowed subject to the following restrictions:

1. Permitted Signs:	Wall, ground, roof signs.
2. Area Restrictions:	700 square feet.
3. Height Restrictions:	75 feet from ground level to sign as

established under laws and regulations as permitted by State of Ohio Interstate and Freeway laws.

b. Interstate-Oriented Off-Premise Signs

In Business, Commercial, Motor Service, Agricultural and Industrial Zoning Districts

In addition to the signs allowed for a district, Interstate Oriented off-premise signs are allowed subject to the following restrictions:

1. Permitted Signs: Off-Premise.

2. Area Restrictions: 700 square feet.

3. Height Restrictions: 50 feet from grade sign.

4. Spacing Restrictions: Not less than 350 feet from the nearest Interstate-Oriented off-premise sign and not less than 200 feet from the nearest Interstate on-premise sign.

1500.10 INTERSTATE SIGNS (Cont'd)

5. Setbacks: As established under laws and regulations as permitted by State of Ohio Interstate and Freeway laws.

1500.11 LOCATION OF SIGNS

Signs in business and industrial districts may be located on the surface of or project from the building wall adjacent to a street, a pedestrial way or a parking area, or be erected on poles or other ground supports in the yards on which the business or industrial use is located.

a. Wall or flat signs shall not project more than twelve inches from the building in front of the building wall and may project to any building comer, if side yards exist. A sign may extend above the front wall.

b. Projecting signs shall be limited to not more than one sign for each establishment or store unit. Such signs shall be attached to the wall and may extend above the top of the wall. Any face of a projecting sign shall be not less than five (5) feet from a side lot line or party wall of another store unit. Said sign may project over public property when within four feet of the street line. A sign may project no more than ten (10) feet from building front in any case. Projecting sign may not in any case project closer than thirty (30) inches of curb or sidewalk edge closest to street.

c. Pole signs shall not project over a public right-of-way.

d. Ground signs shall not be located within three feet (3) of public right-of-way, and shall not be less than five (5) feet from another business or industrial lot and not less than (10) feet from a residential district line. Temporary development signs may, however,

be located in front of the setback line if first approved by the Zoning Commission. Directional Signs may be located within the required yards.

1500.12 HEIGHT OF SIGNS

The height of the lowest member of any sign, which is not integral with a wall surface, shall not be less than eight feet above a sidewalk or other pedestrian way, and not less than fourteen (14) feet if over or with-in eighteen (18) inches of the vertical projection of a pavement used for vehicular traffic.

The maximum height of pole signs, measured from the recorded grade, shall not Exceed the regulations provided in the following schedule:

Schedule of Pole Sign Height Regulations

Business Districts	Number of Feet Maximum To Bottom of Signs
Office Building	25
Shopping Center	45
General Business	25
Recreation Business	25

1500.12 HEIGHT OF SIGNS (cont'd)

Industrial and Motor Service	
Office-Laboratory	25
Exclusive Industrial	35
Motor Services	50

1500.13 SUPPLEMENTARY REGULATIONS
4/5/99

Signs in all districts of the Township shall conform to the following regulations, as set forth in Section 1500.01 to 1500.19 inclusive.

1500.14 TEMPORARY SIGNS
03/04/2013

a. Temporary signs shall be permitted if the size of the sign does not exceed 48" x 96" or equal of sq. in.
b. No sign shall be erected on public property.
c. No sign shall be erected without property owners permission.
d. No sign shall obstruct drivers view.
e. Signs shall be permitted for a period of not more than thirty (30) days before and three (3) days after an election and shall be removed by the installer.

1500.15 HAZARDOUS SIGNS

Signs shall not project over or obstruct the required windows or door of any building, nor shall be attached to or obstruct a fire escape or interfere with other safety provisions as may be further regulated in the Zoning Code.

Unless regulated otherwise in the Traffic Code, signs shall not be erected so as to obstruct street sight lines of traffic control lights or signs at street intersections, or street sight lines or signals at railroad crossings. Signs visible from the sight lines along a street shall not resemble highway traffic signs.

1500.16 ILLUMINATION OF SIGNS

Light sources to illuminate signs located inside or outside of buildings shall not be of excessive brightness or cause glare hazardous to pedestrians or automobile drivers, or be objectionable to adjacent residential districts.

Flashing, moving or intermittent illumination and "outline lighting" shall be permitted. The Zoning Commission may, however, make a finding and may not permit such lighting as a use.

Lighting of a roof or building for advertising purposes shall be permitted.

1500.16 ILLUMINATION OF SIGNS (cont'd)

Signs in residential districts shall not be illuminated, except for temporary subdivision signs and signs for institutions. Illumination shall not be of excessive brightness or cause a glare objectionable to any adjacent residential district, and except for illumination required for safety purposes, such lighting shall be permitted only during the hours the establishment is in operation.

Christmas display lighting shall not be restricted by the foregoing regulations.

1500.17 PROHIBITED SIGNS

Paper posters applied directly to a wall, building, pole or other support are prohibited. Searchlights, pennants, banners, streamers rotating or whirligig devices may be used under special permit, similar advertising devices are prohibited.

1500.18 APPLICATION FOR PERMITS

a. A permit shall be required for all permanent signs exceeding three (3) square foot and all temporary signs exceeding five (5) square feet of sign area.

b. Application for permits to erect, place, paint or alter other than sign maintenance shall be made by the owner or lessee of the property upon which said sign is proposed, on forms furnished by the Zoning Inspector. The fee shall be established by the Township Trustees as set forth in a fee schedule. Each application shall be accompanied by drawings to scale, showing:

1. The design and layout proposed, including the total area of the sign, the size, character of letters, lines and symbols.

2. The method of illumination, if any.

3. The exact location of the sign in relation to the building and property.

4. Details and specifications for construction, erection and attachment as may be required by the Zoning Resolution.

1500.19 MAINTENANCE OF SIGNS

All signs and sign structures shall be maintained in a safe and attractive condition. Should any sign be or become unsafe or be in a danger of falling, the owner shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.

1500.20 NONCONFORMING SIGNS

A sign existing lawfully at the time this chapter becomes effective but which does not conform with the sign regulations of the district in which it is located, may be repaired and maintained in its original state, and structural or electrical parts may be repaired or restored to a safe condition in compliance with the National Electrical Code.

1500.21 ABANDONED SIGNS

Any sign accessory to an abandoned use shall be removed within fifteen (15) days of notification for removal by the Zoning Inspector. A use shall be determined abandoned if it has ceased operations for at least ninety (90) consecutive days.. Seasonal businesses shall be exempt from this provision.

1500.22 REMOVAL OF SIGNS

Whenever the removal of any sign has been ordered by the Zoning Inspector and the person, firm or corporation on whose premises such sign or display structure has been erected, affixed, attached or maintained, fails to remove the sign within forty-eight (48) hours after receiving such notice, the Inspector may remove or cause to be removed such sign at the expense of the person, firm or corporation on whose premises it was erected, affixed or attached, and each such person, firm or corporation shall be individually and separately liable for the expenses incurred in the removal of said sign.

