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ZONING RESOLUTION UPDATE

*As recommended by the Zoning Commission
Adopted by the Township Board of Trustees
Effective 12/31/20*

Includes all amendments approved through August 7, 2023

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**ARTICLE I
TITLE, PURPOSE, INTERPRETATION**

**CHAPTER 110
Title and Purpose**

110.01	Short title.	110.03	Purpose.
110.02	Authorization.	110.04	Uniformity of regulations.

Sec. 110.01 SHORT TITLE.

This Resolution shall be known as the “Northfield Center Township Zoning Resolution” and shall be applicable to all land in Northfield Center Township, Summit County, Ohio.

Sec. 110.02 AUTHORIZATION.

The authority for establishing “The Northfield Center Township Zoning Resolution” is derived from ORC §519.01 through 519.99, inclusive.

Sec. 110.03 PURPOSE.

In order to promote and protect the public health, safety, morals, and general welfare of the residents of the unincorporated area of Northfield Center Township, Summit County, Ohio, and to ensure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt this Zoning Resolution in accordance with a Comprehensive Plan to regulate the: location; height; bulk; number of stories and sizes of buildings and other structures including tents, cabins, mobile homes and manufactured homes; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts, and other spaces; the density of population; the uses of buildings and other structures including tents, cabins, mobile homes and manufactured homes; and the use of land for trade, industry, residence, recreation, or other purposes and for such purposes to divide the unincorporated Township into districts or zones of such number, shape, and areas as the Board determines and to provide for the administration and enforcement of such regulations.

Sec. 110.04 UNIFORMITY OF REGULATIONS.

All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone except as otherwise permitted by the ORC for Planned Residential Development, but the regulation may differ from those in other districts or zones.

**CHAPTER 120
Interpretation**

120.01	Interpretation.	120.05	Repealer.
120.02	Compliance with regulations.	120.06	Disclaimer.
120.03	Compliance with building and subdivision regulations.	120.99	Effective Date.
120.04	Validity and separability.		

Sec. 120.01 INTERPRETATION.

In their interpretation and application, the provisions of this Resolution, and any amendments thereto, shall be held to be the minimum requirements, unless otherwise clearly specified, for the promotion of public health, safety, morals and general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standard, shall govern.

Sec. 120.02 COMPLIANCE WITH REGULATIONS.

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building, structure or land be used in a manner that does not comply with the district provisions established by these regulations for the district in which the building, structure or land is located.

Sec. 120.03 COMPLIANCE WITH BUILDING AND SUBDIVISION REGULATIONS.

All structures shall comply with the standards and requirements of the building regulations, adopted and administered by the Summit County Building Standards Department; and, where applicable, the Summit County Subdivision Regulations as adopted and administered by the Summit County Planning Commission and the Summit County Council.

Sec. 120.04 VALIDITY AND SEPARABILITY.

If any section, subsection, or any provision of this Resolution, or amendments thereto, is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

Sec. 120.05 REPEALER.

This Northfield Center Township Zoning Resolution update adopted effective December 31, 2020, constitutes a comprehensively revised Zoning Resolution for the Township and repeals the Northfield Center Township Zoning Resolution adopted effective January 4, 2001 and all subsequent amendments together with the zoning map. The Zoning Resolution adopted effective January 4, 2001, and all subsequent amendments and zoning map dated prior to December 31,

2020, shall be superseded and the Northfield Center Township Zoning Resolution shall read as set forth in this updated Zoning Resolution.

Sec. 120.06 DISCLAIMER.

Although a use may be indicated as permitted in a zoning district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

Sec. 120.99 EFFECTIVE DATE.

This Resolution and amendments thereto shall take effect and be in full force and effect from and after the earliest period allowed by law.

**CHAPTER 130
Definitions**

130.01 Interpretation of terms and words. 130.02 Definitions.

Sec. 130.01 INTERPRETATION OF TERMS AND WORDS.

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

- A. Words used in the present tense shall include the future tense, the singular number shall include the plural, and the plural number includes the singular.
- B. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- C. The word “used” shall include the words “arranged”, “designed”, “constructed”, “altered”, “converted”, or “intended to be used”.
- D. The word “person” shall mean, in addition to an individual, a firm, corporation, association, organization, partnership, trust or any legal entity, which may own and/or use land or buildings.
- E. The word “lot” includes the words “plot” or “parcel”.
- F. When the number of days are specified, days shall mean calendar days unless specifically stated otherwise.

SEC. 130.02 DEFINITIONS. *Amended via Resolutions No. 04/11-08a, 05/09-12a, 11/09-26a, 12/02-27a, 14/06-02c, 14/07-14a, and 14/10-06E.*

- Words used in this resolution are used in their ordinary English usage.
- For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:

- **A-FRAME OR SANDWICH BOARD SIGN:** A sign made of wood, cardboard, plastic or other lightweight and rigid material having the capability to stand on its own rigid supporting frame in the form of a triangle or an inverted V and being portable and movable. Also known as a sandwich board sign.



- **ACCESS DRIVE:** A paved strip, which provides a vehicular connection between off-street parking spaces and a street.
- **ACCESSORY, BUILDING:** A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed subsequent to the main use of the principal building or land.
- **ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building located on the same lot or premises as the principal use or building.
- **ADULT DAY-CARE FACILITY:** An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.
- **AGRICULTURE:** The cultivating of land for the raising or production of crops, flowers, vegetables, trees, ornamental plants or grapes; the raising of livestock, poultry or bees on a commercial scale; and/or the breeding, raising and care of horses, dogs or similar domesticated animals. As used in Sections 519.02 to 519.25 of the Revised Code, “agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock,

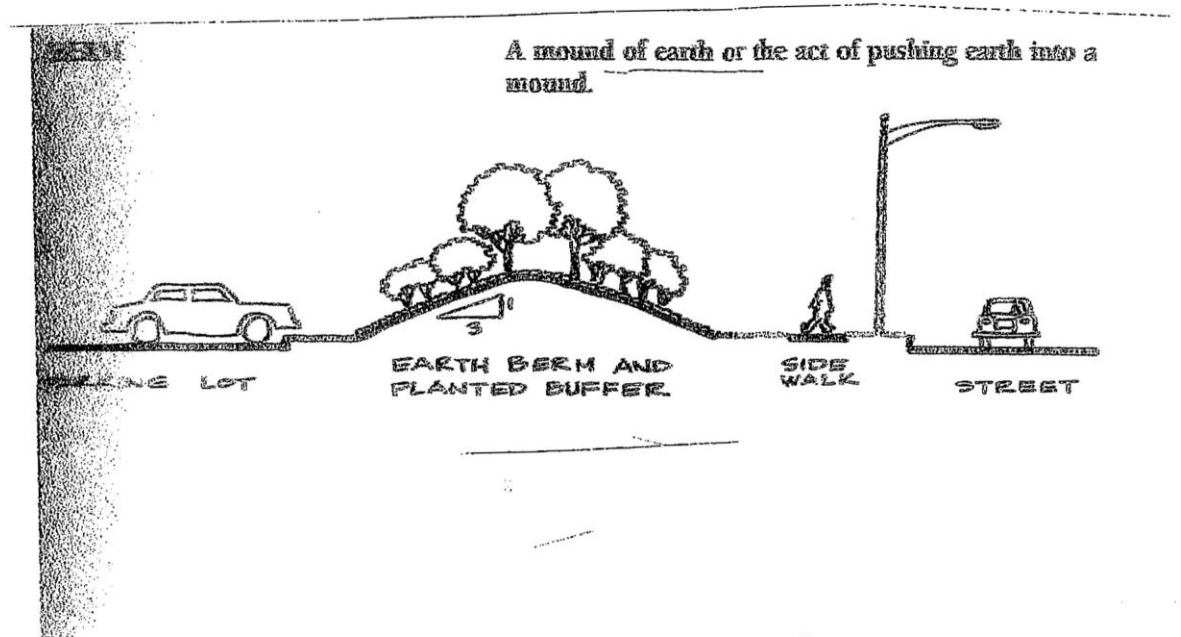
ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; forestry and forestry products; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. The use of the land shall not include the commercial feeding of garbage to livestock. A use shall be classified as agriculture only if agriculture is the principal use of the land.

- **ALLEY:** A public thoroughfare that affords only a secondary means of access to a lot or abutting property.
- **ALTERATION:** Any change or modification to a use or a facility, or an enlargement, whether by extending on a side or by increasing height or by moving from one location to another.
- **AMUSEMENT RIDES:** Mechanical and/or inflatable devices or structures that move people to create enjoyment.
- **ASSISTED LIVING FACILITY:** Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.
- **ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a residential, commercial or industrial development is a member and each unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.
- **AUTOMOBILE SERVICE STATION (See also Gasoline Station):** A building, part of a building, structure or space, which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service and the making of repairs to motor vehicles, except that repairs described as major repairs in AUTO REPAIR GARAGE shall not be permitted.
- **AUTOMOBILE WRECKING YARD:** The use of more than twenty-five (25) square feet of any land, building or structure used for the purpose of wrecking, dismantling, or storing, for private and/or commercial purposes, any discarded motor vehicle.

- **AUTO REPAIR GARAGE:** A building, part of a building, structure or space, which is used for the repair, rebuilding or reconstruction of motor vehicles or parts thereof including collision service, painting, washing and steam cleaning of vehicles.
- **AUTO/TRUCK AUCTION ESTABLISHMENT:** An establishment where automobiles and trucks are offered for sale to persons who bid on the vehicle in competition with others.
- **AWNING SIGN:** any hood or awning made of cloth or with metal frames attached to a building and supported by the ground or sidewalk.
- **BASEMENT:** A story having more than one-half of its height below the average level of the adjoining ground. A basement shall not be counted as a story for the purpose of height regulations.
- **BED AND BREAKFAST HOME:** A single-family dwelling in which the principal use is permanent residential quarters and in which as an accessory use no more than three (3) guestrooms are made available to no more than six (6) transient guest for compensation. A BED AND BREAKFAST HOME does not include hotels, motels, or inns, as otherwise regulated in the Resolution.
- **BILLBOARD:** A "sign" which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.
- **BLADE OR PROJECTING SIGN:** a sign that is attached to the wall of a building and is perpendicular to the flow of either pedestrian or vehicular traffic.
- **BLOCK FRONT:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, all the property abutting on one (1) side between an intersecting street and the dead end of a street.
- **BOARD:** The Zoning Board of Appeals of Northfield Center Township.
- **BODY OF WATER:** Any mass or accumulation of water lying or flowing within or through a natural or manmade depression in the earth, including, but not limited to, streams, creeks, rivers, ponds, lakes and reservoirs; and not including approved drainage ditches and culverts, storm sewers, retention basins and other depressions designed solely for the temporary runoff and/or temporary accumulation of storm water; and not including swimming pools. The area of bodies of water as defined

herein shall include the outer edges or banks or shoreline of the depression wherein the water lies or flows.

- **BOX TRUCK:** Also known as a box van, cube van, bob truck or cube truck-is a chassis cab truck with an enclosed cuboid-shaped cargo area.
- **BUFFERING:** The purpose of a buffer is to create a visual and/or physical barrier between conflicting, incompatible and/or visually undesirable land uses and to obscure the view of outdoor storage, rubbish areas, dumpsters, parking, loading areas or structures.



- **BUILDING:** Any structure having one or more floors and a roof, and used for the shelter, enclosure, or protection of persons, animals or property, having a permanent location on the ground.
- **BUILDING CODE:** The ordinance adopted by the County of Summit that prescribes minimum standards for the construction of buildings within Summit County, including Northfield Center Township.
- **BUILDING HEIGHT:** The vertical distance measured from the proposed finished grade at the front of the building to the highest point of the roof.
- **BUILDING LINE:** An imaginary linear extension of the building wall parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the side yard abutting the street.
- **BUILDING PERMIT:** A permit issued by Summit County Building Department before construction, substantial rehabilitation or internal modifications can legally take place.
- **BUILDING, PRINCIPAL:** A building that accommodates the primary use to which the premises are devoted.
- **BULLETIN BOARD:** an announcement sign which directs attention to and is located on the lot of a public or semipublic institution.
- **CANOPY SIGN:** a sign attached to the soffit or fascia of a canopy, covered entrance or walkway, or to a permanent awning or marquee.
- **CAR WASH:** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a chain conveyor, blower, and steam cleaning and/or high-pressure devices and/or which may employ hand labor for the washing and/or waxing of automobiles.
- **CENTRALIZED SEWER SYSTEM:** A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.
- **CENTRALIZED WATER SYSTEM:** A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.
- **CERTIFICATE OF COMPLIANCE:** An official statement from the Northfield Center Township Zoning Inspector certifying that a given building, structure, or parcel of land is in compliance with the provisions of the Northfield Center Township Zoning Resolution as specified on the

zoning certificate previously issued for the parcel and therefore may be occupied and used lawfully for the purpose designated on the zoning certificate.

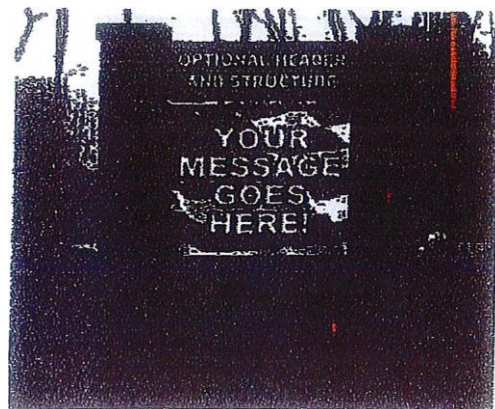
- **CHANGEABLE COPY SIGN:** a sign designed to display multipole or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays and are defined separately.
- **CHICKEN:** A domestic fowl, *Gallus domesticus*, a type of bird kept on a farm for eggs or its meat.
- **CHICKEN COOP/HEN HOUSE:** A building where female chickens are kept.
- **CHILD DAY-CARE:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.
- **CLINIC, MEDICAL:** A building used for the care, diagnosis, and treatment of sick, ailing, infirm or injured human patients by a group of physicians or dentists practicing medicine together, but which is not used to lodge patients overnight.
- **CLINIC, VETERINARY:** A place where animals are given medical or surgical treatment, and the boarding of animals occurs only as an incidental use.
- **COMMERCIAL RECREATION FACILITY:** A recreation facility operated as a business and open to the public for a fee.
- **COMMISSION:** The Northfield Center Township Zoning Commission.
- **COMMON AREA:** Any land area, and associated facilities, within a residential, commercial or industrial development that is held in common ownership by the residents or tenants of the development through a Homeowners' Association, Community Association or other

- legal entity, or which is held by the individual members of a Condominium.
- COMMON DRIVE: A private way that provides vehicular access to two dwelling units.
 - COMPREHENSIVE LAND USE PLAN: The long-range plan for the development of the township as officially adopted and amended by the Township Trustees.
 - CONDITIONAL ZONING CERTIFICATE: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use listed in the district regulations, other than a use permitted by right, to be established within the district on a specific parcel. See also; Use, Conditional.
 - CONGREGATE CARE FACILITY: A residential facility to provide for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units designed specifically for the elderly or handicapped, and have common social, recreational, dining and food preparation facilities.
 - CONSTRUCTION EQUIPMENT: Any equipment or device designed and intended for use in construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors, rollers, pumps, concrete mixers, graders, or other material handling equipment. Also includes equipment trailers. *Adopted via Resolution No. 22/03-07A.*
 - CONSTRUCTION VEHICLE: means any car, truck, trailer or other vehicle used to perform any part of a construction activity, with necessary permit(s), or to transport equipment, supplies or workers to a construction site.
 - DAY-CARE CENTER: Any place other than a family day-care home in which day-care is provided for either adults or children.
 - DEMOLITION: The teardown and removal of all structures.
 - DENSITY: The number of dwelling units permitted per acre of land.
 - DILAPIDATION: Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, peeling or illegible; where the structural support is visibly bent,

broken, dented, rusted, peeling, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the Building and Housing Code.

- **DIRECTIONAL:** A sign indicating a direction or location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.
- **DISCARDED MOTOR VEHICLE:** Any inoperable motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled, or stored and which does not have a license thereon which is valid or was valid not more than six (6) months previous.
- **DISH ANTENNA:** A device that receives communications or other signals from orbiting satellites and other extraterrestrial sources for home audio-video viewing, and which includes a low noise amplifier (LNA) which is situated at the focal point of the receiving component to magnify and transfer signals into the interior of the building.
- **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers while said customers remain in their motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.
- **DRIVEWAY, GENERAL:** Driveways are restricted to that area of a lot reserved for ingress and egress to the main structure and to detached garages and shall consist of a hard surface material such as gravel, asphalt, concrete, brick, stone, or porous pavers.
- **DRONE:** See Unmanned Aerial Vehicle ("UAV").
- **DWELLING:** Any building that is designed or used primarily for residential purposes.
- **DWELLING, MULTI-FAMILY:** A building designed for, or occupied by three (3) or more families, living independently of each other.
- **DWELLING, TWO-FAMILY RESIDENTIAL:** A building designed for or converted to contain two (2) dwelling units.
- **DWELLING UNIT:** A building, structure or portion thereof, comprising living, dining, sleeping room(s), storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.

- DWELLING UNIT, ATTACHED SINGLE-FAMILY: A dwelling unit attached to other dwelling units in contiguous side-by-side groupings, which are physically attached to one another by common or adjoining vertical walls without openings extending from the basement floor to the roof, which have individual heating and plumbing systems and separate ground floor entrances.
- DWELLING UNIT, CLUSTER SINGLE-FAMILY: A building designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units in a Planned Residential Development, and which may be located on its own subdivided lot that does not have a front, side and/or rear yard that complies with the standard zoning district regulations.
- DWELLING UNIT, DETACHED SINGLE-FAMILY: A building designed and used for one (1) family situated on a parcel having front, sides and rear yards and separated from all other dwelling units by open space from ground to sky.
- EASEMENT: An interest in or right of use over the land of another.
- ELECTRONIC SIGN: A changeable copy sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any government sign located within the right-of-way that functions as a traffic-control device and is described and identified in the Ohio Manual of Uniform Traffic Control Devices.



- **ESSENTIAL SERVICES:** The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, a railroad, whether publicly or privately owned, or a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- **EVENT:** A thing that happens, especially one of importance; planned, public or social occasion.

Adopted via Resolution No. 18/10-01 A

- **EXCAVATION:** The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground, including the clearing of trees.
- **FAMILY:** One individual, any number of individuals related by blood, adoption, foster or marriage plus no more than two (2) unrelated individuals, or not more than four (4) unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined.
- **FAMILY DAY CARE HOME, TYPE B:** A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.
- **FENCE:** Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.
- **FIRE DEPARTMENT:** An organization in charge of preventing or putting out fires, especially one working or currently contracted for a local government.

Added via Resolution No. 18/08-06 F

- **FLEA MARKET:** The use of property for the periodic display, sale, exchange or barter of new or used merchandise at retail where a number of vendors occupy closed-in areas or open retail stalls.
- **FLEET VEHICLES:** Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.
- **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of all of the one (1) or several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) or more units of a building. Floor area, for the purposes of these regulations shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps. However, if the basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
- **FLOOR AREA, DWELLING UNIT:** The sum of the gross horizontal area of all floors of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two dwelling units. It shall not include unfinished basements, attached garages, attics, terraces, breezeways, open porches, and covered steps.
- **FOOD ESTABLISHMENT:** A business operation that prepares and serves food and/or beverage items for sale, either by cash, credit, or donations for human consumption on or off the premises.
- **FREE-STANDING GROUND SIGN:** A stationary sign which is not affixed to a building or supported by a pole or poles. It may be supported from the ground by means of a free-standing wall, monument, or other structural support system.



- **FRONT OF BUILDING:** A “front of building” is the part that faces the street. If there is a dedicated street, the portion of the building that faces it is the front of the building.

Adopted via Resolution No. 20/12-07 F

- **FRONT YARD:** A space extending the full width of the lot between any building and the front lot line measured perpendicular to the building at the closest point to the front lot line. *Adopted via Resolution No. 22/03-07A.*
- **FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
- **GARAGE, PARKING:** A principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature.
- **GARAGE, PRIVATE:** A detached accessory building located on the same lot as the dwelling, or a portion of the dwelling, that is enclosed on all sides and designed to store motor vehicles and other normal household accessories of the residents of the principal building including travel trailers and/or boats, with no facilities for mechanical service or repair of a commercial or public nature.

- **GARAGE SALE:** The sale of used household items and others conducted from or on a residential premises/personal property in any residential zone, as defined by the zoning resolution. Garage sale includes, but is not limited to, lawn, basement, yard, attic, porch, room, backyard, patio, tag, estate or rummage sale.
- **GASOLINE STATION (See also Automobile Service Station):** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities for the sale of other retail products.
- **GAZEBO:** A building consisting of a detached, covered, freestanding open air structure.
- **GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- **GRADE, FINISHED:** The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
- **GUESTROOM:** A room within the principal dwelling that is intended, arranged, or designed to be occupied by one (1) or more guests, but in which no provision is made for cooking.
- **HANDICAPPED:** A physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
- **HOME FOR HANDICAPPED PERSONS, FAMILY:** A residential facility that provides room and board, personal care, rehabilitative or habilitative services, and supervision in a family setting for 5 to 8 handicapped persons. (See HANDICAPPED.) One to 4 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Resolution (see FAMILY), and are not subject to the conditional use regulations for family homes. The term "family home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house",

"lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.

- HOME FOR HANDICAPPED PERSONS, GROUP: A residential facility that provides room and board, personal care, rehabilitative and habilitative services, and supervision in a family setting for at least 9 handicapped persons. (See HANDICAPPED.) The term "group home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
- HOME OCCUPATION: A business enterprise conducted within the confines of a dwelling unit which is subordinate and incidental to the use of the premises as a dwelling, and which is carried on by a person who resides in such dwelling unit.
- HOTEL: A building or series of buildings which is designated or used to offer short-term lodging in four (4) or more sleeping rooms or units for compensation, with or without meals.
- INTERNET SWEEPSTAKES CAFÉ: by Resolution No. 12/02-27a) Any commercial establishment, whether as a principal or an accessory use situated on a parcel of real estate, where customers purchase "internet time" or "prepaid phone cards" in order to utilize electronic devices or computer terminals to access the internet, play computer games, and to participate in sweepstakes to win prizes of cash, merchandise, or other items of value to be redeemed or otherwise distributed. The value of prizes to be distributed may be determined by the electronic games played or by predetermined odds. These establishments may also serve food and beverages. Other similar uses would include; Cybercafés or Lounges, Internet Sweepstakes, Video Sweepstakes, Video Gaming Arcade, Electronic Gaming Operations, or other related establishments.

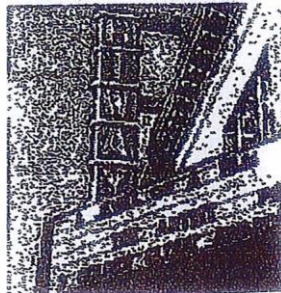
A COMPUTERIZED SWEEPSTAKES DEVICE is any computer, machine, game, or apparatus which, upon the insertion of a coin, plate, disc, plug, key, card, token, access number, or similar object, and/or upon the payment of "anything of value", and which may be operated by the public generally for use as a contest of skill, entertainment or amusement. Computerized Sweepstakes Devices do not include: (a) any machine designated for use by the Ohio Lottery Commission, or (b) a juke box, audio book, video player or any similar device from which the only value received is a visual or audio transmission or the playing of a game.

ANYTHING OF VALUE is cash, cash equivalents, tangible objects, credits to play, and any other tangibles or intangibles, no matter how slight. Anything of value includes playing a game, viewing a video display, hearing an audio transmission, and reading entries or outcomes from any other kind of device. A person who gives anything of value for a product or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an entertainment device, is deemed to have given value for the access to the entertainment device.

- **INDOOR RECREATION FACILITY:** An indoor facility for any number of recreational uses such as game courts, exercise equipment, exercise and/or dance floor area, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.
- **INOPERABLE MOTOR VEHICLE:** Any motor vehicle, licensed or unlicensed, without regard to its age or value, and which is apparently inoperable, or is in such condition that it could not be legally operated on the public streets, or is in an extensively damaged, dilapidated, or disassembled condition.
- **JUNK YARD:** The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded, or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials, are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.
- **KENNEL:** Any lot or premises other than a veterinary clinic on which four (4) or more domesticated animals more than four (4) months of age are housed, bred, or boarded.
- **LANDSCAPED AREA:** An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- **LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

- **LOT:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces are herein required. The term "zoning lot" is used synonymously with "lot" in this Zoning Resolution. Such lot shall have frontage on an improved public street but not include any portion thereof, or on an approved private street, and may consist of:
 - a) A single lot of record;
 - b) A portion of a lot of record;
 - c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- **LOT AREA:** The area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- **LOT, CORNER:** A lot abutting two streets at their intersection where the angle of the intersection is not less than 45 degrees nor more than 135 degrees.
- **LOT, DOUBLE FRONTAGE:** A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
- **LOT FRONTAGE:** The number of lineal feet that the lot abuts the public street right-of-way.
- **LOT, INTERIOR:** A lot abutting or with frontage on only one street.
- **LOT LINE:** The boundary line defining the limits of the lot. Lot line is synonymous with "property line."
 - a) **FRONT LOT LINE:** The line separating an interior lot from the street right-of-way on which the lot fronts, or the shortest line of a corner lot that abuts a street, except that when the lot lines abutting streets are of equal lengths, the front lot line shall be the lot line abutting the street that has the longest block front.
 - b) **REAR LOT LINE:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - c) **SIDE LOT LINE:** Any lot line other than a front or rear lot line.

- **LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the Summit County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the Office of the Register of Deeds of Summit County.
- **LOT WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front setback line.
- **MAIL BOX:** A private box into which mail is delivered, especially one mounted on a post at the entrance to a person’s property.
- **MANUFACTURED HOME:** A dwelling unit fabricated at an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.).
- **MARQUEE SIGN:** A sign attached to the soffit or fascia of a marquee, to a roof over entrance or to a permanent awning.



- **MEDICAL MARIJUANA:** Medical Marijuana shall have the meaning as that term defined in the Ohio Revised Code 3796.01 (A) (2) as adopted by HB 523.

Adopted via Resolution No. 18/08-01 A

- **MEMBERSHIP SPORTS/FITNESS CLUB:** An indoor facility for any number of recreational uses such as game courts, exercise equipment, pools, locker rooms, spa, whirlpool or hot tub, and which may include an accessory retail shop for the sale of related equipment.

- **MINI/SELF STORAGE:** A self-service storage facility comprised of individual storage units that are available for rent and restricted to personal, private access.
- **MOBILE FOOD VEHICLE:** A motorized or bicycle powered vehicle or trailer equipped to enable the cooking or preparation of food items for consumption. "Food" shall include cooked or processed items that may have been previously prepared, packaged or prepared -on site, ice beverages (hot or cold), or any ingredient intended for use or sale in whole or part for human consumption. This definition includes but is not limited to, mobile food kitchens, pushcarts vendors, bicycle cart vendors, mobile food trucks/trailers and coffee vehicles. This definition does not apply to " meals on wheels" program vehicles or home food delivery services. .
- **NONCONFORMING BUILDING:** A building lawfully existing on the effective date of this Zoning Resolution or any amendment thereto which on such effective date does not conform to the regulations governing buildings of the district in which it is located.
- **NONCONFORMING LOT:** A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.
- **NONCONFORMING SITE CONDITION:** Any structure lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which, on such effective date, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.
- **NONCONFORMING USE:** A use of a structure or land existing on the effective date of this Zoning Resolution or any amendment thereto, which on such effective date does not conform to the use regulations, or performance standards of the district in which it is located.
- **NUISANCE:** Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare, heat, vegetation, garbage, refuse and other debris. *Amended via Resolution No. 14/06-02C*
- **NURSING HOME OR CONVALESCENT HOME:** An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the

rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.

- **OPEN-AIR FUND RAISER/FESTIVAL:** An activity or event sponsored by a nonprofit or other charitable organization for the purpose of fund-raising, fellowship (i.e. bringing members of the organization together socially), and/or advancing its charitable mission, including but not limited to the celebration of civic and religious holidays. A festival (open-air fund raiser/festivals) may include normal and customary open-air carnival rides, vendors, exhibits, entertainment, games, attractions (i.e., for example, but not limited to pony rides, putt-putt, slides, etc.), recreation activities, lawful games of chance or bingo, and lawful serving of food and beverages.
- **OUTDOOR DISPLAY:** The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
- **OUTDOOR FUNDRAISER:** An event outdoors involved in collecting money for a particular purpose.
- **OUTDOOR RECREATION FACILITY:** A facility for recreational uses that are conducted primarily outdoors as opposed to an indoor recreational facility.
- **OUTDOOR WOOD FURNACE:** (Amended via Resolution No. 11/09-26a) Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to, among other-possibilities, as an Outdoor Wood Boiler, Outdoor Wood-fired Boiler or Outdoor Wood-fired Hydronic Heater.
 1. Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.
 2. USEPA OWHH Phase 2 Program - EPA OWHH (Outdoor Wood-fired Hydronic Heater-

Program) Phase 2 Program administered by the United States Environmental Protection Agency (USEPA.)

3. **USEPA OWHH Phase 2 Program Qualified Model - An Outdoor Wood-fired Hydronic Heater** that has been EPA OWHH Phase 2 Program qualified. The model has met the EPA OWHH Phase 2 emission level and has the proper qualifying label and hangtag.
4. **Existing Outdoor Wood Furnace:** An Outdoor Wood Furnace that was purchased and installed prior to which is the effective date of this amendment to the Northfield Center Township Zoning Resolution.
5. **Natural Untreated Wood:** Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - **OUTDOOR STORAGE:** The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, which does not otherwise meet the definition of outdoor display.
 - **PARKING LOT:** An outdoor area comprised of off-street parking spaces. Also known as a parking area.
 - **PARKING SPACE:** An open or enclosed area outside the public street right-of-way that is adequate for parking a motor vehicle with room for opening doors on both sides, with access to a public street.
 - **PERFORMANCE BOND:** Any security that may be accepted by a governmental entity to ensure that improvements required as part of an application for development will be satisfactorily completed.
 - **PERFORMANCE STANDARD:** A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
 - **PERGOLA:** An outdoor structure consisting of columns that support a roofing grid of beams and rafters. The roof grid may be open or covered. Pergolas may be freestanding or attached to the house or garage.

- PERMANENT SIGN: A sign permanently affixed or attached to the ground or a structure and which cannot be removed without special handling, such as removing or dismantling the foundation or a portion thereof, fasteners, adhesives or similar materials providing support or structural integrity for the sign.
- PERSONAL SERVICE: Services such as barber shop, beauty shop, dry-cleaning laundry, shoe repair, tanning salons, nail salons, reducing salons, and physical fitness centers. Amended via Resolution #16/12-27A.
- PLACES OF WORSHIP: A building, structure, or other indoor or outdoor facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.
- PLAN, DEVELOPMENT: Drawing(s) and map(s) illustrating the proposed design, layout, and other features for the development of one or more lots.
- PLAN, GENERAL DEVELOPMENT: Drawings and maps including all the elements set forth in Section 620.04.
- PLAN, DEVELOPMENT FINAL: Drawings and maps including all the elements set forth in Section 620.05.
- PLANNED RESIDENTIAL DEVELOPMENT: An area of land to be planned and developed as a single entity, in which a variety of housing units are accommodated under more flexible standards, such as lot size and setbacks, than those that would normally apply under single-family district regulations, allowing for the clustering of houses to preserve open space.
- PLAT: A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.
- PLATTED DEVELOPMENT: Any subdivision that has been recorded with the Summit County, Ohio Fiscal Office upon the record of deeds of the county as provided by law to subdivide separate parcels of land. *Adopted via Resolution No. 22/10-11A.*
- POLITICAL SIGNS: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election. *Amended via Resolution No. 14/07-14A as Def. #118.*
- PORTABLE STORAGE UNIT: A portable storage unit is a container that is not affixed to the land and is designated for temporary short-term

storage, such as P.O.D.S. and/or steel shipping containers. Steel shipping containers are defined as equipment carried on a chassis, such as intermodal shipping containers, body of transport trailers, straight truck boxes, or any other containers. Both portable storage units and dumpsters are within the definition of “structure” which is hereby defined as any assembled, erected or constructed objects having a stationary location on or in land, whether or not affixed to the land, including but not limited to storage sheds, storage containers and portable storage units. Mounting any of the above described storage containers on a slab, wooden frame or other structures are not permitted.

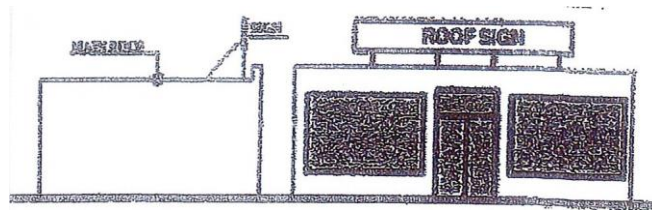
Adopted via Resolution No. 18/10-01 A

- **PROJECT BOUNDARY:** The boundary defining the tract(s) of land which is included in a proposed development to meet the minimum required project area for a planned residential development or planned shopping center development. The term “project boundary” shall also mean “development boundary”.
- **PUBLIC GARAGE:** See “GARAGE, PARKING.”
- **PUBLIC SAFETY FACILITY:** A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area.
- **PUBLIC SERVICE/MAINTENANCE FACILITY:** A governmentally owned and operated facility that provides for the upkeep and maintenance of the community such as but not limited to a service garage, maintenance building, and salt dome.
- **REAR YARD:** A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. *Adopted via Resolution No. 22/03-07A.*
- **RECREATION FACILITIES:** Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of service offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land such as hunting, fishing and riding clubs. Intensive facilities generally require less land used more intensively such as miniature golf courses. This does not include adult entertainment uses as defined in this Zoning Resolution.

- **RECREATIONAL MARIJUANA:** Marijuana that is grown and sold recreationally to adults over the age of 21, pursuant to applicable State specific laws and regulations. *Adopted via Resolution No. 22/03-07A.*
- **RESEARCH AND TESTING LABORATORY:** A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- **RESIDENTIAL CARPORT CANOPY AND STORAGE STRUCTURE:** A fabric, canvas or plastic structure, prefabricated, non-habitable on residential lots.
- **RESIDENTIAL CERTIFICATE OF OCCUPANCY FOR NEW CONSTRUCTION:** A certificate issued by a local authority indicating that a building meets building code requirements.
- **RESTAURANT- COUNTER SERVICE:** A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
- **RESTAURANT - TABLE-SERVICE:** A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
- **RESTRICTED OPEN SPACE:** The portion of the open space within a planned residential development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted according to the provisions of this Zoning Resolution.
- **RETAIL ESTABLISHMENT:** An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Zoning Inspector may consider the proportion of display area vs. storage area.
- **RIGHT-OF-WAY:** A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips,

sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

- **RIGHT-OF-WAY LINE:** The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."
- **ROADSIDE STAND:** A temporary structure used solely for the sale of produce grown on the premises by the owner or owners or tenant or tenants of the property.
- **ROOF SIGN:** A sign placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building.



- **SCHOOL FACILITIES:** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code; or publicly or privately owned facilities providing kindergarten or nursery school training and care which are operated by a board of education or an established religious organization.
- **SETBACK:** The required minimum horizontal distance between a lot line and a structure as established by this Zoning Resolution.
- **SETBACK LINE** (See also "Yard, Required"): A line established by this Zoning Resolution generally parallel with and measured from the lot line, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from said lot line, except as may be provided in this Zoning Resolution. The term "setback line" shall also include "required setback line."
- **SHORT TERM RENTAL:** A rental unit that is rented more than 3 (three) times a year for less than 30 (thirty) days at a time.
- **SIDE YARD:** A space extending from the front yard to the rear yard between the principal building and the side lot line. *Adopted via resolution No. 22/03-07A.*

- **SIGN:** Any display, figure, painting, drawing, placard, poster or other device, visible from a public way, which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof or it may be painted on or attached directly or indirectly to a structure. It may be painted on stone or be formed out of shrubbery.
- **SIGN AREA:** For a freestanding sign, is the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure. For a Wall or Panel sign, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
- **SIGN FACE:** The entire display surface area of a sign upon, against, or through which copy is placed.
- **SIMILAR USE:** A use not specifically listed in any of the schedules of permitted uses of any district, but which may be found similar by the Board of Zoning Appeals and added to a schedule for a particular district.
- **SOLAR PANEL:** A silicon-based device used to convert energy contained within sun rays into electricity.
- **STORAGE:** Goods, materials, vehicles, and equipment that are not being used on a daily basis but are held in containment for future use.
- **STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- **STREET, ARTERIAL:** A street primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways.
- **STREET, CUL-DE-SAC:** A local street with one end open to traffic and the other end terminating in a vehicular turn-around.
- **STREET, COLLECTOR:** A street that primarily carries traffic from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- **STREET, INTERIOR:** A street wholly within the boundaries of a development.

- **STREET, LOCAL:** A street primarily for providing access to residential or other abutting property.
- **STREET, PUBLIC:** A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.
- **STRUCTURE:** A structure is anything that is constructed or located, permanently or temporarily, on, in or under the ground, including but not limited to buildings, sheds, walls, bridges, fences, outdoor seating facilities, platforms, pools, tanks, towers, roadside stands, and signs not including vehicles.
- **STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.
- **SWIMMING POOL:** An outdoor structure capable of containing in excess of one and one-half (1½) feet of water at its deepest point and having more than 100 square feet of water surface.
- **TEMPORARY BUILDING OR STRUCTURE:** A structure intended for a limited duration in which the construction or erection of such building or structure requires no permanent foundation.
- **TEMPORARY SIGN:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the Zoning Inspector to be displayed for a limited period of time.
- **TOWER:** A structure on which transmitting and/or receiving antennas are located.
- **TOWN CENTER:** A type of urban development that blends residential, commercial, cultural, institutional, or entertainment uses, where those functions are physically and functionally integrated, and that provide pedestrian connections.
- **TRUSTEES:** The Board of Trustees of Northfield Center Township.
- **UNMANNED AERIAL VEHICLE (“UAV”):** An Unmanned Aerial Vehicle (UAV), commonly known as a “Drone,” is an aircraft without a human pilot, crew, or passenger on board. UAV’s are a component of unmanned aircraft system, which include adding a ground-based control system of communication with a UAV.

