

ARTICLE 3

GENERAL REGULATIONS

301 PURPOSE

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

302 CONFORMANCE REQUIRED

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the District in which said building or land is located. The Board of Zoning Appeals may issue Conditional Use Zoning Certificates for any of the conditionally permitted uses listed under the Conditionally Permitted Use Section of any District.

303 GENERAL LOT AREA REGULATIONS

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

303.01 Lot Measurements

- A. Lot Depth. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Lot Width. Width of a lot shall be considered to be the distance between straight lines connecting from the front and rear lot lines at each side of the lot, measured at the building setback line.
- C. Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated yards in this Section. Only one (1) side shall be used to meet the frontage requirement. Frontage on a Cul-de-Sac shall mean the distance measured along the road right-of-way line consisting of arcs and straight lines equal to eighty (80) percent (%) of road frontage requirements of the district it is in. (05/15/03)

(05/15/03)

R1-One Hundred –twenty five (125) @ 80%=One-Hundred (100) Feet

RS-1 Seventy five (75) Feet @ 80%= Sixty (60) Feet

GB-1 One Hundred (100) Feet @ 80%= Eighty (80) Feet

PSC-1 @ 80%= Not defined

LI-1 One Hundred-twenty five (125) @ 80%= One Hundred (100) Feet

FP-1 = Not Applicable

In addition, at the minimum building set back, Cul-de-Sac lots shall meet 100% of the frontage requirements of the district it is in. (05/15/03)

303.02 Corner Lots

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the side street shall be not less than thirty-five (35) feet from the right-of-way line.

304 STREETS AND THOROUGHFARES

No new street or road shall be permitted to be constructed, or accepted as a public road, which will create a non-complying condition on any lot, or preclude the complying development of any lot. These requirements include but are not limited to lot area, building line, setback building requirements, buffering requirements, and yard regulations (11/20/04)

304.01 Street Design.

No new streets or roads shall be accepted as public roads unless they meet the following requirements. They must conform to Section 308.01.D and must:

- A. Conform to the Lorain County Subdivision Regulations' geometric requirements. (11/20/04)
- B. Be designed not to include eyebrows (See Article 2: Definitions) (11/20/04)
- C. Be inspected and approved by the Lorain County Engineers for conformance as built with the Subdivision Plat and Improvement Plans approved by the Lorain County Engineer's Office, the Lorain County Planning Commission, and the Eaton Township Trustees. (11/20/04)

(05/15/03, 11/20/04)

- D. Be constructed of Portland Cement Concrete Pavement, to conform with the Lorain County Engineer's Specifications and Regulations, figure 5. (11/20/04)
- E. All major subdivisions involving the construction of new streets shall be designed so that vehicular access is limited to a newly platted street, and (11/20/04)
- F. Conform to sections 304.02 below. (11/20/04, 11/06/08)

304.02 Sidewalks.

In order to provide a safe pedestrian facility separate from streets and roads, sidewalks shall be provided within the R-1, R-2 and R-3 Residential Districts, along both sides of all new streets and roads and around the arc(s) at the termination of any cul-de-sacs. In addition to the requirements of the Lorain County Subdivision Regulations, sidewalks shall: (11/20/04)

- A. Be a minimum width of four (4) feet in width in the R-1 and R-2 Districts, and five (5) feet in width in the R-3 District. (11/20/04)
- B. Be continuous between intersections, (11/20/04)
- C. Be continued across any driveways or other privately paved facilities within the road right-of-way, and (11/20/04)
- D. Conform with the Ohio Department of Transportation, Construction and Materials Specifications Item number 608. (11/20/04)
- E. Be contained entirely within the road right-of-way. Except where unfavorable construction conditions exist; they shall be parallel to the road right-of-way and have their outer edges located a minimum of one (1) foot from the outside line of the right-of-way. (11/20/04, 06/21/07)

305 GENERAL YARD REQUIREMENTS

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

305.01 Yard for Single Building

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

(11/20/04, 06/21/07, 11/06/08)

305.02 Clear View of Intersection Streets

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

305.03 Mailbox Placement (11/02/01)

In order to meet the Township's obligation under O.R.C. 5571.02 and 5571.08 to maintain roads and keep them clear of obstruction, no structure shall be constructed, erected or placed in the road right-of-way with the exception of mailbox units, attachments and supports, the installation of which are in strict compliance with the United States Postal Regulations and in compliance with the following.

No structure shall be constructed, erected or placed in a road Right-of-Way with the exception of mailbox facilities complying with the following Specifications.