1500.23 PORTABLE SIGNS
1/6/94

Are permitted for a period not to exceed 30 days.

1500.24 PENALTY
1/6/94

Whoever violates any of the provisions of this article shall be fined not more than one hundred ($100.00) dollars. A separate of tense shall be deemed committed on each day such violation continues.

ARTICLE XVI

1600 OFF STREET PARKING AND LOADING FACILITIES

1601 GENERAL REQUIREMENTS

a. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with provisions of this Resolution.

b. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.

c. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or 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.

1602 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

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 1618 of this Resolution.

1603 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.

1604 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 impervious material to provide a durable and dust-free surface.

1605 DRIVEWAY TILE, DRAIN OR LAWN FILLS

Before constructing or installing any driveway tile, drain or lawn fills within any road right-of-way, permission must be obtained from the Elyria Township Board of Trustees.

1606 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.

1607 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.

1608 LIGHTING

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

1609 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.

1610 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 on all sides which adjoin or face any property used for residential purposes by an acceptable designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not 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 or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.
No one area for off-street parking or motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten foot planting strips.

1611 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.

1612 DISABLED VEHICLES
11/2/89

The parking of a disabled vehicle within a residential or commercial district shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. Junk yards or automobile graveyards shall not be permitted in any district (more than one unlicensed vehicle or vehicle unfit to operate on highways in the manner prescribed or permitted by the State of Ohio Motor Vehicle Code shall constitute an automobile graveyard).

1613 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.

1614 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 application for a zoning permit.

1615 WHEEL BLOCKS

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

1616 WIDTH OF DRIVEWAYS

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

1617 ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private 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

1617 ACCESS (Cont'd)

approaching the access or driveway from a public or private 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 aisle or driveway shall have direction signs or markings in each aisle or driveway.

1618 STRIPING

All parking areas with a capacity over twelve (12) vehicle 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.

1619 PARKING SPACE REQUIREMENTS

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

Parking Space Requirements

TYPE OF USE	PARKING SPACES REQUIRED

1619.01 RESIDENTIAL

Single Family or Two Family Dwelling	Two for each unit
Apartment Hotels, Apartments, or Multi-Family Dwellings	Two for each unit
Boarding Houses, Rooming Houses, Dormitories, and Fraternity Houses which have sleeping rooms	Two for each sleeping room or two for each permanent occupant

1619.02 COMMERCIAL

Automobile Service Stations	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 for each sleeping room plus one space for each two employees

1619.02 PARKING SPACE REQUIREMENTS (Cont'd)

Funeral Parlors, Mortuaries and similar types uses	One for each 250 square feet of floor area in slumber rooms, parlors, or service rooms

TYPE OF USE REQUIRED	PARKING SPACES
Retail Stores	One for each 250 square feet of floor area
Banks, 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 space
Bowling Alleys	Four for each alley or land plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.

1619.03 Dance Floors, Skating Rinks	One for each 100 square feet of 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.
1619.04 INSTITUTIONAL	
Churches and other places of Religious Assembly	One for each 4 seats
Hospitals	One for each bed

1619.04 PARKING SPACE REQUIREMENTS (Cont'd)

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.
TYPE OF USE REQUIRED	PARKING SPACES
Libraries, Museums, and Art Galleries	One for each 400 square feet of floor area
1619.05 SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)	
Elementary and Junior High Schools	Two for each classroom and one every eight (8) 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 Colleges, Universities	One for each two student One for each four students
Kindergartens, Child Care Center, Nursery Schools and similar uses	Two for each classroom but not less than six for the building

1619.06 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 premises.
Cartage, Express, Parcel and Freight Terminals	One for every 2 employees (on Delivery, the larges shift for which the building is designed) and one for each motor vehicle maintained on the premises.

1620 GENERAL INTERPRETATIONS

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

1620 GENERAL INTERPRETATIONS (Cont'd)

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.

1621 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 location, basis and capacity calculations, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.

1622 STORAGE OF MOTOR HOMES OR TRAILERS
12/17/01
Motor homes, boat, camping, vacation or utility trailers owned by a resident must be stored on the owner's premises behind the set-back line of the dwelling.

ARTICLE XVII

1700 ADMINISTRATION – ENFORCEMENT
10/6/83

1701 ZONING PERMITS

1701.01 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 this Resolution.

1701.02 CONTENT OF APPLICATION FOR ZONING PERMIT
1/6/94

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months, 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 and Tax duplicate.

c. Existing use.

d. Proposed use

e. Zoning District

f. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alterations.

g. Building Heights.

h. Number of off-street parking spaces or loading berths

i. Number of dwelling units.

j. Indicate the location of underground fuel tanks,

k. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution-

1701.03 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 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 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.

1701.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning permit issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway 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 the 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 ail provisions of this Resolution, issue the zoning permit.

1701.05 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six months from the

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

1705 FAILURE TO OBTAIN A ZONING PERMIT
1/6/94

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section 1901 of this resolution.

1706 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS
1/6/94 PERMITS

Zoning permits issued on the basis of plans and application approved by the zoning inspector authorized only the use, and arrangement, or construction. Use, arrangements, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 1901 of this Resolution.

1707 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.

1708 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.

1709 ZONING COMMISSION
3/18/08

1710 PURPOSE

The purpose of the Zoning Commission is to provide for the zoning of the unincorporated area of Elyria 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 number, sizes and shapes as are deemed best suited to protect the best interest of public health, safety and economic stabilization of Elyria Township.

1711 ORGANIZATION AND PROCEDURE

1711.01 APPOINTMENT

The Zoning Commission shall be composed of five (5) members and at least one (1), but no more than two (2) alternates, 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 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.

1711.02 ORGANIZATION AND RULES

a. The Zoning Commission shall organize annually and elect a chairperson and a vice-chairperson from its membership. The Zoning Commission 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 chairperson shall preside at all meetings of the Zoning Commission. Chairperson shall decide on all points of order and procedure unless otherwise directed by a majority of the Zoning Commission. The chairperson may appoint committees deemed necessary to carry out the business of the Zoning Commission. The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Zoning Commission.

1711.02 ORGANIZATION AND RULES (Cont'd)

c. The vice-chairperson shall serve in the absence of the chairperson. The vice-chairperson shall have all the powers of the chairperson during any absence, disability or disqualification.

d. The secretary shall keep minutes of all meetings/hearings and shall be responsible for all official correspondence of the Zoning Commission.

1711.03 MEETINGS

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

1711.04 VOTING

a. All actions of the Zoning Commission 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.

b. No member of the Zoning Commission shall vote on any matter in which he is personally or financially interested.

1711.05 MINUTES AND RECORDS

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

1711.06 DEPARTMENT ASSISTANCE

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

1712 GOVERNING GUIDELINES

a. The Zoning Commission shall be governed by the provisions of all applicable state statues, local laws, regulations and rules set forth herein.

b. The Zoning Commission shall become familiar with all enacted resolutions and laws of Elyria Township under which it may be expected to act as well as with applicable state enabling legislation.

1713 ZONING AMENDMENTS

1713.01 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.