- **UN-PLATTED DEVELOPMENT:** Any lot or parcel that is not a platted development whose legal description generally is described in metes and bounds and is not part of a recorded subdivision. *Adopted via Resolution No. 22/10-11A.*
- **USE:** The purpose for which a building or land is arranged, designed, intended, maintained, or occupied. In the classification of uses, a “use” may be a use as commonly understood or the name of an occupation, business, activity or operation carried on or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.
- **USE, CONDITIONAL:** A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 390, and which requires a conditional zoning certificate and approval of the Board of Zoning Appeals in compliance with the regulations and procedures set forth in Chapter 630.
- **USE, PERMITTED:** A use that is authorized by the Northfield Center Township Zoning Resolution as either a use permitted by right, a conditional use or an accessory use.
- **USE PERMITTED BY RIGHT:** A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Zoning Resolution, the approval of which does not require a public hearing.
- **USE, PRINCIPAL:** The primary or main use or activity of a building or lot.
- **WAITING SPACE:** An unenclosed area outside the public right-of-way that accommodates customers in vehicles being served or waiting to be served at a drive-thru facility, car wash, gasoline station, or other similar use. Also known as a stacking space.
- **WALKWAY:** A public way for pedestrian use only, which may or may not be located along the side of a road.
- **WALL OR PANEL SIGN:** A sign integral with the exterior face of an exterior wall of a building or attached to the wall or parallel with the wall and projecting not more than twelve inches therefrom.
- **WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically

adapted for marshes, bogs, wet meadows, sloughs, potholes, river overflows, mud flats and natural ponds, and/or as shown on the

- a. The Official Wetlands and Watercourse map(s), or any land area meeting the criteria established under Section 404 of the Federal Clean Water Act or subsequent federal or state legislation which restricts filling and/or dredging to such an extent that the use of the land for the construction of residential, commercial, and/or industrial structures is effectively prohibited.
 - WIND TURBINE: A machine that is powered or produces power from the wind.
 - WIRELESS SUPPORT STRUCTURE: A utility pole is a column or post used to support overhead power lines and various other public utilities, such as cable, fiber, optic cable, and related equipment such as transformers and streetlights. It can be referred to as a transmission pole, telephone pole, telecommunication pole, power pole, hydro pole, telegraph pole, utility pole or telegraph post, depending on its application.

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- WINDOW SIGN: A sign painted, attached or affixed to the interior or exterior surface of a window or door of a building.
- YARD: An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the principal building or structure.
- YARD, FRONT: The area across the full width of the lot between the front of the principal building and the front line of the lot.
- YARD, REAR: A yard across the full width of the lot immediately in the rear of the principal building.
- YARD, REQUIRED (See also Setback Line): The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Resolution.
- YARD, SIDE: The area between the principal building and the side line of the lot extending from the front wall to the rear wall of the principal building.

- **ZONING MAP:** An accurate map depicting Northfield Center Township, Summit County, Ohio and indicating the boundaries of the zoning districts established by this Resolution.
- **ZONING CERTIFICATE:** A certificate issued by the Northfield Center Township Zoning Inspector authorizing the operation of the use or construction or alteration of the building or structure noted on the certificate in accordance with the Northfield Center Township Zoning Resolution.

**ARTICLE II
GENERAL ESTABLISHMENT**

**CHAPTER 210
Districts and Their Boundaries**

210.01	Establishment of districts.	210.04	Interpretation of district boundaries.
210.02	Districts.		
210.03	Zoning map.		

Sec. 210.01 ESTABLISHMENT OF DISTRICTS.

The unincorporated territory of Northfield Center Township, Summit County, Ohio is hereby divided into zoning districts. All such regulations are uniform for each building, structure, or use within each zoning district, except as otherwise permitted by the ORC for planned residential developments.

Sec. 210.02 DISTRICTS.

The zoning districts and their identifying symbols are as follows:

Residential Districts

- O-C Open Space-Conservation District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District

Commercial and Industrial Districts

- B-R Business-Residential District
- T-C Town Center District
- C-1 Commercial District
- C-4 Planned Shopping Center District
- I-1 Industrial District
- I-2 Light Industrial District

Sec. 210.03 ZONING MAP.

The districts and their boundary lines are indicated upon the map entitled "Zoning Districts Map of Northfield Center Township, Summit County, Ohio," otherwise known as the "Zoning Map" which, together with all notations, references, and other matters shown thereon, is hereby made part of this Resolution.

The Zoning Map shall be maintained in the Office of the Zoning Secretary and shall show all amendments made thereon.

Sec. 210.04 INTERPRETATION OF DISTRICT BOUNDARIES.

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

- A. Where Boundaries Approximately Follow Lot Lines. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- B. Where Boundaries Approximately Follow Streets, Alleys Or Highways. Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets or highways or the centerline or alley line of alleys, such lines shall be construed to be such district boundaries
- C. Where Boundaries are parallel to Street or Highway Right-of-Way Lines or Alley Lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets or highways or the center lines or alley lines of alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said Zoning Map.
- D. Where Boundaries Approximately Follow Railroad Lines. Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.
- E. Vacation of Public Ways. Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- F. Dispute Concerning Location of Boundaries. All disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals. The Comprehensive Plan, adopted by the Board of Township Trustees on June 6, 1998, shall serve as a guide in resolving such disputes.

**CHAPTER 230
General Provisions**

230.01	General regulation of lots.	230.10	Minimum Distance for New Construction
230.02	Nuisances prohibited.	230.11	Demolition of Structure
230.03	Visibility at intersections.	230.12	Medical Marijuana
230.04	Access to other districts prohibited.	230.13	Short Term Rental
230.05	Agricultural uses.	230.14	Wireless Support Structure
230.06	General regulation of structures and construction.	230.15	Recreational Marijuana
230.07	Essential services.	230.16	Temporary Outdoor Fundraisers
230.08	Sewer and water facilities.	230.17	Solar Panels
230.09	Fire protection, lighting, and utilities.	230.18	Installation of Mailboxes
		230.19	Unmanned Aerial Vehicles

Sec. 230.01 GENERAL REGULATION OF LOTS.

- A. Required Street Frontage. All zoning lots shall front on a dedicated public street. All lots created as a result of lot splits or subdivisions shall have frontage on a dedicated street in the amount required for the zoning district within which such lots are located.
- B. Required Yard and Open Space Maintained. The required yards surrounding a principal building, which have been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution shall not, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement for any other principal building.
- C. Required Lot Area To Be Maintained. A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area and width requirements of the district in which such land is located. A nonconforming lot of record that is owned separately from adjoining lots on the effective date of this Resolution or an amendment adopted thereafter which affected its conformity shall not be reduced in any manner that would increase its nonconforming situation.

Sec. 230.02 NUISANCES PROHIBITED.

- A. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions and requirements prescribed, may be hazardous, materially injurious, or offensive due to the emission of odor, dust or other particulate

matter, smoke, fumes, cinders, gas, noise, vibration, electrical interference, toxic and noxious materials, fire or explosive hazard, refuse matters and water carried wastes, or which will interfere with adjacent landowners enjoyment of the use of their lands.

- B. For the purpose of this Resolution, the storage of a junk or inoperable vehicle, except as otherwise permitted in Section 410.14, shall constitute a nuisance.
- C. Refer to Section 505.87 of the Ohio Revised Code, Abatement Control.
Amended via Resolution No. 14/06-2C.

Sec. 230.03 VISIBILITY AT INTERSECTIONS.

On every corner lot there shall be no material impairment to visibility (whether by the location of structures including fences, landscaping or other means) between a height of 2 feet and a height of 8 feet above the natural grade, within the triangle formed by the right-of-way lines of two intersecting streets, and a line drawn between two points, one on each such right-of-way line, each 30 feet from the point of intersection of such right-of-way lines.

Sec. 230.04 ACCESS TO OTHER DISTRICTS PROHIBITED.

Amended via Resolution No. 01/8-9b

Driveways, dedicated streets, private streets serving business and industrial development and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic (or alternately, connect) with residential streets.

Section 230.05 Agricultural Uses

Amended via Resolution No. 15/07-15G

Consistent with the requirements of the Ohio Revised Code Section 519.21, the Township regulates agricultural use in any area consisting of a platted subdivision under Section 711.05, Section 711.09, or Section 711.10 of the Ohio Revised Code, or an area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated road, as follows:

- a. Buildings or structures incidental to the use of the land for agricultural purposes on lots of one acre or less shall not be permitted except to the extent permitted in Section 2.1, 2.2 and 2.3 in this document.
- b. Buildings or structures incidental to the use of the land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall comply with all setback regulations set forth in the district in which the building or structure is located

including setback building lines, height and size, except to the extent otherwise specified below in Section 2.1, 2.2 and 2.3 in this document.

- c. The keeping of animals in private stables on lots greater than one (1) acre but less than five (5) acres, when at least 35% of the lots in a subdivision that is developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to tax on manufactured and mobile home under Section 4503.06 of the Ohio Revised Code shall comply with the following regulations:
 - 1) The area of a lot upon which such animals are kept shall not be less than two (2) acres.
 - 2) Whenever one (1) or more animals are kept outdoors on the lot, an accessory building for their shelter shall be constructed on the lot.
 - 3) The area of the accessory building intended to provide shelter for one or more animals shall not exceed 1% of the lot area.
 - 4) Such accessory buildings are to be in full compliance with requirements of the Zoning District.
 - 5) The height of the accessory building shall not exceed the lesser of height of the primary structure on the premises or 18 feet.

2.1 This Section confers no power on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which the lot is located.

This Section confers no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to regulate agricultural buildings and structure for use of any land for a farm market where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year except the following shall apply:

- a. each farm shall be permitted only one roadside stand or market located on the farm property;
- b. the area of the roadside stand shall not exceed 200 square feet;
- c. the maximum height of the roadside stand shall be no greater than 100 feet;
- d. the roadside stand shall be located a minimum of 30 feet from any side lot line or street right-of-way;
- e. signs advertising the roadside stand shall comply with the regulations set forth in this Resolution
- f. adequate parking shall be provided in such a way as to not create a public safety hazard with no more than three (3) spaces;

- g. the roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard.
- 2.2 This Section confers no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to regulate biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under O.R.C. 5713.30 to 5713.37 for real property tax purposes.
- 2.3 This Section confers no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to regulate biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under O.R.C. Sections 5713.30 to 5713.37 for real property tax purposes and if the facility producing the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.
3. Accessory Buildings and Structures incidental to the principal use which do not include any activity conducted as business except that one temporary roadside stand offering for sale only agricultural products which are produced on the premises is permitted. Such stand shall not be erected closer than thirty (30) feet from the road right-of-way nor closer than thirty (30) feet from any lot line.
4. **Signs** as regulated by Chapter 420.

Sec. 230.06 GENERAL REGULATION OF STRUCTURES AND CONSTRUCTION.

- A. Minimum Construction Standards. Amended via Resolution No. 08/10-09a. All structures, except those exempt as specified in this Resolution, shall be constructed in accordance with the standards of the Summit County Building Code. Compliance with the Summit County Building Code is required regardless of whether the structure is constructed on the building site, fabricated in a factory, or moved in from a location inside or outside the Township. All structures constructed must conform to all provisions of Chapter 937 of the Summit County Codified Ordinances regarding Riparian Setback Regulations.
- B. Permitted Height Exemption.
1. Except as specifically stated in other parts of these regulations, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except for penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans

or similar equipment required to operate and maintain the building in compliance with subsection 230.06 B #3 below.

2. Appurtenant structures attached to a principal building, including fire or parapet walls, skylights, steeples, chimneys, smokestacks, radio antennae, television aerials, wireless masts, or similar structures, may be erected above the height limits established for the district in which the structure is located provided such structure complies with subsection 230.06 B #3 below.
 3. No such structure may be erected to exceed the height limits of the district in which it is located by more than 15 feet; nor shall such structure have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the principal use of the building.
- C. Temporary Facilities. Temporary construction facilities for use incidental to construction work may be erected in any zoning district herein established; however, such facilities shall be removed upon completion or abandonment of the construction work. Such facilities shall not be for habitation.

Sec. 230.07 ESSENTIAL SERVICES.

Essential services as defined by these regulations shall be permitted as authorized under any franchise or as may be regulated by the State of Ohio; and, as such, essential services shall be exempt from the application of these regulations.

Sec. 230.08 SEWER AND WATER FACILITIES.

- A. In the absence of a public water supply, no dwelling shall be constructed unless reasonable provision is made for an adequate, dependable, pure water supply from a drilled well, cistern, dug well, or spring, in accordance with the Revised Sanitary Code of the Summit County General Health District.
- B. In the absence of a sanitary sewer, sewerage shall be disposed of in a manner that prevents nuisance and contamination of the water supply and is discharged through a watertight sewer into a septic tank in accordance with the Revised Sanitary Code of the Summit County General Health District. Such sanitary provisions shall be made prior to human occupancy of the premises.
- C. No multi-family structures shall be permitted unless served with central water and sewer facilities.

Sec. 230.09 FIRE PROTECTION, LIGHTING, AND UTILITIES.

Any residential development requiring a street conforming to the Summit County Subdivision Regulations shall be equipped at all times and comply with the following:

- A. Adequate fire extinguishing equipment and fire hydrants as determined by the Fire Department, which serves that area.
- B. Adequate artificial lighting of streets which meet the standards in effect in subdivision allotments in the Township as to number, candle power, location, and type of support.
- C. All utility lines shall be placed underground. Utility easements at least 10 feet in width to accommodate the underground utility lines shall be provided on all front yards and along certain side lot lines where necessary.

Sec. 230.10 MINIMUM DISTANCES FOR NEW CONSTRUCTION. Amended via Resolution No. 06/10-2a.

- A. A proposed drilling site shall be located no closer to an existing building or structure than permitted by ORC Chapter 1509.
- B. All new habitable buildings shall be located a minimum of 150 feet from any existing drilling site. This regulation does not apply to buildings or structures used for agricultural purposes.
- C. A new habitable structure shall be not constructed within 25 feet of a plugged well.
- D. No person shall locate a drilling site within 50 feet of a public road right-of-way or private road.
- E. All distance requirements shall apply to capped wells as if they were fully operational.
- F. The distance requirements stated herein shall not apply to platted allotments with existing oil and gas wells approved by the Summit County Planning Commission prior to the adoption of this amendment.

Sec. 230.11 DEMOLITION OF STRUCTURE. (Amended via Resolution No. 15/01-05L):
In order to demolish a structure, an applicant needs to obtain a permit from the Township Zoning Inspector. The applicant must meet the following requirements:

- A. Applicant must provide proof of coordination with the public utility companies to disconnect all utility services.
- B. The applicant must have an approved demolition permit from the Summit County Building Department.

C The Township approved permit will allow the applicant to tear down the building or buildings, remove the foundation, and haul away all debris from site; refer to ORC 3745-400 for the definition of “debris.” The applicant must back fill with clean, hard fill material, and refer to ORC 3745-400 for the definition of “clean hard fill.”

D. Demolition of primary structure on a property requires that all accessory structures be removed unless the property contains two (2) or more primary structures. All demolition material must be removed from the site. All basements or foundations (slabs) must be removed completely and backfilled with suitable soil approved by a certified construction inspector and compacted to prevent future settlement. All driveways, including aprons must be removed and the ground restored to the surrounding grade including restoration of any drainage ditches that were disturbed. There is no burial of debris allowed on the property.

E. Site restoration is required as part of meeting the zoning permit requirements. All areas disturbed must be seeded and mulched immediately after final grading. Final grading should be in such a manner that it be similar in grade to the surrounding area on the property. Time completion for site restoration shall be thirty (30) days from the date that the last building or structure was demolished. Any debris or dirt on the public roadway shall be cleaned up daily at the end of business day.

Sec. 230.12 MEDICAL MARIJUANA.

Purpose: To establish a ban on the granting of any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution, or sale of medical marijuana in Northfield Center Township. No existing business in Northfield Center Township may expand in any way that would establish the cultivation, processing, distribution, or sale of medical marijuana.

Adopted via Resolution No. 18/10-01 A, *Amended via Resolution No. 22/03-07A.*

Sec. 230.13

The provisions of this Chapter shall apply to all residential dwelling units within the Northfield Center Township.

Short Term Rental Permit:

1. No person, firm, or corporation shall lease, rent or otherwise allow a rental unit within Northfield Center Township to be occupied without first obtaining a short-term rental permit from the Township Zoning Inspector.
2. The short-term rental permit shall not be issued until the short-term rental permit has been approved by the Zoning Inspector after

completion of an annual onsite inspection of the subject dwelling unit by the Fire Department and Zoning Inspector.

Adopted via Resolution No. 18/10-01 A

3. A certificate of insurance evidencing commercial general liability coverage in the minimum amount of \$1,000,000.00 (one million dollars) in the aggregate in a form acceptable to Northfield Center Township and naming Northfield Center Township as an additional insured.

ADOPTED VIA RESOLUTION NO. 23/04-03C

A. Regulations: All short-term rentals, requiring a short-term rental permit, shall comply with the following regulations:

1. No more than 1 (one) vehicle per rental unit shall be allowed onsite at each short-term rental unit. The required spaces are in addition to the required double garage and 2 (two) car spaces outside as required by the Zoning Resolution.
2. Short term rentals must be registered, licensed and meet all applicable county and state requirements.
3. The short-term rentals must comply with all State of Ohio Department of Health and State of Ohio Department of Environmental Protection standards as well as Summit County Health and Environmental protection standards and Summit County Fiscal Officer.

Sec. 230.14 Wireless Support Structure.

- A. No person or corporation shall install a wireless support structure without first obtaining a permit from the Northfield Center Township Zoning Inspector.
- B. All wireless support structures shall be installed in compliance with the Ohio State Public Utilities regulations as well as the Summit County regulations governing the installation of wireless support structures.

Section 230.15 Recreational Marijuana:

Purpose: To establish a ban on the granting of any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution, or sale of recreational marijuana in Northfield Center Township. No existing business in Northfield Center Township may expand in any way that would establish the

cultivation, processing, distribution, or sale of recreational marijuana. *Adopted via Resolution No. 22/03-07A.*

Section 230.16 Temporary Outdoor Fundraisers:

1. Permit shall be obtained from the Zoning Inspector. Permit fee to be established by the Township Trustees.

- 2 The outdoor fundraiser shall be permitted for no more than a two-day (2 day) event.
 - a. No amusement rides shall be permitted.

3. The outdoor fundraiser shall comply with 501 C-3 of the Federal Tax Code.

Adopted via Resolution No. 22/03-07A.

Section 230.17 SOLAR PANELS Amended via Resolution No. 22/06-06A

- A. No person or corporation shall install solar panels without first obtaining a permit from the Northfield Center Zoning Inspector.

- B. Solar panels mounted on a primary structure are considered to be appurtenances and subject to applicable restrictions in each zoning district. The number of solar panels to be installed shall serve the needs of the structure located on the parcel.

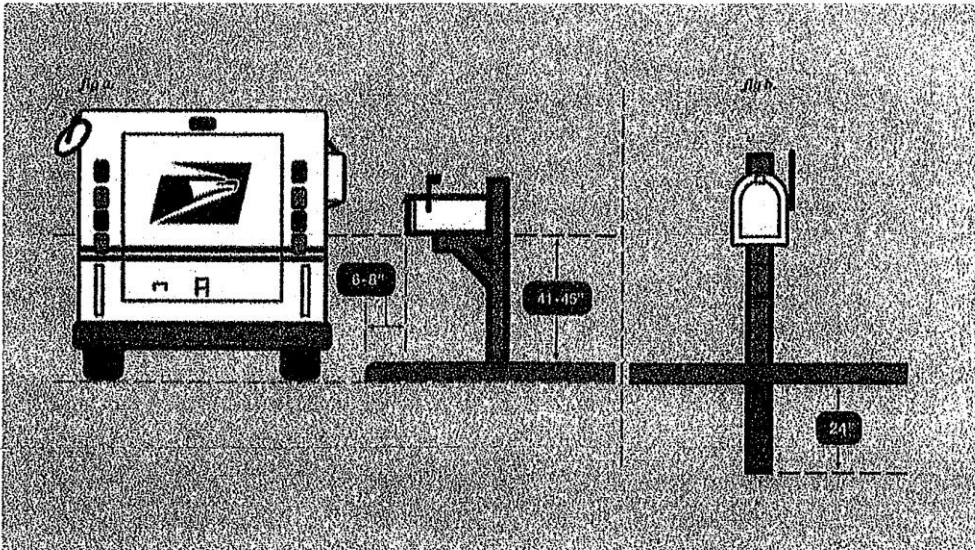
- C. Solar panels must be installed in accordance with the manufacturer's design and operation standards as well as all local, county, state, and federal guidelines.

- D. Freestanding solar panels are considered to be accessory uses, subject to accessory use zoning and building permit requirements in each zoning district; however, they shall not be counted as contributing to the total square footage of accessory uses/structures. Transmission and power lines shall be placed underground.

230.18 Installation of Mail Box and Post at Curbside:

- a. Refer to www.usps.com/manage/mailboxes/html.

Also add illustration to 230.18:



AMENDED VIA RESOLUTION NO. 23/04-03C

230.19 Unmanned Aerial Vehicle (UAV or Drone)

- A. To establish regulations for Unmanned Aerial Vehicles for the safety and privacy of residents and business owners in Northfield Center Township.
- B. Private Drones shall be a permitted use in all zoning districts.
 1. Drones shall be operated within the airspace above the resident's or business owner's property.
 2. Liability Insurance shall be required to cover personal and medical liability in case of an incident.
- C. When required, Drones must be registered with the Federal Aviation Administration.

D. Prohibitions:

1. No Drones shall operate within four hundred (400) feet of schools, municipal owned buildings, active crime scenes or communication towers.
2. Drones use above any roadway is prohibited where it could impair the driver's line of sight.
3. Operation of Drones to view or capture people on private property, or view or capture images of private property that would otherwise not be visible without the use of the Drone, without the consent of the property owner.
4. Operation of a Drone that recklessly endangers person, wildlife, or property.
5. Operation of a Drone outside of the visual line of sight of the operator.
6. Operation of a Drone under the influence of alcohol, drugs or any condition that hampers the piloting capabilities.
7. No person shall equip any Drone with any weapon such as a firearm, explosive device, incendiary device, ballistic knife, knife, zip gun, laser light or dangerous ordnance.

E. Exemptions:

1. Exemptions will be granted to military and law enforcement while on duty and during performance of their official duties.

AMENDED VIA RESOLUTION NO. 23/08-07B

**ARTICLE III
DISTRICT REGULATIONS**

**CHAPTER 310
Residential District Regulations**

310.01	Purpose.	310.10	Regulations for Home Occupations
310.02	Use regulations.	310.11	Family day care home, type "B"
310.03	Schedule of permitted uses.	310.12	Mobile Food Vehicle Regulations
310.04	Lot requirements.	310.13	Mobile Food Vehicle Location and Operator
310.05	Yard requirements.	310.14	Regulations for Outdoor Wood Furnaces
310.06	Height regulations.		
310.07	Dwelling unit requirements.		
310.08	Accessory use regulations.		
310.09	Personal Backyard Hen Flocks in a Platted Development		

Sec 310.01 PURPOSE.

Residential Districts (O-C, R-1 and R-2) and their regulations are established in order to achieve, among others, the following purposes:

- To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts;
- A. To regulate the density and distribution of population in accordance with the Comprehensive Plan to avoid congestion and to provide adequate public services;
- B. To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities;
- C. To carry out the following specific purposes;
 - 1. The O-C Open Space Conservation District is established for the following purposes:
 - a) To preserve and protect the value of distinctive geologic, topographic, botanic, historic, or scenic areas;
 - b) To protect the ecological balance of an area;
 - c) To conserve natural resources, such as river valleys and tracts of forest land; and
 - d) To reduce the problems created by intensive development of areas that have excessively high-water tables, are subject to flooding, or are topographically unsuited for urban type uses.

- 2. The R-1 Single-Family District is established to accommodate single-family residential dwellings at a density that is similar to that which already exists in the majority of the Township and to discourage large concentrations of intensive development where it is desirable to maintain the suburban character of the Township.
 - 3. The R-2 Two-Family District is established to accommodate residential development of single-family and two-family units in areas adjacent to the central core of the community, along major streets and abutting I-271. This district also serves as a transitional district between the more intensive commercial districts and the R-1 District.
- D. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

Sec. 310.02 USE REGULATIONS. (Amended via Resolution No. 11/09-26a)

- A. A use listed in Schedule 310.03 shall be a principal use permitted by right in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
- B. A use listed in Schedule 310.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
- C. An accessory use that is clearly incidental and subordinate to a use permitted by right shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:
 - 1. Accessory buildings including private garages, see also Sec. 310.08.
 - 2. Accessory off street parking, see also Sec. 310.08 and Chapter 410.
 - 3. Family day care home, type B, see also Sec. 310.10.
 - 4. Fences, walls and hedges, see also Sec. 310.08.
 - 5. Home occupations, see also Sec. 310.09.
 - 6. Keeping of animals, see also Sec. 310.08.
 - 7. Residential swimming pools, see also Sec. 310.08.
 - 8. Satellite dish antenna, see also Sec. 310.08.
 - 9. Signs, see also Chapter 420.

- 10. Parking, storage of commercial and recreational vehicles, see also Sec. 310.08.
- 11. Outdoor Wood Furnaces, see also Sec. 310.11. (Amended via Resolution No. 11/09-26a)

D. Although a use may be indicated as permitted in a particular residential district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

Sec. 310.03 SCHEDULE OF PERMITTED USES.

Permitted Uses	O-C Open Space Conservation	R-1 Single-family	R-2 Two-Family
A. RESIDENTIAL			
1. Single-family detached dwelling	P	P	P
2. Two-family dwelling	-	-	P
3. Planned residential development according to the provisions of Chapter 320	P	P	P
4. Multi-family dwelling as part of a planned residential development according to the provisions of Chapter 320			P
5. Bed and breakfast home	-	C	C
6. Family home for 5-8 handicapped persons	C	C	C
7. Group home for 9 or more handicapped persons	-	-	C
8. Congregate care facility including assisted living for elderly, nursing homes	-	-	C
9. Short Term Rental		P P	P P
B. COMMUNITY FACILITY			
1. Cemetery	C	C	C
2. Church or other place of worship	C	C	C
3. Day care center		C	C
4. Elementary and/or secondary school	-	C	C

Permitted Uses	O-C Open Space Conservation	R-1 Single-family	R-2 Two-Family
facility, public or parochial			
5. Public park or playground	C	C	C
6. Public safety facility	C	C	C
P = Principal use permitted by right C = Conditional use Blank cell indicates the use is not permitted in a district.			
C. RECREATION/ OPEN SPACE			
1. Golf course, driving range	-	C	-
2. Swimming club, tennis club, and/or similar recreational use, private or public	-	C	C
3. Campground	C	-	-
4. Wildlife game refuge	P	-	-
D. OTHER			
1. Agriculture	See Sec. 230.05		
2. Parking lot for use located in commercial or industrial district	-	C	C
3. Wireless telecommunication facility according to the provisions of Chapter 450	C	C	C
P = Principal use permitted by right C = Conditional use Blank cell indicates the use is not permitted in a district.			

Sec. 310.04 LOT REQUIREMENTS.

Lots created in residential districts shall comply with the area and dimension requirements specified in Schedule 310.04 for the district in which the lot is located, except as otherwise regulated in Chapter 320 for planned residential developments.

- A. Minimum Lot Area and Width. The area and width of a lot shall not be less than the dimensions set forth in Schedule 310.04, unless a larger lot is required by the Summit County Health Department to adequately accommodate individual sanitary sewage disposal systems.
- B. Minimum Lot Frontage. Each lot shall have the minimum frontage on a public street as set forth in Schedule 310.04.
- C. One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot except for planned residential developments in accordance with Chapter 320.

D. Schedule 310.04 Minimum Lot Requirements:

	O-C Open Space Conservation	R-1 Single-family	R-2 Two-Family
1. Min. Lot Size			
a) Single-family	5 acres	25,000 sq.ft.	25,000 sq.ft.
b) Two-family	NP	NP	40,000 sq.ft.
2. Min. Width at Building Line	100 ft.	100 ft.	100 ft.
3. Min. Lot Frontage	100 ft.	100 ft. ^(a)	100 ft. ^(a)
Notes to Schedule 310.04: (a) Except that when a lot is located on a cul-de-sac, the minimum frontage shall be 50 feet as measured on the arc. NP = Not Permitted			

Sec. 310.05 YARD REQUIREMENTS.

Principal buildings shall be located on a lot in a manner that maintains the minimum required yards set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 320 for planned residential developments. Every part of a required yard shall be unobstructed and open to the sky, except as otherwise specifically permitted in this Chapter.

- A. Required Front Yard. Each lot shall maintain a front yard in compliance with the following:
 - 1. A front yard shall not be less than the depth specified in Schedule 310.05, measured from the street right-of-way line.
 - 2. Notwithstanding subsection A.1, in areas where the average depth of at least two existing front yards within 200 feet of the lot in question and within the same block front are less than or greater than the required front yard, the minimum required front yard shall not be less than the average of the existing front yards within the 200 feet. However, in no case shall the required front yard be less than 25 feet and need not exceed 100 feet.
 - 3. Corner lots and through lots shall comply with the front yard setback for each street on which the lot has frontage.
- B. Required Side Yards. Every interior and through lot shall have and maintain two side yards. Schedule 310.05 sets forth the minimum width of a side yard. Corner lots shall maintain one side yard that shall comply with the minimum width set forth in Schedule 310.05.

C. Required Rear Yards. Each lot shall maintain a rear yard as specified in Schedule 310.05.

D. Schedule 310.05: Minimum Yard Requirements.

	O-C Open Space Conservation	R-1 Single-family	R-2 Two-Family
			Single-family & Two-family
1. Front Yard	70 ft.	50 ft. ^(a)	50 ft. ^(a)
2. Side Yard	25 ft.	10 ft.	10 ft.
3. Rear Yard	50 ft.	25 ft.	25 ft.

Note to Schedule 310.05:

^(a) 70 feet on all County Roads and State Roads.

E. Required Buffering. In the event land is rezoned from an industrial district to an O-C, R-1, or R-2 residential district after the effective date of this Zoning Resolution, as set forth in Section 120.05, so that the newly established residential district abuts an existing industrial district, a buffer yard shall be provided on the residential parcel along the entire length of the property line that abuts the existing industrial district. The buffer yard shall have a minimum width of 50 feet and shall be in addition to the side and rear yards required for the residential uses. Screening and buffering shall be provided in the buffer yard in compliance with the Section 430.04.

Sec. 310.06 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

- A. The height of principal buildings shall not exceed 35 feet.
- B. The height of accessory buildings and structures of 1,000 square feet or less shall not exceed 15 feet in height.

Adopted via Resolution No. 18/10-01 A

- C. The height of an accessory building or structure for lots of 1 (one) acre or more shall not exceed 18 feet in height.
- D. Permitted height exceptions are set forth in Sec. 230.06 B.

Sec. 310.07 DWELLING UNIT REQUIREMENTS.

In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following:

- A. One Story Above Ground. All dwellings shall have at least one story above ground level and shall have continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.
- B. Sitting Requirements for Dwelling Units. All dwelling units shall comply with the following requirements:
 - 1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure’s vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
 - 2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing units shall be removed from the structure.
 - 3. Dwellings shall have a minimum width of 22 feet parallel or within 45° of being parallel to the front lot line.
 - 4. The minimum pitch of the main roof of the dwelling shall not be less than 3 feet rise for each 12 feet of horizontal run.
- C. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 310.07, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.
- D. Schedule 310.07 Minimum Floor Area Per Dwelling Unit.

Type of Dwelling Unit	Minimum Floor Area
1. Single-family	
a) Minimum total floor area per dwelling unit	1,500 sq. ft.
b) 1 st floor of a one and a half story, two-story or multi-level dwelling	1,000 sq. ft.
2. Two-family, minimum floor area per dwelling unit	1,000 sq. ft.

Sec. 310.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures in residential districts shall conform to the location, coverage and maintenance standards contained in this Section.

- A. Principal Building Projections in Required Yards. Skylights, sills, belt-courses, cornices, chimneys, and ornamental features attached to the principal building may project a maximum of 12 inches into a required yard.

- B. Location Requirements for Accessory Uses. An accessory building or use permitted in a residential district shall be located as set forth in Schedule 310.08. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this section.

- C. Schedule 310.08: Amended via Resolution No 03/08-18e;Res. No.14/10-06E

Use	Yard Permitted	Front Yard Regulations	Minimum Setback From Lot Line	
			Side	Rear
1. Detached accessory buildings, including garages	Side, rear	NA	10 ft.	10 ft.
2. Driveways	Front, side, rear	--	3 ft. ^(a)	3 ft.
3. Terraces, uncovered porches, platforms, ornamental features that do not extend more than 3 feet above the ground	Front, side, rear	(b)	3 ft.	(c)
4. Fences, walls	Front, side, rear	3 ft. ^(d)	On Line ^(d)	On Line
5. Outdoor storage of recreation vehicle	Rear, Side	NA	20 ft.	20 ft.
6. Swimming pools, hot tubs, spas	Rear	NA	(c)	(c)
7. Satellite Dishes with a diameter greater than 39 inches	Rear	NA	(c)	(c)
8. Pergola	Side, rear	NA	10 ft.	10 ft.
9. Gazebo	Side, rear	NA	10 ft.	10 ft.
10. Residential Carport Canopy and Storage Structure	Rear, side			

Notes to Schedule 310.08: NA = Not applicable

(a) This setback shall not apply to repair, resurfacing or reconstruction of existing driveways.

(b) May project a maximum of 10 ft. into required front yard.

(c) Shall comply with setbacks for principal buildings set forth in Schedule 310.08.

(d) Applies to the footer as well, see Sec. 310.08I for maximum height limitations and openness criteria. Fences constituting a corral shall comply with the regulations set forth in Sec. 310.08L.

D. Accessory Buildings.

1. An accessory building that is attached to the dwelling shall be made structurally a part thereof and shall comply with the setback requirements for principal buildings set forth in Schedule 310.05.
2. An accessory building that is detached from the principal building shall comply with the setback requirements of Schedule 310.08 and shall be located a minimum of 15 feet from the principal building.
3. Each dwelling unit shall be permitted to have only one garage, either attached or detached, which shall comply with the following:
 - a) The area of such garage for a single-family dwelling shall not exceed 960 square feet.
 - b) The area of such garage for a two-family dwelling shall not exceed 500 square feet per dwelling unit.
 - c) The garage shall accommodate the number of parking spaces required in Section 410.04.
 - d) Each garage shall have a pedestrian exit to the outdoors other than through the garage door utilized by the vehicles.
4. One accessory building shall be permitted on the lot in compliance with the following: *amended via Res. No. 23/08-07B*
 - a) The area of an accessory building other than a garage shall not exceed 450 square feet, except as permitted below for lots of one acre or greater and shall not exceed 15 feet in height. Accessory buildings greater than 1,000 square feet shall not exceed 18 feet in height.
 - b) Notwithstanding the provisions set forth in subsections 4a) above, when the area of the lot is one acre or greater, the maximum area of such accessory building other than a garage shall be 1.5 percent of the area of the lot, provided that the area of such accessory building shall not exceed the ground floor area of the dwelling unit and shall not exceed 18 feet in height.
Adopted via Resolution No. 18/10-01 A
5. One pergola or one gazebo shall be permitted on the lot, in addition to an accessory building, in compliance with the following:
 - a) Size shall not exceed 144 square feet.
 - b) Setbacks shall be maintained according to Schedule 310.08.
 - c) A roof is permitted but walls are not allowed. Walls would be considered an accessory building and would be subject to a different zoning regulation.

6. Residential carport canopy and storage structure:
 - (a) One (1) permitted.
 - (b) Structure not more than 200 square feet.
 - (c) Must be behind front face of primary structure.
 - (d) Zoning certificate (permit) required.
7. Damage to carport canopy structure:
 - a) Covering to canopy or storage structure which develops rips or tears shall be repaired with the same fabric or better.
8. The following regulations shall be applicable to portable storage units for on-site storage and/or dumpsters in the residential zoning areas:
 - a) There shall be no more than one (1) portable storage unit or dumpster per lot.
 - b) A portable storage unit or dumpster shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high.
 - c) No portable storage unit or dumpster shall remain in a residential zoning district in excess of fifteen (15) consecutive days and portable storage units shall not be placed on a lot in a residential zoning district in excess of thirty (30) days in any calendar year. The portable storage unit shall be removed from the lot by the expiration date on the permit.
 - d) A portable storage unit and/or a dumpster shall be permitted during construction, re-construction, or alteration or renovation of the principal building for an additional period of three (3) days before and after such activity, provided a building permit has been issued by Northfield Center Township. The portable unit and/or dumpster shall be removed from the lot before the Township Zoning Inspector issues an occupancy permit, or if the construction activity ceases for a period of more than seven (7) consecutive days.
 - e) A portable storage unit or dumpster may be located on a lot during an emergency situation as declared by the appropriate Federal, State, County or Ohio Township agency pursuant to a temporary permit issued by the Ohio Township Building Inspector. The portable storage unit or dumpster shall be removed from the lot within seven (7) days after the end of the emergency declaration.

f) It shall be unlawful for any person to place, or permit the placement of, a portable storage unit or dumpster on property which he or she owns, rents, occupies or controls without first having obtained a permit therefore from the Northfield Center Township Zoning Inspector.

g) Application for a permit shall be made to the Northfield Center Township. The Zoning Inspector shall determine the most appropriate location for the portable storage unit or dumpster to be placed on the lot. A permit fee in an amount to be established from time to time by resolution of the Northfield Center Township Trustees will accompany the application. The issuances of a permit shall allow the applicant to place the portable storage unit or dumpster on the subject lot in the location specified in the permit.