1. The mailbox unit shall be one that has been approved by the Postmaster of the United States Postal Service. Newspaper delivery boxes shall be of the same type of construction and of minimum dimensions suitable for holding newspapers.
2. The mailbox unit to support attachment should be of sufficient strength to prevent the box from separating from the post top if struck by a vehicle.
3. The support structure (post) shall be a single 4-inch x 4 inch or 4 ½ inch diameter wooded post or a metal post with a strength no greater than a 2 inch diameter standard strength steel pipe (with a weight not in excess of 2.6 lbs. per foot) and embedded no more than 24 inches into the ground. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface.
4. Multiple box units of more than two (2) boxes may not be mounted on one support unless the support structure and mailbox arrangement have been shown to be safe by crash testing. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.
5. The minimum spacing between the centers of supports (post) shall be three-fourths the height of the post above the ground line.(11/02/01)
6. The unit shall be placed at an offset from the edge of the traveled way to insure that the roadside face of the mailbox is 8 to 12 inches outside the all-weather surface of the shoulder. When a mailbox is installed in the vicinity of existing guardrail, it shall be placed behind the guardrail.

(11/02/01)

7. The base of the support shall not be located within two (2) feet of the paved surface of any thoroughfare.
8. Designs not described in this regulation will be acceptable only if written approval is granted by the Board of Trustees.

306 YARD REQUIREMENTS

306.01 Fences, Hedges and Walls (Revised 07/12/07)

Fences, gates and walls may be erected, subject to the limitations of this section. A fence permit is required.

A. Residential Districts. Fences, gates, and walls in the R-1, R-2, R-3 and RS-1 Districts and in Cluster Subdivision Overlays are subject to the following limitations.

1. Height. Fences, gates and walls are limited in height by the following.
 - a. Front Yards. The maximum height is 42”.
 - b. Corner Side Yards. The maximum height is six (6) feet. Fence may extend from the minimum front yard setback along the minimum side yard setback.
 - c. Side Yards. The maximum height is six (6) feet.
 - d. Rear Yards. The maximum height is six (6) feet.
2. Fence Materials and Landscaping Requirements.
 - a. Location. All fences, gates and walls shall be entirely within the lot lines or flush to the lot lines.
 - b. Barbed-wire and electric fencing. Neither barbed-wire fencing nor electric fencing is permitted for other than for livestock deterrence. All barbed wire and electric fences must be a minimum of twenty (20) feet from any adjacent dwelling or other inhabited structure.
 - c. Chain-link fencing. Chain-link and wire-mesh fencing are not permitted in front or corner side yards in the R-2, R-3, districts, in multifamily housing or in Cluster Subdivision Overlays.
 - d. Finish. The finished or smooth-finished side of the fence must face neighboring properties or a right-of-way. All structural

(11/02/01, 07/12/07)

members must be on the interior side of the fence, facing away from neighboring properties or any right-of-way.

3. Anchorage Requirement. Fence posts and structural supports must extend at least 36 inches into the ground.
 4. Maintenance. All fences and property on both sides of a fence must be maintained in a good condition.
 5. Yard definitions. See yards in Article 2, Definitions.
- B. Business Districts and the Recreational Open Space District. Fences, gates, and walls in the GB-1, PSC-1, PB-1 and Recreational Open Space Districts are subject to the following limitations.
1. Height. Fences, gates and walls are limited in height by the following.
 - a. Front Yards. The maximum height is 42”.
 - b. Corner Side Yards. The maximum height is eight (8) feet, except that an additional two feet of barbed wire is permitted. Fence may extend from the minimum front yard setback along the minimum side yard setback
 - c. Side Yards. The maximum height is eight (8) feet, except that an additional two feet of barbed wire is permitted.
 - d. Rear Yards. The maximum height is eight (8) feet, except that an additional two feet of barbed wire is permitted.
 2. Fence Materials and Landscaping Requirements.
 - a. Location. All fences, gates and walls shall be entirely within the lot lines or flush to the lot lines.
 - b. Barbed-wire and electric fencing. Neither barbed-wire fencing nor electric fencing is permitted on a fence less than six (6) feet.
 - c. Finish. The finished or smooth-finished side of the fence must face neighboring properties or a right-of-way. All structural members must be on the interior side of the fence, facing away from neighboring properties or any right-of-way.
 3. Anchorage Requirement. Fence posts and structural supports must extend at least 36 inches into the ground.