1713.02 INITIATION OF ZONING AMENDMENTS

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

a. By adoption of a motion by the Zoning Commission.

b. By adoption of a resolution by the Township Trustees.

c. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

1713.03 CONTENTS OF APPLICATION
1/6/94

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

a. Name, address, and phone number of applicant and owner.

b. Proposed amendment to the text or legal description and tax duplicate with proof of ownership.

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.

i. A fee as established by the Township Trustees.

j. Permit fee's are non-refundable.

1713.04 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 or application shall be transmitted to the Zoning Commission.

1713.05 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, then 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.

1713.06 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, not more than forty (40) days from the date of the receipt of such motion, transmittal such resolution, or the filing of such application.

1713.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given by The Zoning

Commission to at least one publication in one or more newspapers of general circulation of the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

1713.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION
10/6/83

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

1713.09 SUBMISSION TO REGIONAL PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Zoning Commission transmittal of a resolution by the Township Trustees, 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 Regional Planning Commission. The Regional Planning 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.

1713.10 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.

1713.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES

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

1713.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing shall be given by the Township Trustees by at least one publication in one or more newspapers of general circulation in the Township. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1713.13 ACTION BY THE TOWNSHIP TRUSTEES

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

1713.14 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Township Clerk a petition, signed by a number of qualified voters residing in the Township equal to not less than ten (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.

ARTICLE XVIII

1800 ZONING BOARD OF APPEALS

1801 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.

1802 ORGANIZATION AND PROCEDURE

1802.01 APPOINTMENT
3/18/08

The Zoning Board of Appeals shall be composed of five (5) members, and at least one (1), but no more than two (2) alternates, 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 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.

1802.02 ORGANIZATION AND RULES

a. The Zoning Board of Appeals shall organize annually and elect a chairman and a 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.

1802.03 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.

1802.04 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.

1802.04 VOTING (Cont'd)

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

1802.05 MINUTES AND RECORDS

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

1802.06 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.

1802.07 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.

1803 GOVERNING GUIDELINES

a. The Zoning Board of Appeals shall be governed by the provisions of all applicable state statues, local laws, regulations and rules set forth herein.

b. The Zoning Board of Appeals shall become familiar with all enacted resolutions and laws of Elyria 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 Elyria 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.

1804 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:

1804 JURISDICTION AND POWERS (Cont'd)

a. To hear and decide appeals where it is alleged there is error in any order, requirement, 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 the specific power to interpret the precise location of the boundary lines between' zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.

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 the terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial review, interpretation, variance or conditional use as defined in this Article.

1805 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

1805.01 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 officer 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.

1805.02 FEES - SEE SECTION 1708

1805.03 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 certifies 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 is taken.

1805.04 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 neighboring land, structures or buildings in the same district and no permitted or non-conforming use of lands structures or buildings in other districts shall be considered grounds for issuance of a variance.

1805.05 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 and owner.

b. Legal description of property and tax duplicate

c. Description of nature of variance requested and drawing.

d. A narrative statement demonstrating that the requested variance conforms to the following standards:

e. A list of all property owners within, contiguous to, and directly across the street from the parcel(s).

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings 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.

1805.06 CONDITIONS FOR GRANTING VARIANCES

Variances 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:

1805.06 CONDITIONS FOR GRANTING VARIANCES (Cont'd)

a. That unnecessary hardships 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 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 the minimum modification that will make possible the reasonable use of the land, building or structure.

i. That in no instance shall a variance be considered for the following reasons:

Presence of nonconformities in the zoning district;

Previous variances granted in the zoning districts-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 applicants-Hardship being demonstrated beyond the contest of zoning, e.g. economics.

1805.07 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.

1805.08 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 XIX of this Resolution.

1805.09 LAPSES OF VARIANCES

A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of six (6) months, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning 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.

1805.10 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

4/5/99

The regularly scheduled meeting of the Elyria Township Zoning Board of Appeals will be held on the third Tuesday of the month, 7:30 PM, at the Elyria Township Hall, any issues being brought to the Zoning Board of Appeals must be received by the Zoning Secretary by the first Tuesday of the month, incomplete applications will no be considered.

1805.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

1805.12 NOTICE TO PARTIES IN INTEREST
4/5/99

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

1806 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES

1806.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT
4/5/99

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

a. Name, address and phone number of applicant and owner.

b. Legal description of property and Tax duplicate.

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 requirement of this Resolution.

g. A Narrative statement evaluating the economic effect 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 comprehensive zoning plan;

h. Such other information as may be required on application.

1806.02 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;

1806.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES (Cont'd)

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;

1806.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES (Cont'd)

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.

1806.03 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 the conditional use is granted, shall be deemed a violation of this Resolution and punishable.

1806.05 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

4/5/99

The regularly scheduled meeting of the Elyria Township Zoning Board of Appeals will be held on the third Tuesday of the month, 7:30 PM, at the Elyria Township Hall, any issues being brought to the Zoning Board of Appeals must be received by the Zoning Secretary by the first Tuesday of the month, incomplete applications will no be considered.

1806.06 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

1806.07 NOTICE TO PARTIES IN INTEREST

4/5/99

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

1806.08 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 authorized 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.

1807 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 there-on. 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.

1808 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 interpretations and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Zoning Board of Appeals only on 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 1809 of this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the 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 appeal cases brought before it, the Zoning Board of Appeals

1808 DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL (Cont'd)

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.

1809 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.

ARTICLE XIX

1900 PENALTY FOR VIOLATION
3/18/08

1901 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 the amount specified in the Ohio Revised Code Section 519.99 for each offense or imprisioned for not more than (30) days, or both, and in addition shall pay all costs and expences 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, building, 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 baking such other lawful action as is necessary to prevent or remedy any violations.

1903 CIVIL ACTION
10/6/83

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or land be established or changed in use 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, re-construction, enlargement, change, maintenance or use.

1903 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 XX

2000 MISCELLANEOUS PROVISIONS

2001 INTERPRETATION

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

2002 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.

2003 EFFECTIVE DATE

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

2004 REPEAL

Resolution of Elyria 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.

Article XXI

SOLAR CELL SYSTEMS

EFFECTIVE DATE 11/9/23

A. PURPOSE

It is the purpose of this Article to:

1. Promote the safe, efficient and effective use of installed solar cell systems that reduce on-site consumption of utility-supplied energy while protecting the public health, safety and welfare in adjacent and surrounding land uses;

2. Provide owners and businesses with flexibility in satisfying their on-site energy needs.

3. Reduce overall energy demands within the Township and to promote energy efficiency.

4. Encourage and permit large scale commercial energy generation from solar sources.

Definitions:

B.

1. Solar Cell System (SCS) An accessory use or accessory structure on a lot where a dwelling, business, or other main use is located for the purpose of generating electricity for that main use.

2. Commercial Solar Farm (CSF) A commercial facility that converts sunlight into electricity for the principle purpose of retail or wholesale sales of generated electricity.

3. Ground-mounted system (GMS) A solar cell system mounted on a structure or poles(s) constructed specifically to support the system and not attached to any other

structure.