9. Commercial/Industrial Areas:

a. The container needs to be screened from the road and adjoining properties by trees or an approved fence/wall.

b. The container needs to be located at the side or behind the business.

c. Setbacks shall conform to the zoning regulations.

d. The container shall be considered safe and have ventilation and locks for safety reasons.

E. Maximum Coverage of Rear Yard.

The total area of all detached accessory buildings and structures that are regulated by this Zoning Resolution and which are located in the rear yard shall not exceed 30% of the rear yard area.

F. Parking or Storage of Recreational Vehicles and Equipment. Amended via Resolution No. 03/08-18c: In addition to the locational requirements of Schedule 310.08, any recreational vehicle, camper, boat, on or off wheels, or other self-propelled or non-propelled recreational-use vehicle(s) or apparatus which may be normally stored or transported on one trailer to the location of intended use, such as but not limited to jet skis, off-road ATVs, or snowmobiles, shall be either stored wholly within a garage or outdoors in compliance with the following regulations.

1. Not more than one recreational vehicle, camper, boat or other self-propelled or non-propelled recreational-use vehicle(s) or apparatus which may be normally stored or transported on one trailer to the location of intended use, such as but not limited to jet skis, off-road ATVs, or snowmobiles, shall be stored outdoors. The overall length of such vehicle, camper, boat, or other self-propelled or non-

propelled recreational-use vehicle(s) or apparatus and the trailer on which such item(s) is/are stored shall not exceed 32 feet when stored on a lot comprising less than one acre.

2. Outdoor storage, except for seasonal outdoor storage provided for below, shall be permitted only in the rear yard or side yard behind the front building line on a paved or gravel surface, and shall be adequately screened from view from adjacent property with either fencing or natural screening. All setback distances from property boundary lines shall comply with Schedule 310.08.

3. Seasonal outdoor storage shall be permitted in the driveway in the front yard for a period not to exceed 30 days in any calendar year. At all other times, a recreational vehicle, camper, boat or other self-propelled or non-propelled recreational-use vehicle(s) or apparatus which may be normally stored or transported on one trailer may be parked in a driveway only for loading or unloading purposes for a period not to exceed 72 hours in any seven-day period.

4. Recreational vehicles, campers, boats or other recreational-use vehicle(s) or apparatus shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.

5. In the event that recreational vehicles, campers, boats, or other recreational-use vehicle(s) or apparatus normally stored or transported on one trailer can not be stored in compliance with the requirements of this section. A variance shall be applied for.

- G. Parking of Commercial Vehicle. The outdoor parking of a commercial vehicle shall be permitted on a residential lot in compliance with the following:

1. Not more than one commercial vehicle shall be parked or stored on a driveway and no other unenclosed portion of the lot shall be used for this purpose.
2. The commercial vehicle shall be limited to a vehicle used on a regular basis by the resident for the resident’s occupation.
3. The gross vehicle weight of the commercial vehicle shall not exceed five (5) tons.
4. No maintenance, service or extended running of commercial vehicles shall be conducted on a residential lot.

- H Outdoor Parking of Construction Equipment/Vehicles on a Residential Lot:

1. The outdoor parking or storage of construction equipment/vehicles shall not be permitted on a residential lot.

2. A temporary waiver to park construction equipment/vehicles shall be obtained from the Zoning Inspector for the purpose of construction or repairs to the property, on or near the property, including property used as a staging area.
3. A temporary waiver for a construction site of any public construction work will be required.

Adopted via Resolution No. 22/03-07A.

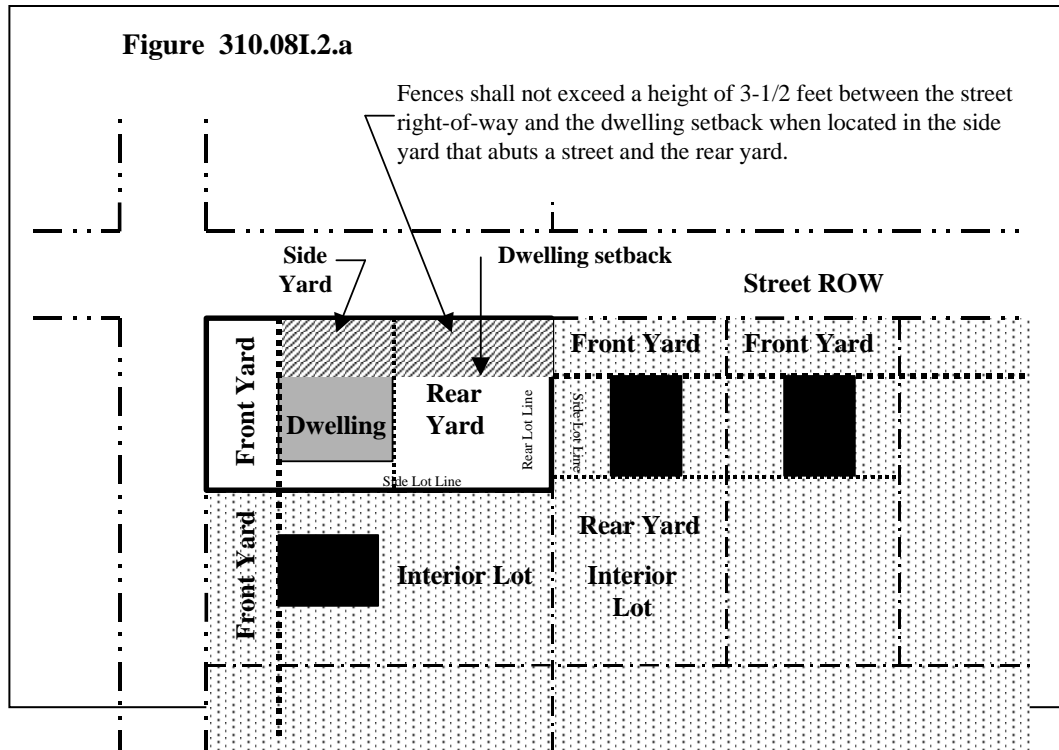
I. Swimming Pools. Residential swimming pools may be located in any Residential District provided they comply with the locational and coverage requirements of Schedule 310.08 and Sec. 310.08D and the following supplemental regulations:

1. In ground and above-ground pools with a height of less than four (4) feet or soft-wall pools 18 inches in height or greater shall be completely surrounded by a fence or wall not less than four (4) feet in height.
2. Such fence shall be constructed so as to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates. An accessory building may be used as part of such enclosure.
3. Above-ground pools having hard wall vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool.
4. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
5. The construction, plumbing and electrical requirements, inspections, and other safety facilities shall comply with all applicable county codes.
6. Pools under 18 inches in height are not classified as swimming pools and are exempt from these regulations.

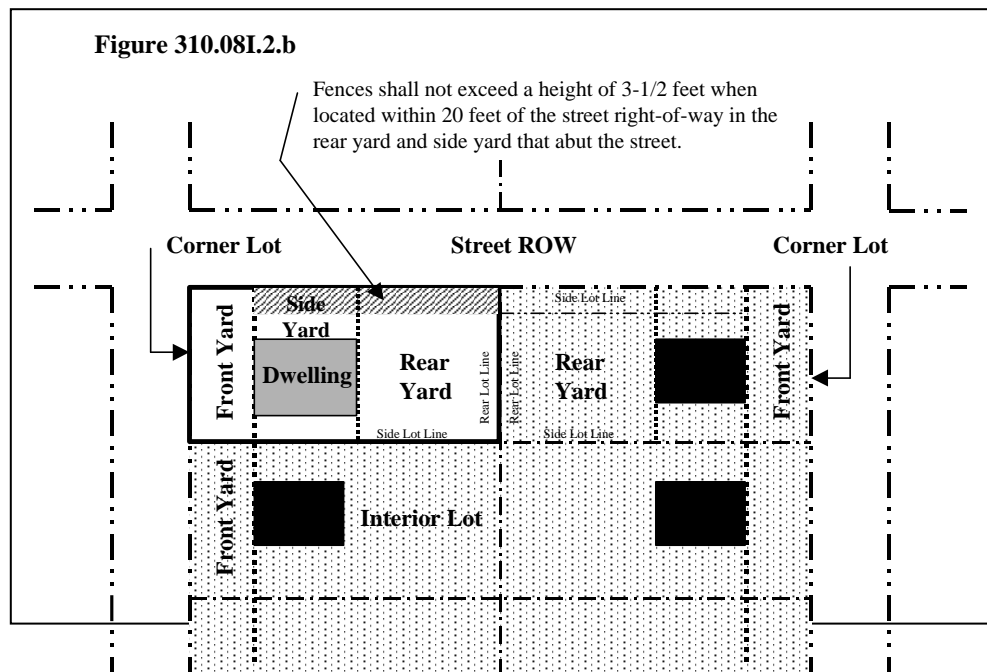
J. Fences, Walls and Hedges. Fences, walls and hedges shall comply with the following regulations:

1. Front Yards. In a front yard, fences and walls shall not exceed 3-1/2 feet height above the natural grade. Chain link fences in the front yard shall be sufficiently screened by landscaping so that the fence is obscured from view from the street.
2. Corner Lots. Fences and walls in the front yard of a corner lot shall comply with requirements for visibility at intersections set forth in Sec. 230.03. The height of fences in the side yard that abuts the street and in the rear yard shall be regulated based on the location of the fence and type of lot that abuts the corner lot:

- a) Whenever the rear yard of a corner lot abuts the front yard of an adjoining lot, a fence located in the side yard adjacent to the street or in the rear yard between the dwelling setback and the street right of way shall not exceed a height 3-1/2 feet. See figure 310.08I.2.a.



- b) Whenever the rear yard of a corner lot abuts the rear yard of another corner lot, a fence located in the side yard adjacent to the street or in the rear yard shall not exceed a height 3-1/2 feet when located within 20 feet of the street right-of-way. See figure 310.08I.2.b.



3. Side and Rear Yards. In the side or rear yard, a fence or wall shall not exceed 6 feet in height above the natural grade, except for corner lots as regulated in subsection 2 above.
 - a) Fences and walls may be located within the required side and rear yard when a minimum of 25% of the vertical surface of the fence is open to light and air. Such openings shall be regularly spaced throughout the entire vertical surface of the fence or wall.
 - b) A solid fence or wall shall comply with the principal building setbacks set forth in Schedule 310.05.
4. Hedges. Hedges and other plant material that are intended to form a living fence near a property line shall be located so that future growth shall not extend over the lot line.
5. Construction, Maintenance and Repair. Fences shall be of chain link, picket, split rail, sapling, louver or other design, and if painted, shall be one color. A fence or wall shall be maintained in good repair at all times by the owner and/or occupant of the lot on which the fence or wall is located. The smooth finished side of the fence shall be the side that faces outward from the yard being enclosed. All horizontal, diagonal or supporting members shall be on the owner's side of the fence.
6. No electrical fence or fence containing broken glass, barbed wire or any other substance reasonably calculated to do bodily harm shall be permitted.

K. Garage Sales. There shall be no more than two (2) garage sales conducted at the same address within a calendar year. The duration of the sales event shall be a maximum of three consecutive days. The sale of fireworks, hazardous material, firearms and ammunition as defined by the ORC shall be prohibited. The homeowner shall register the garage sale with the Zoning Inspector prior to conducting the garage sale.

L. Display of Vehicles/Recreational Equipment for Sale. The display of not more than one item, either a vehicle or recreational equipment such as a boat or camper, being offered for sale shall be permitted for a maximum period of 30 days not more than one time per calendar year. The item offered for sale shall be displayed in the driveway and shall be titled to the occupant.

M. Keeping of Animals In A Platted Development. (Amended via Resolution #16/12-27B). The keeping of domestic animals, such as dogs, cats, horses and ponies, shall be permitted as an accessory use to a dwelling unit in a residential district in compliance with the following:

- 1) Regulations for all animals.
 - a) Such animals shall not create a nuisance by reason of generating excessive noise or any odor detectable beyond the perimeter of the lot.

- b) Such animals shall not be kept for commercial purposes.
 - c) All such premises shall be kept and maintained in a clean and sanitary condition and shall conform to the sanitary code of the Summit County General Health District.
2. Regulations for all animals, excluding household pets such as dogs and cats.
- a) The area of a lot upon which horses, ponies and other similar animals are kept shall not be less than two (2) acres for one animal plus one additional acre for each additional animal.
 - b) Whenever one or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.
 - 1) The area of the accessory building intended to provide shelter for one or more animals shall comply with Section 310.08D.4.
 - 2) Such accessory building shall be located a minimum of 100 feet from any lot line, stream, or well.
 - c) A corral shall be required for all horses, ponies and other similar animals. The corral shall be located a minimum of 15 feet from any front, side, or rear lot line.
 - d) All areas adjacent to any corral or other similar enclosure, stable or shelter, work-out or training area or any other structure where animals are kept and maintained, shall be graded to drain away from such facilities to prevent ponding and insect harborage.
 - e) Manure piles shall be located a minimum of 200 feet from any dwelling and a minimum of 100 feet from any stream or well.

310.09 “ Personal Backyard Hen Flocks in a Platted Development”

310.09 For the purpose of this section a Chicken, Gallus domesticus, refers only to a female chicken. Chickens are also referred to as "Backyard hens" are allowed in conjunction with a single-family dwelling by permit and subject to the performance standards and development criteria set forth herein.

- A. A permit is required to ensure compliance with performance standards and development criteria. The application for permit must be submitted to the Northfield Zoning Inspector prior to placement of any chickens on the property. **The permit shall be a renewable annual permit.** Upon satisfactory completion and submission of an application as determined by the Zoning Inspector and payment of a permit fee as determined by the Northfield Township Trustees, the Zoning Inspector shall issue the permit. **A maximum of six (6)** chickens may be permitted on each residential lot less than one acre in size. If the lot

is larger than one acre one additional chicken may be permitted per each additional 21,780 square feet over one acre. The aforementioned land requirements are the gross area of the premises harboring such chickens and include areas used by the resident for residential or other purposes, in addition to keeping of the chickens, subject to the following performance standards and development criteria.

1. Chickens shall be kept within the enclosed coop or other enclosure at all times. A coop is herein defined as a covered house, structure, or room that will provide chickens with shelter from weather and with a roosting area protected from predators. A fenced or wired area or run is required in conjunction with a coop to provide an outside exercise area for the chickens.
 2. The coop shall be adequately screened from the neighbors' view using an opaque fence and or a continuous landscape screen.
 3. Any chicken coop and fenced enclosure shall be located in the rear yard of the property. No coop, enclosure or chickens shall be allowed in any front or side yard, lots with no rear yard shall be excluded from the setback restrictions.
 4. A building permit shall be required for a chicken coop or other enclosure exceeding one hundred (100) square feet in area. A chicken coop is considered an accessory structure and is subject to the regulations concerning accessory structures.
 5. The coop or enclosure shall be covered and ventilated. Any areas designated for containing chickens shall be completely secured from predators, including openings, ventilation holes, door, and gates.
 6. The coop shall provide a minimum of three (3) square feet per chicken and be of sufficient size to afford free movement of the chickens. The coop may not be taller than five feet measured from the natural grade and must be easily accessible for cleaning and maintenance.
 7. All stored feed shall be kept in a rodent and predator proof container.
 8. Chickens may not be kept on duplex, triplex, or in multifamily properties.
 9. No ducks, geese, turkeys, peafowl, pheasants, quail, male chickens/roosters or any other poultry or fowl are allowed under these provisions.
 10. The slaughtering of chickens on the premises is prohibited.
 11. Chickens shall be kept for personal use only. The selling of chickens, chicken eggs, chicken manure, and the breeding of chickens for commercial purpose is prohibited.
 12. Chickens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within a coop or enclosure at all times.
 13. Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chicken shall not be permitted to create a nuisance consisting of odor noise or pests or contribute to any other nuisance condition.
 14. All chicken coops or enclosures shall meet the setbacks for principal buildings pursuant to the Northfield Center Zoning Regulations. Chicken manure and other refuse shall be removed from the coop and associated structures and shall be properly and lawfully disposed of, or composted.
- B. No animal including a dog or cat that kills a chicken shall for that reason alone be considered a dangerous and/or aggressive animal.

- C. Chickens that are no longer wanted by their owners shall not be released and chicken coop shall be removed.
 - D. As a condition of the issuance of a permit, a permit holder consents to the inspection of his or her property upon complaint to the Northfield Zoning Inspector or The Summit County Health Department as related to chickens/backyard hens.
 - E. This section shall not change the right granted to properties zoned as Agriculture.
 - F. These regulations shall not supersede any Homeowners Association rules pertaining to Chicken/Backyard Hens.
- Adopted via Resolution No. 22/06-06A.

Sec. 310.10 REGULATIONS FOR HOME OCCUPATIONS.

The purpose of this section is to set forth regulations that control the establishment and operation of home occupations. The intent is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted so that their existence is not detectable in any manner from the outside of the dwelling unit.

- A. The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage or outdoor area shall be permitted.
- B. No extension or structural modification of the dwelling that would not be customarily incident to a structure utilized solely for dwelling purposes shall be permitted.
- C. A home occupation shall occupy an area of the dwelling unit that equals no more than 33.3% of the floor area of the first floor of the dwelling unit.
- D. Such home occupation shall be clearly incidental and secondary in importance to the use of the dwelling unit for dwelling purposes.
- E. Only residents of the dwelling unit shall conduct, operate or be employed by such home occupation.
- F. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation. No sign advertising the home occupation shall be permitted.
- G. No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of generating any noise, vibration, glare, fumes, odors, or electrical interference, or which is found unsafe by the County Board of Health. No equipment or process shall be used that creates or causes fluctuations in line voltage off the premises.

- H. There shall be no retail sales conducted on the premises that are open to the public.
- I. No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.

Sec. 310.11 FAMILY DAY CARE HOME, TYPE “B”.

This Zoning Resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well-being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type B family day-care home, whether not certified by the county director of human services, shall be considered to be a residential use of property for purposes of township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. A type “B” family day-care home is a permanent residence of the provider where childcare is provided for one (1) to six (6) children and where no more than three (3) children are under two (2) years of age. For the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the day-care home shall be counted. Type “B” family day-care homes are a permitted accessory use in residential districts and do not require a zoning certificate.

Sec. 310.12 MOBILE FOOD VEHICLE REGULATIONS

No person or entity shall conduct or dispense food or beverages from a Mobile food Vehicle unless a permit for such vehicle is in effect and conspicuously displayed as provided by Section 310.12 and has complied with Section 630.04 for Temporary Conditional Zoning Certificate for Seasonal sales.

- A. Application: An application for a permit shall be made on forms through the Northfield Center Zoning Inspectors Office.
- B. Information Required: Each completed application must include the following.
 - 1. The name of the business and its individual owner(s).
 - 2. The mailing address of the business and mobile phone and e-mail address of the operator(s).
 - 3. The types of food and beverages to be dispensed from the vehicle.
 - 4. Verification that the Mobile Food Vehicle has passed all necessary inspections required by the County Health Department with jurisdiction over such Mobile Food Vehicle.
 - 5. A certificate of insurance evidencing commercial General liability coverage in the minimum amount of \$ 1 million U. S. dollars (1,000,000.00) in the aggregate, in a form acceptable to the Township and naming Northfield Center Township as an additional insured.
 - 6. A completed "Mobile Food Truck/Trailer Checklist" Inspection completed by the Fire Department.
 - 7. Written permission from the property owner in order to operate on private property.

- 8. Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.
- 9. The mobile food truck operator must provide the Township with a site plan of the property depicting the exact location of the vehicle and reflecting how traffic and pedestrian movement will be monitored.
- 10. Any additional information that the Township may add.
- C. The application fee shall be one hundred fifty dollars (\$ 150.00) for the year and all permits shall expire on December 31 of the year issued.
- D. The issuance of a permit does not grant or entitle the exclusive use of a location to the mobile food vehicle permit holder or convey continuous and ongoing access to a location if such location is on public property.
- E. A permit issued pursuant to the Chapter shall not be transferrable, and any attempt to assign, sell, lend, lease or in any manner transfer such permit shall be void.

Adopted via Resolution No. 21/10-04-A.

Sec. 310.13 MOBILE FOOD VEHICLE LOCATION AND OPERATOR

No person shall operate a vehicle/trailer within Northfield Center township unless they first obtained a permit and are operating in conformance with these regulations.

- A. Persons conducting business from a mobile food vehicle on public or private property may conduct such business only in compliance with the following:
 - 1. They must provide to the Township a copy of the lease or written expressed consent from the property owner to use the business property on which they propose to operate or enter into a written agreement with the Township if the property location is on publicly owned property.
 - 2. The mobile food vehicle operator must maintain all refuse, trash, and litter from the operation of the business onto the private property and shall be responsible for properly disposing of such refuse, trash, and litter as would any business and shall not place it in any public trash container, or in any private container without proper permission.
- B. Persons conducting business from a mobile food vehicle on private property shall not be permitted to operate in the following manner:
 - 1. Vending may not obstruct the use of any street intersection or pedestrian crosswalk.
 - 2. Vending shall not impede the ingress or egress of any driveway.
 - 3. Vending shall not obstruct pedestrian space.
 - 4. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
 - 5. Amplified sound or sound equipment or visual attractions such as balloons, streamers or flags or similar items is prohibited and shall not be used to draw attention to the Mobile Food Vehicle.

- 6. Any and all signage must be contained on the private property. At no time shall any signage be placed in the public right-of-way.
 - 7. No mobile food vehicle operator shall provide any dining area, including but not limited to tables, chairs, booths, bar stools, benches, counters, unless a proposal for such arrangements is submitted with the permit application and approved by the Township.
 - 8. Vendors shall be prohibited from traveling and operating in multiple locations in the Township during any 24-hour period.
- C. All operators are subject to the regulations and other requirements established by the by the Summit County Health Department.
- D. Hours of operation shall be limited and designated by the Township and vendors shall be allotted thirty (30) minutes breakdown before and after the stated operating hours.
- E. No mobile food vehicles shall be located within fifty (50) feet from the front door of any existing food establishment. Distance shall be measured to the nearest public entrance for any indoor food court. The distance requirements herein may be waived if the Mobile Food Vehicle Vendor submits written approval to the Township from all food establishments referenced herein that are closer than fifty (50) feet that such food establishment does not object to the location of the mobile food vehicle.
- F. It shall be unlawful to operate a mobile food vehicle in or within one hundred and fifty (150) feet of any Primary or Secondary School. Distance shall be measured to the nearest lot line of the school campus.
- G. The permit shall be subject to additional limitations on hours and days of operation that the Township determines are appropriate to prevent conflict with special events. Examples of such events include but are not limited to, construction, parades, sponsored marathons, and street closures due to licensed events. Mobile food vehicles shall be parked only on gravel or paved surfaces.
- H. No mobile food vehicle shall use or maintain any outside sound amplifying equipment, lights, noisemakers, or visual attractions such as balloons, streamers or flags or similar items to attract customers. A mobile food vehicle may use battery or generator operated lights with appropriate protective shields for the purpose of illuminating merchandise, so long as it is not a distraction to passing motorists. The decision of such distraction shall be determined by the Summit County Sheriff.
- I. No mobile food vehicle operating within the township shall cause congestion that impedes pedestrian traffic or interferes with the Township's use of any public rights-of way. This shall include but is not limited to activity of customer queues, accessory units, or signage that in any way invades or impairs access to adjacent parking, pedestrian, or vehicle traffic.
- J. No mobile food vehicle shall make or solicit any sales to occupants of vehicles or engage in any activity which impedes vehicular traffic.
- K. Mobile food vehicles shall be responsible to provide and maintain their own trash receptacles. Permittee shall contain all refuse, trash, and litter within the mobile food vehicle, or a small moveable trash can maintained by the permittee and located adjacent to the mobile food vehicle in such manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The

permittee of the mobile food vehicle shall be responsible for properly disposing of such refuse, trash, and litter as would any business and shall not place it in any public trash container, or in any private container without proper permission.

L. Mobile food vehicles shall be responsible for proper disposal of wastewater and shall be prohibited from discharging any wastewater onto the ground or into storm sewers and sanitary sewer lines.

M. The proposed mobile food vehicle vending activity shall be responsible for complying with all applicable laws including but limited to the American with Disabilities Act.

N. Pushcarts shall have overhead protection, such as an umbrella, to cover the food area.

O. No mobile food vehicle shall have a drive-through service.

P. The decibels levels for any generator(s) used shall not exceed ¹ 80DBA ¹ the operator shall provide the manufactures spec on decibels range generated by his particular generator.

Q. Temporary 24-hour Mobile Food Vehicle Permit:

1. Must comply with Regulation 310.12 and 310.13.

2. Issued by the Township Zoning Inspector.

3. Shall only be issued to the owner/operator three(3) times in a calendar year.

4. Temporary permit fee of Twenty-five (\$25.00) dollars.

Adopted via Resolution No. 21/10-04-A.

**Sec. 310.14 REGULATIONS FOR OUTDOOR WOOD FURNACES:
(Amended via Res. 11/09-26a)**

A. No person shall, after October 26, 2011, (which is the effective date of this amendment to the Zoning Resolution) construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of this Northfield Center-Township Zoning Resolution which specifically requires:

1. That all new OWB's meet USEPA Phase 2 white tag emission levels and have the white tag identifying that the Hydronic heater meets USEPA Phase 2 emission levels.
2. That all such furnaces shall be constructed, established, installed, operated and maintained in Conformance with:
 - a. All Federal, State and local laws, rules and regulations including but not limited to Ohio EPA Air Pollution Control Division Regulations.
 - b. The manufacturer's instructions regarding such operation.
 - c. The requirements of this North field Center Township Zoning Resolution, as set forth in Subsection B.

In the event of a conflict, the requirements of this Northfield Center Township Zoning Resolution shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

3. That the owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector to review prior to the installation and approval.
4. That all new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
5. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by the Zoning Inspector, creating a nuisance, the following steps shall be taken by the owner and the Zoning Inspector:
 - a. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney or relocating the Outdoor Wood Furnace or both.
 - b. The operation of the unit shall be terminated until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

B. Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following requirements:

1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, as defined in Section 130.02 No.105) wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
 - a. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - b. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - c. Any plastic materials including but not limited to nylon, ~~PYC~~, *PVC*, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - d. Rubber including tires and other synthetic rubber-like products.
 - e. Newspaper, cardboard, or any paper with ink or dye products.

- f. Any other items not specifically allowed by the manufacturer or this provision.
2. The chimney of any new Outdoor Wood Furnace shall extend at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace. If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Inspector.
3. The Outdoor Wood Furnace shall be located in the rear yard and at least 200 feet from all property lines.
4. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
5. Outdoor Furnaces that use corn, wood pellets or other pelletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 2 Program Qualified models.
6. No such furnace shall be operated between May 15th and September 15th.
7. The property owner shall obtain all required building permits from the Summit County Department of Building Standards prior to construction;
8. As a condition of approval of use, the property owner shall provide access to the property for inspection of the system by Northfield Center Township during periods of operation, to determine compliance with all regulations.

CHAPTER 320
Planned Residential Development Regulations

Table with 4 columns: Code, Description, Code, Description. Rows include 320.01 Purpose, 320.02 Approval of planned residential developments, 320.03 Minimum project area, 320.04 Dwelling types, 320.05 Density and open space regulations, 320.06 Restricted open space requirements, 320.07 Development and site planning standards, 320.08 Dwelling unit requirements, 320.09 Street, drive and walkway requirements, 320.10 Supplemental requirements, 320.11 Homeowners associations, 320.12 Phased development, 320.13 Plan approval.

Sec. 320.01 PURPOSE.

Planned Residential Development regulations are established in order to encourage and accommodate, in a unified project, creative and imaginative Planned Residential Developments (PRD). It is intended that PRDs will utilize innovations in the technology of land development that are in the best interests of the Township and which are consistent with the residential objectives in the Comprehensive Plan to preserve sensitive natural areas that contribute to the character of Northfield Center Township. In order to accomplish this purpose, these regulations, established in accordance with Section 519.021(C) of the Ohio Revised Code, provide for a variety of dwelling types, including single-family detached, clustered, and attached single-family units.

These regulations are designed to achieve, among others, the following objectives:

- A. To allow flexible residential development on larger sites, especially sites that have natural features such as wetlands, natural ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas, which contribute to the character of Northfield Center Township in order to preserve these natural features.
B. To promote economical and efficient use of land and reduce infrastructure costs through unified development.
C. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation, the provision of readily accessible open space and recreation areas, and the creation of functional and interesting residential areas.
D. To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.

- E. To ensure that Planned Residential Developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process, authorized by Section 519.021 of the Ohio Revised Code, to ensure that all developments are consistent with the regulations.

Sec. 320.02 APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENTS.

In addition to the general review procedures for development plans, the Zoning Commission shall review a proposed PRD to ensure that:

- A. Buildings and uses within the proposed development are located so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development.
- B. Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas.
- C. The bulk and height of buildings within the proposed development are compatible with the surrounding development.
- D. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion.
- E. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development.
- F. In the C-4 District, the PRD is located along a district boundary that abuts a residential district in order to provide a transitional use between the existing residential neighborhood and the C-4 nonresidential development.
- G. The proposed landscaping is appropriate for the site and provides all-season color through the use of trees, shrubs and perennials.

Sec. 320.03 MINIMUM PROJECT AREA.

The area proposed to be developed as a PRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PRD boundaries. The gross area of a tract of land in a PRD shall not be less than:

- A. 25 acres in an O-C or an R-1 District.
- B. 10 acres in an R-2 District.
- C. 10 acres in a C-4 District.

Sec. 320.04 DWELLING TYPES.

The types of dwelling units that may be included as part of a PRD are listed below in Schedule 320.04, and are noted by the letter “X” for the district in which the PRD is located.

Schedule 320.04

	O-C and R-1 Districts	R-2 and C-4 Districts
A. Standard detached single-family dwelling on a lot	X	X
B. Cluster detached single-family dwelling	X	X
C. Attached single-family dwellings with not more than 4 units attached in one building		X
D. Multi-family dwellings		X

Sec. 320.05 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of a PRD shall comply with the following:

- A. Maximum Density. The gross density of a PRD shall not exceed the maximum number of dwelling units per acre set forth below in Schedule 320.05 for the district in which the PRD is located. The maximum number of dwelling units permitted for a particular site shall be calculated by:
 - 1. Deducting the following from the total project area:
 - a) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - b) The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in Schedule 320.05. Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.
 - 2. Multiplying the result of subsection 1. by the maximum number of dwelling units set forth in Schedule 320.05.

- B. Maximum Net Density - Units on Any One Acre. The number of units permitted on any one acre of the site shall not exceed the net density set forth below in Schedule 320.05. An imaginary square, approximately 209 feet by 209 feet, shall be used to determine the maximum number of units on any one acre of the site.

- C. Minimum Restricted Open Space. A portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in Schedule 320.05 for the district in which the PRD is located.
- D. Requirements for Fee-Simple Subdivided Lots. Individually subdivided lots may be included as part of a PRD and need not comply with the lot area, lot width or yard requirements set forth in Schedules 310.04 and 310.05.
- E. Schedule 320.05:

	O-C	R-1	R-2 and C-4
1. Maximum density (dwelling units per acre)	0.2 units	2 units	5 units
2. Maximum net density on any one acre	3 units	7 units	12 units
3. Minimum restricted open space	50%	30%	25%

Sec. 320.06 RESTRICTED OPEN SPACE REQUIREMENTS.

The restricted open space shall comply with the following:

- A. General Standards.
 - 1. The restricted open space shall be located and designed to the satisfaction of the Zoning Commission and shall:
 - a) Be sufficiently aggregated to create large areas of planned open space;
 - b) Conserve significant topographic and natural features to the extent practicable;
 - c) Be easily accessible to residents of the PRD;
 - d) Be not less than 50 feet in width at any point;
 - e) Be interconnected with open space areas on abutting parcels, wherever possible, by open space corridors.

2. Land area devoted to the following shall not be included as meeting the restricted open space requirement:
 - a) Public rights-of-way;
 - b) Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Zoning Commission when providing access to the restricted open space;
 - c) Required setbacks for buildings and parking areas from the project boundaries, and public streets, unless the required setback is contiguous to and part of a larger area of restricted open space;
 - d) Required spacing between buildings and between buildings and parking areas;
 - e) Private yards within subdivided lots.
 3. Areas designated for restricted open space purposes may be:
 - a) Preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; and/or
 - b) Used for outdoor active or passive recreation for the use and/or enjoyment of the residents of the proposed development, provided that in the O-C district, not more than 20 percent of the restricted open space shall be used for recreational purposes. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Zoning Commission. Where deemed appropriate by the Zoning Commission, recreation areas shall be provided with sufficient parking and appropriate access.
 4. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
 5. Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.
- B. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to

the Township’s legal advisor and duly recorded in the Office of the Recorder of Deeds of Summit County.

- C. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the Township, a land trust or other conservation organization recognized by the Township.

Sec. 320.07 DEVELOPMENT AND SITE PLANNING STANDARDS.

The following specific development standards shall be adhered to in the design and layout of any PRD.

- A. Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Schedule 320.07 below.
- B. Minimum Spacing between buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in Schedule 320.07, except that when the windows of living areas and patios, decks, and terraces face each other, they shall be separated by at least 50 feet. This distance may be reduced when the Zoning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.
- C. Schedule 320.07. Minimum Setback and Spacing Requirements.

	O-C	R-1	R-2 and C-4
1. Setback from existing public street right-of-way	70 ft.	50 ft. ^(a)	50 ft. ^(a)
2. Setback from project boundary, other than a public street	50 ft. ^(b)	50 ft. ^(b)	50 ft. ^{(b)(c)}
3. Setback from interior street right-of-way ^(d)	25 ft.	25 ft.	25 ft.
4. Spacing between buildings	25 ft.	20 ft.	20 ft.
Notes to Schedule 320.07: ^(a) 70 feet from County and State Roads. ^(b) Except as otherwise regulated in Section 320.07F. ^(c) The Zoning Commission may permit a reduced setback from a project boundary when existing or proposed vegetation provides a 100% screen between the PRD and the adjacent property. ^(d) Except as otherwise permitted for lots on cul-de-sacs according to subsection E.			

- D. Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a PRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.
- E. Reduced Building Setback on Cul-De-Sacs. The minimum building setback shall be 10 feet measured from the public right-of-way of an interior street when:
1. The interior street is a cul-de-sac that does not exceed 200 feet in length.
 2. There are no more than 6 dwelling units with driveways on the cul-de-sac.
- F. Required Buffer. A buffer area with a minimum width of 20 feet shall be located within the required setback from the project boundary specified in Schedule 320.07 and shall be landscaped in accordance with Section 430.04B. In the event a PRD is proposed on land that has been rezoned from an industrial district to an O-C, R-1, or R-2 residential district after the effective date of this Zoning Resolution, as set forth in Section 120.05, so that the newly established residential district abuts an existing industrial district, the required buffer yard located along the boundary line that abuts the existing industrial district shall have a minimum width of 50 feet, and the required building setback from the lot line that abuts the existing industrial district shall be increased to 80 feet.
- G. Lot Requirements. Dwelling units are not required to be on lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a PRD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
- H. Resource Protection Regulations:
1. All buildings, structures or land within a floodway (as shown on the FEMA maps) shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part, only for a use listed below:
 - a) Outdoor recreational facilities including swimming pools, riding academies, playing fields, ball fields, courts, trails, and other similar recreational facilities;
 - b) Fencing that allows the passage of water;
 - c) Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt, pervious concrete or combinations of geotextiles with sand, gravel and sod.

2. Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:
 - a) A buffer area having a width not less than 20 feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
 - b) A minimum building and pavement setback of 35 feet, measured from the edge of the designated wetland.

Sec. 320.08 DWELLING UNIT REQUIREMENTS.

In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following:

- A. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 320.08, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.
- B. Schedule 320.08 Minimum Floor Area Per Dwelling Unit.

Type of Dwelling Unit	Minimum Floor Area
1. Single-Family Detached Unit	
a. Total area per dwelling unit	1,500 sq. ft.
b. 1 st floor of a multi-story dwelling unit	1,000 sq. ft.
2. Single-Family Attached Unit	
a. Total area per dwelling unit	1,000 sq. ft.
b. 1 st floor of a multi-story dwelling unit	950 sq. ft.
3. Multi-Family Unit	
a. Efficiency suites	500 sq. ft.
b. One-bedroom unit	650 sq. ft.
c. Two-bedroom unit	900 sq. ft.
d. Three or more bedroom unit	1,200 sq. ft. plus 300 sq. ft for every bedroom over three

- C. One Story Above Ground. All dwellings shall have at least one story above ground level and shall have continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.

- D. Siting Requirements for Dwelling Units. All dwelling units shall comply with the following requirements:
1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
 2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing units shall be removed from the structure.
 3. Dwelling units shall have a minimum width of 22 feet in any dimension.
 4. The minimum pitch of the main roof of a dwelling shall not be less than 3 feet rise for each 12 feet of horizontal run.
- E. Maximum Building Height. The maximum building height shall be 35 feet for principal buildings and 15 feet for accessory buildings.
- F. Accessory Buildings and Uses. An accessory building or use associated with a single-family or two-family dwelling unit shall be located on the same lot as the dwelling unit and shall comply with the regulations set forth in Chapter 310.08.

Sec. 320.09 STREET, DRIVE AND WALKWAY REQUIREMENTS.

- A. General Street Design Criteria.
1. The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
 2. Street alignments should follow natural contours and be designed to conserve natural features.
- B. Public Streets. All streets shall be public, dedicated streets that are designed and constructed in compliance with the Summit County Subdivision Regulations. There shall be no obstructions, including median dividers or traffic islands, placed in the public right-of-way except as otherwise permitted by the Board of Township Trustees.
- C. Common Drives: Common drives shall be permitted in compliance with the following requirements:
1. A common drive shall serve no more than two units.