(07/21/07)

4. Maintenance. All fences and property on both sides of a fence must be maintained in a good condition.
 5. Yard definitions. See Yards in Article 2, Definitions.
- C. Light Industry District. Fences, gates, and walls in the LI-1 District are subject to the following limitations.
1. Where they are part of a required landscape buffer as specified in Section 1107, the height limitations of subsection 2, below, do not apply.
 2. Height. Fences, gates, and walls are limited in height by the following.
 - a. Front Yards. The maximum height is “42”.
 - b. Corner Side Yards. The maximum height is eight (8) feet, except that an additional two feet of barbed wire is permitted. Fence may extend from the minimum front yard setback along the minimum side yard setback.
 - c. Side Yards. The maximum height is eight (8) feet, except that an additional two feet of barbed wire is permitted.
 - d. Rear Yards. The maximum height is eight (8) feet, except that an additional two feet of barbed wire is permitted.
 3. Fence Materials and Landscaping Requirements.
 - a. Location. All fences, gates, and walls shall be entirely within the lot lines or flush to the lot lines.
 - b. Barbed-wire and electric fencing. Neither barbed-wire fencing nor electric fencing is permitted on a fence less than 6 feet.
 - c. Chain-Link fencing. Chain-link or wire-mesh fencing is not permitted in required front yards. Fence may extend from the minimum front yard setback along the minimum side yard setback in the LI-1 District.
 - d. Finish. The finished or smooth-finished side of the fence must face neighboring properties or a right-of-way. All structural members must be on the interior side of the fence, facing away from neighboring properties or any right-of-way.

(07/12/07)

4. Anchorage Requirement. Fence posts and structural supports must extend at least 36 inches into the ground.
5. Maintenance. All fences and property on both sides of a fence
6. Yard definitions. See Yards in Article 2, Definitions.
(07/12/07)

306.02 Accessory Buildings

In residential districts, detached garages or other accessory buildings shall be located no less than five (5) feet from side and rear property lines. Said accessory building/s shall not exceed a total square footage for all such buildings on the parcel of real estate of an amount equal to one thousand two hundred eighty (1,280) square feet per acre or portion thereof in excess of one-half (½) acre to a maximum of forty-four hundred (4400) square feet for any parcel, except in a Special Residential District (RS-1) where the maximum shall not exceed seven hundred fifty (750) square feet per parcel. All accessory buildings shall be set no less than twenty (20) feet behind the principal building/s. Porches or Decks shall be considered part of the “principal building” Utility Trailers and Shipping Containers may not be used as Accessory Buildings in any district. In order to convert a detached garage or accessory building to an attached building, the accessory building or detached garage must be attached with an enclosed breezeway or a finished roof, which meets adopted building codes. (12/19/89, 04/07/00, 03/06/01, 04/05/02, 02/02/03, 06/18/04)

306.03 Underground Utilities

Placement of any underground utility shall be entirely contained within the adjacent road right-of-way. Any above ground junction boxes shall be located a minimum of ten (10) feet from the edge of the road pavement, but within the right-of-way. (Revised 05/16/89)

306.04 HANDICAPPED RAMPS

No permit shall be required for a handicapped ramp. The structure must be kept out of the road right-of-way and entirely on the property. (04/07/00)

306.05 ALTERATIONS IN THE ROAD RIGHT-OF WAY

- A. Alterations in the road right-of-way on a Township Road, require permission from the Trustees. (04/05/02)
- B. Alterations in the road right-of-way on a County Road, require permission from the Lorain County Engineer’s Office. (04/05/02)

(05/16/89,12/19/89, 04/07/00, 03/06/01, 04/05/02, 02/02/03, 06/18/04, 07/12/07)

C. Alterations in the road right-of-way on a State Route, require permission from the state. (04/05/02)

See Article 20 Quick References-Road Right-of-Ways

Alterations can include but not be limited to installation of drain tile into the ditch or into existing Township drain tile or installed tile in the ditch to replace an open ditch or the installation or replacement of a driveway tile. The alterations of grade. (04/05/02)

The property owner shall submit for approval a plan and/or sketch of alterations to be. (04/05/02)

The installation of mailboxes and placement of signs are regulated by the Eaton Township Zoning Resolution see Article 3, Section 305.03. (04/05/02)

306.06 ALTERATIONS OF GRADE

A Change of Elevation Permit is required for anyone desiring to change the grade of his or her property. The property owner shall be responsible for obtaining the permit. Permits may also be required from other governmental agencies. Maps showing the Flood Plains are available for viewing at the Eaton Town Hall. Property Owners must know origin of fill. If the fill obstructs a drainage way or floods an adjoining property, the property owner/s may be held liable in a Civil Lawsuit. There shall be no storage of fill on the property. (02/02/03)