4. Building mounted system (BMS) A solar cell system attached to any part or type of roof off a building or structure.

Applicability

1. All Solar Cell Systems (SCS) require Conditional Use Permit

2. Solar Cell Systems (SCS) shall only be constructed, erected, maintained, extended, or removed in conformance with the provisions of these Zoning Resolution

D. Locations

1. Building-mounted systems (BMS) shall be mounted on a principle building or accessory building in locations complying with the height and setback regulations for the principle buildings in the district.

No person, firm, partnership, corporation, trust or other legal entity shall construct a (SCS) without a permit, nor shall construction commence before a permit is issued to accordance with this section. A conditional use permit with inspection and yearly renewal is required.

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within Elyria Township, who desires to construct an (SCS) on said lot, premises or land parcel, must first obtain a permit to do so from the township zoning inspector. The applicant must submit a written application upon showing the location and dimensions of the proposed (SCS) and the location and dimensions of all buildings or structures.

The applicant shall present documentation of the possession of any license or permit required by any federal, state or local agency pertaining to the ownership, construction or operation of an (SCS). The applicant shall submit a permit fee with each application.

Penalty-whosoever violates any of the provisions of this section, may be remediated by Article XVIII-Section 1/801-1802-1803.

Appeals-Appeals from decisions of the zoning inspector shall be made to the Board of Zoning Appeals as provided by this resolution.

2. Ground Mounted Systems (GMS)

a. No (GMS) shall be located in any front yard but shall be located to the side or rear of the residence or main structure.

b. No (GMS), including its concrete base slab or other structure, shall be located as to not meet the front, rear and side setbacks of the district in question.

c. A (GMS) shall not exceed grade height of 15 feet.

3. Roof Mounted System (SMS)

a. A (RMS) shall be mounted directly upon the roof of a primary or accessory structure and shall not be mounted upon appurtenances such as a chimney, towers, trees, poles or spires.

b. A (RMS) on a flat roof shall not exceed a height of more than 5 feet above the roof upon which it is mounted or extended higher than the peak of a slopped roof.

E. Sections Requirements for (SCS)-All(SCS shall meet the following requirements

1. A (SCS) shall be used for the generation of power to reduce on-site consumption of utility power and/or provide to a structure that is not connected to utility service. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company and/or the regional transmission organization.

A. A roof/structure mounted (SCS)

i. Shall be conditional use in a conservation district and subject to all requirements of this Article as well as Article IV, a conditional use permit requirements and a permitted use in all other districts.

ii. May be mounted to a principal or accessory structure.

iii. Combined height of the (SCS) and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district.

1. Commercial Solar Farm (CSF) shall be used for the generation of power to reduce consumption of utility power by the applicant and/or provide power to a structure that is not connected to utility service. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company and/or regional transmission organization.

2. (CFS) connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

3. (CFS) shall be a conditionally permitted use in a General Business (GB) or Light Industrial (LI) district and subject to all requirements of this Article as well as Article IV of conditional use requirements.

4. No person shall cause, allow or maintain the use of a (CFS) without having obtained a zoning permit from the zoning inspector. All (CSF) facilities shall meet the following requirements:

a. For the purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the

roof of any building shall be subject to the maximum height regulations as specified with the underlying zoning district.

b. Ground mounted (CFS) not to exceed 15 feet in height.

c. All on-site utility and transmission lines installed as part of the (CFS) shall be place underground.

d. Screen requirements: All solar energy equipment shall be in compliance with Elyria Township Zoning Resolutions.

e. In order to assure there are not adverse impacts to aviation due to glare from the solar energy accessory system, a statement from the Federal Aviation Administration (FAA) stating whether or not a permit is required from the FAA. If a permit is required, said permit shall be issued prior to a zoning permit being issued by the Elyria Township Zoning Inspector. As of 2016, the State of Ohio is within the Federal Aviation Administration (FAA) Great Lakes Region Airports Division, Detroit Airports District Office.

f. All mechanical equipment of (CFS) systems including any structure for the batteries or storage cells shall be completely enclosed by a minimum eight (8) foot high fence with a self lockable gate.

g. The minimum setback distance from the property lines, for (CFS) and their above ground related equipment shall be whatever the current zoning code requirements is for that district or 200 feet, whichever is greater.

h. (CFS) that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity. Any earth disturbance as a result of the removal of the ground mounted (CSF) shall be returned to natural condition within thirty (30) days or as soon as weather permits.

i. A site plan shall be submitted at the time of application and shall include:

1. Property lines and physical dimensions of the site.

2. Location of (CFS) system(s) and all related equipment, setbacks from the property lines, easements, and any structures on the property.
3. Location of any required signage.

4. Elevation of proposed (CFS) at its maximum tilt.

5. Design specifications of the proposed (CFS) equipment in sufficient detail to demonstrate compliance with the requirements of this section.

F. Signs, both temporary and permanent, are prohibited on solar panel or Solar Cell Systems except as follows:

a) Manufacturer's or Installer's information on the system.

b) Appropriate warning signs and placards.

Solar panels or Solar Cell systems shall comply with all applicable sections of the Ohio Building Code and applicable industry standards such as the American National Standard Institute (ANSI), Underwriters Laboratories (UL), or an equivalent third party. All electrical wires and connections on freestanding solar or Solar Cell system shall be placed underground.

G. Utility Connection:

Solar panels or solar collection systems proposed to be connected to the local utility grid through net metering shall adhere to Ohio Revised Code Section 4928.57 or any future corresponding statutory provision.