- 2. A common drive shall extend from a public street and shall not connect to any other existing or planned public street.
- 3. The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Fire Department.

Amended via Resolution No. 18/08-06 F

- 4. Right-of-ways are not required for common drives; however, a 10-foot wide utility easement shall be required along the length of the common drive, unless the Zoning Commission determines that such easement is unnecessary.
- 5. All common drives shall be paved and have a minimum width of 12 feet.
- 6. Whenever a common drive is included in a planned residential development, deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive.”

- D. Access to Public Streets. There shall be no direct access from any dwelling to a county or state road.
- E. Pedestrian Circulation and Walkways. A pedestrian circulation system shall be included in the PRD. The system shall provide convenient pedestrian access throughout the PRD and from the PRD to other areas of the community. Walkways shall have a minimum width of 4 feet and shall be constructed of concrete or asphalt unless otherwise permitted by the Zoning Commission.

Sec. 320.10 SUPPLEMENTAL REQUIREMENTS.

- A. Privacy for individual principal buildings shall be maintained through the use of landscaping and screening.
- B. Street lighting and street signs shall be adequate for safety and security.
- C. Each use and all dwelling units in the PRD shall be served by central water and sanitary sewer facilities, underground utilities, and cable TV.
- D. Trees shall be planted along all streets in accordance with the landscaping requirements set forth in Section 430.02.

- E. Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PRD.

Sec. 320.11 HOMEOWNERS ASSOCIATIONS.

As part of a planned residential development, a homeowner's association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required restricted open space.

- A. The township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - 1. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in a condominium.
 - 2. The Association shall be responsible for maintenance, control, and insurance of common areas.
- B. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of seventy-five (75) percent of its members, (ii) having established a successor entity to take over said property pursuant to the township's zoning resolution; and (iii) the approval of the township board of trustees.
- C. The Association shall convey to the township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

Sec. 320.12 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

Sec. 320.13 PLAN APPROVAL.

The applicant for a planned residential development shall submit development plans in accordance with Chapter 620. Under the authority established in Section 519.021(C) of the Ohio Revised Code, the Zoning Commission shall review and act on all applications for planned residential developments.

**CHAPTER 321
Twinsburg Road Planned Residential Development Regulations**

CHAPTER 321, "TWINSBURG ROAD PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS" HAS BEEN REMOVED AND ALL FUTURE PLANNED RESIDENTIAL DEVELOPMENT WILL CONFORM TO CHAPTER 320 "PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS"

Amended via Resolution No. 18/08-06 F

**CHAPTER 350
Commercial District Regulations**

350.01	Purpose.		
350.02	Use regulations.	350.10	Dwelling unit requirements.
350.03	Schedule of permitted uses.	350.11	Accessory use regulations.
350.04	Lot requirements.	350.12	Landscaping and screening requirements.
350.05	Building spacing requirements.		
350.06	Height regulations.	350.13	Supplemental regulations for gasoline stations.
350.07	Parking setback requirements.	350.14	Performance standards.
350.08	Intentionally left blank.	350.15	Development plan review.
350.09	Intentionally left blank.		

Sec. 350.01 PURPOSE.

Commercial Districts (C-1, and C-4) and their regulations are established in order to achieve, among others, the following purposes:

- A. To provide in appropriate and convenient locations sufficient areas for business activities and the exchange of goods and services.
- B. To protect residential neighborhoods adjacent to commercial uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences.
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities.
- D. To provide Retail Commercial Districts (C-1) for certain retail and personal service establishments and to ensure that these areas are developed in a manner that is appropriate for locations abutting residential areas. The regulations are intended to encourage groupings of establishments attached and/or unattached, located in a unified environment.
- E. To provide a Planned Shopping Center District (C-4) for large-scale shopping development in locations that are adequately served by major streets and other facilities. This district is established to encourage the grouping of retail, office, and entertainment establishments.
- F. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.

Sec. 350.02 USE REGULATIONS.

- A. A use listed in Schedule 350.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
- B. A use listed in Schedule 350.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
- C. A use listed below shall be permitted as an accessory use in a commercial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
 - 1. Off-street parking and loading areas as regulated by Section 350.07 and Chapter 410.
 - 2. Signs as regulated by Chapter 420.
 - 3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.
- D. Although a use may be indicated as permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

Sec. 350.03 SCHEDULE OF PERMITTED USES, *Amended via Resolution No. 01/8-6g, No. 05/09/12a, 12/02-27a, and No. 15/07-06F*

Permitted Uses	C-1 Retail Com.	C-4 Planned Shopping Center
A. Residential		
1. Single-family detached dwelling unit	C	
2. Two-family dwelling	C	
3. Multi-family dwelling with not more than 4 units in one building	P	
4. Planned residential development according to Chapter 320		P
5. Residential units above first floor of a building devoted to a non-residential use	P	
6. Bed and breakfast home		
7. Congregate care facility		
B. Offices		
1. Medical or dental office or clinic	P	P
2. Administrative, business or professional office	P	P
3. Financial establishment, bank	P	P
C. Retail/Services		
1. Retail use in wholly enclosed building	P	P
2. Long-term outdoor display	C	
3. Seasonal sales, temporary sidewalk sales	C	C
4. Personal service such as barber shop, beauty shop, dry-cleaning laundry, shoe repair, tanning salons, nail salons, reducing salons, and physical fitness centers.	P	C
5. Funeral home	P	
6. Restaurant, eating and drinking establishment	C	C
7. Studio for instruction such as dance, karate, art	P	
8. Hotel, motel		C
9. Party center and banquet hall	C	
10. Dog grooming – no kennel	P	
11. Veterinary clinic	C	
12. Drive-thru facility in association with a principal use	C	C
13. Internet Sweepstakes Café (Amend. via Res. 12/02-26a)		

D. Auto Oriented		
14. Vehicle sales, rental, new and/or used		
15. Parking garage, lot, deck		P
16. Gasoline station	C	P
17. Automobile service station		P
18. Car wash	C	C
19. Small engine repair (20 hp)		P
E. Community Facilities		
1. Church or other place of worship	C	C
2. Elementary and/or secondary school facility, public or private	C	P
3. Library, museum or similar cultural facility	P	P
4. Meeting facility for fraternal organization, or community organization, i.e. YMCA	C	C
5. Indoor recreational and entertainment such as bowling alley, indoor theater	C	C
6. Public safety facility	C	C
7. Public service facility		C
8. Wireless telecommunication facilities and antenna SEE CHAPTER 450		

Sec. 350.04 LOT REQUIREMENTS.

Lots in commercial districts shall comply with the following:

- A. Minimum Requirements. Minimum lot and project area requirements are set forth in Schedule 350.04 below.

B. One Building Per Lot.

1. Nonresidential Uses. One principal building shall be permitted on a lot.
2. Residential Dwellings. In a C-1 district, only one dwelling shall be permitted on a lot.

Amended via Resolution No. 18/10-01 A

C. Access to C-4 or I-1 District. Access to nonresidential development in a C-4 or I-1 District shall not be provided from a local residential street.

D. Schedule 350.04:

Minimum Requirements	C-1 Retail Com.	C-4 Planned Shopping Center
1. Project size	--	25 acres
2. Minimum lot size except as otherwise set forth below for residential uses	25,000 sq.ft.	--
a) Single-family dwelling	25,000 sq.ft.	NP
b) Two-family dwelling	25,000 sq.ft.	NP
c) Multi-family dwelling	40,000 sq.ft.	NP
3. Lot width at building line	100 ft.	--
4. Street frontage	100 ft.	300 ft.

Sec. 350.05 BUILDING SPACING REQUIREMENTS.

Every building shall be located on a lot in compliance with the building spacing regulations set forth in Schedule 350.05:

- A. Setbacks from Public Streets. The setback requirement shall be measured from the right-of-way of the public street.
- B. Schedule 350.05.

Minimum Setbacks/ Spacing Requirements	C-1 Retail Com.	C-4 Planned Shopping Center
1. Setback from Public Streets	50 ft. ^(a)	50 ft. ^(b)
2. Setback from Side and Rear Lot Lines		
a) Adjacent to non-res. districts	25 ft.	25 ft.
b) Adjacent to O-C, R-1, or R-2 District	50 ft.	100 ft.
3. Spacing between principal buildings on the same lot	20 ft.	20 ft.

Sec. 350.06 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

- A. No buildings shall exceed a height of 35 feet.
- B. Height exceptions are set forth in Sec. 230.06B for appurtenant structures.

Sec. 350.07 PARKING SETBACK REQUIREMENTS.

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 350.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

Schedule 350.07

	C-1 Commercial	C-4 Planned Shopping Center
A. Setback from public street right-of-way	30 ft.	30 ft.
B. Setback from side and rear lot line:		
1. Adjacent to non-residential district	15 ft.	15 ft.
2. Adjacent to O-C, R-1 or R-2 District	25 ft.	100 ft.

Sec. 350.10 DWELLING UNIT REQUIREMENTS.

- A. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 350.10, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.
- B. Schedule 350.10 Minimum Floor Area Per Dwelling Unit.

Type of Dwelling Unit	Minimum Floor Area
1. Single-Family Unit	
a) Total floor area per dwelling unit	1,500 sq. ft.
b) 1 st floor of a one and a half story, two-story or multi-level dwelling	1,000 sq. ft.
2. Two-Family Unit	1,000 sq. ft.
3. Dwelling unit in a multi-family dwelling or above the first floor of a building devoted to a nonresidential use	
a) Efficiency suites	500 sq. ft.
b) One-bedroom unit	650 sq. ft.
c) Two-or more bedroom unit	900 sq. ft. plus 300 sq. ft for every bedroom over two

Sec. 350.11 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any Commercial District shall conform to the regulations of this Section.

A. Residential Accessory Buildings and Uses. Accessory buildings and accessory uses associated with residential uses, in districts where residential uses are permitted, shall comply with the accessory use regulations set forth in Section 310.08.

B. Non-Residential Accessory Uses, Buildings and Structures. Accessory uses, buildings and structures associated with nonresidential uses shall comply with all lot area and yard requirements established for principal buildings and uses set forth in this Chapter; accessory buildings shall not exceed 144 square feet. The primary use of the accessory building is to store maintenance equipment. Accessory buildings shall match the design of the primary building.

Amended via Resolution No. 169/04-01 G

1. Accessory buildings in C-4 shall be based on JEDD requirements.

Accessory uses, buildings and structures associated with nonresidential uses shall be subject to the development plan review and approval requirements of the zoning district in which the parcel is located.

C. Fences and Walls. Fences and walls may be erected in any Commercial District provided they comply with the following:

1. In a front yard, a fence or wall shall not exceed 4 feet in height, except as otherwise regulated in Section 230.03.
2. In a required side or rear yard, a fence or wall shall not exceed 6 feet in height.
3. All fences and walls shall be of uniform design and shall be well maintained. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.

D. Trash Receptacles. Trash receptacles shall be located in the rear yard and shall conform to the minimum parking setback.

E. Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 350.07 and shall otherwise conform to the regulations of Chapter 410.

Sec. 350.12 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 430.

Sec. 350.13 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

In addition to the above regulations, all gasoline stations shall comply with the following standards.

- A. A gasoline station located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- B. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 350.07.
- C. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- D. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

Sec. 350.14 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having noncombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.
- D. Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless otherwise specifically permitted in these regulations.

Sec. 350.15 DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a building, structure or use in a Commercial District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 620, except as otherwise set forth for single-family and two-family dwellings in a C-1 District, which shall be reviewed and approved according to the zoning certificate procedures set forth in Chapter 610.

CHAPTER 351

Business Residential District Regulations

- 351.01 Purpose.
- 351.02 Use Regulations.
- 351.03 Schedule of Permitted Uses.
- 351.04 Lot Requirements.
- 351.05 Building Spacing Requirements.
- 351.06 Height Regulations.
- 351.07 Building Requirements.
- 351.08 Parking setback requirements.
- 351.09 Dwelling unit requirements.
- 351.10 Accessory use regulations.
- 351.11 Landscaping and screening requirements.
- 351.12 Performance standards.
- 351.13 Development plan review.

Sec. 351.01 PURPOSE.

Business Residential Districts (B-R) and its regulations are established in order to allow professional, administrative and executive offices that are compatible with residential uses, and which serve as transitional areas between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single-family residential developments. The regulations are intended to ensure that nonresidential buildings are constructed in a manner that is compatible with the primary residential character of the area. It is recognized that some dwelling units within the district may be converted to office uses.

Sec. 351.02 USE REGULATIONS.

- A. A use listed in Schedule 351.03 shall be permitted by right as a principal use in a B-R District when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
- B. A use listed in Schedule 351.03 shall be permitted as a conditional use in a B-R district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
- C. A use listed below shall be permitted as an accessory use in a B-R District. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.

1. Off-street parking and loading areas as regulated by Section 351.08 and Chapter 410.
2. Signs as regulated by Chapter 420.13.
3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.

Although a use may be indicated as permitted, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

Sec. 351.03 SCHEDULE OF PERMITTED USES.

Permitted Uses	B-R Business Residential
D. Residential	
1. Single-family detached dwelling unit	P
2. Two-family dwelling	P
3. Multi-family dwelling with not more than 4 units in one building	
4. Planned residential development according to Chapter 320	
5. Residential units above first floor of a building devoted to a non-residential use	P
6. Bed and breakfast home	P
7. Congregate care facility	C
E. Offices	
1. Medical or dental office or clinic	P
2. Administrative, business or professional office	P
3. Financial establishment, bank	
F. Retail/Services	
1. Retail use in wholly enclosed building	
2. Long-term outdoor display	
3. Seasonal sales, temporary sidewalk sales	
4. Personal service such as barber shop, beauty shop, dry-cleaning laundry, shoe repair, tanning salons, nail salons, reducing salons, and physical fitness centers.	

Permitted Uses	B-R Business Residential
5. Funeral home	
6. Restaurant, eating and drinking establishment	C
7. Studio for instruction such as dance, karate, art	C
8. Hotel, motel	
9. Party center and banquet hall	
10. Dog grooming – no kennel	
11. Veterinary clinic	
12. Drive-thru facility in association with a principal use	
13. Internet Sweepstakes Café (Amend. via Res. 12/02-26a)	
F. Auto Oriented	
14. Vehicle sales, rental, new and/or used	
15. Parking garage, lot, deck	
16. Gasoline station	
17. Automobile service station	
18. Car wash	
19. Small engine repair (20 hp)	
G. Community Facilities	
1. Church or other place of worship	C
2. Elementary and/or secondary school facility, public or private	
3. Library, museum or similar cultural facility	
4. Meeting facility for fraternal organization, or community organization, i.e. YMCA	C
5. Indoor recreational and entertainment such as bowling alley, indoor theater	
6. Public safety facility	C
7. Public service facility	
8. Wireless telecommunication facilities and antenna	See Chapter 450
P = Principal use permitted by right C = Conditional Use Blank cell indicates the use is not permitted in the district	

Sec. 351.04 LOT REQUIREMENTS.

Lots in B-R districts shall comply with the following:

- A. Minimum Requirements. Minimum lot and project area requirements are set forth in Schedule 351.04 below.

- B. One Building Per Lot.
 - 1. Nonresidential Uses. One principal building shall be permitted on a lot.
 - 2. Residential Dwellings. In a B-R district, only one dwelling shall be permitted on a lot.
- C. Maximum Building Floor Area. The total floor area of buildings occupied with a nonresidential use shall not exceed 5,000 square feet per acre.
- D. Schedule 351.04:

Minimum Requirements	B-R Business Residential
1. Project size	--
2. Minimum lot size except as otherwise set forth below for residential uses	25,000 sq.ft.
a) Single-family dwelling	25,000 sq.ft.
b) Two-family dwelling	25,000 sq.ft.
c) Multi-family dwelling	NP
3. Lot width at building line	100 ft.
4. Street frontage	100 ft.(a)
Notes to Schedule 351.04: (a) Except that when a lot fronts on a cul-de-sac, the minimum frontage shall be 50 ft as measured on the arc.	

Sec. 351.05 BUILDING SPACING REQUIREMENTS.

Every building shall be located on a lot in compliance with the building spacing regulations set forth in Schedule 351.05:

- A. Setbacks from Public Streets. The setback requirement shall be measured from the right-of-way of the public street.
- B. Schedule 351.05.

Minimum Setbacks/ Spacing Requirements	B-R Business Residential
4. Setback from Public Streets	50 ft.(a)
5. Setback from Side and Rear Lot Lines	
a) Adjacent to non-res. districts	25 ft.

Minimum Setbacks/ Spacing Requirements	B-R Business Residential
b) Adjacent to O-C, R-1, or R-2 District	50 ft.(b)
6. Spacing between principal buildings on the same lot	20 ft.
Notes to Schedule 350.05: (a) 70 feet on all County and State Roads. (b) The minimum setback for single-family and two-family dwellings shall be 25 feet.	

Sec. 351.06 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

- A. No buildings shall exceed a height of 35 feet.
- B. Height exceptions are set forth in Sec. 230.06B for appurtenant structures.

Sec. 351.07 BUILDING REQUIREMENTS

All development in the B-R District shall maintain the existing small-scale residential character of the Olde 8 corridor and shall comply with the following building requirements.

- A. One Building Per Lot. Only one dwelling shall be permitted on a lot.
- B. One Accessory Structure Per Lot. Only one accessory structure shall be permitted on a lot. See Chapter 310.08 for further requirements.
- C. Maximum Building Floor Area Per Dwelling Unit. In a B-R District, the total floor area of buildings occupied with a nonresidential use shall not exceed five thousand (5,000) square feet per acre.
- D. Flat roofs shall not be permitted in the B-R District.

Sec. 351.08 PARKING SETBACK REQUIREMENTS.

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 351.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

Schedule 351.08

	B-R Business Residential
A. Setback from public street right-of-way	Same as building
B. Setback from side and rear lot line:	15 ft
1. Adjacent to non-residential district	
2. Adjacent to O-C, R-1 or R-2 District	25 ft

Sec. 351.09 DWELLING UNIT REQUIREMENTS.

A. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 351.09, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.

B. Schedule 351.09 Minimum Floor Area Per Dwelling Unit.

Type of Dwelling Unit	Minimum Floor Area
1. Single-Family Unit	
a) Total floor area per dwelling unit	1,500 sq. ft.
b) 1 st floor of a one and a half story, two-story or multi-level dwelling	1,000 sq. ft.
2. Two-Family Unit	1,000 sq. ft.
3. Dwelling unit in a multi-family dwelling or above the first floor of a building devoted to a nonresidential use	
a) Efficiency suites	500 sq. ft.
b) One-bedroom unit	650 sq. ft.
c) Two-or more bedroom unit	900 sq. ft. plus 300 sq. ft for every bedroom over two

Sec. 351.10 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any B-R District shall conform to the regulations of this Section.

- A. Residential Accessory Buildings and Uses. Accessory buildings and accessory uses associated with residential uses, in districts where residential uses are permitted, shall comply with the accessory use regulations set forth in Section 310.08.
- B. Non-Residential Accessory Uses, Buildings and Structures. Accessory uses, buildings and structures associated with nonresidential uses shall comply with all lot area and yard requirements established for principal buildings and uses set forth in this Chapter; accessory buildings shall not exceed 144 square feet. The primary use of the accessory building is to store maintenance equipment. Accessory buildings shall match the design of the primary building.
- Accessory uses, buildings and structures associated with nonresidential uses shall be subject to the development plan review and approval requirements.
- C. Fences and Walls. Fences and walls may be erected in the B-R District provided they comply with the following:
1. In a front yard, a fence or wall shall not exceed 4 feet in height, except as otherwise regulated in Section 230.03.
 2. In a required side or rear yard, a fence or wall shall not exceed 6 feet in height.
 3. All fences and walls shall be of uniform design and shall be well maintained. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
 4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.
- D. Trash Receptacles. Trash receptacles shall be located in the rear yard and shall conform to the minimum parking setback.
- E. Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 350.07 and shall otherwise conform to the regulations of Chapter 410.

Sec. 351.11 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 430.

Sec. 351.12 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having noncombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.
- D. Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless otherwise specifically permitted in these regulations.

Sec. 351.13 DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a building, structure or use in a B-R District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 620, except as otherwise set forth for single-family and two-family dwellings in a B-R District, which shall be reviewed and approved according to the zoning certificate procedures set forth in Chapter 610.

**Chapter 352
Town Center District (T-C) Regulations**

352.01 Purpose	352.10 Accessory Use Regulations
352.02 Use Regulations	352.11 Landscaping and Screening Requirements
352.03 Schedule of Permitted Uses	352.12 Supplemental Regulations for Gasoline Stations
352.04 Lot Requirements	352.13 Performance Standards
352.05 Building Spacing Requirements	352.14 Development Plan Review
352.06 Height Regulations	352.15 Commercial Vehicle Parking
352.07 Parking Setback Regulations	352.16 Portable Storage Containers
352.08 Supplemental Building Regulations For T-C District	352.17 Outdoor Parking of Construction Equipment/Vehicles on a T-C Lot
352.09 Dwelling Unit Regulations	

352.01 PURPOSE

- A. To provide a Town Center District (T-C) that encourages a mix of uses in a compact, yet cohesive, town "center" environment that has a pedestrian orientation. The regulations are intended to promote, reinforce, and maintain the small-town character of Northfield Center Township.

352.02 USE REGULATIONS.

- A. A use listed in Schedule 352.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
 - B. A use listed in Schedule 352.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
 - C. A use listed below shall be permitted as an accessory use in the Town Center District. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
-

1. Off-street parking and loading areas as regulated by Section 352.07 and Chapter 410.
2. Signs as regulated by Chapter 420.
3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.

D. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use in the Town Center District shall be a prohibited use in this zoning district and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.

352.03 SCHEDULE OF PERMITTED USES.

1.	Single-family detached dwelling unit	
2.	Two-family dwelling	
3.	Multi-family dwelling with not more than 4 units in one building	
4.	Planned residential development according to Chapter 320	
5.	Residential units above first floor of a building devoted to a non-residential use	p
6.	Bed and breakfast home	
7.	Congregate care facility	
1.	Medical or dental office or clinic	p
2.	Administrative, business, or professional office	p
3.	Financial establishment, bank	p

1.	Retail use in wholly enclosed building	
2.	Long-term outdoor display	C
3.	Seasonal sales, temporary sidewalk sales	C
4.	Personal service such as barber shop, beauty shop, drycleaning laundry, shoe repair, tanning salons, nail salons, reducing salons, and physical fitness centers.	p
5.	Funeral home	
6.	Restaurant, eating and drinking establishment	C
7.	Studio for instruction such as dance, karate, art	C
8,	Hotel, motel	
9.	Party center and banquet hall	
10.	Dog grooming — no kennel	
11.	Veterinary clinic	C
12.	Drive-thru facility in association with a principal use	
13.	Internet Sweepstakes Café (Amend. via Res. 12/02-26a)	

P Principal use permitted by right

C Conditional use

Blank cell indicates the use is not permitted in the district

14.	Vehicle sales, rental, new and/or used				
15.	Parking garage, lot, deck				

Sec. 352.03 SCHEDULE OF PERMITTED USES, Amended via Resolution No. 01/8-6g,

16.	Gasoline station	C
17.	Automobile service station	
18.	Car wash	C



19.Small engine repair (20 hp)	
Community Facilities	
1. Church or other place of worship	C
2. Elementary and/or secondary school facility, public or private	C
3. Library, museum, or similar cultural facility	
4. Meeting facility for fraternal organization, or community organization, i.e. YMCA	C
5. Indoor recreational and entertainment such as bowling alley, indoor theater	C
6. Public safety facility	C
7. Public service facility	
8. Wireless telecommunication facilities and antenna	

Sec. 352.04 LOT REQUIREMENTS.

Lots in Town Center shall comply with the following:

A. Minimum Requirements. Minimum lot and project area requirements are set forth in Schedule 352.04 below.

B. One Building Per Lot.

1. Nonresidential Uses. One principal building shall be permitted on a lot.
2. Residential Dwellings. In a Town Center, only one dwelling shall be permitted on a lot.
Amended via Resolution No. 18/10-01 A

C. Schedule 352.04:

Minimum Requirements		Town Center	
1. Project size			
2. Minimum lot size except as otherwise set forth below for residential uses		25,000 sq. ft.	
a) Single-family dwelling			
b) Two-family dwelling			
c) Multi-family dwelling			
3. Lot width at building		100 ft.	
4. Street frontage		100 ft.	

Sec. 352.05 BUILDING SPACING REQUIREMENTS.

Every building shall be located on a lot in compliance with the building spacing regulations set forth in Schedule 352.05:

- A. Setbacks from Public Streets. The setback requirement shall be measured from the right-of way of the public street.
-

B. Schedule 352.05.

Minimum Setbacks/ Spacing Requirements		T-c Town Center		
1. Setback from Public Streets		50 ft. (a)		
2. Setback from Side and Rear Lot Lines				
a) Adjacent to non-res. districts		25 ft.		
b) Adjacent to O-C, R-1, or R-2 District		50 ft.		
3. Spacing between principal buildings on the same lot		20 ft.		

Sec. 352.06 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

A. No buildings shall exceed a height of 35 feet.

B. Height exceptions are set forth in Sec. 230.06 B for appurtenant structures.

Sec. 352.07 PARKING SETBACK REQUIREMENTS.

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 352.07 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430. Schedule 352,07

		Town Center		
A. Setback from public street right-of way		30 ft.		
B. Setback from side and rear lot line:				
1. Adjacent to non-residential district		15 ft.		
2. Adjacent to CC, R-1 or R-2 District		25 ft.		

Sec. 352.08 SUPPLEMENTAL BUILDING REQUIREMENTS FOR T-C DISTRICT.

All development in the T-C District shall comply with the following supplemental building and parking requirements.

A. Whenever parking is located in front of a building, not more than 50 percent of the area between the parking setback and the building shall be devoted to parking.

B. The wall of a building that faces a public right-of-way, that is within 45 degrees of facing a public right-of-way, or that faces a parking area shall comply with the following:

1. A minimum of 50 percent of such ground floor wall area shall have display-type windows. The bottom edge of such window shall not be higher than three (3) feet above grade. A maximum of 20 percent of such windows may be opaque.

2. Walls shall have no more than 20 feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building.

C. Flat roofs shall not be permitted in the T-C District.

D. No use, change of use (except for oil and gas wells which shall be exempt from the site plan review) shall be permitted until such use has received written site plan approval from the Township Zoning Commission. Any modifications or alterations which deviate from the final site plan shall require additional review. All uses are subject to Local, State and Federal Regulations.

Sec. 352.09 DWELLING UNIT REQUIREMENTS.

A. Required Area. Each dwelling unit shall comply with the minimum floor area requirements set forth in Schedule 352.09, based on the type of dwelling unit. In computing the required floor area, the area of breezeways, unfinished basements, garages, and other similar accessory structures shall not be included.

B. Schedule 352.09 Minimum Floor Area Per Dwelling Unit.

of Dwelling Unit	Minimum Floor Area
1. Single Family Unit	
a) Total floor area per dwelling unit	1,500 sq. ft.
b) 1 st floor of a one and a half story, two-story or multilevel dwelling	1,000 sq. ft.
2 Two family Unit	1,000 sq. ft.
3. Dwelling unit in a multi-family dwelling or above the first floor of a building devoted to a nonresidential use	
a) Efficiency suites	500 sq. ft.
b) One-bedroom unit	650 sq. ft.
c) Two-or more bedroom unit	900 sq. ft. plus 300 sq. ft for every bedroom over two

Sec. 352.10 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any Town Center shall conform to the regulations of this Section.

A. Residential Accessory Buildings and Uses. Accessory buildings and accessory uses associated with residential uses, in districts where residential uses are permitted, shall comply with the accessory use regulations set forth in Section 310.08.

B. Non-Residential Accessory Uses, Buildings and Structures. Accessory uses, buildings and structures associated with nonresidential uses shall comply with all lot area and yard requirements established for principal buildings and uses set forth in this Chapter; accessory buildings shall not exceed 144 square feet. The primary use of the accessory building is to store maintenance equipment. Accessory buildings shall match the design of the primary building.

Amended via Resolution No. 169/04-01 G

Accessory uses, buildings and structures associated with nonresidential uses shall be subject to the development plan review and approval requirements of the zoning district in which the parcel is located.

C. Fences and Walls. Fences and walls may be erected in any Town Center provided they comply with the following:

1. In a front yard, a fence or wall shall not exceed 4 feet in height, except as otherwise regulated in Section 230.03.
2. In a required side or rear yard, a fence or wall shall not exceed 6 feet in height.
3. All fences and walls shall be of uniform design and shall be well maintained. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.

D. Trash Receptacles. Trash receptacles shall be located in the rear yard and shall conform to the minimum parking setback.

E. Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 352.07 and shall otherwise conform to the regulations of Chapter 410.

Sec. 352.11 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 430.

Sec. 352.12 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

In addition to the above regulations, all gasoline stations shall comply with the following standards:

- A. A gasoline station located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- B. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 352.07.
- C. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- D. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

Sec. 352.13 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having noncombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot
- C. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.
- D. Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless otherwise specifically permitted in these regulations.

Sec. 352.14 DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a building, structure or use in a Town Center, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 620, except as otherwise set forth for single-family and two-family dwellings in a Town Center, which shall be reviewed and approved according to the zoning certificate procedures set forth in Chapter 610.

Sec. 352.15 COMMERCIAL VEHICLE PARKING

A. Commercial vehicle parking:

1. Not more than three (3) commercial vehicles per building lot shall be allowed to park overnight in the Town Center.
2. Vehicles shall be parked in rear of Building and screened from view. No chain link fences allowed. Refer To Section 430.

Sec. 352.16 PORTABLE STORAGE CONTAINERS.

No portable storage containers shall be allowed in the Town Center District.

Sec 352.17 Outdoor Parking of Construction Equipment/Vehicles on a Town Center Lot.

- A. The outdoor parking or storage of construction equipment/vehicles shall not be permitted on a Town Center lot.
- B. A temporary thirty (30) day waiver to park construction equipment/vehicles shall be obtained from the Zoning Inspector for the purpose of construction or repairs to the property, on or near the property, including property used as a staging area.
- C. A temporary waiver for a construction site of any public construction work will be required.

AMENDED VIA RESOLUTION NO. 23/04-03 C

CHAPTER 360
Industrial District Regulations

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|--------|--------------------------------|--------|---|
| 360.01 | Purpose. | 360.09 | Landscaping and screening requirements. |
| 360.02 | Use regulations. | 360.10 | Supplemental regulations for gasoline stations. |
| 360.03 | Schedule of permitted uses. | 360.11 | Performance standards for I-2 Districts. |
| 360.04 | Lot requirements. | 360.12 | Development plan review. |
| 360.05 | Building spacing requirements. | | |
| 360.06 | Height regulations. | | |
| 360.07 | Parking setback requirements. | | |
| 360.08 | Accessory use regulations. | | |
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Sec. 360.01 PURPOSE.

Industrial Districts (I-1 and I-2) and their regulations are established in order to achieve, among others, the following purposes:

- A. To protect residential neighborhoods adjacent to industrial uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
 - B. To protect and stabilize both residential and industrial developments from congestion by requiring off-street parking facilities;
 - C. To provide an Industrial District (I-1) that is consistent with the existing industrial district regulations in effect at the time this Zoning Resolution update was adopted. It is intended that no additional area will be rezoned to the I-1 District beyond the area zoned I-1 at the time this Zoning Resolution became effective, as specified in Section 120.05.
 - D. To provide a Light Industrial District (I-2) that accommodate wholesale, warehouse, assembly, processing and other limited industrial uses, including storage and related activities, conducted primarily within enclosed buildings, that operate with a minimum of noise, glare, odor, dust, vibration, air and water pollution, fire and safety hazard or any potentially nuisance characteristic.
 - E. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan.
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Sec. 360.02 USE REGULATIONS.

- A. A use listed in Schedule 360.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met.
 - B. A use listed in Schedule 360.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630.
 - C. A use listed below shall be permitted as an accessory use in an industrial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
 - 1. Off-street parking and loading areas as regulated by Section 360.07 and Chapter 410.
 - 2. Signs as regulated by Chapter 420.
 - 3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.
 - D. Although a use may be indicated as permitted in a particular industrial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660 or upon a finding that a use is substantially similar as provided in Section 630.13.
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Sec. 360.03 SCHEDULE OF PERMITTED USES. Amended via Res. No. 12/02-27a)

Permitted Uses	I-1 Industrial	I-2 Light Industrial
A. Offices		
1. Administrative, business and/or professional office	P	P
2. Financial establishment, bank	P	
3. Medical or dental office or clinic	P	
B. Retail/Services		
1. Retail use in wholly enclosed building	P	
2. Personal service such as barber/beauty shop, dry-cleaning laundry	P	
3. Restaurant, eating and drinking establishment	P	
4. Drive-thru facility in association with a principal use	P	
5. Funeral home	P	
6. Flea market	C	
7. Dog grooming – no kennel	P	
8. Veterinary clinic	P	
9. Kennel	P	
10. Adult entertainment uses	C	
11. Internet Sweepstakes Café (Amended via Res. 12/02-26a)	C	
C. Auto Oriented		
1. Vehicle sales, rental, new and/or used	C	C
2. Parking garage, lot, deck	P	P
3. Gasoline station	P	P
4. Automobile service station, auto repair garage	P	P
5. Car wash	C	C
6. Auto/truck auction	C	
D. Business Services, Equipment Sales, Supplies		
1. Wholesale establishment	P	P
2. Cleaning service such as but not limited to bag, carpet and/or rug cleaning	P	P
3. Small engine (20 hp), appliance and/or machinery repair services	P	P
4. Plant greenhouse	P	
5. Laundry, cleaning and/or dyeing plant	P	P
E. Storage/Distribution		
1. Building material sales and/or storage	P	P
P = Principal use permitted by right C = Conditional use Blank cell indicates the use is not permitted in the district		

Permitted Uses	I-1 Industrial	I-2 Light Industrial
2. Contractor's equipment storage including rental of equipment customarily used by contractors	P	P
3. Mini/self-storage facility	C	
4. Motor freight, garage, truck or transfer terminal or other distribution station provided that flammable liquids storage shall be located underground, and excluding the storage or distribution of coal and coke	P	
5. Outdoor storage	P	P
6. Warehousing	P	P
F. Manufacturing/Processing		
1. Crematorium	P	C
2. Fabrication, processing and/or assembly operation using previously prepared materials, such as but not limited to cosmetics, pharmaceuticals, toiletries, pottery and figurines, toys, instruments, appliances	P	P
3. Food and drink preparation, production and storage	P	P
4. Ice manufacturing, cold storage, creamery and bottling plant	P	P
5. Laboratory or testing facility provided that no aspect of the operation shall create hazards, noxious or offensive conditions	P	P
6. Metal work and/or machine shop operation including but not limited to tool and die, plumbing, heating and air conditioning, sign shop	P	P
7. Stone monument works	P	P
8. Wood shop including but not limited to carpentry, cabinet making, etc.	P	P
G. Community Facilities		
1. Church or other place of worship	P	
2. Elementary and/or secondary school facility, public or private	P	
3. Indoor recreational and entertainment such as bowling alley, indoor theater	C	
4. Library, museum, similar cultural facility	P	
5. Outdoor commercial recreation	C	
6. Public safety facilities	P	P
7. Public service/maintenance facilities	P	P
8. Wireless telecommunication facilities and antenna	See Chapter 450	
P = Principal use permitted by right C = Conditional use Blank cell indicates the use is not permitted in the district		

Sec. 360.04 LOT REQUIREMENTS.

Lots in Industrial Districts shall comply with the following

- A. Minimum Requirements. Minimum lot area requirements are set forth in Schedule 360.04 below.
- B. Access to an I-1 District. Access to nonresidential development in an I-1 or I-2 District shall not be provided from a local residential street.
- C. Schedule 360.04:

Minimum Requirements	I-1 Industrial	I-2 Industrial
1. Project size	--	--
2. Lot size	1 acre	1 acre
3. Lot width at building line	100 ft.	100 ft.
4. Street frontage	100 ft.	100 ft.

Sec. 360.05 BUILDING SPACING REQUIREMENTS.

Every building shall be located on a lot in compliance with the building spacing regulations set forth in Schedule 360.05:

- A. Setbacks from Public Streets. The setback requirement shall be measured from the right-of-way of the public street.
- B. Schedule 360.05. Minimum Setbacks and Spacing Requirements.

Minimum Setbacks/ Spacing Requirements	I-1 Industrial	I-2 Industrial
1. Setback from Public Streets	50 ft. ^{(a) (b)}	50 ft. ^{(a) (b)}
2. Setback from Side and Rear Lot Lines		
a) Adjacent to non-res. districts	25 ft.	25 ft.
b) Adjacent to O-C, R-1, or R-2 District	100 ft. ^(c)	100 ft. ^(c)
3. Spacing between principal buildings on the same lot	20 ft.	20 ft.
Notes to Schedule 360.05: ^(a) 70 feet on all County and State Roads. ^(b) Requires 100 feet when across the street from a residential district. ^(c) See Section 360.05C below.		

- C. Setback Adjacent to Residential District Formerly Zoned Industrial. In the event land is rezoned from an industrial district to an O-C, R-1, or R-2 residential district so that the newly established residential district abuts an existing industrial district, the minimum required building setback for parcels that remain in the industrial district shall be 25 feet from side and rear lot lines that abut the newly established residential district.

Sec. 360.06 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

- A. No buildings shall exceed a height of 35 feet.
- B. Height exceptions are set forth in Sec. 230.06B for appurtenant structures.

Sec. 360.07 PARKING SETBACK REQUIREMENTS.

Off-street parking shall be located in compliance with this Section.

- A. Minimum Setback. Off-street parking shall comply with the minimum setbacks set forth in Schedule 360.07 unless otherwise noted. The setback shall be measured from the street right-of-way or property line.