307 EXCEPTIONS TO HEIGHT LIMITS

Heights in excess of the permitted limitations to all structures, including, but not limited to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyers, flagpoles, radio and/or TV towers, masts, satellite dishes and aerials, subject to approval by the Board of Zoning Appeals. Variance of height limitations may be obtained only through action of the Board of Zoning Appeals. (06/18/04)

308 BUILDING REGULATIONS

308.01 General

No buildings or other structures shall hereafter be erected or structurally altered:

A. On a lot that does not abut on a street of record. The frontage

(04/05/02, 02/02/03, 06/18/04)

requirement shall be the same as the required lot width of the District in which it is located. (05/15/03)

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

308.02 PRINCIPAL BUILDING (10/04/07, 04/03/08)

308.02A NON-RESIDENTIAL (10/04/07, 04/03/08)

In the General Business (GB-1) District, Article 9, Section 907 shall apply. In the Light Industrial (LI-1) District, Article 11 Section 1104.04 shall apply. In the Professional Business (PB-1) District, Article 9, Section 950 shall apply.

308.02B RESIDENTIAL (04/03/08)

In the Residential (R-1) and Special Residential (RS-1) Districts no more than one (1) principal building shall be permitted on any lot. Where a house has been constructed and is being used as a residence in a General Business (GB-1) District, Light Industrial (LI-1) District, or PB-1 District, the rules for the Residential (R-1) and Special Residential (RS-1) District shall be followed.

308.03 Buildings under Construction Prior to Enactment

Nothing in this Resolution shall be deemed to require any change in plans, construction or designated uses of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, provided construction is prosecuted diligently and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

308.04 Temporary Buildings (updated 12/06/07)

Limited Use. Temporary Buildings are subject to limitations of use.

- A. Recreational Use. Visitors' Recreational Vehicles shall be permitted to remain on a lot in all Residential Districts provided: 1) An individual visit shall not exceed 1 month; 2) The total of all visits do not exceed 4 months in any given year; 3) No more than 1 visiting recreational vehicle can be parked on a lot at any time. Approved sanitary facilities must be provided.

(05/13/03, 10/04/07, 12/06/07, 04/03/08)

B. Emergency Use. When a dwelling on any lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a Recreational Vehicle or Mobile Home may be used as a temporary residence for a period not to exceed Twelve (12) months while the permanent dwelling is repaired or reconstructed, or eighteen (18) months if a National Disaster has been declared. The Zoning Inspector may approve two (2) six (6) month extensions while construction is ongoing. A separate Zoning Certificate shall be required for such emergency use. Approved sanitary facilities must be provided. A portable storage container may be used during the time a temporary residence is being used during construction. This storage unit must be removed within 30 days of the issuance of an occupancy permit.
(12/06/07)

308.05 Health Board Approval

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

308.06 Airport Hazard Zones

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

308.07 Flood Plain Zones

A Permit may be issued with evidence that the Lorain Soil & Water Conservation District or other applicable agency has certified that the site is not subject to predictable flooding and shall conform to the requirements of Article 12.

308.08 Municipal Planning Commission Authority

The authority of village or County Planning Commissions shall be observed where applicable.

308.09 Submittal to State Highway Director (See 1502.05) (04/03/08)

The provisions of Section 1502.05 are in full effect where applicable.

308.10 Erosion and Sedimentation Control During Construction

A plan reviewed by the Lorain Soil & Water Conservation District for erosion and sedimentation control during and after construction shall be included with other plans upon application for a Zoning Permit for a subdivision of five (5) acres or more and all commercial and industrial

(12/06/07, 04/03/08)

developments of five (5) acres or more. The following principles shall be followed in developing and carrying out the plan:

- A. The smallest practical area of land should be exposed at any one time during the development.
- B. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- C. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- D. Provisions shall be made to accommodate effectively the increased run-off caused by changed soil and surface conditions during and after development.
- E. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
- F. The permanent final vegetation, structural erosion control and drainage measures shall be installed as soon as practical in the development.
- G. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
- H. Stock pile topsoil and return and utilize in re-grading to no higher than original grade.
- I. Earth disturbing activities shall be done in such a way that will minimize erosion.
- J. Whenever feasible, natural vegetation shall retained, protected and supplemented.
- K. Existing drainage courses (surface ditches and subsurface drain) shall be conserved so as not to cause a restriction or acceleration of flow in areas adjacent to the development.