H. Maintenance

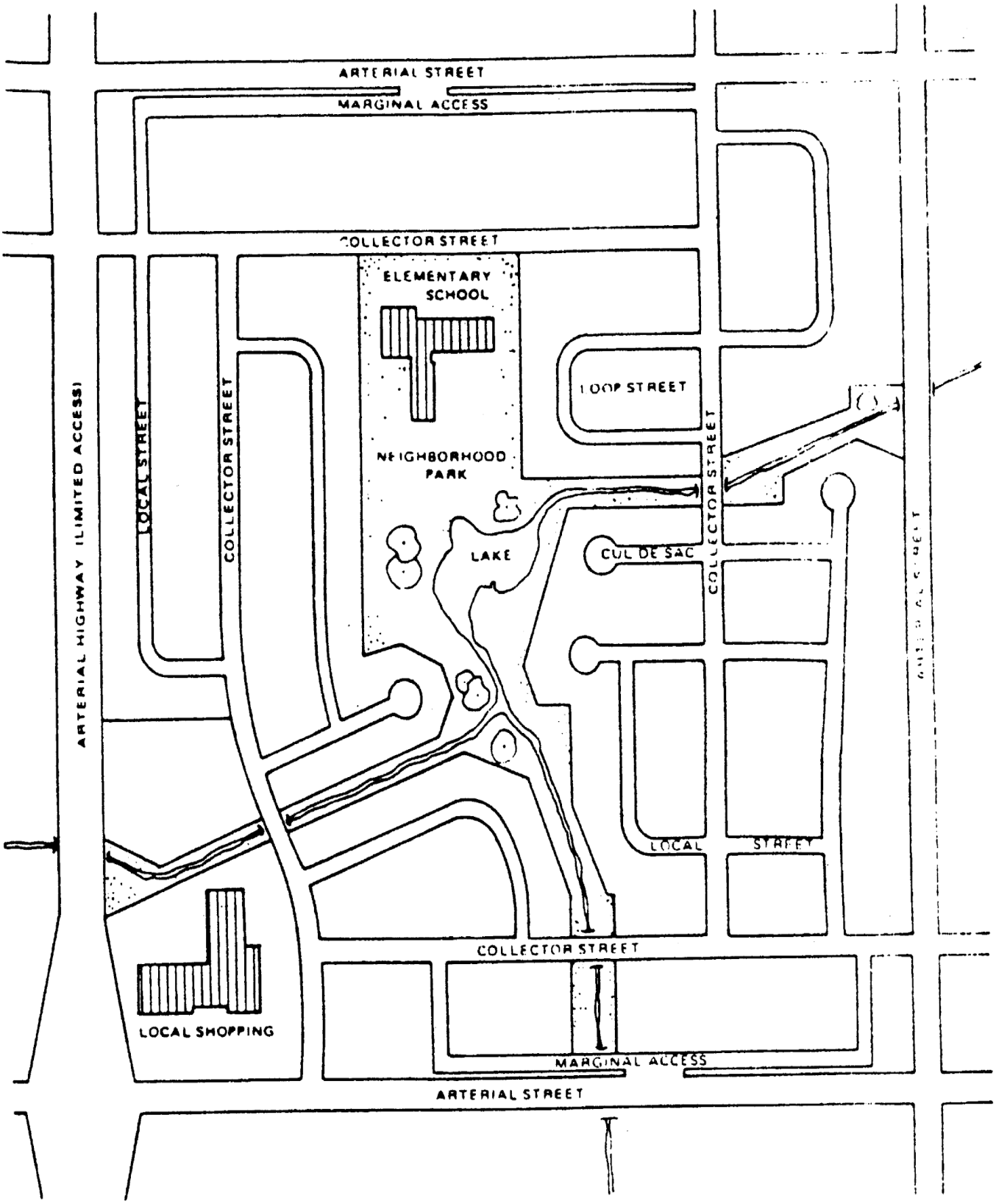
All solar panel or solar cell systems shall be maintained in good working order.

I. Compliance with Regulations:

A. All systems shall comply with applicable fire, electrical and zoning codes.

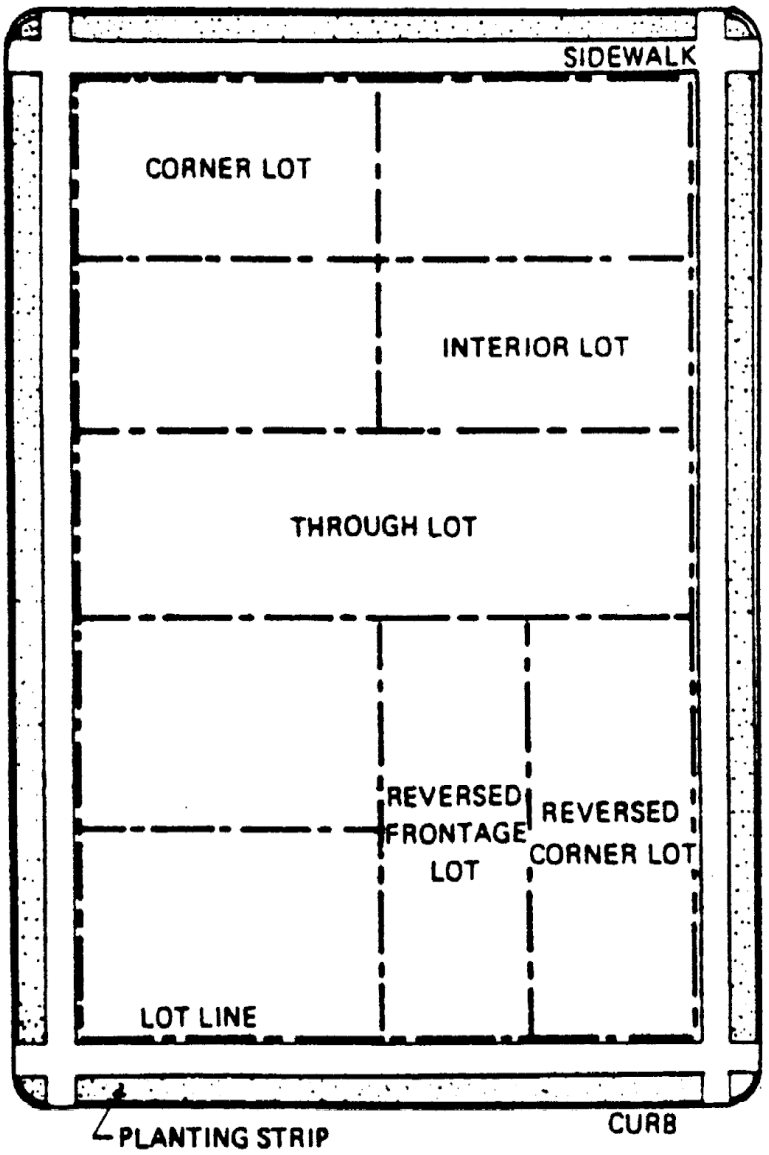
B. All standards are absolute. Once SC/CFS are permitted the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the SCS/CFS does not comply with the provisions of this article, the operator shall promptly take all measure to comply with these regulations, including but not limited to, discontinued operation of one of more SCS/CFS.

C. Variations to the regulations and standards of this section may not be altered. Any deviations shall require an application to the Board of Zoning Appeals (i.e.) variance to area, number of units and use).