Schedule 360.07

	I-1 Industrial	I-2 Light Industrial
1. Setback from the public street right-of-way	30 ft. ^(a)	30 ft. ^(a)
2. Setback from side and rear lot line:		
a) Adjacent to non-residential district	15 ft.	15 ft.
b) Adjacent to O-C, R-1 or R-2 District	50 ft. ^(b)	50 ft. ^(b)
Notes to Schedule 360.07: ^(a) No parking is permitted in the front yard when the front yard is across the street from a residential district. ^(b) See Subsection 360.07C below.		

- B. Required Screening and Landscaping. The area within this setback shall be landscaped in accordance with Chapter 430.

- C. Setback Adjacent to Residential District Formerly Zoned Industrial. In the event land is rezoned from an industrial district to an O-C, R-1, or R-2 residential district so that the newly established residential district abuts an existing industrial district, the minimum required parking setback for parcels that remain in the industrial district shall be 15 feet from side and rear lot lines that abut the newly established residential district.

Sec. 360.08 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any Industrial District shall conform to the regulations of this Section.

- A. Accessory Uses, Buildings and Structures. Accessory uses, buildings and structures shall comply with all lot area and yard requirements established for principal buildings and uses set forth in this chapter, and shall be subject to the development plan review and approval requirements of the zoning district in which the parcel or lot is located.
 - B. Outdoor Storage in an I-1 or I-2 District.
 - 1. Outdoor storage areas permitted in the I-1 or I-2 District shall comply with the building setback requirements set forth in Schedule 360.05.
 - 2. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
 - C. Fences and Walls. Fences and walls may be erected in any Industrial District provided they comply with the following:
 - 1. In a front yard, a fence or wall shall not exceed 4 feet in height, except as otherwise regulated in Section 230.03.
 - 2. In a required side or rear yard, a fence or wall shall not exceed 6 feet in height.
 - 3. All fences and walls shall be of uniform design and shall be well maintained. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.
 - 4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430.
 - D. Trash Receptacles. Trash receptacles shall be located in the rear yard and shall conform to the minimum parking setback.
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- E. Off-Street Parking and Loading Regulations. Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 360.07 and shall otherwise conform to the regulations of Chapter 410.

Sec. 360.09 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in Industrial Districts in accordance with the provisions set forth in Chapter 430.

Sec. 360.10 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

All gasoline stations shall comply with the following supplemental standards.

- A. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 360.07.
- B. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

Sec. 360.11 PERFORMANCE STANDARDS FOR I-2 DISTRICTS.

All uses in an I-2 District shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having noncombustible exterior walls.
 - B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
 - C. Noise. Uses and operations in the I-2 District shall comply with the following
 1. The use shall be conducted in a manner that does not create noise measured at the nearest lot in a residential district that exceeds
 - a) 45 dBA between the hours of 10:00 p.m. and 7:00 a.m.
 - b) 55 dBA between the hours of 7:00 a.m. and 10:00 p.m.
 2. No use shall emit intermittent or shrill noises that are perceptible at the nearest residential district.
 - D. Vibration. Vibrations that are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
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- E. Heat and Glare. No use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- F. Smoke. No use shall emit smoke for longer than eight (8) minutes in any hour which is of a shade darker than Number 3 on the Standard Ringelmann
- G. Chart as issued by the U.S. Bureau of Mines.
- H. Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property.
- I. Air Pollution. No use shall emit fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling.
- J. Waste Matter. Solid waste, including empty packing crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.
- K. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.
- L. Storage of Materials. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- M. Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings unless specifically permitted in these regulations.

Sec. 360.12 DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a building, structure or use in an Industrial District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 620.

**CHAPTER 390
Conditional Use Regulations**

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| <p>390.01 Purpose.</p> <p>390.02 General criteria for all conditional uses.</p> <p>390.03 Specific standards for conditional uses.</p> <p>390.04 Schedule of regulations for conditional uses in residential districts.</p> | <p>390.05 Schedule of regulations for conditional uses in commercial and industrial districts.</p> <p>390.06 Supplemental regulations for specific uses.</p> |
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Sec. 390.01 PURPOSE.

Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against the standards and criteria set forth in this Chapter, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and on such other factors established herein.

Review of a conditional use by the Board of Zoning Appeals is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional zoning certificates for such uses shall be issued in compliance with the procedures and requirements of Chapter 630.

Sec. 390.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category of uses set forth in Sections 390.02 through 390.06. Furthermore, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- A. The conditional use in the proposed location will be consistent with the purpose, intent and basic planning objectives of this Resolution, the objectives for the district in which located, and the Comprehensive Plan;
- B. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- C. In areas where a cohesive pattern of development exists, the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity, and that such use will not essentially change the character of the same area.

- D. The hours of operation of the proposed use are similar to a use permitted and in conformance with the district.
- E. The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- F. The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- G. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;
- H. The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- I. There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;
- J. If the conditional use is proposed on a local street in a residential district, the proposed use would generate only a minimum of traffic through a residential neighborhood.

Sec. 390.03 SPECIFIC STANDARDS FOR CONDITIONAL USES.

In addition to the general criteria established in Sections 390.01 and 390.02, the following specific conditions shall apply to all conditional uses.

- A. Supplementary Conditions and Safeguards Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 390.02.
- B. Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations set forth in this Chapter and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.

- C. Exception to Height Regulations. The height of a non-residential building permitted as a conditional use in a residential district shall not exceed 35 feet, except that church spires, cupolas, domes, towers, and flag poles, located upon or constituted as an integral part of an institutional building may be erected to a height not to exceed 50 feet.
- D. Overall Development Standards.
1. The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
 2. All points of entrance or exit should be no closer than 200 feet from the intersection of two arterial streets or no closer than 100 feet from the intersection of an arterial street and a local collector street.
 3. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded with zero spill onto adjacent properties.
 4. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
 5. All trash receptacles shall be located in the rear yard in compliance with the required parking setback and shall be screened according to Chapter 430 with a fence, wall or building.
 6. Grading and surface drainage provisions shall be prepared by a registered engineer and shall be subject to approval by the Summit County Engineer and the Township Engineer, prior to issuance of the conditional zoning certificate.
 7. The proposed conditional use or operation of the use shall be conducted in a manner that does not create a noise measured at the nearest residential boundary or lot in a residential district that exceeds the following decibel levels.
 - a) 45 dBA between the hours of 10:00 p.m. and 7:00 a.m.
 - b) 55 dBA between the hours of 7:00 a.m. and 10:00 p.m.
 8. The proposed conditional use shall comply with all applicable requirements of the American with Disabilities Act, and all other applicable federal, state, and county regulations.

Sec. 390.04 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN O-C, R-1 AND R-2 RESIDENTIAL DISTRICTS.

Schedule 390.04 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations. Supplemental requirements pertaining to such uses are set forth in Section 390.06, and the specific subsections are referenced in Schedule 390.04.

The following Schedule 390.04 graph amended via Resolution No. 03/06-02n:

Schedule 390.04

Minimum Lot and Yard Requirements for Conditional Uses in Residential Districts.

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft)		Parking Setback (ft) ^{(a)(b)}		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
A. RESIDENTIAL								
1. Congregate care including assisted living for elderly, nursing homes	R-2	2 ac	200 ft	70	100	NP	35	390.06I
2. Family home for 5-8 handicapped persons	O-C, R-1, R-2	(b)	(b)	(b)	(b)	(b)	(b)	390.06N
3. Group home for 9 or more handicapped persons	R-2	25,000 sq.ft.	(b)	(b)	(b)	(b)	(b)	390.06O
4. Bed and breakfast home	R-1, R-2	10 acres	200 ft.	(d)	(d)	(b)	(b)	390.06C
B. OPEN SPACE/ RECREATIONAL								
1. Campground	O-C	50 acres	300 ft	100	100	NP	35	390.06D
2. Cemetery	O-C, R-1, R-2	40 acres	300 ft	100	100	NP	35	390.06F
3. Golf course and/or driving range	R-1	125 acres	300 ft	100	100	NP	35	390.06H
4. Public park and/or playground	O-C, R-1, R-2	(b)	(b)	(b)	(b)	NP	35	390.06H
5. Swimming club, tennis club and/or similar recreational use, private or public	R-1, R-2	5 ac	200 ft	100	100	NP	35	390.06H
C. COMMUNITY FACILITIES								
1. Day care center	R-1, R-2	25,000 sq.ft.	100 ft	(b)	35	NP	35	390.06J
2. Elementary and/or secondary school facility, public or parochial	R-1, R-2	2 ac	200 ft	70	100	NP	35	390.06T

NOTES FOR SCHEDULE 390.04

NP = Not Permitted, NA = Not Applicable ac = acres, ft = feet

(a) Including trash receptacles.

(b) All parking lots shall be screened and landscaped according to Sections 430.03 and 430.04.

(c) Shall comply with the district regulations.

(d) Shall comply with the front yard setback requirements for dwellings.

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft)		Parking Setback (ft) ^{(a)(b)}		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
3. Church or other place of worship	O-C, R-1, R-2	2 ac	200 ft	70	100	NP	35	390.06T
4. Public safety facility	O-C, R-1, R-2	2 ac	200 ft	70	100	NP	35	390.06U
D. OTHER								
1. Parking lot for a use located in a commercial or industrial district	R-1, R-2	(b)	(b)	NA	NA	(d)	35	--
2. Wireless telecommunication facilities	O-C, R-1, R-2	See Chapter 450						
<p>NOTES FOR SCHEDULE 390.04 NP = Not Permitted, NA = Not Applicable ac = acres, ft = feet (a) Including trash receptacles. (b) All parking lots shall be screened and landscaped according to Sections 430.03 and 430.04. (c) Shall comply with the district regulations. (d) Shall comply with the front yard setback requirements for dwellings.</p>								

Sec. 390.05 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN B-R, T-C C-1, C-4 COMMERCIAL AND I-1 and I-2 INDUSTRIAL DISTRICTS.

Amended via Resolution No. 03/06-02n.

Schedule 390.05 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in commercial and industrial districts. Supplemental requirements pertaining to such uses are set forth in Section 390.06, and the specific subsections are referenced in Schedule 390.05

Schedule 390.05

Minimum Requirements for Conditional Uses in Commercial and Industrial Districts.

(Amended via Resolution No. 12/02-27a)

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
A. RESIDENTIAL								
1. Congregate care facilities including assisted living for the elderly, nursing homes	B-R	2 ac	200 ft	(a)	(a)	(a)	(a)	390.06I
2. Single-family detached dwelling or Two-family dwelling	C-1	(a)	(a)	(a)	(a)	(a)	(a)	--
3. Bed and breakfast home	B-R	10 ac	200 ft	(a)	(c)	(b)	(b)	--
NOTES FOR SCHEDULE 390.05 ac = acres, ft = feet (a) Shall comply with the front yard setback requirements for dwellings (b) All parking lots shall be screened and landscaped according to Sections 430.03 and 430.04 (c) Shall comply with the district regulations								

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
B. RETAIL/ SERVICES								
4. Adult entertainment uses	I-1	(a)	(a)	(a)	(a)	(a)	(a)	390.06A
5. Drive-thru facility in association with a principal use	C-1, C-4	(a)	(a)	(a)	(a)	(a)	(a)	390.06K
6. Flea market	I-1	10 ac	500 ft	(a)	(a)	(a)	(a)	390.06L
7. Hotel/motel	C-4	2 ac	200 ft	(a)	(a)	(a)	(a)	--
8. Long-term outdoor display	T-C, C-1	(a)	(a)	(a)	(a)	(a)	(a)	390.06R
9. Seasonal sales, temporary sidewalk sales	T-C, C-1, C-4	(a)	(a)	(a)	(a)	(a)	(a)	--
10. Studio for instruction, such as dance, karate, art	B-R, T-C	(a)	(a)	(a)	(a)	(a)	(a)	--
11. Veterinary clinic	T-C, C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06W
12. Internet Sweepstakes Café (Amended via Res. 12/02-26a)	I-1	(c)	(c)	(c)	(c)	(c)	(c)	390.06Z
C. AUTO ORIENTED								
1. Auto/truck auction	I-1	50 ac	500 ft	(a)	(a)	(a)	(a)	390.06B
2. Car wash	T-C, C-1, I-1, I-2	(a)	(a)	(a)	(a)	(a)	(a)	390.06E
3. Gasoline station	T-C	(a)	(a)	(a)	(a)	(a)	(a)	390.06M
4. Vehicle sales, rental, new and/or used	C-4, I-1, I-2	5 ac	200 ft	(a)	(a)	(a)	(a)	390.06V
D. ENTERTAINMENT/RECREATION								
1. Indoor commercial recreational and entertainment such as bowling alley, indoor theater, pool parlor	T-C, C-1, I-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06G
2. Outdoor commercial recreation	I-1	3 ac	200 ft	50 ft	50 ft	(a)	(a)	390.06H
3. Party center and banquet hall	C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06S

NOTES FOR SCHEDULE 390.05

ac = acres, ft = feet

- (a) Shall comply with the front yard setback requirements for dwellings
- (b) All parking lots shall be screened and landscaped according to Sections 430.03 and 430.04
- (c) Shall comply with the district regulations

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
E. COMMUNITY FACILITIES								
1. Meeting facility for fraternal organization or community organization (i.e., YMCA)	B-R, T-C, C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06P
2. Elementary and/or secondary school facility, public or private	T-C	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06T
3. Church or other place of worship	B-R, T-C, C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06T
4. Public safety facility	B-R, T-C, C-1	(a)	(a)	(a)	(a)	(a)	(a)	--
5. Public service facility	C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	--
F. OTHER								
1. Crematorium	I-2	2 ac	200 ft	50 ft	50 ft	(a)	(a)	--
2. Mini / self-storage	I-1	2 ac	200 ft	50 ft	50 ft	(a)	(a)	390.06Q
3. Wireless telecommunication facilities	See Chapter 450							
<p>NOTES FOR SCHEDULE 390.05</p> <p style="text-align: center;">ac = acres, ft = feet</p> <p>(a) Shall comply with the front yard setback requirements for dwellings</p> <p>(b) All parking lots shall be screened and landscaped according to Sections 430.03 and 430.04</p> <p>(c) Shall comply with the district regulations</p>								

Sec. 390.06 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES. *Amended via Resolutions No.04/11-08a, 05/09/12a, 12/02-27a, 17/04-03E*

The following are supplemental regulations for certain conditional uses and are in addition to the general criteria set forth in Section 390.02 and the specific standards set forth in Sections 390.03, 390.04 and 390.05.

- A. **Adult Entertainment Uses in an I-1 District.** Northfield Center Township has determined that permitting adult entertainment uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult entertainment uses have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult entertainment oriented retail uses. Therefore, in order to prevent potential deterioration in Northfield Center Township’s retail areas, and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult entertainment uses shall comply with the following requirements:

1. For purposes of this Resolution, adult entertainment uses shall include but not be limited to any of the following:
 - a) "ADULT" ARCADE: Any place to which the public is permitted or invited, wherein coin-operate or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images or displays are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specific anatomical areas".
 - b) "ADULT" BOOKSTORE OR "ADULT" VIDEO STORE: A commercial establishment which utilizes five percent (5%) or more of its retail selling area for the display of any one or more of the following:
 - 1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproduction, slides, or other visual representation which depict or describe "specified sexual activities" or "specified anatomical area" or
 - 2) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical area" and still be categorized as "ADULT" BOOKSTORE or "ADULT" VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "ADULT" BOOKSTORE or "ADULT" VIDEO STORE.
 - c) "ADULT" CABARET: A nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string. No nudity or state of nudity is permitted.
 - d) "ADULT" MOTION PICTURE THEATER: A commercial establishment which utilizes five percent (5%) or more of its total patron's viewing time for the presentation of materials such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are shown regularly and which

are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

- e) "ADULT" THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by " specified sexual activities."
- f) MASSAGE PARLOR: An establishment where, for any form of consideration, massage, alcohol rub, fermentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional persons licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory service.

2. To further determine whether the above facilities are adult entertainment uses, the following definitions shall apply.

- a) Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
 - 1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 - 2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- b) Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.
- c) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion

thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

- d) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
 - e) Sexual activity. Sexual conduct or sexual contact, or both.
 - f) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
 - g) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
3. Adult entertainment uses shall be located in accordance with the following distance requirements:
- a) A minimum of 1,000 feet from the boundaries of any residentially zoned parcel or of any lot containing a dwelling unit, church, library, public park or playground, day care center, school or any other institution where children are kept day or night, and including such uses in neighboring communities.
 - b) A minimum of 1,000 feet from any other adult entertainment use.
- B. **Auto/Truck Auction in an I-1 District** shall comply with the following:
1. The facility shall be licensed by the State of Ohio.
 2. Such uses should be located on a major street or at intersections of major and/or collector streets.
- C. **Sec. 390.06 Bed and Breakfast Home** shall comply with the following, as amended via Resolution No 03/06-2n:
1. The Bed and Breakfast facility shall be located on a parcel having frontage on an arterial or collector street.
 2. The building shall be compatible with surrounding land uses and shall not exceed three (3) guest rooms. The guest room shall be located within the dwelling and the rooms shall be part of the dwelling utility service line (i.e. gas, electricity, sanitary sewer, water, cable, etc.)
 3. Meals shall be provided only to guests taking lodging in the facility.

4. The building shall not contain a commercial kitchen and shall be conducted during daytime hours.
5. Rooms shall be rented on a nightly basis for periods not to exceed one (1) week.
6. Re-inspection by Zoning Inspector every third year to maintain conditional use permit.
7. The Bed and Breakfast is occupied and operated by the owner(s) listed on the Special Use Permit and is a single family residential dwelling.
8. Fire Escape Plan must be posted.
9. The exterior appearance of the structure shall not be altered from its single family character. (This is the issue of blending in with the existing single family neighborhood). There shall be at least two (2) exits to the outdoors.
10. The architectural style and physical size of the structure shall be in harmony with the residential character of Northfield Center Township.
11. The site must be planned and landscaped so as to minimize the impact on neighboring properties and in order to retain the residential character of the neighborhood.
12. Site plan must be submitted which shows where guest parking will be provided, and an analysis of the potential impact on traffic in the area.
13. There shall be no additional Bed and Breakfast establishments allowed within 500 feet of an existing Bed and Breakfast establishment.
14. 10 acre minimum parcel size.
15. Such Bed and Breakfast establishments be inspected by the Fire Department prior the Board of Zoning Appeals granting conditional approval.
16. Signage as determined by the Board of Zoning Appeals.
17. Property should include a (50) foot rear and side yard buffer. Twenty five (25) feet of the buffer must include vegetative landscaped screening. A minimum of 50 % must include year round vegetative landscaped screening.
18. If property transfers, the new owner must reapply for a conditional use permit.

D. **Campgrounds in an O-C District** shall comply with the following:

1. Campsites shall be occupied on a temporary basis and no tent, trailer, recreational vehicle or other camping equipment intended for temporary overnight stays shall be occupied for a period longer than 14 consecutive days. No cabin, lodge, room or other rental accommodations shall be

- occupied by the same occupant or group for a period longer than 30 consecutive days.
2. Only retail facilities that are customarily accessory or incidental to the campground shall be permitted. Such retail facilities shall be provided for the convenience of persons staying at the campgrounds and no sign advertising the retail facility shall be permitted.
 3. Any pool area shall be enclosed by a fence in compliance with Section 390.06H below.
 4. Screening shall be provided parallel to property lines adjacent to or abutting residential dwellings in compliance with the regulations set forth in Chapter 430.04.
- E. **Car Wash in a T-C, C-1, I-1, or I-2 District** shall comply with the following:
1. Such use should be located on a major street or at an intersection of major and/or collector streets.
 2. The facility shall be located in an area covered by a roof.
 3. The area for the facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced.
 4. A car wash establishment may be combined with a gasoline station provided that the minimum lot area for the combined uses shall be 50,000 square feet.
 5. The car wash facility shall comply with the requirements for waiting spaces specified in Section 410.07.
- F. **Cemetery in an O-C, R-1, or R-2 District.** The area proposed for a cemetery shall be used for cemetery purposes only and shall meet the following requirements:
1. Except for office uses incidental to cemetery operations, no business or commercial use of any kind shall be permitted on the cemetery site.
 2. Interior drives shall be installed, including the required pavement, as development progresses and as indicated in the final development plan approved by the Board of Zoning Appeals.
 3. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.

4. Screening shall be provided parallel to property lines adjacent to or abutting residential dwellings in compliance with the regulations set forth in Chapter 430.04.
 5. Gravesites shall not be within 200 feet of any existing residential dwelling unless the owner of such residential dwelling provides written consent.
 6. Gravesites shall not be located within 100 feet of a public street right of way.
- G. **Commercial Recreation, Indoor in a T-C, C-1, or I-1 District.** The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- H. **Commercial Recreation, Outdoor in an I-1 District; and Swimming Pool, Tennis Club, Golf Course and/or other similar noncommercial outdoor recreational facilities and Public Park and/or Playground in O-C, R-1, or R-2 Districts** shall comply with the following:
1. The proposed use shall not generate excessive odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved and impose additional reduction measures, including mounding and landscaping.
 2. All active recreation areas shall be enclosed by a fence having a minimum height of 6 feet, unless a different enclosure is approved by the Board of Zoning Appeals.
 3. All structures including lighting fixtures shall have a maximum height of 35 feet.
 4. Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of firearms shall not be permitted.
 5. Public restrooms shall be provided and maintained.
 6. In an I-1 Industrial District, outdoor activity areas for commercial recreation uses shall have a minimum setback of 100 feet from any side or rear lot line that abuts an O-C, R-1, or R-2 Residential District.
 7. In a residential district, only incidental retail uses such as a snack bar, shall be permitted as an accessory use to a recreational use. Such retail facility shall be provided for the convenience of members and no sign advertising the retail facility shall be permitted.

8. Swimming pools shall comply with the following additional requirements:
 - a) Pools and their enclosures shall comply with the building setback requirements set forth in Schedule 390.04.
 - b) The enclosure that is required in subsection 2 above shall be kept locked at all times the pool is not in use.
 - c) The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.
 - d) Construction of the pool shall comply with the regulations of the Summit County Health Department.
 9. Screening shall be provided parallel to property lines adjacent to or abutting residential dwellings in compliance with the regulations set forth in Chapter 430.04.
- I. **Congregate Care Facility, including Assisted Living for the Elderly and Nursing Homes, that are located in a R-2 or B-R District** shall comply with the following:
1. A congregate care facility may include one or more of the following types of residential facilities:
 - a) Independent living with congregate dining facilities, provided that the density of the independent living units does not exceed 8 dwelling units per acre. In the event independent living units are combined with other types of congregate facilities, the density shall be based on the portion of the project that is devoted to the independent living units and its accessory parking area(s).
 - b) Congregate living,
 - c) Assisted living,
 - d) Nursing home.
 2. The number of beds for assisted living and nursing facilities shall not exceed one bed for every 1,000 square feet of net lot area devoted to the facility and its related parking.
 3. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

- J. **Day Care Center in a R-1, R-2 District** shall comply with the following:
1. Outside areas for activities shall be fenced for the protection of the children.
 2. A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the adults and/or children.
 3. The location and design of the facility shall provide for the protection of the patrons from the traffic, noise, and other hazards of the area and/or the arterial street location.
 4. Screening shall be provided parallel to property lines adjacent to or abutting residential dwellings in compliance with the regulations set forth in Chapter 430.04.
- K. **Drive-Thru Facility in Association with a Permitted Use in a C-1 or C-4 District** and associated access drives should be located so as to be the least disruptive to pedestrian traffic.
- L. **Flea Market in an I-1 District.** The use of property for the display, sale, exchange, or barter of new or used merchandise at retail where a number of vendors occupy closed-in areas or open retail stalls within a building shall comply with the following:
1. Such facility shall be located on a major street or at the intersection of a major street and a collector street.
 2. All sales shall take place within a fully enclosed building.
 3. No overnight lodging shall be permitted.
- M. **Gasoline Station in a T-C District** shall comply with the following:
1. Such facility and associated access drives should be located so as to be the least disruptive to pedestrian traffic;
 2. Shall also comply with the standards and regulations set forth in Section 350.13.
 3. The gasoline station shall comply with the requirements for waiting spaces specified in Section 410.07.

- N. **Home for Handicapped Persons, Family in an O-C, R-1 or R-2 District** shall comply with the following:
1. The persons residing in such residential home shall live as a single housekeeping unit in the same single-family dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
 - a) The resident intends to live at the dwelling on a continuing basis; and,
 - b) The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
 2. Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that it has determined that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to maintain such certification for each handicapped person who resides in the home after a conditional zoning certificate is granted;
 3. The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;
 4. In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises;
 5. Signs or other means of identification as a family home for handicapped persons shall not be permitted;
 6. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
 7. In considering whether to grant the conditional zoning certificate, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue

congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for handicapped persons is located;

8. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
9. Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing Township regulations.

O. **Home for Handicapped Persons, Group in a R-2 District** shall comply with the following:

1. Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate;
2. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;
3. In considering whether to grant the conditional zoning certificate, the Board of Zoning Appeals shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for handicapped persons is located;
4. Residents shall either be handicapped as defined by the Zoning Resolution or be 62 years of age or older.

- P. **Meeting Facility for a Fraternal or Community Organization (i.e. YMCA) in a B-R, T-C or C-1 District** shall comply with the following:
1. All activities, programs and other events shall be directly related to the conditional use so granted.
 2. The proposed use shall comply with noise standards set forth in Section 390.03D.7. In order to minimize any effects of the above, the Board of Zoning Appeals may require additional noise reduction measures.
- Q. **Mini/Self Storage Facility in an I-1 District** shall comply with the following:
1. The leases for all self-storage units shall include clauses prohibiting the following:
 - a) The storage of flammable liquids, radioactive, highly combustible or explosive materials or hazardous materials.
 - b) The use of property for uses other than dead storage.
 2. Units shall not exceed a total of 600 square feet for each individual unit.
 3. The Fire Department shall be provided with 24-hour accessibility to the grounds. A lockbox shall be provided for its use.
 4. The minimum setback from a residential district shall be 100 feet.
- R. **Outdoor Display, Long-Term in a T-C or C-1 District** shall comply with the following:
1. The area of a lot devoted to outdoor display shall not exceed 25 percent of the ground floor area of the building(s) on the lot.
 2. Areas devoted to the display of merchandise shall comply with the principal building setbacks established for the district in which the principal use is located;
 3. Displays shall not be located in areas intended for traffic circulation according to the development plan.
- S. **Party Centers and Banquet Halls in C-1 District** shall comply with the following:

1. The minimum building setback from a residential district shall be 100 feet.
2. In order to minimize any effects of noise, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise complies with the standards set forth in Section 390.03D.7.

T. Personal Services allowed in a C-4 District shall comply with the following:

1. Personal services will be limited to: barber shop, beauty shop, dry-cleaning laundry, shoe repair, tanning salons, nail salons, reducing salons and physical fitness centers. **Amended via Res. 17/04-03E**
2. No more than 25% of the total number of principal uses or total number of establishments within a contiguous C-4 Planned Shopping Center can be allocated towards Personal Services uses.

U. Place of Worship in an O-C, R-1, R-2, B-R, T-C or C-1 District and School Facility, including Elementary and/or Secondary School, public or private, in a R-1, R-2 or T-C District and their associated facilities and uses shall comply with the following:

- a. Such uses should be located on a major street or have direct access to a major street without going through a residential neighborhood so as to lessen the impact on residential areas.
- b. In any district, the Board of Zoning Appeals may require all outdoor children's activity areas to be completely fenced.
- c. Associated uses such as a convent, cafeteria, fieldhouse and/or infirmary shall be located on the same lot as a place of worship or public or private school and shall comply with the building setback requirements set forth in Sections 390.04 and 390.05, as specified for the district in which such use is located.
- d. Screening shall be provided parallel to property lines adjacent to or abutting residential dwellings in compliance with the regulations set forth in Chapter 430.04.

V. Public Safety Facility in an O-C, R-1, or R-2 District shall comply with the following:

- a. Such use should be located adjacent to a park, church or other nonresidential use.
- b. Screening shall be provided parallel to property lines adjacent to or abutting residential dwellings in compliance with the regulations set forth in Chapter 430.04.

W. Vehicle Sales, Rental, New and/or Used in a C-4, I-1, or I-2 District shall comply with the following:

- a. Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed 50 percent of the overall inventory at any one time.
- b. Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in a wholly enclosed building.
- c. Only repair of automobiles customarily associated with automobile sales shall be permitted and shall be conducted inside a suitable building.
- d. No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than 48 hours.

X. Open-Air Fund Raiser /Festival in a R-1, R-2 or B-R District

Open-air fund raisers and festivals, being customarily incidental and subordinate to the principal use of lots or premises for a meeting place for any Charitable Organization, shall be considered consistent with the zoning or conditional zoning of premises lawfully utilized as a meeting place for any Charitable Organizations pursuant to this Zoning Code. In light of the special impact such use has on the neighboring properties and the township in general, however, such temporary special uses shall be subject to the following additional regulations:

- 1). Any non profit open-air fund raiser/festival sponsored by a charitable organization desiring to conduct such an open-air fund raiser/festival shall submit a zoning permit application and 8 site plans to include the following information:
 - a) Location of all existing buildings;

- b) Location and identification of all permanent and temporary parking facilities for the event;
 - c) Locations of any temporary structures, including any tents, carnival rides, booths for vendors or games, and signage;
 - d) . Location of all restroom facilities;
 - e) The name, address and telephone number of the property owner;
 - f) The name, address and telephone number of the person chairing, managing, or otherwise overseeing the particulars of the event. The cellular telephone number of the primary contact person, who will be available during the course of the event, including set-up and tear-down;
 - g.) The address of the property upon which the activities are to be held;
 - h). The dates and times of the event;
 - i). A statement signed by the authorized representative of the sponsoring entity that the event will be conducted entirely on its property or as approved by the Board of Zoning Appeals;
 - j). The applicant must be the property owner.
2. To the extent necessary, the charitable organization shall, prior to commencement of its event, obtain all appropriate permits from the State, Summit County Health Department, and any other County office. They furnish them to the zoning inspector prior to the event. In the event that permits aren't available, a copy of the permit application will be accepted.
 3. The Zoning Inspector shall review and act on an application for a temporary zoning certificate for open-air fund raiser/festivals that are limited in duration to less than 24 hours using the same criteria as in item #1. There will be no extension of time granted.
 4. Open-air fund raiser/festival events that exceed 24 hours in duration shall be regulated as conditional uses. The Board of Zoning Appeals shall review and act on applications for open-air fund raiser/festivals according to the procedures for conditional use approval, including review of a development plan.
 5. Conditional Use Requirements for Open-Air Fund Raiser/Festivals

- a) No open-air fund raiser/festival in a residential district shall have a duration longer than 5 days, not including set-up and teardown.
- b) Open-air fund raiser/festivals shall be limited to events sponsored by and located on parcels owned by a conforming nonresidential use in a residential district.
- c) No open-air fund raiser/festival shall be permitted to occupy or interfere with traffic circulation, public sidewalks or pedestrian access.
- d) The applicant shall indicate on the proposed plan that sufficient parking facilities re available to accommodate anticipated attendees.
- e) Temporary signs advertising the event shall be reviewed and approved by the Board of Zoning Appeals. Signs shall be removed within 24 hours following the close of the event.
- f) All goods and merchandise on display during the open-air fund raiser/festival shall be maintained in a neat and orderly fashion and secured against theft, vandalism or loss.
- g) Minimum number of 2 uniformed police officers on site to augment the officer off site or as recommended by the local law enforcement department. Any security costs will be incurred by applicant.
- h) All gambling and distribution of alcoholic beverages shall be conducted in a designated area, which shall be posted.
- i) No organization can hold an open-air fund raiser/festival more than twice in a calendar year.
- j) Site must be inspected and approved by the Fire Department.
- k) An open-air fun raiser/festival shall operate only from 10:00a.m. to 10:00p.m, Sunday through Thursday, and 12:00p.m.(Noon) to 12:00a.m. (Midnight) Friday and Saturday.

Y. Veterinary Clinic in a T-C or C-1 District shall comply with the following:

- a) Such use shall be located in a building having adequate sound proofing and odor control.
- b) There shall be no facilities for the overnight boarding of animals except to allow indoor overnight lodging only as necessary for animals receiving medical attention.

Z. Internet Sweepstakes Cafes in the I-1District (Amended via Resolution No . 12/02-27a.

Only shall comply with the Summit County regulations for Entertainment Device Arcades, Chapter 755, as amended, and all other applicable Summit County and State regulations and the District regulations in which the facility is located.

**TITLE IV
REGULATIONS APPLICABLE TO ALL DISTRICTS**

**CHAPTER 410
Off-Street Parking and Loading Regulations**

410.01	Purpose.	410.09	Location of required spaces.
410.02	Parking facilities required.	410.10	Regulations for access drives.
410.03	Units of measure.	410.11	Off-street loading regulations.
410.04	Off-street parking standards.	410.12	Improvement and maintenance standards.
410.05	Allowance for shared parking.	410.13	Parking and storage of unlicensed motor vehicles.
410.06	Deferred construction of required spaces.	410.14	Parking lot landscaping and screening.
410.07	Off-street waiting spaces for drive-thru facilities.	410.15	Development plan review.
410.08	Parking design standards.		

Sec. 410.01 PURPOSE.

The following regulations specify the manner in which off-street parking and loading areas and the driveways providing access thereto are to be provided for uses in Northfield Center Township. The purpose of these regulations is to protect the public health, safety and welfare by requiring that all uses be provided with off-street parking areas or a combination of off-street parking areas and loading areas and that those parking and loading areas be improved in a manner that ensures the long-term desirability of the use to which they are accessory.

Sec. 410.02 PARKING FACILITIES REQUIRED.

Accessory off-street parking spaces shall be provided in conformance with the provisions of this Chapter prior to occupying or using any building, structure, land or portion thereof whenever:

- A. A building is constructed or a new use is established;
- B. An existing building is altered and/or there is an increase in the number of dwelling units, seating capacity and/or floor area of a building; or
- C. The use of an existing building or structure or use of land is changed to a use that requires more off-street parking facilities.

Sec. 410.03 UNITS OF MEASURE.

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- A. Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
- B. Seating Capacity. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.
- C. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.
- D. Fractional Numbers. Fractional numbers shall be increased to the next whole number.
- E. Parking for Mixed Uses. A building occupied by two or more uses, or one use that has specific parking requirements for different components of the use, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

Sec. 410.04 OFF-STREET PARKING STANDARDS.

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 410.04. Amended via Res. 16/01-04H, 18/10-01 A

Schedule 410.04 Required Off-Street Parking Spaces	
Land Use^(a)	Maximum Spaces Required^(b)
A. <u>Residential Uses:</u>	
1. Single-family detached dwelling, two-family dwelling, and family home for handicapped persons	2 spaces per dwelling unit, both of which shall be enclosed
2. Planned residential development	2 spaces per dwelling unit, both which shall be enclosed, plus 1 space for every 3 dwelling units for guest parking
Notes To Schedule 410.04:	
^(a) The parking requirement for each component of a use shall be figured separately.	
^(b) A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.	

Schedule 410.04			
Required Off-Street Parking Spaces (Continued)			
<u>Land Use^(a)</u>	<u>Maximum Spaces Required^(b)</u>		
	3.	Apartment unit above first floor of a nonresidential building	2 spaces per dwelling unit both of which shall be enclosed
	4.	Congregate care facilities, including assisted living, nursing home	1 space for every 2 beds, plus 1 space for every 3 employees
	5.	Bed and breakfast home	1 space per guestroom in addition to spaces required for dwelling unit
B.	<u>Office, Professional Service Uses:</u>		
	1.	Business, professional and administrative offices and services (excluding medical and dental)	1 space per 250 sq. ft. of floor area
	2.	Medical, dental offices and clinics, including urgent care clinic	1 space per 200 sq. ft. of floor area
	3.	Funeral home	1 space per 50 sq. ft. of floor area of assembly room or 1 space for every 4 seats, whichever is greater
	4.	Veterinary clinic	1 space per 300 sq. ft. of floor area
C.	<u>Retail/Service Uses:</u>		
	1.	Retail or personal service uses (except as otherwise specified below)	1 space per 375 sq. ft. of floor area
	2.	Financial establishments	1 space per 250 sq. ft. of floor area
	3.	Beauty parlors and barber shops	2 spaces per barber or beauty operator
	4.	Self-serve laundry	1 space for every 2 washing machines
	5.	Restaurants - dine in.	1 space for every 2 seats of seating capacity

Schedule 410.04			<i>(Continued)</i>
Required Off-Street Parking Spaces			
<u>Land Use^(a)</u>			<u>Maximum Spaces Required^(b)</u>
<u>Notes To Schedule 410.04:</u>			
(a) The parking requirement for each component of a use shall be figured separately.			
(b) A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.			
(c) Based on the total retail floor area of the entire building in a multi-tenant building.			
(d) For the purposes of this Section, a shopping center shall include one or more multi-tenant buildings and/or a group of buildings when the required parking spaces are provided in a shared parking lot.			
6.	Restaurants--counter service, when located in a shopping center ^(d)		1 space per 50 sq. ft. of floor area.
7.	Restaurants--counter service, when located as the only use in a free-standing building		1 space per 50 sq. ft. of floor area.
8.	Snack bars in association with a principal use		1 space per 50 sq. ft. of floor area.
9.	Furniture and appliance; builders' supply/ showroom, nursery and garden supply establishment		1 space per 500 sq. ft. of floor area
10	Hotels and motels		1 space per guest room or suite, plus 1 space per every 2 employees
D.	<u>Automotive Uses:</u>		
1.	Gasoline stations		1 space per employee
2.	Automobile service station, auto repair shop, other similar auto oriented businesses		2 spaces per service bay, plus 1 space per employee
3.	Car wash facility		1 space per employee
4.	Vehicle sales		1 space per 1,000 sq. ft. of floor area of sales room, plus 1 space for each service stall in the service area
5.	Vehicle rental facility		1 space per 1,000 sq. ft. of floor area plus 1 space per employee
E.	<u>Commercial Entertainment/Recreation Uses:</u>		

(a)

Schedule 410.04 Required Off-Street Parking Spaces		
Land Use^(a)		Maximum Spaces Required^(b)
1.	Indoor movie theater	1 space for every 2 seats of seating capacity
2.	Auditoriums and other places of public assembly	1 space for every 3 seats of seating capacity
3.	Dance halls, skating rinks, private clubs, lodge	1 space per 50 sq. ft. of floor area (including lounging and spectator area)
4.	Bowling alley	3 spaces per lane
5.	Membership sports fitness center	1 space per 200 sq. ft. of exercise area, including locker and equipment rooms
6.	Golf course (nine holes or more)	8 spaces per green
7.	Miniature golf	2 spaces per hole
8.	Golf driving range	2 spaces per tee
9.	Tennis, racquet ball, handball courts	4 spaces per court
10.	Swimming pool, public and private (not associated with a residence)	1 space per 50 sq. ft. of defined active recreation area, including water, lawn, deck and bathhouse
11.	Outdoor commercial recreation	1 space for every 4 seats of bleacher or stadium capacity
F.	General Commercial and Industrial Uses:	
1.	Wholesale marketing and distribution of goods; storage; warehousing of goods; printing; publishing	1 space per 800 sq. ft. of floor area
2.	Research and testing laboratories	1 space per 400 sq. ft. of floor area
3.	Mini/self-storage	1 space for every 10 individual storage units equally distributed throughout the storage area, plus 1 space for every 25 individual storage units to be located at the project office.
4.	All other types of industrial uses	1 space per 400 sq. ft. of floor area
Notes To Schedule 410.04:		
^(a) The parking requirement for each component of a use shall be figured separately.		
^(b) A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.		