309 NONCONFORMITIES – ALL DISTRICTS (10/04/07, 04/03/08)

309.01 Continuance

The lawful use of a building, other than a residence, or parcel of land existing at the time of the adoption of this Resolution may be continued, although such use of a building, other than a residence, or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a Residential District. (12/19/89, 10/04/07)

309.01A Continuance as a Residence

Where a house has been constructed and is being used as a residence in a General Business (GB-1) District, Light Industrial (LI-1) District, or Professional Business (PB-1) District the rules for the Residential (R-1) and Special Residential (RS-1) Districts shall be followed as if it were in a residential district (i.e. decks, swimming pools, fences, accessory buildings, ect ., for residential purposes). (10/04/07, 04/03/08, 11/06/08)

309.02 Nonconforming Lot of Record

In any "R" District, notwithstanding limitations imposed by other provisions of this Resolution, a single-family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the District in which such lot is located. Variance of yard requirements may be obtained only through action of the Board of Zoning Appeals. (12/19/89, 10/04/07) Any lawful residential use of property made non-conforming solely by an act of rezoning to a non-residential district, may continue as long as the lot size and yard requirements of the original zoning classification are maintained. (04/03/08)

309.03 Discontinuance

If any nonconforming use of land is discontinued or abandoned for any reason for a period of two (2) years, said use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period of at least two (2) years, such nonconforming use shall not thereafter be re-established and the future use shall be in conformity with the provisions of this Resolution. (12/19/89, 10/04/07, 11/06/08)

309.04 Change

Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. (12/19/89, 10/04/07)

(12/19/89, 10/04/07, 04/03/08, 11/06/08)

309.05 Extension, Enlargement and/or Removal

A nonconforming use, other than a residence, shall not be enlarged, increased or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or subsequent amendment of this Resolution. A nonconforming use, other than a residence, shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or subsequent amendment of this Resolution. (12/19/89) Those residents residing in a General Business (GB-1) or Light Industrial (LI-1) District may obtain a permit from the Zoning Inspector to construct an Accessory Building. All setbacks, heights, and square footage regulations shall be governed by those listed in a Residential (R-1) District. (12/19/89, 10/04/07)

309.06 Destruction, Damage and Reconstruction

Any nonconforming building or structure existing as a non-conforming use at the time this zoning resolution takes effect, damaged by fire, explosion, act of God or act of the public enemy may be reconstructed and restored providing the same is started within two years from the date of said destruction. (10/04/07)

309.07 Maintenance

On any building or structure devoted in whole or in part to a nonconforming use, other than a residence, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution not be increased. (10/04/07)

310 SUBMITTAL OF PLANS

310.01 Applicability

This procedure is to be applied on the development of five (5) acres or more and/or when specified in this Zoning Resolution.

310.02 Action by Zoning Commission and Applicant

Application for developments in all Residential, Multi-Family, Commercial (Business) and Industrial Development Districts shall be reviewed by the Zoning Commission in four (4) stages: (02/07/98)

A. Application submittal of general plan including sketches;

B. Submittal of preliminary development plans and preliminary architectural drawings and site plans;

(12/19/89, 02/07/98, 10/04/07)

- C. Submittal of final development plans and final architectural drawings and site plans;
- D. Decision of Zoning Commission given in writing to Zoning Inspector.

310.03 Rezoning

Rezoning from another District to the proposed classification shall be considered during the submission of the preliminary site development plans. No Zoning Permits shall be issued and no building shall be permitted within the designated Districts until the final site development plans and the final architectural drawings and plans have been submitted to and approved by the Zoning Commission. Prior to the granting of the Permit, the Zoning Inspector shall receive from the Zoning Commission and the State Building Inspector an advisory report approving the proposed development plans as presented in final form as required herein.

310.04 Construction and Use to be Provided in Applications

Zoning Permits and Health Permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Commission and the Building Inspector of the State, or other applicable agencies as designated by the Zoning Commission, authorize only the use and arrangement set forth in such approved plans and applications and amendments thereto, and no other use, arrangements, or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided herein.

310.05 Application Procedure. (11/20/04)

- A. The developer shall meet with the Zoning Commission prior to the submission of the preliminary plans of the development. The purpose of the meeting is to discuss early and informally the purpose and effect of the regulations and the criteria and standards contained in the applicable District regulations, and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used, approximate the location of all buildings; specify the type and location of parking facilities, locate public and private streets and their access points, and specify the location, type and approximate acreage of all required open spaces. Three (3) copies of the general plan shall be submitted. Specific plans are not required. The intent of the meeting is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable Zoning District regulations before a considerable

(02/07/98, 11/20/04)

amount of time and expense has been invested. A formal application and application fee are required.