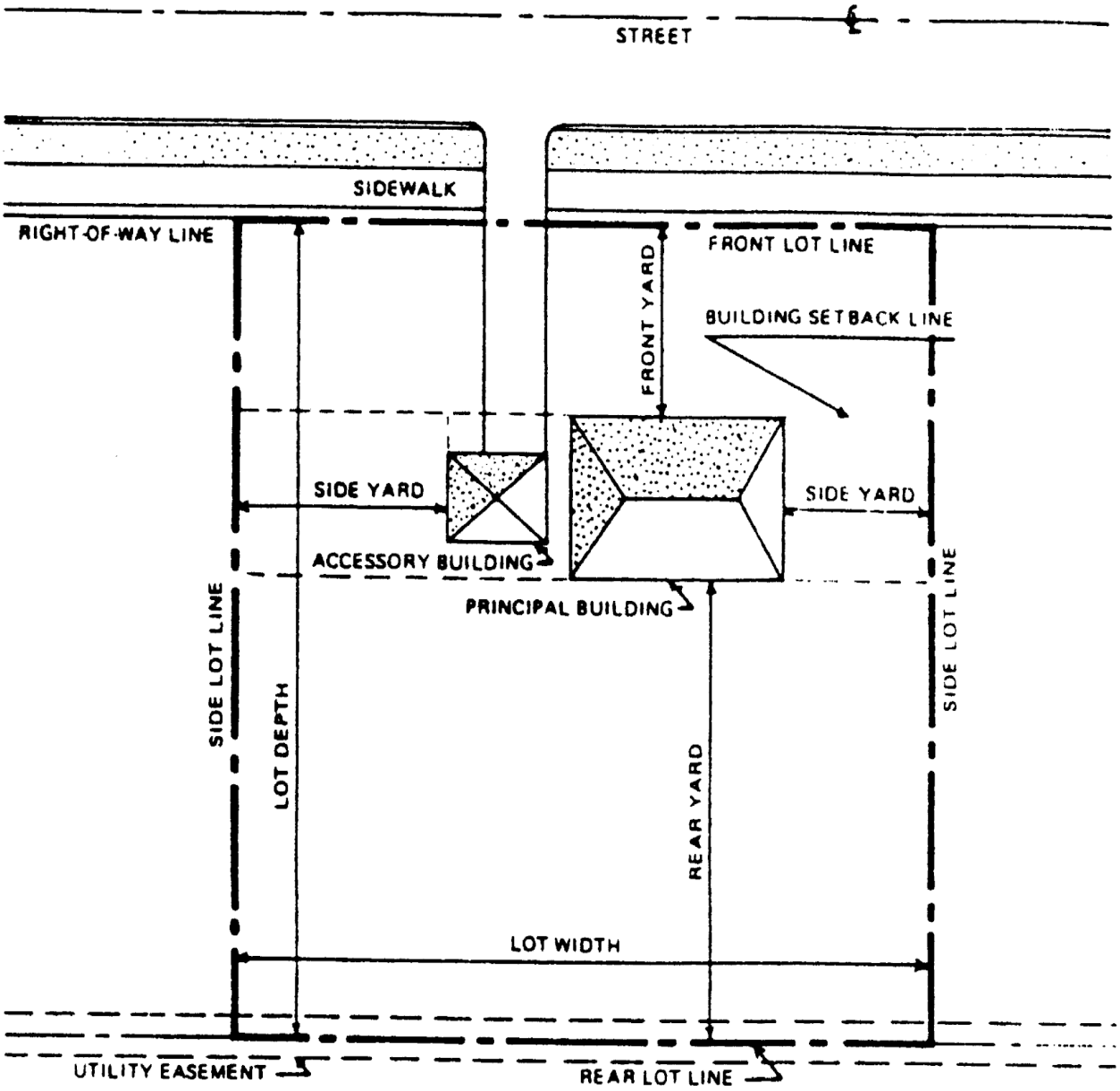


CLASSIFICATION OF THE THOROUGHFARE SYSTEM

STREET



TYPES OF LOTS

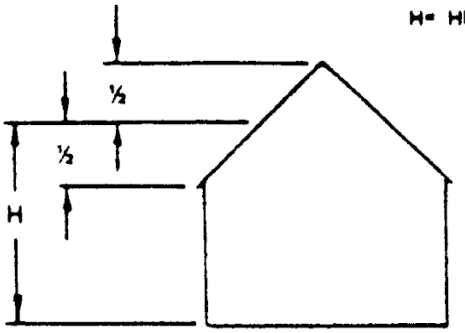


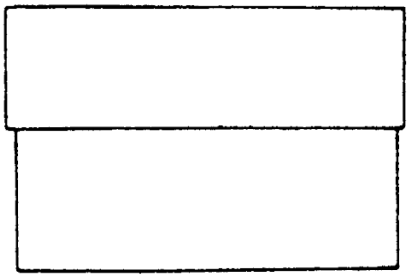
LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PER CENT OF LOT OCCUPIED BY BUILDING