Schedule 410.04 Required Off-Street Parking Spaces (Continued)			
Land Use^(a)			Maximum Spaces Required^(b)
G.	<u>Community / Educational Facilities:</u>		
1.	Child day care center, adult day-care facility		1 space per 8 children, based on center's regulated maximum capacity
2.	Churches and other places of worship		1 space for every 3 seats of seating capacity in the principal assembly area
3.	Elementary and junior high schools		2 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall
4.	Senior high schools		1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 4 seats in largest assembly hall
5.	Library, museum, art gallery, community center or similar public or semi-public buildings		1 space for every 4 seats in any assembly area plus 1 space per 500 sq. ft. of remaining floor area
<u>Notes To Schedule 410.04:</u>			
^(a) The parking requirement for each component of a use shall be figured separately.			
^(b) A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.			

Sec. 410.05 ALLOWANCE FOR SHARED PARKING.

A reduction in the required number of parking spaces shall be permitted when the applicant demonstrates that the required parking spaces for a proposed use can be accommodated on an adjacent or nearby site and binding arrangements are made to share parking facilities between two or more businesses that are not normally open, used or operated during the same hours in order to meet the parking requirements. In such case not more than 50 percent of the required parking spaces may be shared.

Sec. 410.06 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required in Schedule 410.04 is substantially larger than the number anticipated by the applicant for the proposed use and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

- A. The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Schedule 410.04.

- B. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 410.04. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Resolution. The design of the storm water management plan shall be based on full construction of the required parking spaces.
- C. Any change in use shall require a resolution of the parking needs for the parcel.
- D. The Zoning Inspector, upon reevaluation of the project's parking needs, may direct that some or all of the parking spaces identified in subsection B. be constructed.
- E. When additional parking is determined necessary, it shall be provided according to the approved development plan.

Sec. 410.07 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 410.04, in accordance with the following requirements:

A. Minimum Number of Waiting Spaces by Type of Use/Establishment:

1.	Establishments serving and/or selling food and/or drinks:	15 waiting spaces
2.	Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	15 waiting spaces
3.	Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities:	10 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls
4.	Self-serve car wash facilities:	4 waiting spaces per stall
5.	Gasoline stations:	2 waiting spaces per accessible side of a gasoline pump island

- B. Waiting in Right-of-Way Prohibited. At no time shall vehicles be permitted to wait within the public right-of-way for service at such drive-thru facilities.

- C. Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

Sec. 410.08 PARKING DESIGN STANDARDS. Amended via Resolution No. 06/02-06a

Off-street parking areas shall be designed and constructed in accordance with the minimum dimensions set forth below.

A. Dimension of Parking Spaces. Each off-street parking space shall have minimum width of 10 feet and a minimum length of 20 feet, except that for parking areas with at least 10 parking spaces, a maximum of 40 percent of the spaces may be designed to accommodate compact cars. Parking spaces for compact cars shall have a minimum width of 9 feet and a minimum length of 20 feet and shall be specifically identified on the premises as spaces for compact cars.

B. Circulation Aisles. The minimum width of a circulation aisle shall be:

1. 22 feet for 90° or perpendicular parking spaces.
2. 18 feet for 60° parking spaces.
3. 13 feet for 45° parking spaces.

C. Parking Spaces for the Disabled. All new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities in compliance with the current Americans with Disabilities Act (ADA).

Sec. 410.09 LOCATION OF REQUIRED PARKING SPACES.

The location of off-street parking facilities shall comply with the following.

- A. Parking spaces required for dwelling units shall be located within 200 feet of the dwelling unit. Required guest parking in a planned residential development shall be equally distributed throughout the development.
- B. Parking spaces for nonresidential uses shall be located on the lot or within 500 feet of the use measured along a line of public access to the property, but shall not be allowed in residential districts except as a conditional use in compliance with Chapter 390.

Sec. 410.10 REGULATIONS FOR ACCESS DRIVES. *Amended via Resolution No.22/06-06 A*

The location, width and number of entrance and exit access drives to accessory parking spaces shall be provided in accordance with the following:

A. Refer to current edition of the Summit County Access Management Manual.

B. Driveways in Residential Areas:

1. Permit required..
2. Maximum width shall not exceed 18 feet.
3. Side pad shall not exceed 200 square feet.
4. Refer to Summit County Access Management current edition.

Sec. 410.11 OFF-STREET LOADING REGULATIONS.

Off-street loading spaces shall be provided and maintained for all business, commercial and industrial buildings in compliance with the following regulations:

- A. All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive, shall be used for loading or unloading purposes.
- B. Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way in a manner that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
- C. Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.
- D. Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

Sec. 410.12 IMPROVEMENT AND MAINTENANCE STANDARDS.

All off-street parking and loading facilities including parking spaces, loading spaces, waiting spaces, access drives and aisles shall be provided in accordance with the following improvement standards and specifications:

- A. Paving. All parking and loading areas, access drives, circulation aisles and private driveways shall be improved with virgin asphalt, bituminous concrete, or portland cement concrete. Such paving material and base materials related thereto shall be capable of supporting all anticipated loads without damage. The owner shall, at his own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

- B. Drainage. All parking areas shall be sloped so as to direct rainwater to a storm drain or ditch which is of a size adequate to accept such water so that the adjacent properties and rights-of-way including public sidewalks shall not be subject to flooding by water run-off from the proposed parking area.
- C. Lighting. Parking areas and loading areas shall be thoroughly illuminated whenever necessary to protect the public safety as determined by the Zoning Inspector. All lighting used to illuminate such areas shall be so arranged as to direct the light away from adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.
1. No open light sources such as the stringing of light bulbs shall be permitted.
 2. All outside lighting shall be shielded with zero spill from adjacent properties.
 3. The setback for light poles in Commercial, and Industrial Districts shall comply with the parking lot setback for the district in which the lot is located.
- D. Curbs and Wheel/Bumper Guards. Curbing, wheel guards or bumper guards, as may be necessary, shall be provided in connection with any off-street parking area for 5 or more cars to define parking areas, contain the cars on sloping surfaces, and to prevent bumper over-hang or other encroachment into the required aisles and spaces.
- E. Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.
- F. Signs. Signs shall be provided in accordance with Chapter 420.
- G. Maintenance. A parking area or loading space shall be maintained in a manner to keep it free from rubbish. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in a good and safe condition throughout its use for parking purposes.
- H. Fire lanes shall be provided when determined necessary by the Fire Department.

Sec. 410.13 PARKING AND STORAGE OF UNLICENSED MOTOR VEHICLES.

No person shall park any junk motor vehicle, inoperable motor vehicle, unlicensed motor vehicle or collector’s motor vehicle in any district for more than 48 consecutive hours unless such vehicle is completely enclosed within a building. Please refer to Chapter 355 “Abandoned and Junk Vehicles” of the Summit County Codified Ordinance.

Adopted via Resolution No. 18/06-04 C

Sec. 410.14 PARKING LOT LANDSCAPING AND SCREENING.

Off-street parking and loading facilities shall be screened and landscaped in accordance with the requirements of Chapter 430.

Sec. 410.15 DEVELOPMENT PLAN REVIEW.

Any off-street parking area, loading area, circulation aisle, or access drive for a use other than a single-family or two-family dwelling, which is constructed, reconstructed or changed as to location, materials, or drainage facilities requires the submission of a development plan according to the procedures specified in Chapter 620.

**CHAPTER 420
Sign Regulations
Adopted via Resolution No. 19/07-01 C**

420.01 Purposes	420.13 Signs Permitted in B-R Residential District
420.02 Compliance; Application of Chapter	420.14 Signs Permitted in the T-C, C-1, C-4 Business Districts
420.03 Prohibited Signs	420.15 Signs Permitted in I-1 Industrial District
420.04 Permit Required	420.16 Non-Conforming Signs
420.05 Validity of Permit	420.17 Penalty
420.06 Fees	
420.07 Revocation	
420.08 Failure to Obtain a Permit	
420.09 Permits Not Required	
420.10 Measurement Determinations	
420.11 General Provisions	
420.12 Signs Permitted in R-1 & R-1 Residential Districts	

420.01 PURPOSES.

The purpose of this chapter is to provide for the type, design, location and size of signs and to regulate their installation and maintenance, in order to:

- (a) Promote and maintain attractive and high-quality Residential Districts and promote attractive public facilities;
- (b) Provide for reasonable and appropriate methods for identifying establishments in business and industrial districts by relating the size, type and design of signs to the size, type and design of the business and industrial establishments;
- (c) Promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards and reducing visual distractions and obstructions;
- (d) Control the design of signs so that their appearance will be aesthetically harmonious with an overall urban design for the area by:
 1. Assuring the appropriate design, architectural scale and placement of signs;
 2. Assuring that signs are placed in an orderly and attractive manner on the building or the site;
 3. Assuring that the amount of information on the sign is legible and

- achieves the intended purpose.
- (e) Promote the most desirable developments and economic activity in accordance with the objectives of the Township; and
 - (f) Protect property values.

420.02 COMPLIANCE; APPLICATION OF CHAPTER.

- (a) Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the provisions of this chapter.
- (b) The construction, erection, safety and maintenance of all signs shall be in accordance with this chapter, but the provisions of this chapter shall not amend or in any way interfere with the codes, rules or regulations governing traffic signs within the Township.
- (c) The display of official public notices, or the flag, emblem or insignia of an official governmental body, shall not be governed by the provisions of this chapter.

420.03 PROHIBITED SIGNS.

Signs shall be permitted in each use district and regulated as to type, size and location as provided in this chapter. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts.

- (a) Pennants, ribbons, streamers, strings of light bulbs, spinners, feathered flag banner or sign or other similar devices;
- (b) Mobile, portable, or wheeled signs;
- (c) Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
- (d) Roof signs;
- (e) Inflatable images;
- (f) Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices provided, however, that changeable copy signs shall be permitted as regulated by this ordinance;
- (g) Signs which employ any part or element which revolves, rotates, whirls, spins, flutters or otherwise makes use of motion to attract attention;
- (h) Beacons or searchlights;
- (i) High intensity strobe lights;
- (j) Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path;

- (k) Window signs except as specifically authorized herein; and
- (l) Window frame lighting: light emitting diode or other types of bar, string, or strand lighting, whether white or another color, within or directly outside of window frames of their buildings.
- (m) Neon unless used in window signs or as approved by the Zoning Inspector.

420.04 PERMIT REQUIRED.

- (a) A zoning permit is required prior to the display, erection or alteration of any sign except as otherwise provided in this Chapter. Repairs or maintenance not involving structural or electrical changes may be permitted without obtaining a permit.
- (b) Routine maintenance or changing parts of signs shall not be considered an alteration of a sign, provided that the maintenance or change of parts does not alter the type of installation, surface area, heights, or otherwise make the sign non-conforming.
- (c) Applications for sign permits shall be made upon forms provided by the Zoning Inspector.
- (d) Upon determining that a sign application is complete and accurate, the Zoning Inspector shall approve the application.
- (e) Any sign application which requires a variance shall first be submitted to the Board of Zoning Appeals for consideration.
- (f) No signs except highway safety signs shall extend into any right-of-way.

420.05 VALIDITY OF PERMIT.

If the work authorized under a sign permit has not been completed within one (1) year after the date of issuance, the permit shall become null and void.

420.06 FEES.

Fees for sign permits shall be charged in accordance with the schedule of sign fees as established by Trustee resolution.

420.07 REVOCATION.

The Zoning Inspector is hereby authorized to revoke any permit issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

420.08 FAILURE TO OBTAIN A PERMIT.

Any person who erects, alters or moves a permanent sign after the effective date of this Chapter without obtaining a permit as required by this section, shall be subject to a penalty under Section 690.04.

420.09 PERMITS NOT REQUIRED.

Signs which do not require a zoning permit include:

- (a) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties, provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.
- (b) Any sign wholly within the confines of a building and oriented so as to be out of view from outside the building.
- (c) One sign per entrance door in a non-residential district which shall be limited to two (2) square feet in size and located within five (5) square feet of the entrance door.
- (d) Signs located within the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities placed by a governmental entity.
- (e) Any sign not expressly requiring a permit under this chapter.
- (f) Sign faces that are visible from the public right of way but are not intended for public view and are not discernible in message due to the small size of the sign's text, copy, or graphics as viewed from the public Right of Way. Such signs shall not exceed twelve (12) square feet in area and shall not exceed 6 feet in height.
- (g) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices;
- (h) Signs that are constructed of paper, cloth, or similar expendable material, attached to the inside of a window, do not exceed 8 square feet in sign face area, and do not cover more than 25% of the area of the window pane; and
- (i) Temporary Ground Signs as regulated in Residential districts set forth in Sections 420.12 and 420.13.
- (j) Political yard signs and political advertising signs protected by the First Amendment of the United States Constitution.

420.10 MEASUREMENT DETERMINATIONS.

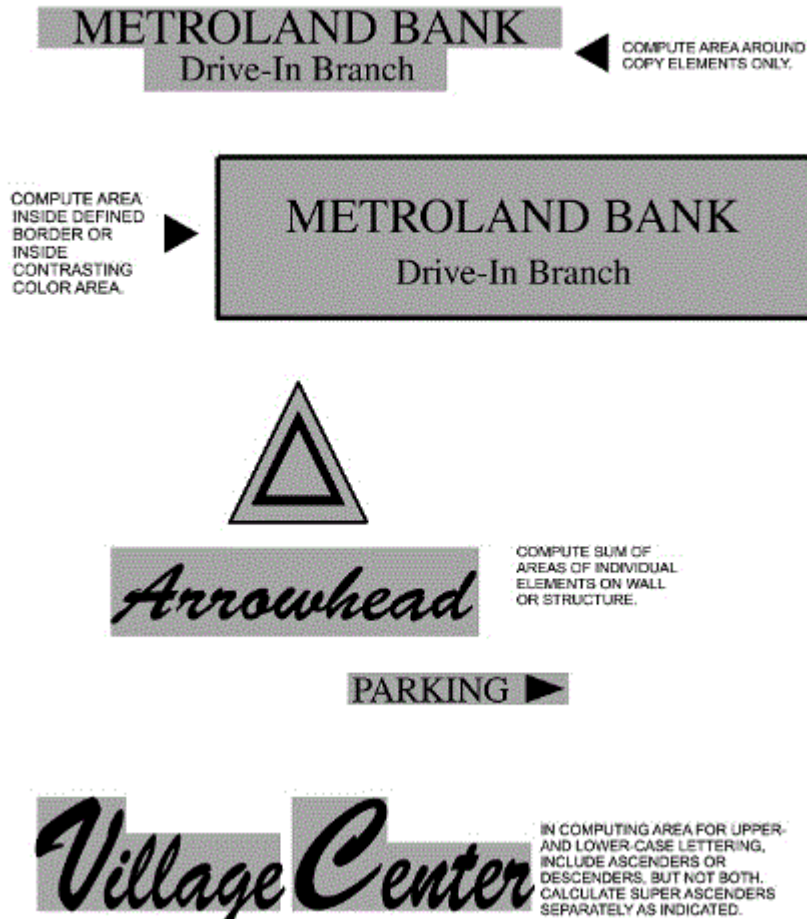
The following shall be the basis for determining sign area, sign height, and building or tenant frontage.

(a) **Sign Area and Dimensions.**

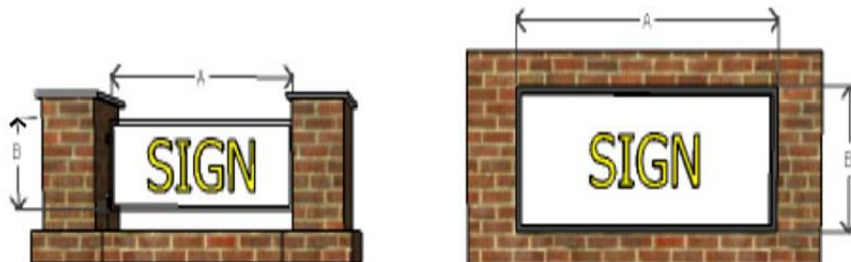
Sign area shall include the entire face of the sign from edge to edge, including any frame or structure around the perimeter of the sign, provided however, that a proportional framing or structure around the display area may be excluded by the Planning Commission.

- (1) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped free-standing sign, the area of the sign shall be the area of not more than three (3) adjacent regular geometric shapes that encompasses the perimeter of all the elements in the display. Regular geometric shapes are squares, rectangles, circles, ovals, triangles, and trapezoids.
- (2) When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include the space between the elements.

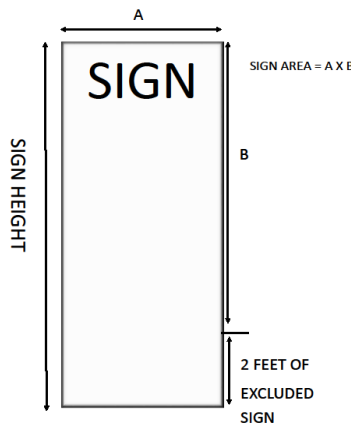
SIGN AREA—COMPUTATION METHODOLOGY



- (3) For free-standing signs:



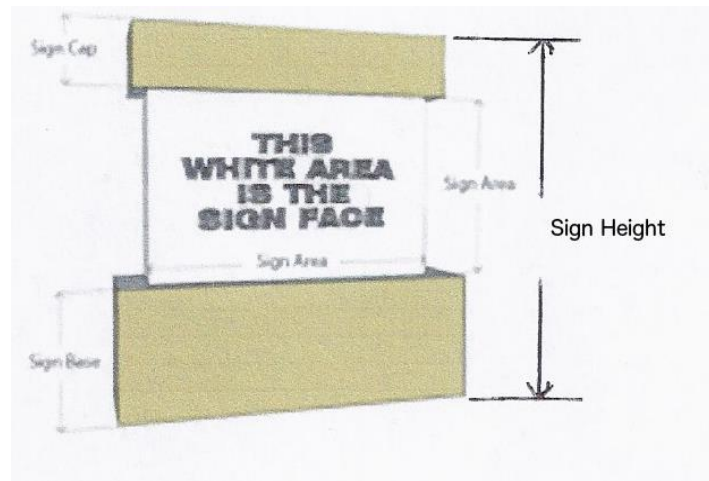
- A. The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel or are within 30 degrees of being parallel to each other and are at no point separated by a distance that exceeds two feet.
- B. The portion of a solid sign base, up to a maximum height of two (2) feet, may be excluded from the calculated sign area provided such base is adequately screened by landscaping as determined by the Planning Commission.



(4) Air between a projecting sign and the wall to which it is attached and detached lighting fixtures and associated brackets shall not be included in the calculation of sign area.

(b) Sign Height.

The height of a free-standing sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the sign or its support structure. A free-standing sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to any grade change in the area of a sign.



(c) Building Frontage and Building Unit.

For the purposes of these sign regulations, the length of the building wall that faces a public street other than a limited access highway or that contains a public entrance to the uses therein shall be considered the building frontage.

- (1) The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
- (2) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
- (3) A building is considered to have two frontages whenever the lot fronts on two or more streets or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional wall considered its secondary frontage.
- (4) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

420.11 GENERAL PROVISIONS.

- (a) All signs shall be of substantial construction so as to withstand weather conditions, such as rain, snow, wind, and freezing and thawing, without

deterioration of the sign or its structure. Cloth, paper, or any other temporary materials shall not be permitted on permanent signs.

- (b) All signs shall be constructed, erected and maintained in accordance with the Zoning Regulations.
- (c) All signs, including temporary signs, shall at all times be maintained in good condition and repair at all times. Upon determination that a sign is not being maintained, is in poor condition or repair, or is unsafe, the Zoning Inspector or his designated agent may order such sign to be brought into compliance or removed within a specified time period. Should the property owner fail to bring the sign into compliance as directed, the Zoning Inspector may remove (or cause to be removed) or maintain such sign at the expense of the person, firm or corporation who erected the sign or on whose premises it was erected, affixed or attached. Each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of the sign. The Zoning Inspector may also institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.
- (d) Illuminated signs are permitted pursuant to the following regulations:
 - (1) Signs may be internally illuminated with LED's or similar technology, provided that the sign shall be factory set so that the luminance of the sign shall not exceed a maximum of three (3) foot candles measured ten (10) feet from the sign's face at maximum brightness. Internally illuminated signs shall be equipped with a reduced intensity nighttime setting device activated by photocell or timer.
 - (2) External illumination of signs shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way. In no instance shall the intensity of the light exceed twenty (20) foot candles at any point on the sign face.
 - (3) Signs may use back lighting or halo lighting subject to the approval of the Zoning Inspector.
 - (4) No sign shall be illuminated between the hours of 2:30 a.m. and 5:00 a.m., unless the activity displaying the sign is open for business during those hours. The Zoning Inspector is authorized to grant an exception from the provisions of this section to any activity in which illumination

of signs during the hours otherwise proscribed is necessary or desirable for the security and safety of the activity or for property in the custody of the activity.

- (5) Electronic Message signs. Multiple message and variable message signs which are changed electronically shall conform to the following standards:
 - A. Electronic Message signs shall only be permitted in the T-C, C-1 and C-4 Zoning Districts.
 - B. Each message or copy shall remain fixed for at least ten (10) seconds. Messages shall not flash, or include animation, or emit intermittent light.
 - C. Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.
 - D. Each such sign must be capable of regulating the digital display intensity, and the light intensity level of the display must automatically adjust to natural ambient light conditions.
 - E. No such sign shall be of such intensity as to create a distraction or nuisance for motorists.
 - F. Displays shall not emulate traffic control devices.
 - G. Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs.
 - H. The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.
 - I. The changeable copy portion of any free-standing ground sign or wall sign shall not exceed seventy percent (70%) of the total area of the sign.
- (6) Temporary signs shall not be illuminated.
- (e) Signs not visible from off the premises are exempt from these regulations.
- (f) All signs shall be erected entirely on private property with no part of said sign extending over the public street or right of way.

420.12 SIGNS PERMITTED IN R-1 and R-2 RESIDENTIAL DISTRICT.

- (a) The following sign regulations are established for residential uses in the R-1 District. No permit shall be required for the following signs:
 - (1) Permanent Signs
 - A. One permanent free-standing sign not more than two (2) square feet in area nor four (4) feet in height.

- B. Two permanent free-standing signs, neither of which shall be more than one (1) square foot in area nor three (3) feet in height.
- (2) Temporary Signs.
 - A. A total of 12 square feet of temporary signs not more than four (4) feet in height. No single sign shall be larger than six (6) square feet. The total number of signs is not limited provided the signs are in compliance with the maximum amount of area permitted.
 - B. One temporary free-standing sign not exceeding thirty-two (32) square feet in area nor six (6) feet in height may be erected during active construction of a residential subdivision development, provided that no such sign shall be displayed for longer than two (2) years.
- (3) No sign permitted by this section shall be illuminated.
- (4) No sign shall be erected closer than fifteen (15) feet from the pavement of a street or within six (6) feet of any property line.
- (b) The following sign regulations are established for non-residential uses in the R-1 District. Permits shall be required for the following signs:
 - (1) Permanent Signs
 - A. Freestanding Signs
 - 1. One permanent free-standing sign not more than twenty (20) square feet in area nor six (6) feet in height.
 - 2. Two permanent free-standing signs, neither of which shall be more than one (1) square foot in area nor three (3) feet in height.
 - 3. Two (2) Directional signs not more than three (3) square feet in area nor three (3) feet in height each.
 - B. Wall Signs
 - 1. One per street frontage not to exceed forty (40) square feet in area.
 - (2) Temporary Signs
 - A. One temporary wall banner not to exceed thirty-two (32) square feet may be displayed for no longer than 30 consecutive days. No more than 4 temporary wall banners may be displayed in any one year.
 - B. A total of twelve (12) square feet of temporary freestanding signs not more than four (4) feet in height. No single sign shall be larger than six (6) square feet. The total number of signs is not limited provided the signs are in compliance with the maximum amount of area permitted.
 - (3) No sign shall be erected closer than ten (10) feet from the street right of way line or within six (6) feet of any property line. Signs shall not obstruct the visibility at street corners.
 - (4) Permanent signs permitted by this section may be externally illuminated

provided the external illumination of the sign shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles traveling on public rights-of-way.

420.13 SIGNS PERMITTED IN B-R RESIDENTIAL DISTRICTS.

(a) The following sign regulations are established for residential uses in the R-2 Multiple Family. Permits shall be required for the following signs:

(1) Permanent Signs

A. Freestanding Signs

1. One (1) permanent free-standing sign not greater than twenty-four (24) square feet in area nor six (6) feet in height shall be permitted at each entrance to a Multiple Family or townhouse development.
2. Two permanent free-standing signs, neither of which shall be more than one (1) square foot in area nor three (3) feet in height.
3. Two (2) Directional signs not more than three (3) square feet in area nor three (3) feet in height each.

B. Wall Signs

1. One per street frontage not to exceed forty (40) square feet in area.

(2) Temporary Signs

A. A total of 12 square feet of temporary signs not more than four (4) feet in height. No single sign shall be larger than six (6) square feet. The total number of signs is not limited provided the signs are in compliance with the maximum amount of area permitted.

B. One temporary free-standing sign not exceeding thirty-two (32) square feet in area nor six (6) feet in height may be erected during active construction of a residential subdivision development, provided that no such sign shall be displayed for longer than two (2) years.

(3) Permanent signs permitted by this section may be externally illuminated provided the external illumination of the sign shall not be of excessive brightness and shall be designed and shielded so as to prevent glare and minimize light trespass onto adjacent properties and to prevent view of the light source from any adjoining residential property and/or vehicles

traveling on public rights-of-way.

- (4) No sign shall be erected closer than fifteen (10) feet from the street right of way line or within six (6) feet of any property line. Signs shall not obstruct the visibility at street corners.

420.14 SIGNS PERMITTED IN THE T-C, C-1, C-4 BUSINESS DISTRICTS.

- (a) The following sign regulations are established for uses in the T-C, C-1 and C-4 Retail Business Districts:

- (1) Area of Signage. The total area of all permanent signs for each use, building, or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance.

- (2) Permanent Signs

A. Freestanding

1. Each building is permitted one freestanding sign on a base no larger than 8x8 feet. Such sign shall not exceed 8 (eight) feet in height, and the lowest horizontal projecting feature of the sign shall not be less than eight (8) feet above grade. The freestanding sign shall not exceed thirty-two (32) square feet in area. Signs shall not be located closer than ten (10) feet to a front property line, or five (5) feet from a side property line.

2. Properties that have multiple freestanding buildings on the same parcel and have a shared entrance and exit shall be permitted one ground sign for each building, provided such building is a minimum of 2,500 square feet in gross floor area. Each sign shall be in conformance with the requirements of this section.

B. Wall Signs

1. The maximum sign area for a wall sign shall be one (1) square foot per one (1) linear foot of store front.

2. Buildings with frontage on two or more public streets shall be permitted an additional sign on each secondary frontage provided the sign shall not exceed twenty-five percent (25%) of the area of the sign permitted on the primary frontage. In no case shall the area of the signs exceed the total amount of signage permitted on the site.

3. No more than one (1) wall sign shall be permitted per building frontage or individual tenant space.

4. Wall signs shall be affixed flat to the wall of the building and not

project more than one (1) foot.

5. Signs in the T-C, C-1 and C-4 Districts may be illuminated only in conformance with Section 420.11 “D”.

C. Canopy or Awning Signs

1. Canopy or awning signs are subject to the same size regulations for wall signs and shall not exceed an area equal to twenty-five percent (25%) of the canopy or awning.

2. If a canopy or awning and wall sign are used in conjunction with each other, the total square footage of both signs must be added together to determine the total square footage permitted. Such signs shall also conform to requirements of 420.14

D. Directional Signs

1. No more than two (2) permanent freestanding directional signs not exceeding three (3) square feet in area and located not more than three (3) feet above grade shall be permitted at each access drive to the site.

(2) Temporary Signs

A. Temporary signs may be displayed for no longer than 30 consecutive days. No more than 4 temporary signs may be displayed in any one year. In multi-tenant buildings or properties with multiple buildings, the property owner shall be a joint applicant for all permits for each temporary sign.

B. Each building is permitted one temporary wall banner not to exceed 24 square feet.

C. Each building is permitted one temporary freestanding sign per tenant not more than six (6) square feet in area nor three (3) feet in height.

3. Window signs

A. The total area of all window signs, inclusive of both permanent and temporary, shall not exceed twenty-five (25) percent of the area of a single window.

B. Illuminated signs, which may include neon and LED shall not be greater than ten (10) percent of a single window. The intensity shall not be a distraction to the motoring public.

C. For purposes of this section, a single window shall include

- the entire area of glass with a separation between the glass panes less than four (4) inches.
4. "A" Frame or Sandwich Board Signs
 - A. "A" frame or Sandwich Board signs shall be limited to two (2) feet in width and three (3) feet in height.
 - B. Businesses are permitted one (1) "A" Frame or Sandwich Board sign which must be located on the property on which the business is located.
 - C. All "A" Frame or Sandwich Board signs must be removed at the end of each business day and may only be displayed during the posted hours the business is open.
 - D. "A" Frame or Sandwich Board signs shall not be located on the public sidewalk or within the right-of-way.
 - E. Such signs shall be located not more than five (5) feet from the right-of-way to the business and shall not block sight visibility from a public street or driveway.
 - F. Signs located on private sidewalks or pedestrian paths must provide a minimum of five (5) feet clear area for passage of pedestrians.
 - G. For multi-tenant commercial buildings, one (1) sign per tenant is permitted with a minimum of twenty (20) feet separation maintained between signs.
 - H. No attachments, illumination, banners, balloons, ribbons, flags or moving parts are permitted with the sign.

420.15 SIGNS PERMITTED IN THE I-1 INDUSTRIAL DISTRICT.

(a) The following sign regulations are established for uses in the I-1 Industrial District:

- (1) Signs shall be permitted in the I-1 Industrial District as authorized and approved by the Zoning Inspector. The Zoning Inspector shall have sole authority to establish the size, design, character, height, number, style and location of all signage within the I-1 District.
- (2) Permits shall be required for signs in the I-1 District. No permit

shall be issued without the approval of the Zoning Inspector.

420.16 NONCONFORMING SIGNS.

- (a) Signs which were legally in existence prior to the effective date of this Chapter, but which do not conform with the provisions hereof, may be maintained as a matter of right.
- (b) Normal maintenance such as painting, cleaning, or minor repairs to the sign face shall be permitted on all such nonconforming signs.
- (c) Relocation or replacement of a nonconforming sign or any alteration in the size or structure of such sign or a change in the mechanical facilities, type of illumination or sign face material, shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance with this Chapter.
- (d) If more than 50% of the sign area is damaged, it shall be repaired to conform to this Chapter.
- (e) If a non-conforming sign ceases to be used for any reason for a continuous period of six (6) months, the non-conforming sign shall be eliminated and the sign shall thereafter be required to comply with the requirements of this Chapter.
- (f) For the purpose of amortization, these signs may be continued from the effective date of this Chapter for a period not to exceed five (5) years.

420.17 PENALTY.

Refer to Chapter 690.04 of the Northfield Center Township Zoning Resolution.

**CHAPTER 430
Landscaping and Screening Requirements**

430.01	Purpose.	430.05	Screening of accessory uses.
430.02	Landscaping along the street frontage.	430.06	Landscaping and maintenance of yards.
430.03	Screening and landscaping of parking lots	430.07	Approval process for required landscaping, fences and walls.
430.04	Screening and buffering of residential.	430.08	Zoning certificate required prior to land disturbance.

Sec. 430.01 PURPOSE.

Landscaping, visual screening and buffer zones shall be provided for all planned residential developments and nonresidential development for the following purposes: to remove, reduce, lessen or absorb the impact between one use or zone and another; to break up and reduce the impact of large parking areas; provide interest and lessen the monotony of the streetscape; to obscure the view of outdoor storage, rubbish areas, dumpsters, and parking and loading areas; and to provide protection from soil erosion.

Sec. 430.02 LANDSCAPING ALONG THE STREET FRONTAGE.

For any planned residential development or non-residential development, the area adjacent to the street right-of-way, excluding driveway openings, shall be landscaped. The following minimum plant materials shall be provided and maintained.

- A. Major shade trees shall be planted at the rate of five (5) trees for every 100 linear feet of lot/development frontage or fraction thereof, not including drive entrances.
 - 1. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
 - 2. For the purpose of these regulations, a major shade tree shall be a tree normally growing to a mature height of 20 feet and a mature spread of at least 15 feet.
- B. Shrubs shall be planted at the rate of 20 shrubs for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
- C. Grass, ground covers or other live landscape treatment, excluding paving or gravel.
- D. Trees and shrubs may be aggregated appropriately.

Sec. 430.03 SCREENING AND LANDSCAPING OF PARKING LOTS.

Perimeter and interior landscaping of parking lots shall be provided in accordance with the following requirements.

A. Interior Parking Lot Landscaping.

1. For any parking area designed to accommodate 20 or more vehicles, not less than 10 percent of the parking lot area shall be planted as landscaped islands. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.
2. Such islands shall be developed and evenly distributed throughout the parking lot to provide visual and climatic relief from broad expanses of pavement.
 - a) Each island shall be a minimum of 10 feet in any horizontal dimension and shall provide at least one major shade tree having a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
 - b) Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping.

B. Screening of Parking Lot Across the Street from Residential Districts. Whenever parking areas consisting of five spaces or more are located directly across the street from a residential district, screening shall be required between the street right-of-way line and the parking lot. Such screening shall comply with the following:

1. A minimum of 25 shrubs shall be provided for every 50 feet of parking lot length parallel to the street.
2. The shrubs shall have a minimum height of three feet. Shrubs shall reach the required height within one year of planting.
3. The shrubs shall be located parallel to and within 5 feet of the edge of the parking lot.

Sec. 430.04 SCREENING AND BUFFERING OF RESIDENTIAL.

When a lot in any Business-Residential, Commercial or Industrial District abuts a Residential District and for all nonresidential uses permitted as a conditional use in a residential district, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations. The Zoning Inspector will determine the appropriate type of buffering.

- A. Width of Buffer Zone. Each required buffer zone shall have a minimum width equal to the parking setback required for the district in which the lot is located.
- B. Buffer Zone Requirements. The buffer zone shall be preserved and maintained in accordance with the following:
1. A minimum of 85% of the buffer zone shall be preserved, left undisturbed in its natural state.
 2. Not more than 15% of the buffer zone may be disturbed during construction of the development. Upon completion of construction, the disturbed area shall be planted with trees, shrubs and/or other ornamental plantings. Fences shall be permitted to be erected within this disturbed area.
 3. When the natural vegetation within the required buffer zone does not form a solid continuous visual screen or does not have a minimum height of 6 feet along the entire length of the common boundary of the residential district or property, screening in compliance with the following shall be installed:
 - a) Screening. Screening within the buffer zone shall consist of one (1) or a combination of two (2) or more of the following:
 - 1) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.
 - 2) A non-living opaque structure, such as a solid masonry wall, or a solid fence, that is compatible with the principal structure.
 - 3) A fence with openings through which light and air pass, together with a landscaped area at least ten feet wide.
 - 4) A maintained, landscaped earthen-mound at least 5 feet wide.
 - b) Height of Screening. The height of screening shall comply with the following:
 - 1) Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, and evergreen plantings shall be

- planted at a maximum distance of ten (10) feet on center to provide an effective buffer unless otherwise specified.
- 2) Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.
 - c) Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the buffer zone to maximize the screening effect.
 - d) Screening Responsibility. In the event land is rezoned from an industrial district to an O-C, R-1, or R-2 residential district so that the newly established residential district abuts an existing industrial district, it shall be the responsibility of the newly created residential property to provide the screening and buffering required in this Section. The required screening and buffering shall be located in the buffer yard required by Section 310.06E on the residential property abutting the industrial district and shall be maintained by the residential property owner(s).
 - e) Buffer Zone Plan. The buffer zone plan shall be specific to the type of screening option to be used.
4. The earthen berm shall be a minimum of six (6) feet in height and a minimum width of three (3) times the height. The height shall be measured from the natural grade.
- a) Screening: Screening within the buffer zone shall consist of one or a combination of 2 or more of the following:
 - 1) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced in a staggered configuration to form a solid, continuous visual screen within three (3) years of the initial installation. The trees shall be evergreens, such as spruce or another form of pine, and the shrubbery/hedges shall be evergreen.
 - 2) A non-living opaque structure, such as a solid masonry wall or a solid fence, that is compatible with the principal structure.