- B. The Zoning Commission shall discuss with the developer the changes, if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.
- C. All applications shall be submitted to the Zoning Commission not less than two (2) weeks prior to the scheduled meeting.
- D. All proposed subdivisions containing new streets shall be submitted to the Eaton Township Zoning Commission at least sixty (60) days prior to submittal to the Lorain County Planning Commission for review and approval. All new streets shall meet the standards of this Resolution in addition to any State or County Regulations. (11/20/04)

310.06 Preliminary Submittal Procedure and Requirements

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

310.07 Submittal of Preliminary Architectural Drawings

- A. The preliminary drawings for each type of structure shall be submitted for the purpose of portraying conceptually the intended uses within the development. The submittal shall contain the height of the structures, number of units, number of square feet and elevations.
- B. All architectural drawings must be prepared by a licensed registered architect. Such drawings must be affixed with the seal of said architect.

310.08 Preliminary Submittal to the Zoning Commission

- A. The Zoning Commission shall submit in writing to the petitioner the necessary revisions to be shown prior to approval of the preliminary plan, whereupon the petitioner will submit the revised site plan and architectural drawings to the Zoning Commission on or before the last day of the month if it is to be reviewed the following month at the next scheduled meeting.

(11/20/04)

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

310.09 Final Submittal Procedures and Requirements

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

310.10 NEW BUSINESSES

Any new business coming into the community, whether constructing a new building or moving into an existing building shall be required to go before the Eaton Township Zoning Commission. Property Owner and/or lessee will fill out a Change of Use/New Business Application form before meeting with the Zoning Commission. (04/05/02)

311 PERFORMANCE STANDARDS

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

311.01 Fire Hazards

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

311.02 Radioactivity or Electrical Disturbance

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

311.03 Noise

Noise which is objectionable or considered a nuisance as defined by the Ohio Environmental Protection Agency and/or Federal Environmental Protection Agency and/or as determined by the Zoning Inspector due to

volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

311.04 Vibration

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

311.05 Smoke

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

311.06 Odors

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

311.07 Air Pollution

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

311.08 Glare

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

311.09 Erosion

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

311.10 Water Pollution

Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and/or the Federal Environmental Protection Agency.

311.11 Disabled Vehicles

The parking of a disabled vehicle within a Residential or Commercial District for a period of more than two (2) months shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. (12/17/87)

311.12 Unlicensed Motor Vehicles

No more than one (1) vehicle ungaraged that is not currently licensed, or is unfit to operate on highways in the manner prescribed by the state of Ohio Motor Vehicle Code, shall be allowed. (12/17/87). Utility Vehicles used for racecar transport, motorcycles, livestock, cargo, etc. must display an Ohio Plate and be registered to the property owner. (04/05/02)

311.13 Prohibited Uses

- A. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, tires, rubbish, offal or demolition materials.

"Demolition materials" means materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials. The term shall not include fly ash of any kind or any items categorized as solid wastes or as substances inimical to public health by the Ohio or Federal EPA. Demolition items such as brick concrete, asphalt and stone may be utilized for fill for driveways or to elevate land depressions provided that the plans for such fill are first submitted to and approved by the Zoning Inspector and provided further, that the dumping, storing or disposing of such materials is not in conjunction with a commercial business.

- B. Junkyards, automobile graveyards, or places for the collection of scrap vehicles, scrap machinery, scrap metals, paper, rags, glass, white goods, or junk for salvage or storing purposes, or for dismantling used vehicles. (Revised 12/17/87)

- C. Dumping, storing, burying, reducing, disposition of or burning of solid waste or hazardous waste. "Solid waste" means such materials as are described in the Ohio Revised Code, Section 3734.01 (E) or in such statute as it may hereafter be amended. "Hazardous waste" means such materials as are described in the Ohio Revised Code, Section 3734.01 (J) or in such statute as it may hereafter be amended. (Revised 05/16/89)

(12,17/87, 05/16/89, 04/05/02)

312 ENFORCEMENT PROVISIONS

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

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

313 ENVIRONMENTAL AND ECONOMIC ASSESSMENT--EXISTING DEVELOPMENT

A. Existing Land Use

1. Comparisons made between the proposed use and those existing land uses adjacent to it to determine compatibility.
2. Is the proposed change continuing a desirable pattern of zoning?
3. Does the proposed change grant special privileges to the detriment of adjacent landowners?