LOT TERMS

H= HEIGHT OF BUILDING

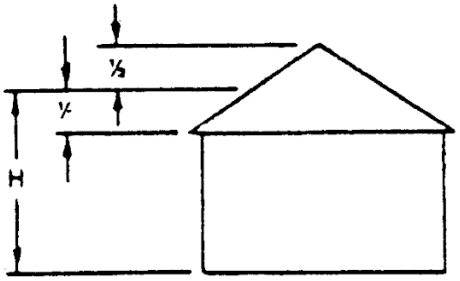


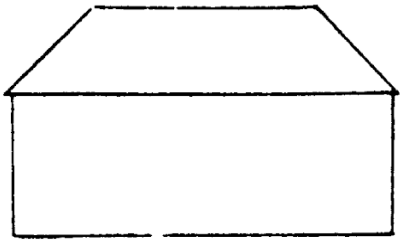


END VIEW

GABLE ROOF

SIDE VIEW

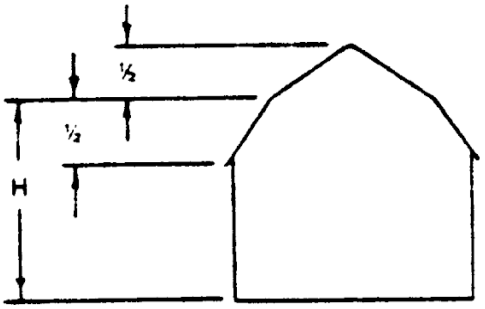


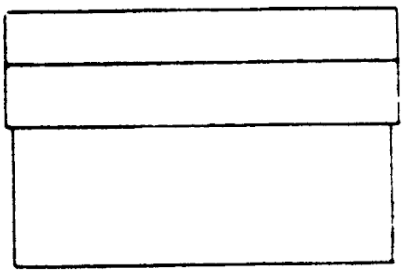


END VIEW

HIP ROOF

SIDE VIEW

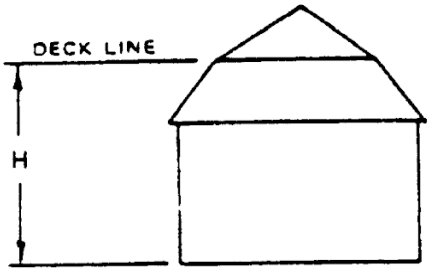


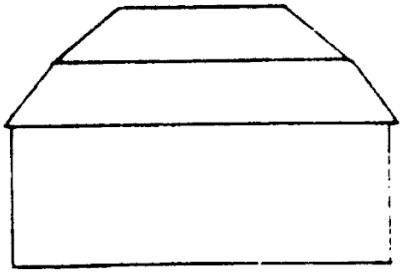


END VIEW

GAMBREL ROOF

SIDE VIEW



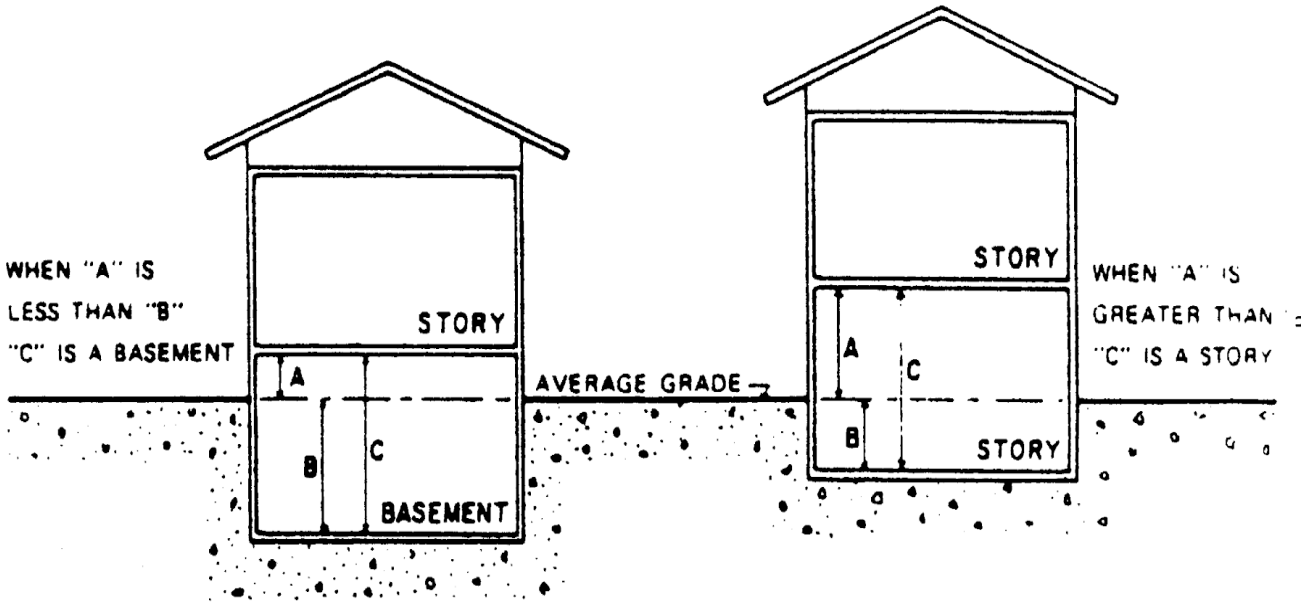


END VIEW

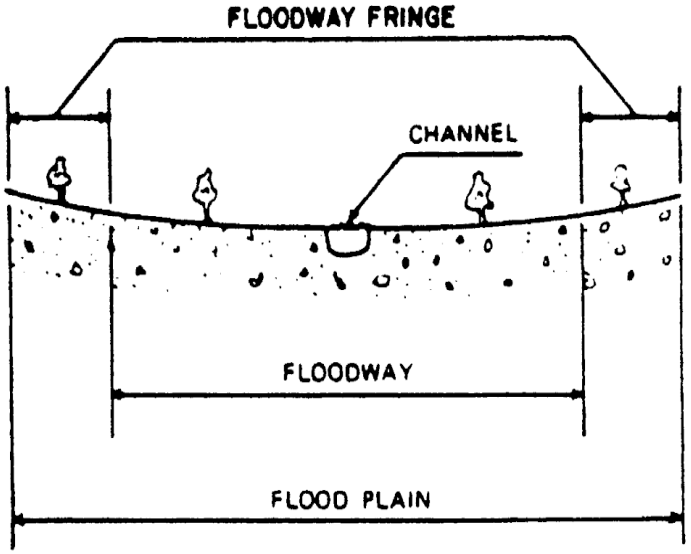
MANSARD ROOF