- 3) A fence with openings through which light and air pass, together with a landscaped area, at least ten (10) feet wide.
- 4) Shrubs and hedges shall be used to fill in between evergreen trees to ensure screening is effective.
- 5) The current owner shall maintain the current landscaping in good and healthy condition. In the event any required landscape material dies or is destroyed, it shall be replaced within six (6) months. Replacement material shall conform to the original intent of the landscape plan.
- 6) Ground cover shall be used and maintained on the berm to prevent erosion of the berm.
- 7) The evergreen trees shall be a minimum of six (6) feet in height at time of planting.

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Sec. 430.05 SCREENING OF ACCESSORY USES.

The following accessory uses shall be screened from any adjacent street or adjoining property.

- A. Dumpsters shall be enclosed on all four sides by a brick or masonry wall and gate constructed of materials that match or compliment the building façade. The wall and gate shall have a minimum height of six (6) feet. A chain link fence shall not be permitted.
- B. Each loading area shall be screened along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements set forth in Sec. 430.04, Subsection B.3.
- C. Accessory outdoor storage of goods, supplies or equipment used in the operation of an establishment, where permitted, shall be screened according to Subsection 430.04.B.3 when abutting a residential district.

Sec. 430.06 LANDSCAPING AND MAINTENANCE OF YARDS.

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- A. Whenever land is disturbed in any way that exposes the soil, such land shall be reseeded or replanted with grass or other satisfactory planting within 6 months

from such disturbance or before the onset of winter, whichever comes first, in order to prevent erosion, creation of dust or other conditions of nuisance.

- B. The current owner shall maintain the required landscaping in a healthy condition. In the event any required landscaping material dies or is destroyed, it shall be replaced within 6 months. Replacement material shall conform to the original intent of the landscape plan. Adequate water outlets shall be provided to maintain all required plant material. Such outlets shall be shown on the development plan.
- C. All screening shall be free of advertising or other signs, except for pertinent public service/safety signs such as security signs as defined and regulated by Chapter 420.
- D. Vehicle parking shall not be permitted in landscaped areas.

Sec. 430.07 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS AND BERMS.

- A. The location of proposed landscaping, fence, wall, or berm shall be reviewed and approved as part of a development plan pursuant to Chapter 620. However, when a fence, wall or berm is proposed on a site at a separate time from any other development for new construction, addition or site renovation, a fence, wall or berm may be approved by the Zoning Inspector when the Zoning Inspector determines that the proposal:
 - 1. Complies with the requirements of this Section;
 - 2. Is consistent with any previously approved plan;
 - 3. Is compatible with the current site development if there is no approved plan; and
 - 4. Will have a minimum adverse impact to the surrounding areas.
- B. Fences, walls and berms in residential districts shall comply with the regulations set forth in Chapter 310 and be reviewed by the Zoning Inspector according to Chapter 610.

Sec. 430.08 ZONING CERTIFICATE REQUIRED PRIOR TO LAND DISTURBANCE.

Any disturbance or physical improvement to the land including tree clearing, trenching, removal of soil, placement of fill, or excavation of gravel or other earth materials shall only be permitted in accordance with the regulations set forth in Section 610.10.

**CHAPTER 440
Nonconforming Uses, Buildings, Lots and Structures**

440.01	Purpose.	440.07	Nonconforming use due to reclassification.
440.02	Nonconforming buildings or structures.	440.08	Change from nonconforming use.
440.03	Nonconforming use of buildings and land.	440.09	Existing use deemed conditional use; permit required for change.
440.04	Nonconforming parking facilities.	440.10	Determination of nonconforming status.
440.05	Nonconforming signs.	440.11	Completion of construction with zoning certificate.
440.06	Nonconforming lots.		

Sec. 440.01 PURPOSE.

The purpose of this Chapter is to recognize the existence of uses, buildings, lots and structures which lawfully existed at the time of the effective date of this Resolution or amendment thereto, but which do not conform with one or more of the regulations contained in this Resolution. Nonconforming status is considered to be incompatible with permitted uses in the zoning district in which it exists and with the land use plan of the Township. Therefore, such nonconforming status shall be continued only in conformance with this Chapter.

A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.

Sec. 440.02 NONCONFORMING BUILDINGS OR STRUCTURES.

A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. Maintenance and Repair. A nonconforming building or structure may be maintained and repaired provided that no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.
- B. Additions and Moving. A nonconforming building or structure shall not be added to, enlarged or moved unless the addition(s) or part(s) moved is made to conform to the regulations of the district in which it is located.

- C. Restoration of Damaged Building or Structure. If a nonconforming building or structure is damaged or destroyed by any cause, those portions so destroyed or damaged may be restored to the original footprint and floor area of the building or structure provided the cumulative restoration costs do not exceed 75% of the replacement cost of the building or structure at the time of such damage. Such restoration shall be completed within a period of one year from the date of damage or destruction. Any restoration that exceeds the original footprint and/or floor area shall comply with Subsection 440.02B.

Sec. 440.03 NONCONFORMING USE OF BUILDINGS AND LAND.

A nonconforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. Alteration, Reconstruction, of a Building Occupied by a Nonconforming Use. No building or structure occupied by a nonconforming use shall be altered, improved or reconstructed except upon prior approval of the Board of Zoning Appeals and then only if the cumulative cost of the alteration, reconstruction or improvement does not exceed 50% of the building's replacement value.
- B. Expansion of Nonconforming Use. A nonconforming use shall not be physically enlarged or extended to a part of the building and/or lot that was not occupied by the use at the time it became nonconforming.
- C. Change of Use. A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Board of Zoning Appeals, on appeal, decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitted such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.
- D. Discontinuance of Use. Discontinuance of the nonconforming use of a building, part of a building, lot or part of a lot for a continuous period of two (2) years or longer shall constitute voluntary abandonment of such use and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located.
- E. Damage or Destruction. In the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.

Sec. 440.04 NONCONFORMING PARKING FACILITIES.

A building or use existing lawfully at the time this Zoning Resolution, or an amendment thereto, became or becomes effective, which does not comply with off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered, or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided so that the nonconforming parking condition is not increased.

Sec. 440.05 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Zoning Resolution, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Section 420.14.

Sec. 440.06 NONCONFORMING LOTS.

A lot of record that does not comply on the effective date of this Zoning Resolution or any amendment thereto with the lot area or width regulations of the district in which the lot is located may be used as follows:

- A. Residential Lots. If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Zoning Resolution, with the exception of the lot area and the lot width regulations. The number of dwelling units shall not be increased unless all regulations, including lot area, are complied with.
- B. Single Nonconforming Lots of Record. If a non-conforming lot is in separate ownership and not of continuous frontage with other lots in the same ownership, the following provisions shall apply:
 1. Any lot not meeting the minimum area requirements and being a lot of record or lot for which a land contract has been issued, or any lot within an unrecorded allotment, of which at least one-half (1/2) of said lots are of record or have been sold on land contract on the effective date of these regulations, may be developed with a single-family dwelling when the single-family dwelling unit, and uses and structures accessory thereto, can be located on the lot in compliance with the front, side, and rear yard setbacks, and all other requirements of the district except those that pertain to the lot area or lot width requirements. In such case, the Zoning Inspector shall have the authority to issue a zoning certificate.

2. The Board of Zoning Appeals shall review and approve uses, buildings and structures proposed for the following:
 - a) Single vacant nonconforming lots in single-family districts that do not meet the criteria set forth in Subsection 1 above.
 - b) Single vacant nonconforming lots in all non-single-family districts.
- C. Lots in Combination. If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Resolution or applicable amendment thereto, such lot shall be replatted to create one or more lots that conform to the minimum lot size and lot width requirements for the district in which the lots are located.

Sec. 440.07 NONCONFORMING USE DUE TO RECLASSIFICATION.

The provisions of this chapter shall also apply to any building, structure, land or other use hereafter becoming nonconforming as a result of amendments made to this Zoning Resolution or Zoning Map.

Sec. 440.08 CHANGE FROM NONCONFORMING USE.

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no nonconforming use shall be made, resumed or reinstated.

Sec. 440.09 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Resolution or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conforming conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in ownership shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for conditional uses set forth in Chapter 630.

Sec. 440.10 DETERMINATION OF NONCONFORMING STATUS.

At the time of application for a zoning certificate or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit a preponderance of evidence for the Zoning Inspector or Board of Zoning Appeals, as required, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this Resolution, the Zoning Inspector shall issue a certificate of nonconforming use.

Sec. 440.11 COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE.

Nothing in this Zoning Resolution shall prohibit the completion of the construction and use of buildings for which a zoning certificate has been issued prior to the effective date of this Zoning Resolution, or amendments thereto, provided that the zoning certificate remains valid according to Section 610.11. An application that has been officially accepted for review prior to the effective date of this Zoning Resolution Update shall be reviewed according to the regulations that were in effect at the time the application was deemed complete.

CHAPTER 450
Regulations for Wireless Telecommunication Facilities

450.01 Intent.	450.06 Standards applicable to all wireless telecommunication facilities.
450.02 Definitions.	450.07 Abandoned telecommunication facilities.
450.03 Permitted locations.	450.08 Notification and approval required.
450.04 Locations requiring conditional use approval.	
450.05 Colocation covenant of good faith.	

Sec. 450.01 INTENT.

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities for the following purposes:

- A. To protect property values;
- B. To regulate a commercial use so as to provide for orderly and safe development within the Township;
- C. To provide for and protect the health, safety, morals and general welfare of the residents of the Township;
- D. To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities;
- E. To promote colocation of wireless telecommunication facilities in order to decrease the number of towers in the Township; and
- F. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

Sec. 450.02 DEFINITIONS.

- A. Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

- B. Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- D. Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- E. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- F. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications 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.
- G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. Structures supporting antennas used by licensed amateur radio operators are excluded from this definition.

Sec. 450.03 PERMITTED LOCATIONS.

A wireless telecommunications tower or facility may be located in the following areas, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector. Efforts shall be made to locate in the areas listed in the order of priority listed.

- A. First priority. New wireless antennas may collocate on existing towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, and cooling towers provided that the height of the antenna shall not exceed 20 feet above the highest point of the existing structure, except as otherwise regulated in Section 450.06.
- B. Second priority. A wireless telecommunication tower and/or antenna facility may be located in a T-C, C-1, C-4, I-1 or I-2 zoning district.
- C. Third priority: A wireless telecommunication tower and/or antenna facility may be located within a recorded electric high-tension power line or easement, shall

not exceed the height of the existing high tension power line towers and shall be located within 40 feet of such existing towers.

Sec. 450.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.

A wireless telecommunications tower or facility may be located in the following areas as a conditional use only upon approval of the Board of Zoning Appeals provided the applicant demonstrates compliance with the following standards as well as the standards set forth in Section 390.02 and the procedures set forth in Chapter 630.

- A. Locations. Efforts shall be made to locate wireless telecommunication towers and facilities in the following areas, in the order of priority listed.
1. First Priority. In an O-C District located at least 200 feet from an existing residential dwelling.
 2. Second priority. In an R-1 R-2 or B-R District located at least 200 feet from an existing residential dwelling.
- B. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that:
1. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available in a permitted location as set forth in Section 450.03; or
 2. If another tower, building or structure set forth in Section 450.03 is technically suitable, the applicant must show that it has requested to collocate on the existing tower, building or structure and the collocation request was rejected by the owner of the tower, building or structure; or
 3. If an area set forth in Section 450.03 is technically suitable, the applicant must show 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 forth in Section 450.03 under reasonable terms and that each request was rejected.

With the conditional zoning certificate application, the applicant must demonstrate that a technically suitable location is not available in a two-mile radius in any area set forth in Section 450.03 and shall list the location of every tower, building or structure and all of the areas set forth in Section 450.03 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

Sec. 450.05 COLOCATION COVENANT OF GOOD FAITH.

- A. All towers, owned by a licensed carrier, upon which this Chapter permits collocation of additional antennae shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically collocated thereon. However, such licensed carrier may charge a reasonable fee for the collocation of additional antennae upon said tower.
- B. All licensed carriers shall cooperate with each other in collocating additional antennae upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to collocate upon its tower, the Zoning Inspector may require a third-party technical study to evaluate the feasibility of collocation at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this Chapter for a new tower.
- C. Any licensed carrier that allows collocation upon a tower permitted pursuant to this Chapter may condition said collocation to assure that the collocated antennae does not cause electronic or radio-frequency interference with its existing antennae. In the event that the collocated licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow collocation of the interfering antennae upon its structure.

Sec. 450.06 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION FACILITIES.

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

- A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- B. The minimum setback of the tower from all property lines shall be:
 - 1. A distance equal to 110 percent of the height of the tower, and all tower supports/guywires shall be setback a minimum of 25 feet from all property lines, or
 - 2. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum setback shall be:

- a) 40 feet from any property line abutting a nonresidential lot.
 - b) 75 feet from any property line abutting a residential lot, provided that the base of the tower, including any guy wire anchors and required enclosure, shall comply with the front yard setbacks for the district in which it is located.
- C. Towers located as a permitted use in accordance with Section 450.03 shall not exceed a height of 200 feet and may be either mono-pole structures or lattice-type structures.
- D. Towers located as a conditional use in accordance with Section 450.04 shall not exceed a height of 200 feet and shall be mono-pole structures.
- E. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 15 feet and shall not exceed 450 square feet in area, either above or below ground.
- F. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.
- G. Prior to receiving approval for a new tower with a height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited, to height, opportunities for co-location, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).
- H. The base of the tower, including any guy wires, and all related facilities shall be completely enclosed with a secure fence having a minimum height of 8 feet. Such fence shall be equipped with a locked gate and the fence shall be completely screened from view by at least one of the following:
- 1. A row of evergreen trees spaced not less than ten feet on center. The initial plantings shall be no less than six feet tall.
 - 2. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
 - 3. Other appropriate landscaping that achieves the screening objective.

- I. The antennae and support structures shall be camouflaged or disguised in order to minimizing visibility of the structure. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- J. The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.
- K. The tower shall not be artificially lighted except as required for security and safety, or by the Federal Aviation Authority. Any lighting so required shall be installed to minimize the impact on adjoining properties.
- L. Any accessory buildings shall comply with the location regulations set forth for the district in which the tower is located.
- M. “No Trespassing” signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include phone numbers for the police, fire and county emergency management facilities, and a local or toll-free telephone number of whom to contact in the event of an emergency. The warning sign shall be 12 inches by 12 inches. No other signs or advertising shall be located anywhere on the facility.

Sec. 450.07 ABANDONED TELECOMMUNICATION FACILITIES.

- A. In the event use of the tower ceases for a period of three months, the owner or operator of a tower shall submit a written report to the Zoning Inspector within 30 days of cessation.
- B. Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within 180 days after receipt of a notice from the Zoning Inspector to do so.
- C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.
- D. If a tower and facilities are not removed within 90 days after receipt of a notice from the Township requiring said removal, the Township may seek and obtain a court order directing such removal and imposing a lien on the property upon which such tower is situated in an amount equal to the cost of removal.

- E. The site shall be restored to its original state within six (6) months following the date that the tower is no longer operational.

Sec. 450.08 NOTIFICATION AND APPROVAL REQUIRED.

A. Notification Required. Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide the following by certified mail:

1. 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:
 - (a) The person's intent to construct the tower;
 - (b) A description of the property sufficient to identify the proposed location;
 - (c) That, no later than fifteen 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 proposed telecommunication tower comply with the regulations set forth in this Chapter. 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.
2. **Written notice to the board of township trustees of the information specified in items 1.a) and b) above. The notice to the board also shall include verification that the person has complied with item 1.c) of this section.**
3. Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

- B. Trustee Action. If the board of township trustees receives notice from a property owner within the time specified in Subsection A.1.c) or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent, the board 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 zoning regulation no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection.
- C. Approval. All wireless telecommunications towers and facilities subject to these zoning regulations shall comply with the procedures for development plan review set forth in Chapter 610. In addition to the submission requirements set forth in Section 610.05, the applicant shall submit the following addition items.
1. Detailed description of the wireless telecommunications tower's or facility's capacity including the number and types of antenna that it can accommodate.
 2. Documentation certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).
 3. Vicinity map (at a scale of 1" = 1000") indicating within a two-mile radius of the proposed site the location of all wireless telecommunications towers and facilities and electrical utility high tension wires.
 4. A reclamation plan that indicates the methods to restore the site to its original state after a wireless telecommunications tower or facility is no longer operational.
 5. The applicant shall post a performance bond in the amount set by the Township Trustees.
 6. The applicant shall supply the Fire Department with the following:
 - (a) Either a key, key card, remote control or other similar device for use by the Fire Department to gain access to the secured gate in case of emergency.
 - (b) A list of names and phone numbers of whom to contact in an emergency. This list shall be kept current at all times.
 - (c) A list of any and all hazards that are within the secured area.

CHAPTER 460
Oil and Gas Well Regulations

- 460.01 Purpose.
 - 460.02 Compliance with regulations.
 - 460.03 Filing requirements.
 - 460.04 Required bonds.
 - 460.05 General requirements.
 - 460.06 Fencing and landscaping.
 - 460.07 Access drives.
 - 460.08 Signs.
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Sec. 460.01 PURPOSE.

The purpose of this Section is to provide for the health, safety, morals, and general welfare of the residents of Northfield Center Township, Summit County, Ohio, with regard to the drilling and operation of wells for oil, gas or other hydrocarbons in gaseous or liquid form.

Sec. 460.02 COMPLIANCE WITH REGULATIONS.

- A. Gas and oil well drilling shall be permitted in a zoning district when:
 - 1. The gas/oil well drilling operation is in accordance with ORC Chapter 1509, all applicable regulations of the Ohio Environmental Protection Agency, and the zoning provisions set forth in this Chapter.
 - 2. The gas/oil well drilling operation has obtained permission from the Division of Oil and Gas of the Ohio Department of Natural Resources.
- B. All activities, operation and construction not directly governed by the ORC Chapter 1509 and the rules and regulations adopted thereunder by the Division of Oil and Gas must comply with the Township Zoning Resolution in its entirety.

Sec. 460.03 FILING REQUIREMENTS.

A zoning certificate shall be required to drill a new well, drill an existing well deeper or reopen a well. In addition to the zoning certificate requirements set forth in Chapter 610, the driller and/or operator of the well shall submit the following items to the zoning inspector:

- A. A complete copy of the application for permit required under ORC 1509.06 and O.A.C. 1501:9-1-02 and a copy of the permit issued under such sections.
- B. A surety bond, as specified by the Township Trustees, for each ingress or egress shall be posted with the Township Trustees at the time of notification of intent to drill. This surety bond will cover any damage to Township roads during drilling operations and 1 year after the well is in operation.
- C. An accurate map drawn to scale and dimensions and a record showing the exact locations, identification, type and size of pipelines, either above or below ground, shall be filed with the Zoning Inspector. Any change in the location, identification, type and size of pipelines shall be shown on a revised map and record and filed with the Zoning Inspector.
- D. The names, addresses and telephone numbers of the persons responsible for the operation and maintenance of each well and tank site shall be given to the Zoning Inspector.
- E. In addition, the applicant shall supply the Fire Department with the following:
 - 1. Either a key, key card, remote control or other similar device for use by the Fire Department to gain access to the secured gate in case of emergency.
 - 2. A list of names, addresses, and telephone numbers of whom to contact in an emergency. This list shall be kept current at all times.

Sec. 460.04 REQUIRED BONDS.

- A. For the period of time necessary to bring a well into production and a reasonable time thereafter to allow for the determination of what, if any, damage has been done to Township roads attributable to bringing the well into production, each driller will be required to post bond to reasonably cover possible Township road restoration from damages resulting from those activities. The value of the bonded coverage shall be established by the Board of Trustees and will be determined by the length and surface type of the Township road that will be used. The Township of Northfield Center will be the sole recipient of all interest earned on the cash deposits.
- B. Upon completion of activities to bring a well into production, to cover any Township roads by operators servicing those wells accessed by each road, such operators will be required to post a surety bond for the life of the well servicing activity in the amount established by the Board of Trustees which will be determined by the length and surface of the road to be used. In the event that the operator servicing the well is unable to secure a bond for the life of the well

servicing activity, then said bond shall be renewable on an annual basis for the life of the well servicing activity.

- C. The Road Superintendent shall post signs on the affected Township roads to cover those load limitations specified in Chapter 5577-07 of the ORC with regard to weight reduction during times of thaw and moisture.
- D. The installation of culverts, as needed and deemed fit, shall be determined and approved by the Road Superintendent.

Sec. 460.05 GENERAL REQUIREMENTS.

- A. When drilling any well for oil/gas, the drilling rig shall have a blow-out preventer in good working order attached to the drilling equipment to prevent gas/oil from blowing out of control and causing damage to surrounding areas.
- B. The process of fracturing, dressing tools, sharpening bits and operation of a forge is prohibited between the hours of 9:00 p.m. and 6:00 a.m. in any area where inhabited dwellings are situated within 300 feet of such process or operation unless the written consent of the residents of such dwellings is first obtained.
- C. The driller shall cause all permanent site lighting to be located so as to have zero spill on adjacent public roads and residential uses.
- D. The driller and the landowner shall notify the Fire Department in the event of any oil or gas spills or gas leaks, explosions, fires, or other hazards that occur at the site.
- E. No person shall cause a fire to be started or maintained within 200 feet of any site except as otherwise permitted by law.
- F. The driller shall remove all drilling equipment and materials from the site within seven days after completing the drilling of the well.
- G. After completing the drilling, the driller shall keep all site equipment painted and maintained in good appearance.

Sec. 460.06 FENCING AND LANDSCAPING.

- A. Storage tanks, separators and well installations, whether producing or abandoned, shall be enclosed by a 6-foot-high chain-linked fence with 3 strands of barbed wire above and a 4 foot wide (or larger) pad-locked gate. The fence and gate shall be installed within 30 days after completing the drilling of the well. Hatch lids on storage tanks are to be locked shut until the fencing is completely installed.
- B. Where a site adjoins or faces residential property, the fence shall be completely screened from view by at least one row of evergreens planted five feet on center maximum or by another screening plan that completely obscures the view of the drilling operation and which is compatible with surrounding properties. The landscaping and planters shall be planted within two months after the fence is installed, weather permitting.
- C. The driller shall keep the fence and gate required in subsection 460.04A in good repair at all times and all landscaping shall be maintained in good condition.

Sec. 460.07 ACCESS DRIVES.

An access drive shall be provided from the street to the drilling area in compliance with the following:

- A. The access drive shall be installed prior to the arrival of any drilling equipment to the site and shall be maintained in an acceptable condition.
- B. Access drives shall be paved with virgin asphalt, bituminous concrete, or portland cement concrete to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather. Access roads/driveways shall be adequately fenced and have a gate with a locking device installed at or near the public road entrance to prevent unauthorized entry from the public road. The gate and locking device shall be installed within a maximum of 72 hours after an access road/driveway is initially open. Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the drive area. Failure to comply with the zoning resolution may result in a stop work order.
- C. Notwithstanding the requirements of Subsection B. above, a temporary access drive may be permitted to be constructed with a gravel surface provided the access drive is clearly intended to be used temporarily, as determined by the Zoning Inspector.
- D. The driller and landowner shall cause the access drive to a site to be reasonably clear of snow, ice, mud, garbage, trash, abandoned vehicles and debris at all times.

- E. Access routes shall be established by the Road Supervisor for ingress and egress to the drilling site. The following regulations shall apply to oil and gas well drilling operations.
 - 1. Primary consideration shall be given to the route or routes that will minimize wear and tear on Township roads.
 - 2. Entrances to and exits from the drilling site shall be at points that will minimize traffic congestion and hazard.
 - 3. No such access point to the drilling site shall be located nearer than 125 feet from the intersection of two street right-of-way lines. No more than 2 access points shall be established to any well.
 - 4. The minimum width of access roads/driveways shall be 20 feet.
 - 5. As specified by and under the supervision of the Township Road Supervisor, a suitable size culvert pipe shall be placed in any Township culvert, trench or ditch over which the access roads/driveways will be placed.
 - 6. A turnaround for all vehicles shall be provided which will accommodate the largest vehicle used in connection with the operation of the drilling site; or a 50-foot minimum turnaround as approved by the Road Supervisor.
 - 7. One off-street parking space shall be provided for each worker at the site. No on-street parking shall be permitted.

Sec. 460.08 SIGNS.

Every drilling area shall have a sign posted at the site of sufficient size to list the following information, which shall be kept current at all times:

- A. Name, address and telephone number of the driller;
- B. Ohio Department of Oil and Gas well number and permit number;
- C. The word "DANGER" in conspicuous print; and
- D. The telephone number of the Fire Department and all other emergency telephone numbers as required by law.

Via the terms of Resolution 06/10-2a, the remainder of Sec. 460 has been replaced by this statement:

All reference to gas wells, oil wells and other hydrocarbons in gaseous or liquid form shall refer to Section 1509 of the Ohio Revised Code.

**ARTICLE V
ADMINISTRATIVE AUTHORITY**

**CHAPTER 510
Zoning Inspector**

510.01 Zoning Inspector.

510.02 Powers and duties of the Zoning Inspector.

Sec. 510.01 ZONING INSPECTOR.

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of township zoning inspector, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

Sec. 510.02 POWERS AND DUTIES OF THE ZONING INSPECTOR.

The zoning inspector, and all duly authorized representatives, shall have the following duties:

- A. Accept and review all applications for zoning certificates as required herein.
- B. Issue zoning certificates and certificates of zoning compliance as provided by this Zoning Resolution where all applicable provisions of this resolution are complied with in the application therefore and keep a record of same with a notation of any special conditions involved.
- C. Deny the issuance of a zoning certificate in accordance with Sec. 610.07 in those cases where one or more applicable provisions of this resolution are not complied with in the application thereto.
- D. Maintain in current status the Zoning District Map, which shall be kept on permanent display in the Township.
- E. Maintain permanent and current records required by this Resolution including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.
- F. Respond to questions concerning applications for amendments to the Zoning Resolution and the Zoning District Map.

- G. Conduct inspections of buildings and uses of land to determine compliance with this Resolution.
- H. Determine the existence of any violations of this Resolution and cause notification of violations to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- I. Seek the advice of professional consultants, when authorized by the Board of Township Trustees.
- J. Enforce all provisions of this Resolution uniformly throughout the township.

**CHAPTER 520
Zoning Commission**

520.01	Establishment of Commission.	520.04	Meetings.
520.02	Composition and appointment.	520.05	Proceedings.
520.03	Quorum.	520.06	Powers and duties.

Sec. 520.01 ESTABLISHMENT OF COMMISSION.

In accordance with ORC §519.04, the Zoning Commission of Northfield Center Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution. In the event there is a conflict between the provisions of the Ohio Revised Code and this Zoning Resolution, the Ohio Revised Code shall prevail.

Sec. 520.02 COMPOSITION AND APPOINTMENT.

The Commission shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Northfield Center Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

Sec. 520.03 QUORUM.

Three (3) members of the Commission shall constitute a quorum at all meetings. A concurring vote of three members of the Commission shall be necessary to affect an order, take action, make decisions, or act on any authorization.

Sec. 520.04 MEETINGS.

The Commission shall elect a chairperson from its membership and shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Township Trustees may appoint a Recording Secretary. The Commission shall meet at its regularly scheduled meetings and at the call of its chairperson. All meetings of the Commission shall be open to the public.

Sec. 520.05 PROCEEDINGS.

The Commission shall keep minutes of its proceedings, including a record of 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 actions, all of which shall be filed within a reasonable amount of time following the date of the action, in the office of the Township Trustees and shall be a public record.

Sec. 520.06 POWERS AND DUTIES.

The Zoning Commission shall have the following powers and duties.

- A. To review development plans when requested and submit a recommendation to the Zoning Inspector for permitted uses and to the Board of Zoning Appeals for conditional uses.
- B. To review and act on applications for Planned Residential Developments.
- C. To review all proposed amendments to the Zoning Resolution and Zoning District Map and to submit a recommendation to the Township Trustees.
- D. To transmit all proposed amendments to the Summit County Planning Commission for their recommendation and to consider at a public hearing the Summit County Planning Commission's recommendations.
- E. To propose on its own initiative such amendments to the Zoning Resolution and Zoning District Map as it may deem consistent with the purposes of this Zoning Resolution.

**CHAPTER 530
Board of Zoning Appeals**

530.01	Establishment of Board.	530.05	Witnesses.
530.02	Composition and appointment.	530.06	Proceedings.
530.03	Quorum.	530.07	Powers and duties.
530.04	Meetings.		

Sec. 530.01 ESTABLISHMENT OF BOARD.

In accordance with ORC §519.13, the Board of Zoning Appeals of Northfield Center Township is hereby created and shall have all the powers and duties prescribed by law and by this resolution. In the event there is a conflict between the provisions of the Ohio Revised Code and this Zoning Resolution, the Ohio Revised Code shall prevail.

Sec. 530.02 COMPOSITION AND APPOINTMENT.

The Board shall consist of five (5) members appointed by the Township Trustees. The members shall be residents of the unincorporated portion of Northfield Center Township. The terms of members shall be for five years and shall be so arranged that the term of one member expires each year. Each member shall serve until a successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

Sec. 530.03 QUORUM.

Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of three members of the Board shall be necessary to affect an order, take action, make decisions, or act on any authorization.

Sec. 530.04 MEETINGS.

The Board of Zoning Appeals shall adopt rules and procedures not in conflict with the provisions of this Resolution as may be necessary to put into effect the powers and jurisdiction conferred herein. The Board shall elect a chairperson from its membership. The Township Trustees may appoint a Recording Secretary. Meetings of the Board shall be held at the call of the chairperson, and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Sec. 530.05 WITNESSES.

The Board Chairperson, or in the Chairperson’s absence the acting Chairperson, may administer oaths, and the Board may compel the attendance of witnesses in all matters coming within the purview of the board.

Sec. 530.06 PROCEEDINGS.

The Board shall keep minutes of its proceedings including a record of 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 actions, all of which shall, upon approval of the minutes, be immediately filed in the office of the Township Trustees and shall be a public record. The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Trustees for the purpose, employ such executive, professional, technical and other assistants, as it deems necessary.

Sec. 530.07 POWERS AND DUTIES.

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power 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. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, so that the spirit of this Resolution shall be observed, and substantial justice done.
- C. The Board shall have the power to grant Conditional Zoning Certificates for the use of the land, buildings, or other structures as specifically provided for elsewhere in this Resolution and review such plans as specifically provided in this Resolution.
- D. The Board shall have the power to make a determination that a proposed use that is not listed or provided for in this Resolution is a similar use by virtue of being substantially similar to a principal or conditional use that is listed and provided for in this Resolution.
- E. The Board shall have the power to resolve any disputes with respect to the precise location of a zoning district boundary.
- F. Refundable Performance Bond:
 - 1. The Board of Zoning Appeals shall have the power to impose a refundable Performance Bond as it deems necessary.

- 2. The Performance Bond shall not be refunded until recommended by the Zoning Inspector.
 - a. If after sixty (60) days the obligor is not in compliance then the Board of Zoning Appeals, upon recommendation the Zoning Inspector, may bring such legal action on behalf of the Township to forfeit the bond and such other remedies provided by Ohio Revised Code 519.24.
 - b. Township Trustees shall set the bond amounts for both residential and commercial.

ADOPTED VIA RESOLUTION NO. 22/10-11A

TITLE VI
ADMINISTRATIVE PROCEDURES, ENFORCEMENT

CHAPTER 610
Zoning Certificates

610.01	Zoning certificate required.	610.08	Submission to Director of Transportation.
610.02	Agricultural uses exempt.	610.09	Culvert permit required.
610.03	Zoning certificate application requirements.	610.10	Zoning certificate for land disturbance.
610.04	Review for completeness.	610.11	Expiration of zoning certificate.
610.05	Action on application for zoning certificate.	610.12	Temporary use permits.
610.06	Approval of zoning certificate.	610.13	Certificate of zoning compliance.
610.07	Denial of zoning certificate.	610.14	Schedule of fees.

Sec. 610.01 ZONING CERTIFICATE REQUIRED.

No land shall be disturbed, no building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Northfield Center Township prior to the issuance of a Zoning Certificate when required by this Chapter. A Zoning Certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Zoning Resolution, unless a variance has been approved by the Board of Zoning Appeals.

Sec. 610.02 AGRICULTURAL USES EXEMPT.

Any use determined by the Zoning Inspector to be an agricultural use and that is located on a lot larger than 5 acres shall be exempt from the zoning certification requirements as specified in Section 230.05. Prior to the use, change in use, construction, or alteration of land, building or structure for an agricultural use, the property owner shall file an affidavit with the Zoning Inspector that states that the agricultural use is the principal use of the property and that the property qualifies for the agricultural exemption. The Zoning Inspector shall, within 30 days, determine if the use and the lot qualify for the exemption. If the Zoning Inspector determines that the use of the lot is an exempt agricultural use, no zoning certificate shall be required for such agricultural use or any building or structure specifically accessory thereto. If the Zoning Inspector determines that the exemption is not warranted due to the nature of the use or the size and location of the lot, the exemption shall be denied. No agricultural building shall be occupied by a use other than an agricultural use without first obtaining a zoning certificate in accordance with this Chapter.

Sec. 610.03 ZONING CERTIFICATE APPLICATION REQUIREMENTS.

Amended via Resolution 08/10-09a. All applications for zoning certificates shall be submitted to the Zoning Inspector, who shall issue zoning certificates when all applicable provisions of this Resolution have been complied with. All Applications for Zoning Certificates for any type of structure shall be required to include a Riparian Assessment Form from the Summit County Soil & Water Conservation District verifying that the property owner conforms to Chapter 937, "Riparian Setbacks." No Zoning Certificate shall be issued unless said Riparian Assessment Form is received.

- A. Zoning Certificates for Single-Family and Two-Family Dwellings and Uses Accessory Thereto. An application for construction or alteration of a single-family dwelling, two-family dwelling or use accessory thereto on a lot in a residential district, B-R or C-1 District shall include the following:
1. Applications for principal buildings shall submit the completed application form, along with the application fee as established by the Trustees and the following additional items:
 - a) Three copies of a plot plan showing the following. Such plans shall be legibly drawn to scale and shall be based on an accurate survey.
 - 1) Property boundary lines, the exact dimensions and area of the lot to be built upon or utilized, and the tax parcel number.
 - 2) Right-of-way of adjacent streets.
 - 3) Location, dimensions, height, bulk of all structures to be erected or altered.
 - 4) The existing and intended use(s) of all land and buildings.
 - 5) Dimensions of yards, driveways, and parking spaces.
 - 6) Elevation and grading plan.
 - 7) Streams and bodies of water.
 - 8) Riparian Setbacks
 - b) A road culvert permit when required by Section 610.09.
 - c) A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, septic system, floodplain and wetland regulations, if applicable.

2. Applications for accessory buildings shall submit the completed application form, along with the application fee as established by the Trustees and the items listed in subsection 1.a)1) through 1.a)5), above and in addition shall comply with A. 1a.)7-8. (This applies to 7. Streams and bodies of water and 8. Riparian Setbacks.)

Zoning Certificates for All Other Permitted Uses. Applications for zoning certificates for uses not described in subsection A above shall include the submission requirements for development plans set forth in Chapter 620.

- B. Zoning Certificates for Land Disturbance. Applications for zoning certificates for land disturbance that are submitted separately from a development plan shall include the submission requirements set forth in Sec. 610.10.
- C. Zoning Certificates for Conditional Uses. Applications for zoning certificates for conditional uses shall include the submission requirements for conditional uses set forth in Chapter 630.

Sec. 610.04 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

Sec. 610.05 ACTION ON APPLICATION FOR ZONING CERTIFICATE.

The Zoning Inspector shall act on a Zoning Certificate application:

- A. For all single-family dwellings, two-family dwellings and uses accessory thereto, a Zoning Certificate shall be issued by the Zoning Inspector within 30 days from when an application is determined complete for applications which, in his/her determination, meet all requirements of this Resolution, including the application requirements specified herein. In conducting his/her review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Resolution. The cost of the consultant's review shall be borne by the applicant, as stated in the schedule of fees.
- B. Applications for Zoning Certificates for Planned Residential Developments shall be transmitted to the Zoning Commission according to Chapter 620.

- C. Applications for Zoning Certificates for permitted uses requiring review of development plans shall be reviewed by the Zoning Inspector according to Chapter 620.
- D. Applications for Zoning Certificates for land disturbance that are submitted separately from a development plan shall be reviewed by the Zoning Inspector according to Sec. 610.10.
- E. Applications for Zoning Certificates for conditional uses shall be transmitted to the Board of Zoning Appeals according to Chapter 630.
- F. Applications for Zoning Certificates for which a variance is requested shall be transmitted to the Board of Zoning Appeals according to Chapter 640.

Sec. 610.06 APPROVAL OF ZONING CERTIFICATE.

A Zoning Certificate shall be issued where the structure or use, as proposed, complies with the provisions of this Resolution as determined by the:

- A. Zoning Inspector for all permitted uses except Planned Residential Developments;
- B. Zoning Commission for all Planned Residential Developments;
- C. Board of Zoning Appeals for all conditional uses.

One copy of the application shall be forwarded to the Summit County Building Department, one copy of the application shall be returned to the applicant, and the remaining copy(s) of the application shall be retained by the Township as a permanent record.

Sec. 610.07 DENIAL OF ZONING CERTIFICATE.

A Zoning Certificate shall not be issued where the structure or use, as proposed, would violate one or more provisions of this Resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated and noted as disapproved.