B. Existing Residential Densities

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

C. Impact Areas and Vacant Land

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

313.01 Development Impact on the Township's Goals and Objectives

A. Land Use Plan

1. Compatibility of proposed change in relation to the Land Use Plan and the Township's long-range objectives.

2. Conditions, which are not indicated in the Plan, may change over time, thus justifying the proposed change in the Plan.

B. Transportation Plan

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

313.02 Development Impact on Public Services and Utilities

A. Sanitary Sewers and Water Lines

1. Impact of change in sewerage systems through study of lift station capacity.

If change causes lift station to exceed capacity, thus requiring additional pumping and force main capacity or use of an alternative method for getting waste water to treatment plant.

2. Evaluation of location and size of lines serving the proposed area, to determine capability of handling change.

B. Fire Protection

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

C. Traffic Flow

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

313.03 Development Impact on Environmental Factors

A. Preservation of Natural Areas.

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

C. Identification of areas suitable for development.

1. Areas presently developed.

2. Currently vacant land suitable for development.

D. Soils and Flooding

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

313.04 Development Impact on Quality of Life

A. Public Recreation

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

B. Shopping and Service Establishments

1. Impact of change on the availability of goods and services.
2. Change affecting parking facilities.

C. Schools

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

D. Property Value Stability

1. Insuring existing residences that proposed change would not adversely affect property values.
2. Enlisting the use of site planning to insure building relates harmoniously to terrain and existing buildings and roads and nearby residences.

314 WATER-BODY REGULATIONS (07/12/07)

314.01 Water body Use.

Water bodies are classified by their use and area.

- A. Standard Pond. A man-made water impoundment made by construction of a dam or embankment, or by excavating a pit or dugout, and greater than one-quarter (1/4) acre in area.

(07/12/07)

- B. Decorative Pond. A man-made water impoundment less than one-quarter (1/4) acre in size, and less than eight feet deep. Generally landscaped with plant materials for decorative purposes.
- C. Retention Pond. A Retention Pond is designed to retain storm water for measured discharge, and to remain wholly or partially full at all times. A Retention Pond may be of any size.
- D. Detention Basin. A Detention Basin is designed to retain storm water for measured discharge, and to remain dry once storm water is discharged. A Detention Basin may be of any size.
- E. Agricultural Pond. A pond constructed on a farm for watering livestock, raising fish, or for other agricultural purposes. An Agricultural Pond may be of any size.
- F. Constructed Wetland. A natural or constructed body of water with no minimum or maximum size. Made by constructing a dam, excavating a pit, or destroying a drainage system.

314.02 Permits Required

Permits are required for those water bodies indicated in Table 314. Upon application for a Zoning Permit for the water body, the Zoning Inspector shall inspect the premises on which the proposed water body would be constructed, and shall determine whether the location of the water body would be in compliance with this Zoning Resolution. Upon the Zoning Inspector's determination that the pond would conform to the requirements of this Zoning Resolution, the Zoning Inspector shall issue a Zoning Permit.

314.03 Design Authorship

Water bodies must be designed by persons with the qualifications shown on Table 314, or by persons with the qualifications required by each of the agencies named in Section 314.06, whichever is more stringent.

314.04 Liability

Liability for the water body is the responsibility of the landowner.

314.05 Setbacks

Water bodies, including all mechanical water body equipment must meet the setbacks shown on Table 314.

- A. Measurement. Setbacks shall be measured to three points, none of which may be located within the setback distance to a property line. These points are:

(07/12/07)

1. The high-water mark of the water body (the level of the bottom of the overflow),
 2. The outside toe (edge) of the embankment or dam, and
 3. The outside edge of the spoil mound or disposal area.
- B. **Setback Exception.** If a water body is maintained by a homeowners' association, and if neither it nor its drainage easement area encroaches upon those properties' required yards, it may cross the property lines of those adjoining lots paying dues or fees to that homeowners' association.
- C. **Sanitary Systems.** All water bodies must be set back 50' from any part of a sanitary system or leach field.
- D. **Flood Plain.** Water bodies shall be set back 50' from any flood plain, as designated by FEMA.

314.06 Areas and Uses Permitted.

All Water bodies shall meet the area and use requirements listed in Table 314.

314.07 Additional Approvals. (04/03/08)

- A. **Lorain Soil and Water Conservation District.** If over one-quarter (1/4) acre in area, the water body shall meet all of the requirements of the Lorain Soil and Water Conservation District.
- B. **Lorain County Health Department.** If the water body is to be used for potable water supply or for swimming, the water body shall meet all of the requirements of the Lorain County Health Department.
- C. **Lorain County Engineer.** The water body shall meet all of the requirements of the Lorain County Engineer.
- D. **Ohio Department of Natural Resources.** The water body shall meet all of the requirements of the Ohio Department of Natural Resources.
- E. **United States Department of Agriculture.** The water body shall meet all of the requirements of the United States Department of Agriculture.