SIDE VIEW

ROOF TYPES AND BUILDING HEIGHT



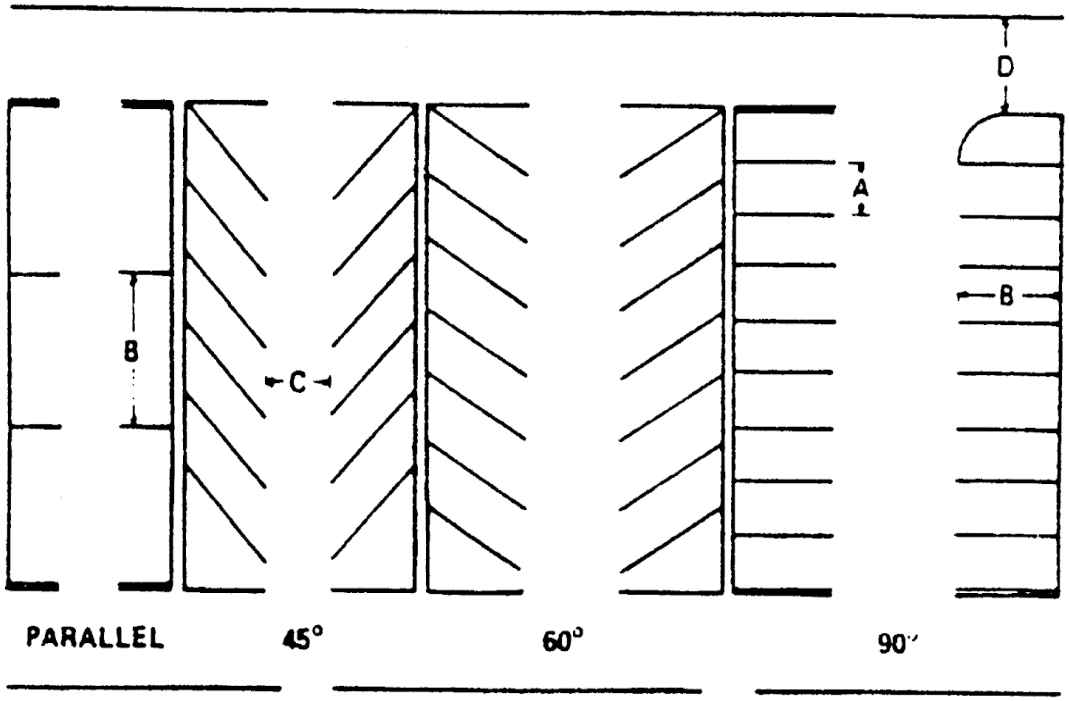
BASEMENT & STORY



FLOOD PLAIN TERMS

ARTICLE

OFF-STREET PARKING AND LOADING FACILITIES

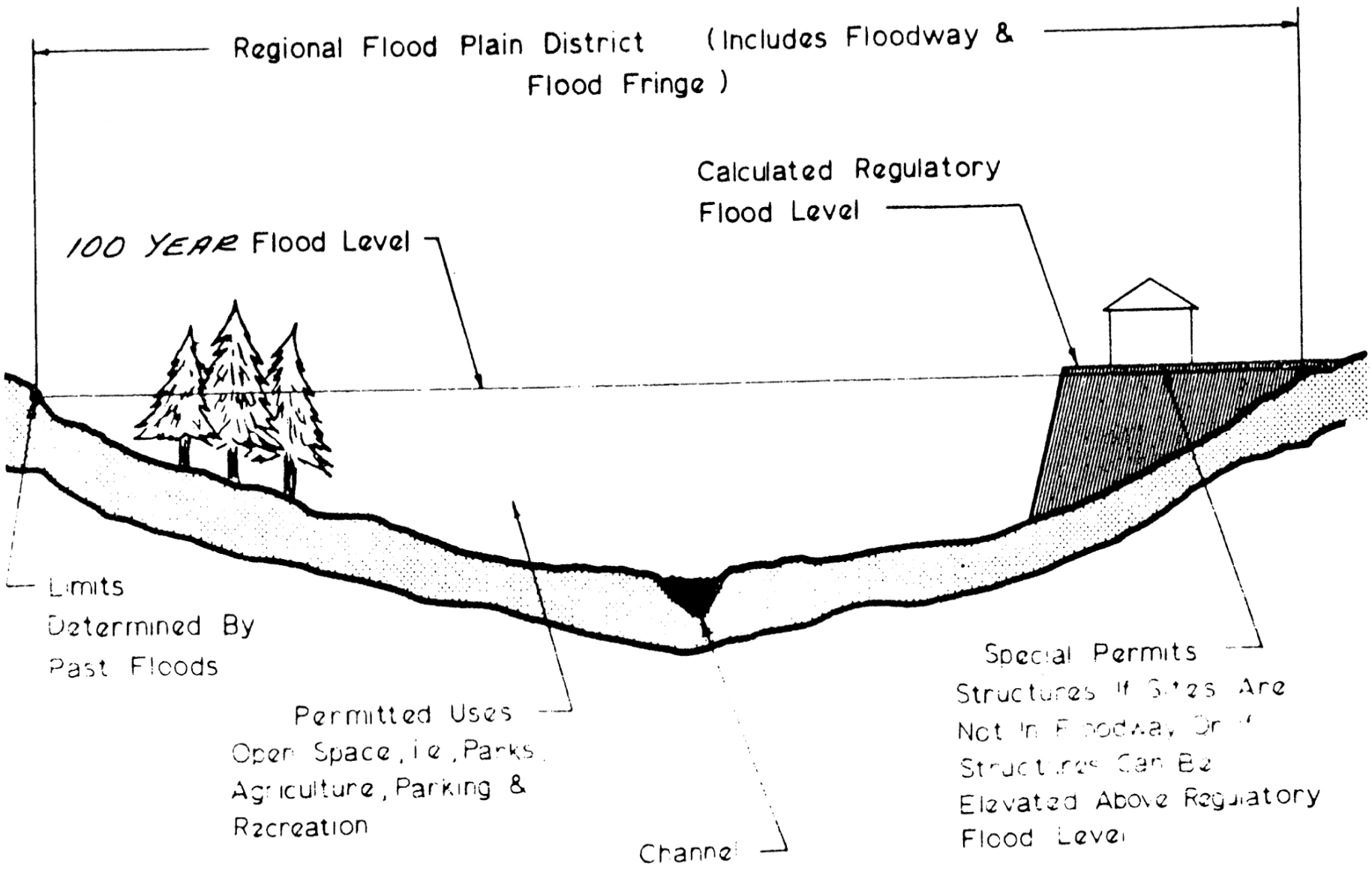


OFFSTREET PARKING

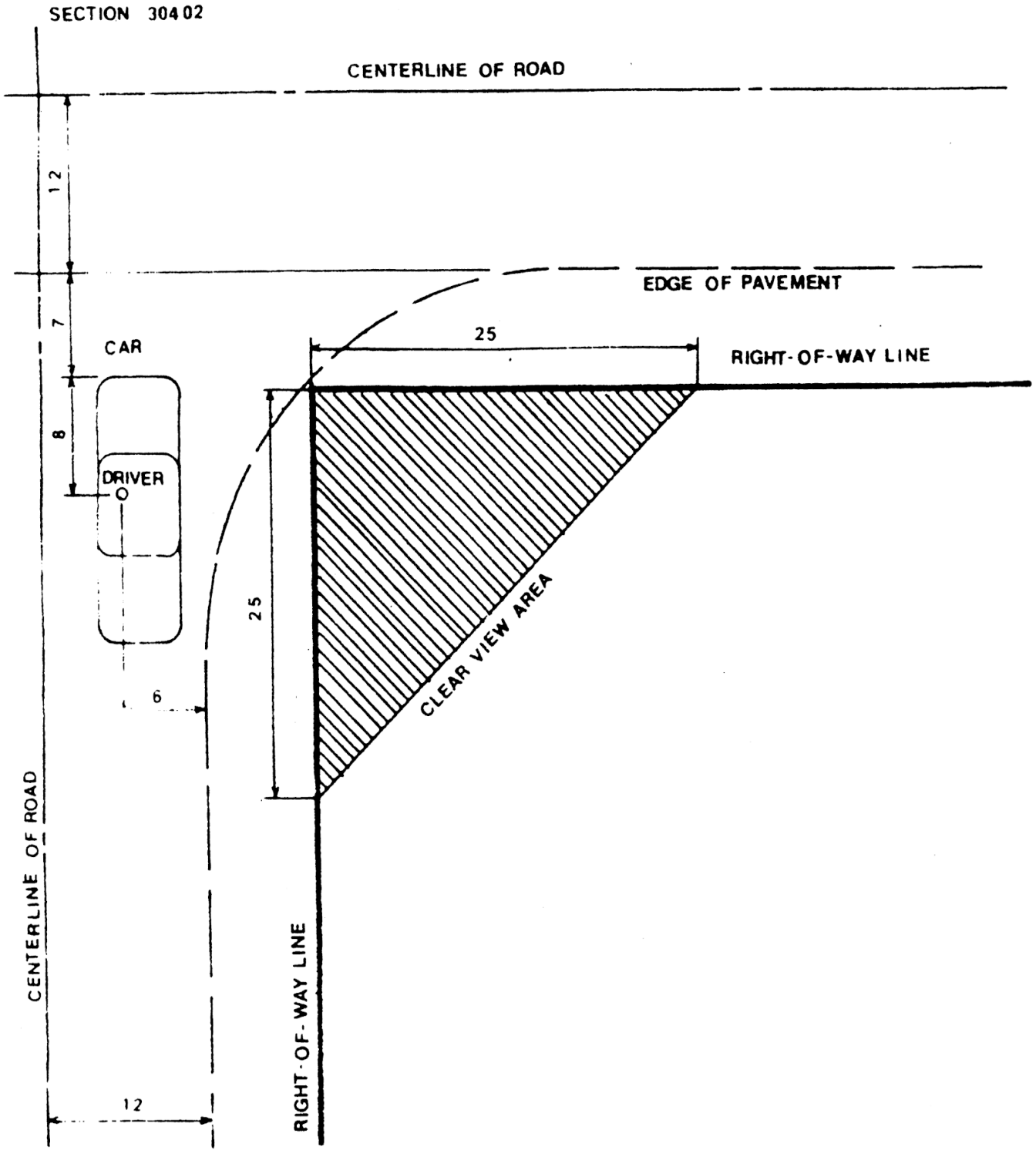
OFF-STREET PARKING DIMENSIONAL TABLE

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	14'	14'	14'	14'

Single District Flood Plain



APPENDIX A, DIMENSIONAL STANDARDS
FIGURE 7



CLEAR VIEW OF INTERSECTING STREETS