Sec. 610.08 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

According to ORC 5511.01, before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new state highway or a state highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (ODOT) or any land within a radius of 500 feet from the point of intersection of said centerline with any state highway, the Zoning Inspector shall give notice, by registered mail, to the Director of ODOT and shall not issue a zoning certificate for 120 days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning certificate shall not be issued. If notified that acquisition at this

time is not in the public interest, or upon the expiration of the 120-day period or any agreed upon extension thereof, a zoning certificate shall be granted if the application is in conformance with all provisions of this resolution.

Sec. 610.09 CULVERT PERMIT REQUIRED.

No zoning certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to the roadway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Township official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by the respective authority and has completed the installation of such culvert.

Sec. 610.10 ZONING CERTIFICATE FOR LAND DISTURBANCE.

A zoning certificate shall be obtained prior to the disturbance or improvement of any land in a T-C, C-1, C-4, I-1 or I-2 District and for any parcel with an area greater than 2 acres in an O-C, R-1, R-2 or B-R District, except for activities that are exempt from these regulations as set forth in Section 610.10E.

- A. Land Disturbance Defined. For the purposes of these regulations, land disturbance shall include tree clearing, trenching, removal of soil, placement of fill, or excavation of gravel or other earth materials.
- B. Certificate Required.
 - 1. Land disturbance shall be permitted only for the purposes of grading or excavating an area preparatory to construction thereon of dwellings, buildings or structures permitted in the district in which the area is located, or after construction only when it is for the purpose of improving drainage of the site or surrounding area.
 - 2. When proposed as part of a development plan, plans for land disturbance shall be submitted with the development plan and approved as part of the development plan.
 - 3. Whenever land disturbance, including change in grade, is proposed prior to the submission of a development plan, the property owner shall file with the Zoning Inspector the following items.
 - a) A location map that clearly shows the areas to be disturbed, the buffer requirements for the perimeter of the parcel, and the location of buildings on adjacent properties, roads, and natural features.

- b) A topographic map showing the existing land contours, areas of tree cover, and other existing natural features.
 - c) A topographic map showing the proposed changes in the contours and natural features that will result from the land disturbance or grading operation. The contour interval of this topographic map shall be no more than 5 feet in an area where the slope exceeds 10 percent and two feet where the slope is less than 10 percent.
 - d) Information on the type and extent of natural vegetation that exists in the buffer area show on the location map.
 - e) Information on the anticipated disturbance, depth of the excavation or the amount of fill.
- C. Review of Application. The Zoning Inspector shall review the application according to the development plan review procedures set forth in Sec 620.06A through C as applicable.
- D. Limitations on Land Disturbance. Land disturbance shall be limited according to the following
- 1. No such certificate shall be issued for the removal of trees, trenching, excavation, removal of soil, placement of fill, or similar land disturbance where the activity will disturb the buffer area required for the district in which the parcel is located, except as otherwise permitted in Sec. 430.04.
 - 2. No such certificate shall be issued for the removal of trees, trenching, excavation, removal of soil, placement of fill, or similar land disturbance where, because of the development of surrounding properties, a nuisance would be created by such land disturbance because of dust, erosion, runoff, or other unsafe or unhealthy conditions.
 - 3. No such permit shall be issued for land disturbance unless the Zoning Inspector is satisfied that adequate drainage shall continue to exist on the land to be disturbed so that stagnant water or other conditions dangerous to health and safety will not be created.
 - 4. Not less than four inches of topsoil shall be above the subsoil, clay or other unproductive grounds after completion of the operation, and any issuance of a certificate in accordance with the provisions of this Zoning Resolution shall be conditioned by this limitation.
- E. Exemptions. The following are exempt from the regulations in Subsections 610.10A through D:
- 1. The removal of dead trees and diseased or damaged trees that threaten life or property or that cannot be revived.

2. The removal of trees in time of emergency
3. The removal of trees that pose potential danger to life or damage to property.

Sec. 610.11 EXPIRATION OF ZONING CERTIFICATE.

A Zoning Certificate shall become void at the expiration of nine months after the date of issuance unless, prior thereto, a building permit has been obtained. The Zoning Inspector shall have the authority to grant a one-time three-month extension for the zoning certificate. The zoning certificate shall become void if at any time the building permit expires.

Sec. 610.12 TEMPORARY USE PERMITS.

Temporary buildings and uses when permitted by right in this Resolution shall be required to obtain a temporary use permit.

- A. The applicant shall submit to the Zoning Inspector a completed application form, along the application fee as established by the Trustees and three copies of the site plan containing the following:
 1. Location and use of existing buildings;
 2. Intended ingress and egress of traffic; width of driveways and aisles and the location of any barriers; and
 3. Dimensions of, location of, and width between all temporary buildings, signs, structures or tents on the premises.
- B. A temporary use permit shall be valid for a period of 60 days, unless the Zoning Inspector authorizes a longer period.

Sec. 610.13 CERTIFICATE OF ZONING COMPLIANCE.

No vacant land and no building erected, added to or altered shall be occupied or used in whole or in part nor shall any owner or tenant or any land or building hereafter change the use classification or enlarge the use classification in any building or on any premises without obtaining a Certificate of Zoning Compliance from the Zoning Inspector. The Zoning Inspector shall issue a Certificate of Zoning Compliance when the following have occurred:

- A. The Zoning Inspector has determined that all the provisions of the Northfield Center Township Zoning Resolution have been satisfied. The Zoning Inspector shall review the information obtained from inspections conducted by the Township's consultant to determine compliance with this Resolution.

- B. The property owner has submitted the following:
1. A certificate from the Building Inspector indicating compliance with the Summit County Building Code;
 2. A certificate from the Summit County Engineer indicating compliance with the provisions of the Summit County Subdivision Regulations;
 3. A certificate from the Summit County Health Department indicating compliance with all the requirements of said Department.

Sec. 610.14 RESIDENTIAL CERTIFICATE OF OCCUPANCY FOR NEW CONSTRUCTION:

- A. A Certificate of Occupancy shall be issued to the owner, tenant or agent of a residential structure upon completion of all construction inspections, based on approved drawings. A Certificate shall also be issued or required for any change of use of a structure.
- B. All final inspections shall be provided to the Zoning Inspector.
- C. Application for Certificate of Occupancy for all Single and Multi-Family Dwellings:
1. An Occupancy Permit shall be issued by the Zoning Inspector within thirty (30) days from when the application is completed, after all Summit County and Northfield Center Township construction inspections have been completed.

Sec. 610.15 SCHEDULE OF FEES. Revised via Resolution No. 01/08-9d

The Township Board of Trustees shall by resolution establish a schedule of fees for zoning certificates, development plan review, conditional use permits, similar use determination, appeals, variances, zoning text amendments, zoning map amendments, and other procedures and services pertaining to the administration and enforcement of the Northfield Center Township Zoning Resolution. In determining the fee amounts, the Trustees shall consider the recommendations of the Zoning Inspector with respect to actual administrative and including, but not limited to, the cost of review by professional consultants; review of engineering drawings, other required submissions and associated paperwork; filing fees associated with any land development; and any other services deemed necessary by the Zoning Commission, Board of Zoning Appeals, Zoning Inspector, or Board of Trustees so that the costs are borne by the Applicant. The schedule of fees shall be available from the Zoning Office and may be altered or amended only by the Trustees. Until all such appropriate fees, charges, and expensed have been paid in full, no action shall be taken on

any application, appeal, or administrative procedure. Fees shall be nonrefundable except upon review by the Township Board of Trustees.

**CHAPTER 620
Development Plan Review**

<p>620.01 Intent.</p> <p>620.02 Development plan review required.</p> <p>620.03 Preapplication meeting encouraged.</p> <p>620.04 General development plan submission requirements.</p> <p>620.05 Final development plan submission requirements.</p> <p>620.06 Development plan review procedures.</p>	<p>620.07 Expiration of development plan approval.</p> <p>620.08 Simultaneous approval of subdivision plat by Summit County Planning Commission.</p> <p>620.09 Significance of an approved final development plan; plan revisions.</p> <p>620.010 Performance bond required.</p>
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Sec. 620.01 INTENT.

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

Sec. 620.02 DEVELOPMENT PLAN REVIEW REQUIRED.

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

- A. General Development Plan. A general development plan that indicates the general concept of development for an entire development site, including the general location of use areas, open space and circulation pattern shall be required for all proposed Planned Residential Developments. Applicants for other types of projects may but are not required to submit a general development plan.

- B. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives signs and outdoor storage areas shall be required for the following:
 - 1. All proposed Planned Residential Developments following review and approval of a general development plan.
 - 2. New construction of all permitted uses in commercial and industrial districts;

3. New construction of all conditional uses;
4. Any existing or previously approved development meeting the criteria of B2 or B3 above, that proposes to alter, reconstruct or otherwise modify a use or site, including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

Sec. 620.03 PREAPPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Inspector, or his/her designated representative, prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations discussed at the preapplication meeting shall be relied upon by the applicant to indicate subsequent approval or disapproval of the plan.

Sec. 620.04 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application including the plans and the application fee shall be submitted to the Zoning Inspector. The general development plan shall indicate:

- A. The location of all existing structures and access points.
- B. The general location of existing buildings, parking and access drives on parcels within 100 feet of the site;
- C. The general location of all fee simple lots (if part of the project), development areas for other uses, parking areas, and access points;
- D. Existing and proposed topography, major vegetation features, and wooded areas;
- E. The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.
- F. The general location of required common open space areas.
- G. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space and the number of dwelling units by type;
- H. Proposed phases if the project is to be developed in stages.

- I. Such other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.

Sec. 620.05 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- A. An accurate legal description prepared by or certified by a registered surveyor of the state;
- B. A property location map showing existing property lines, easements, utilities and street rights-of-way;
- C. A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 1. Proposed fee simple lots for single-family detached dwellings.
 2. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;
 3. Location of all public rights-of-way and private streets;
 4. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
 5. Proposed and existing fences, walls, signs, lighting;
 6. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 7. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 8. Dimensions of all buildings, setbacks, parking areas, drives and walkways.
- D. Maps showing existing and proposed grading contours, wooded areas, wetlands and other environmental features;
- E. Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal).

- F. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;
- G. Summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type;
- H. A road culvert permit when required by Section 610.09.
- I. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain and wetland regulations, if applicable.
- J. Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.

Sec. 620.06 DEVELOPMENT PLAN REVIEW PROCEDURES.

General development plans and final development plans shall be reviewed according to the following procedures.

- A. Review by the Zoning Commission, Others. The Zoning Inspector shall review the submitted application for completeness in accordance with Section 610.04, and when determined complete shall distribute the application according to the following:
 - 1. Review by Zoning Commission.
 - a) The Zoning Inspector shall distribute all applications for Planned Residential Developments to the Zoning Commission.
 - b) The Zoning Inspector may seek the advice of the Zoning Commission on all other applications requiring development plan review
 - c) The Zoning Commission may request that the applicant supply additional information deemed necessary to adequately review and evaluate the proposed development.
 - d) The Zoning Commission shall review the proposed general development plan at one or more of its public meetings.

2. Review by Fire Department, Summit County Engineer, and Other Public Entities. The application shall be transmitted to appropriate township departments and other public agencies for review and comment. Any reports or comments shall be compiled and reviewed by the Zoning Inspector, and when applicable, transmitted to the Zoning Commission prior to the time of the Commission's review.
 3. Review by Consultants. The application may be transmitted to appropriate professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Inspector, and when applicable, transmitted to the Zoning Commission prior to the time of the Commission's review. The cost of the consultant's review shall be borne by the applicant.
- B. Review Criteria for Planned Residential Developments. In reviewing plans for Planned Residential Developments, the Zoning Commission shall determine:
1. For a general development plan, that:
 - a) The appropriate use and value of property within and adjacent to the area will be safeguarded.
 - b) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
 - c) The development will have adequate open spaces that meet the objectives of the Comprehensive Plan.
 2. For a final development plan, that:
 - a) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 - b) The development will have adequate public service and open spaces.
 - c) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
 - d) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.

- e) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

C. Action By Zoning Inspector for Applications for Permitted Uses in Commercial and Industrial Districts.

1. The Zoning Commission may make a recommendation to the Zoning Inspector. In the event the Zoning Commission fails to make a recommendation within 60 days from the date the application was determined complete and the applicant does not agree to an extension of the time for review by the Zoning Commission, the Zoning Inspector shall make a decision without a recommendation from the Zoning Commission at the end of the 60 day period.
2. The Zoning Inspector shall review all recommendations from the Zoning Commission.
3. The Zoning Inspector shall act on the development plan by:
 - a) Approving the development plan submitted; or
 - b) Approving the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets; or
 - c) Denying the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.

- D. Action By Zoning Commission for Planned Residential Developments. The Zoning Commission shall act on applications for planned residential developments.
1. The Zoning Commission shall:
 - a) Approve the development plan as submitted; or
 - b) Approve the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to,
 - 1) For General Development Plans - improvements to the general lot layout, open space arrangement or on-site control of access to streets;
 - 2) For Final Development Plans – improvements to the lot layout, open space arrangement, on-site control of access to streets, or landscaping specifications.
 - c) Deny the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.
 2. Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall, at the election of the applicant be deemed a denial of the development plan.

Sec. 620.07 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

An approved development plan shall remain valid for a period of 12 months following the date of its approval,

- A. General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.
- B. Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

Sec. 620.08 SIMULTANEOUS APPROVAL OF SUBDIVISION PLAT BY SUMMIT COUNTY PLANNING COMMISSION.

A subdivision plat for all or a portion of the general development plan may be submitted to the Summit County Planning Commission for review at the same time the general development plan is being considered by the Township. However, the final subdivision plat shall be in substantial conformance with the general development plan approved by the Township.

Sec. 620.09 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN; PLAN REVISIONS.

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved final development plan. Any departure from such plan shall be a violation of this Zoning Resolution. Any changes in an approved final plan shall be resubmitted for approval in accordance with this Chapter.

Sec. 620.10 PERFORMANCE BOND REQUIRED. (Amended via Resolution No. 01/8-9c)

A performance bond or other financial guarantee in the amount established by a resolution of the Township Board Trustees shall be placed with the Township Trustees at the time of application for a zoning certificate.

- A. The purpose of the bond is to ensure that the buildings and other development improvements constructed or installed are done so are in conformance with the approved development plan including the approved landscaping, pavement requirements and other development standards approved on the development plan.
- B. The performance bond shall not be returned until the Zoning Inspector has determined that the development is completed in compliance with all aspects of the approved development plan.
- C. If the development plan or structure is not in compliance with the Zoning Resolution at completion of the project or with such reasonable time as may be granted hereunder, then the bond may be revoked, and further legal proceedings brought to enforce the compliance of the Obligor with the applicable zoning resolution. The following procedure will be used to revoke the bond:
 1. Send the Obligee of the bond a letter by certified mail specifically setting forth the default in performance of the Obligor/Developer.

2. Indicate in the letter that unless the default is cured by performance of conditions stated in the letter and consistent with the resolution of Northfield Center Township then an action will be brought to forfeit the bond and to seek other remedies provided by law;
3. Provide in the letter a reasonable period of time, not to exceed sixty (60) days, to cure the default and non-compliance with the zoning regulations and development plan; and
4. If after sixty (60) days the Obligor is not in compliance, then the Trustees, upon recommendation of the Zoning Inspector, may bring such legal action on behalf of the Township to forfeit the bond and such other remedies provided for by R. C. 519.24.

D. REFUNDABLE RESIDENTIAL PERFORMANCE BONDS:

1. Refundable residential performance bonds shall be paid by the property owner.

**CHAPTER 630
Conditional Zoning Certificates and Similar Uses**

<p>630.01 Intent.</p> <p>630.02 Preapplication meeting encouraged.</p> <p>630.03 Submission of application.</p> <p>630.04 Temporary conditional zoning certificate for seasonal sales.</p> <p>630.05 Review for completeness.</p> <p>630.06 Distribution of application.</p> <p>630.07 Notification to Zoning Commission.</p>	<p>630.08 Public hearing and notice by Board of Zoning Appeals.</p> <p>630.09 Review criteria.</p> <p>630.10 Action by Board of Zoning Appeals.</p> <p>630.11 Terms and duration of conditional zoning certificate.</p> <p>630.12 Reapplication.</p> <p>630.13 Similar uses.</p>
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Sec. 630.01 INTENT.

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional zoning certificate is required and the application for such conditional zoning certificate shall be submitted and reviewed according to the following.

Sec. 630.02 PREAPPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Inspector, or his/her designated representative prior to submitting an application for a conditional zoning certificate. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Inspector shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.

Sec. 630.03 SUBMISSION OF APPLICATION.

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional zoning certificate accompanied by payment of the required fee established by the Trustees. The application for a conditional zoning certificate shall disclose all uses proposed for the development, their location, extent and characteristics and shall include the following:

- A. A development plan and associated documentation as required in Section 620.05 unless specific items required in Section 620.05 are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector, except that seasonal sales shall submit applications in accordance with Section 630.04 below.
- B. The last known names and addresses of the owners of all properties lying within 300 feet of any part of the property on which the conditional use is proposed, including property located in an adjoining community.

Sec. 630.04 TEMPORARY CONDITIONAL ZONING CERTIFICATES FOR SEASONAL SALES.

Seasonal sales, when listed as a conditional use in a district, shall be conducted only after first obtaining a temporary conditional use certificate according to the following:

- A. The application for temporary conditional use certificate shall comply with the following submission requirements:
 - 1. Two site plans shall be provided to the Zoning Inspector containing the following information:
 - a) Location and use of existing buildings.
 - b) Location and identification of permanent and temporary parking facilities; intended ingress and egress of traffic; width of driveways and aisles and the location of any barriers;
 - c) Dimensions, location and width between any and all temporary buildings, signs, structures or tents on the premises;
 - d) Location of all vendors;
 - e) Location of restroom facilities.
 - f) The name, address and telephone number of the property owner;
 - g) The name, address and telephone numbers of the chairman, manager or operator of the temporary event;
 - h) The address of the property upon which the activities are to be held, and
 - i) The dates and times of operation of the activity;
 - 2. The applicant shall submit a letter from the property or business owner, or both parties if they are not one and the same, indicating the applicant has permission to utilize the property for seasonal sales, identify the area designated for this purpose and state the time period involved.
- B. The following permits shall be obtained prior to commencement of the activities:
 - 1. A temporary zoning permit shall be required for the activity, structures, buildings, tents and signs related thereto.
 - 2. Appropriate permits from the Summit County Health Department, Summit County Auditor's Office, or other county offices, as necessary.
- C. A cash performance bond in the amount established by the Trustees. Within 10 days of the conclusion of the event, the site will be inspected. If the site has been restored to its original appearance, the bond will be returned.

Sec. 630.05 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall review each submitted application according to Section 610.04. Once an application is officially accepted as being complete, it shall be placed on the agenda of the Board of Zoning Appeals.

Sec. 630.06 DISTRIBUTION OF APPLICATION.

The Zoning Inspector shall forward the application to the Board of Zoning Appeals.

- A. The application may also be transmitted to the appropriate administrative departments and professional consultants for review and comment.
- B. Any department reports, comments or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board of Zoning Appeals' review.

Sec. 630.07 NOTIFICATION TO ZONING COMMISSION.

Simultaneously to transmission of the application to the Board of Zoning Appeals, the Zoning Inspector shall notify the Zoning Commission of the application for conditional zoning certificate. The Zoning Commission may review the conditional zoning certificate application and submit an opinion to the Board of Zoning Appeals prior to the time of the Board of Zoning Appeals' review.

Sec. 630.08 PUBLIC HEARING AND NOTICE BY BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing on the application. Notice of such public hearing shall be given by first class mail to the property owners within 300 feet of the property line of the property on which the use is proposed, including property that is located in an adjoining community. Further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

Sec. 630.09 REVIEW CRITERIA.

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In making such a determination, the Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 390 of this Resolution, is satisfied by the establishment and operation of the proposed use. In addition, the Board of Zoning Appeals:

- A. Shall review the development plan for the proposed conditional use.
- B. Shall review any request for variance of any regulation set forth in this Zoning Resolution pertaining to the proposed conditional use, according to variance procedures set forth in Chapter 640.
- C. May require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

Sec. 630.10 ACTION BY BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall take one of the following actions:

- A. If the proposed conditional use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the application for conditional zoning certificate. As part of the approval, the Board of Zoning Appeals may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this Resolution for the protection of individual property rights and the public health, safety and general welfare of the community and ensuring that the intent and objective of this Zoning Resolution are observed. Approval of the application authorizes the Zoning Inspector to issue the conditional zoning certificate.
- B. If the proposed use is found not to be in compliance with the specifications of this Zoning Resolution, or not appropriate to or in keeping with the purpose, policies and intent of the Comprehensive Plan, the Board of Zoning Appeals shall reject the application.

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

Sec. 630.11 TERMS AND DURATION OF CONDITIONAL ZONING CERTIFICATE.

A conditional zoning certificate shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved.

- A. A conditional zoning certificate shall become void at the expiration of one year from the date of approval unless, prior thereto, a building permit has been obtained, or an extension has been granted by the Board of Zoning Appeals according to subsection C below. The date of expiration shall be noted on the zoning certificate. The conditional zoning certificate shall become void if at any time the building permit expires.

- B. In the event a conditional zoning certificate expires, a new application and certificate shall be required and shall be obtained according to the procedures set forth in this Chapter.
- C. The Board of Zoning Appeals may grant an extension for up to one year from the initial expiration date on the conditional zoning certificate when the Board of Zoning Appeals the extension is warranted due to good cause or hardship demonstrated by the certificate holder. All required buffering shall be installed prior to an extension being granted.
- D. The breach of any condition, safeguard or requirement shall automatically invalidate the conditional zoning certificate granted and shall constitute a violation of the Zoning Resolution. Such violation shall be punishable as per Chapter 680. A conditional zoning certificate issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate.

Sec. 630.12 REAPPLICATION.

No re-application of a conditional zoning certificate shall be accepted by the Zoning Inspector until the expiration of six months after the denial or revocation unless the reapplication is revised in response to the findings given by the Board of Zoning Appeals in its denial of the initial application. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

Sec. 630.13 SIMILAR USES.

When a proposed use is not listed or provided for in this Resolution, the Board of Zoning Appeals shall decide if the proposed use is similar to a use specifically provided for in this Resolution.

- A. Determination. The Board of Zoning Appeals shall determine whether a proposed use meets the criteria of subsection 1 or subsection 2 below:
 - 1. The proposed use is similar because:
 - a) It is of the same general character as the uses permitted in the district in which the use is proposed; and/or
 - b) It is similar to a particular use permitted in the district in which the use is proposed; and
 - c) It is consistent with the purpose statement for the district in which such use is proposed. Or
 - 2. The proposed use is not similar because it is permitted or prohibited in another district or because, in the judgment of the Board of Zoning Appeals, such use would likely be objectionable in the district in which it is proposed.

- B. Assignment to Districts. Once a use is determined to be a similar use, the similar use shall be permitted in any district that allows the principal or conditional use that is most similar.

- C. Procedure.
 - 1. The initial determination of a similar use shall be approved in accordance with the conditional use procedures set forth in Sections 630.02 thru 630.10, including the requirement for a public hearing.

 - 2. Following such determination, the similar use shall be considered to be added to the permitted use list for the district(s), either as a permitted principal use or as a conditional use, as determined by the Board of Zoning Appeals.

**CHAPTER 640
Appeals and Variances**

640.01	Appeals to the Board of Zoning Appeals.	640.04	Stay of proceedings.
640.02	Initiation of appeal.	640.05	Review of appeal.
640.03	Public hearing by the Board.	640.06	Decision of the Board.
		640.07	Variance as a type of appeal.

Sec. 640.01 APPEALS TO THE BOARD OF ZONING APPEALS.

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Township, deeming himself or herself to be adversely affected by any decision or action of the Zoning Inspector or by any administrative officer deciding matters relating to this Zoning Resolution.

Sec. 640.02 INITIATION OF APPEAL.

Notice of appeal shall be filed with the officer from whom the appeal is taken and with the secretary of the Board of Zoning Appeals within 20 days after the date of any adverse order, requirement, decision, or determination. Such written notice of appeal shall specify therein the grounds and reasons for the appeal. The officer from whom the appeal is taken shall transmit to the secretary of the Board of Zoning Appeals all data pertaining to the subject matter upon which the action so appealed was taken.

Sec. 640.03 PUBLIC HEARING BY THE BOARD.

Upon receipt of the material related to the proposed action, the Board of Zoning Appeals shall set a date for a public hearing to consider the appeal. Notice of such hearing stating the time, place, and object of the hearing shall be sent by first class mail, addressed to the parties making the request for appeal, at least 10 days prior to the date of the scheduled hearing. Not less than 10 days prior to the date set for such hearing or appeal, written notice of such hearing shall be sent by first class mail to the parties contiguous and across the street to which such appeal or application relates. Failure of delivery of such notice shall not invalidate action taken on such application. Such hearing shall be advertised by one (1) publication in one or more newspapers of general circulation in the Township at least 10 days before the date of such hearing. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required. Any person may appear before the Board at the public hearing on the application and state their reasons for or against the proposal.

Amended via Resolution No. 19/07-01 C

Sec. 640.04 STAY OF PROCEEDINGS.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the application, a stay would, in his/her opinion, cause

imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by either the Board of Zoning Appeals or a court having lawful jurisdiction.

Sec. 640.05 REVIEW OF APPEAL.

The Board of Zoning Appeals shall review the appeal. To aid in their review, the Board of Zoning Appeals may transmit the application to appropriate township departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board's review. The cost of the review by a consultant shall be the expense of the applicant.

Sec. 640.06 DECISION OF THE BOARD.

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end the Board of Zoning Appeals shall have all of the powers of the officers from whom the appeal is taken, and it may direct the issuance of a certificate.

- A. The Board shall render a decision on the appeal without unreasonable delay.
- B. If the Board fails to act within 120 days from the date the appeal was received by the Board, or an extended period as may be agreed upon by the applicant and the Board, the appellant may assume the appeal has been denied. Any cost related to the extension of the review period shall be borne by the applicant.
- C. Within 5 days of the Board's decision, the secretary of the Board shall send written notification of the decision to the appellant and the Zoning Inspector, and the applicant shall be required to pay the appropriate fee.
- D. A copy of the Board of Zoning Appeals' decision shall be attached to the application and the Board of Zoning Appeals' action on the application shall serve approval or denial of the application.

Sec. 640.07 VARIANCES AS A TYPE OF APPEAL.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest according to the following procedures:

- A. Application Requirements. Eight copies of an application for a variance and payment of the required fee shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals. The application shall include the following items necessary to convey the reason(s) for the requested variance:
 1. The completed application form including the name, address and phone number of applicant(s);

2. Proof of ownership, legal interest or written authority;
3. A site plan of the lot drawn to scale showing the exact dimensions and area of the lot to be built upon or utilized. Plans shall show dimensions, location of existing and proposed buildings, and any significant natural or topographic features;
4. Architectural plan including floor plans, elevations and other architectural drawings at a reasonable scale to convey the need for the variance;
5. Description or nature of each variance requested, citing the specific section number and provision of this Zoning Resolution for which the variance is requested, and narrative statements establishing and substantiating the justification for the variance pursuant to subsection B below;
6. Any other documents deemed necessary by the Zoning Inspector.

Upon receipt of a written request for variance, the Zoning Inspector shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

- B. Review by the Board of Zoning Appeals. According to the procedures established for appeals in Section 640.03, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence demonstrates that the literal enforcement of this Resolution will result in practical difficulty for an area variance or unnecessary hardship for a use variance. The following factors shall be considered and weighed by the Board in determining practical difficulty or unnecessary hardship:

1. Area Variance. The following factors shall be considered and weighed by the Board to determine practical difficulty:
 - a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

- b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 - f) Whether special conditions or circumstances exist as a result of actions of the owner;
 - g) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
 - h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 - i) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
2. Use Variance. In order to grant a use variance, the Board of Zoning Appeals shall determine that strict compliance with the terms of this Resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that **all** of the following criteria are satisfied:
- a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
 - b) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - c) The hardship condition is not created by actions of the applicant;
 - d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e) The granting of the variance will not adversely affect the public health, safety or general welfare;

- f) The variance will be consistent with the general spirit and intent of this Resolution; and
 - g) The variance sought is the minimum that will afford relief to the applicant.
- C. Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to adequately review and evaluate the request for a variance.
- D. Additional Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
- E. Action by the Board. The Board shall either approve, approve with supplementary conditions as specified in subsection D above, or disapprove the request for variance according to the procedures established for appeals in Section 640.06. The Board shall further find that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
- F. Reapplication. If a variance has been denied by the Board, the Board need not reconsider the same request for a variance if resubmitted within one year after the date of the Board's decision, unless the underlying conditions have substantially changed.
- G. Term and Extension of Variance. Variances shall expire one year from the date of their enactment, unless prior thereto, a building permit has been obtained. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered the same as an application for a variance and shall meet all requirements for application and review pursuant to this Section.

**CHAPTER 660
Amendments**

660.01	Authority for amendments.	660.04	Amendments initiated by Zoning Commission.
660.02	Initiation of zoning amendments.	660.05	Amendments initiated by Township Trustees.
660.03	Amendments initiated by property owner(s).	660.06	Guidelines when considering amendments to the zoning map.

Sec. 660.01 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may amend, revise, rearrange, renumber or recodify this Zoning Resolution or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in Section 519.12 of the Ohio Revised Code and summarized herein.

Sec. 660.02 INITIATION OF ZONING AMENDMENTS.

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

- A. By motion of the Township Zoning Commission;
- B. By the passage of a resolution by the Board of Township Trustees which shall be certified to the Zoning Commission for commencement of the Commission’s review; or
- C. By the filing of an application with the Zoning Commission by one or more of the owners or lessees of property or developer with an option to purchase such property within the area proposed to be changed or affected by the proposed Amendment.

Sec. 660.03 AMENDMENTS INITIATED BY PROPERTY OWNER(S).

An amendment initiated by at least one owner or lessee of property or developer with an option to purchase such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- A. Discussion with Zoning Commission. Prior to submitting an application for an amendment to the Zoning Resolution text or map, the applicant may appear before the Zoning Commission to informally discuss the proposed amendment. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Commission.

- B. Submission Requirements. Applications for proposed amendments shall be submitted to the Zoning Inspector and shall contain at least the following information unless otherwise instructed by the Zoning Commission during the preliminary discussion in Subsection 660.03A.
1. The name, address and phone number of the applicant and the property owner if other than the applicant;
 2. A statement of the reason(s) for the proposed amendment;
 3. A statement indicating the ways in which the proposed amendment relates to the Comprehensive Plan;
 4. The payment of the application fee as established by the Trustees.
 5. Amendments to the Zoning Map adopted as part of this Zoning Resolution shall contain the following additional information:
 - a) An accurate legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
 - b) Present use and zoning district, and the proposed use and zoning district;
 - c) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
 - d) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 500 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
 - e) The last known names and addresses of the owners of all properties lying within 500 feet of any part of the property on which the zoning map amendment is requested, including any property in an adjoining community, as shown upon the County auditor's current tax list;
- C. Referral to Zoning Commission. After the filing of an application by an owner, lessee of property or developer with an option to purchase such property, the Zoning Inspector shall transmit the application to the Zoning Commission for its consideration and recommendation.
- D. Review by County Planning Commission. Within 5 days after the application is transmitted to the Zoning Commission from the Zoning Inspector, the Secretary of the Zoning Commission shall transmit a copy of the application to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or 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 on such proposed amendment.

- E. Public Hearing and Notice by Zoning Commission. The Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than 20 nor more than 40 days from the date of the filing of the application. Notice of such hearing shall be given by the Zoning Commission by publication in one or more newspapers of general circulation in the Township at least 10 days prior to the date of the hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested.
- F. Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the day of the public hearing to all owners of property contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the names and addresses of owners as shown upon the records of Summit County, or the list of property owners furnished by the applicant. The notice shall contain the same information as required of notices published in newspapers as specified in Subsection (E), above. Failure of delivery of such notice shall not invalidate any such amendment.

Amended via Resolution No. 19/07-01 C

- G. Recommendation by Zoning Commission. The Zoning Commission shall, within 30 days after the close of such public hearing, recommend one of the following:
1. That the amendment be approved as requested;
 2. That the amendment be approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or
 3. That the amendment be denied.

The secretary of the Zoning Commission shall submit to the Trustees the recommendation of the Summit County Planning Commission and the recommendation of the Zoning Commission.

- H. Public Hearing and Notice by Trustees. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment:
1. The date of the public hearing shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
 2. Notice of the public hearing shall be given by the Trustees through one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing.
 3. The published notice shall include:

- a) The time and place of the public hearing,
 - b) A summary of the proposed amendment, and
 - c) A statement that opportunity to be heard will be afforded to any person interested.
4. During such 10 days, the text of the proposed amendment, the maps or plans, if applicable, and the recommendations of the Zoning Commission shall be on file for public examination in the office of the Clerk of Township or in such other office as is designated by the Trustees.
- I. Action by Trustees. Within 20 days after the public hearing required by Subsection H, above, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.
1. In the event the Trustees adopt the recommendation of the Zoning Commission, concurrence by a majority of the Trustees shall be required.
 2. In the event the Trustees elect to overrule or substantially modify the recommendation of the Zoning Commission, the unanimous vote of all three Trustees shall be required.
 3. Wherein the Trustees fail to obtain a unanimous vote, the recommendation of the Commission shall be considered as approved.
- J. Modification of Proposal by Trustees. Any such proposal may be amended prior to the voting thereon by Trustees without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. The Trustees' approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.
- K. Effective Date of Amendment. Amendments adopted by the Trustees shall become effective in 30 days after the date of adoption unless, within 30 days after the adoption of the amendment, there is presented to the Township Trustees a petition requesting the Township Trustees to submit the amendment to the electors of such area for approval or rejection according to the following:
1. The petition shall be signed by a number of registered electors residing in the unincorporated area of the Township equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected.
 2. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents.

3. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.
4. A special election shall be held on the day of the next primary or general election.

Sec. 660.04 AMENDMENTS INITIATED BY THE ZONING COMMISSION.

The Zoning Commission on its own initiative may, by the passage of a motion, initiate amendments to the Zoning Resolution and Zoning Map. The Zoning Commission and Township Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 660.03D through 660.03K, inclusive.

Sec. 660.05 AMENDMENTS INITIATED BY TOWNSHIP TRUSTEES.

Amendments to the Zoning Resolution or Zoning Map initiated by the passage of a resolution by the Board of Trustees shall comply with the following:

- A. Referral to Zoning Commission. After Trustees adopt a resolution to initiate an amendment, the resolution shall be certified to the Zoning Commission for its consideration and recommendation. The Zoning Commission shall follow the procedures for review and hearing of the proposed amendment as set forth in Section 660.03D through 660.03G, inclusive.
- B. Review and Action by the Trustees. The Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 660.03H through 660.03K, inclusive.

Sec. 660.06 GUIDELINES WHEN CONSIDERING AMENDMENTS TO THE ZONING MAP.

In evaluating proposed amendments to the zoning map, the Zoning Commission and Board of Trustees may consider any or all of the following:

- A. Conformance with the Comprehensive Land Use Plan.
- B. The desirability of such uses in the area and/or on the site proposed for such zoning district;
- C. The need for and availability of centralized water and sewer facilities compared to the capacity of the existing facilities and plans for future extensions;
- D. Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

**CHAPTER 690
Enforcement and Penalty**

690.01	Zoning Inspector to enforce resolution.	690.03	Actions to bring about compliance with zoning regulations.
690.02	Construction and use to comply with approved plans, permits and certificates.	690.04	Penalty.

Sec. 690.01 ZONING INSPECTOR TO ENFORCE RESOLUTION.

It shall be the duty of the Zoning Inspector to enforce the regulations found in this Resolution. In performing this duty, the Zoning Inspector may take any reasonable action necessary to substantiate the existence of a zoning violation including entering onto the site of a possible violation. The Zoning Inspector shall conduct all site inspections at a reasonable hour and in a reasonable manner and shall carry adequate identification.

Sec. 690.02 CONSTRUCTION AND USE TO COMPLY WITH APPROVED PLANS, PERMITS, AND CERTIFICATES.

- A. Building permits issued on the basis of plans and applications approved by the Zoning Inspector, Zoning Commission, or Board of Zoning Appeals authorize only the use and arrangement set for in such approved plans, permits and certificates, including any specific conditions.
- B. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.
- C. The owner or owners of any building or premises or part thereof where a violation of this Resolution exists, and any tenant or occupant of such building or premises, and any architect, builder, or contractor who assists in the commission of any such violation, and any person who violates any of the provisions of this Resolution or fails to comply therewith shall be deemed responsible for the violation.

Sec. 690.03 ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS.

- A. Violations. Buildings erected, altered, moved, razed, or converted, or any uses of land or premises carried on in violation of any provision of the resolution are declared to be a nuisance per se.
- B. Inspection. The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions that are found to be in violation of this Resolution.
- C. Notification. The Zoning Inspector shall, upon inspection and identification of a zoning violation, order the landowner or responsible party in writing to remedy the violation. After such order is served to the landowner or posted on the premises, no work except to correct or comply with said violation shall proceed on any building or tract of land included in the violation.
- D. **Correction Period**. All violations shall be corrected within a period of ten (10) days after the written order is issued or a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to the County Prosecutor and the Township Trustees may elect to use the County Prosecutor, City of Stow Prosecutor or a private lawyer hired by the Township who shall initiate prosecution procedures.
- E. Action. If any land is used or if any building or structure is located, erected, constructed, reconstructed, enlarged, structurally altered, or used in violation of this Zoning Resolution, the Board of Township Trustees, with the assistance of the Zoning Inspector and other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, alteration or use.
- F. Refundable Residential Performance Bonds:
1. Refundable residential performance bonds shall be paid by the property owner.

Adopted via Resolution No. 18/10-01 A

Sec. 690.04 PENALTY.

The penalty for violation of any section of this Resolution shall be not more than the amount specified in Section 519.99 of the Ohio Revised Code for each offense. Each day's continuation of a violation shall be deemed a separate offense.