314.08 General Design Requirements.

- A. **Discharge.** No overflow from a water body may be discharged so as to affect the required field for any nearby sanitary system or preclude the development of such a system ten (10) feet from the property line on an adjacent lot.

(07/12/07, 04/03/08)

- B. Infiltration. The water body shall not raise the ground water table through infiltration so as to render ineffective any sanitary system.
- C. Overflow. Neither the water body nor its overflow location shall constitute a hazard to nearby residents.
- D. Drainage. The water body shall not adversely affect the drainage of adjacent properties.
- E. Seeding. The area/s surrounding the water body shall be appropriately landscaped with grass and trees to aid in surface drainage and to minimize erosion. (See the Lorain Soil and Water Conservation District Seeding Recommendations.) Tree roots shall not be located so as to interfere with the stability of soils or with nearby septic systems.
- F. Hazard. Neither a water body nor its overflow shall cause a hazard for persons or property on nearby properties.
- G. Health Hazard. The water body shall be maintained so as not to create a health hazard.
- H. Erosion. Neither a water body nor its overflow shall cause erosion on-site or on adjacent properties. The water body and its discharge shall be maintained so as to discharge safely at all times.
- I. Landscaping. The area around the water body shall be landscaped with grass and trees to aid surface drainage and minimize erosion.
- J. Mounding of Spoil Material. The maximum height of any mounds constructed from spoil material shall be four (4) feet above the natural grade, and the side slopes shall not exceed a 3:1 slope.
- K. Public Utilities. Public utility requirements must be adhered to regarding both underground and overhead utilities. Any utility easements or rights-of-way must be indicated clearly on any drawings supplied to the Township or its Zoning Inspector.

314.09 Design Requirements by Water Body Type

- A. Standard Ponds.
 - 1. Design Authorship. Standard Ponds must be designed by a registered Civil Engineer or by the Lorain Soil and Water Conservation District to meet the standards and specifications of the USDA Natural Resources Conservation Service.
 - 2. Minimum Size. Standard Ponds must be one-quarter (1/4) of an acre in area, and have a minimum depth of twelve (12) feet over twenty-five to fifty percent (25%-50%) of their area.

(07/12/07)

3. Slope. The sides of standard ponds must have side slopes not exceeding three (3) feet horizontal to one (1) foot vertical.

- B. Decorative Ponds. Decorative ponds must have a liner and operating pump system, and must be properly maintained to avoid silting and stagnant water.
- C. Detention Basins. Detention Basins must be maintained so as to preclude the development of larvae in stagnant pools, and so as to maintain the health of all plant materials within them.
- D. Constructed Wetlands. Constructed wetlands shall be placed in areas that are conducive to wildlife, and must be placed a minimum of five hundred (500) feet from a residence. Constructed wetlands have no minimum or maximum size.

Table 314

Type of Water Body	Setback from Property Lines	Minimum and Maximum Area	Designed By	Reviewed By*	Eaton Township Permits Required
Standard Pond	Fifty (50) Feet	Minimum of one-quarter (1/4) acre area	Registered Civil Engineer or by the Lorain Soil and Water Conservation District	Lorain Soil and Water Conservation District, Township	Yes
Decorative Pond	Twenty-five (25) Feet	Maximum of one-quarter (1/4) acre area	Landscape Architect or Landscape Designer	Township	Yes
Retention Pond or Detention Basin	Fifty (50) Feet	Per engineering requirements	Registered Civil Engineer	Lorain County Engineer's Office, Township	No
Agricultural Pond	Fifty (50) Feet	No minimum or maximum area	Lorain Soil and Water Conservation District, Biologist Consultant	Lorain Soil and Water Conservation District, Township	Yes
Constructed Wetland	Fifty (50) Feet	No minimum or maximum area	Lorain Soil and Water Conservation District, Ohio Division of Wildlife, Biologist Consultant	Lorain Soil and Water Conservation District, Township	Yes

*Note: The reviews herein are listed for convenience only. Additional approvals may be required. (See Section 314.07)

**Note: The permit requirements herein are listed for convenience only. Additional permits may be required. (See Section 314.07)

*** Note: the County Engineer can reduce the fifty (50) foot setback for retention/detention basing if warranted by topography and drainage of the specific site. (07/12/07, 04/03/08)

(07/12/07, 04/03/08)

POOLS- Private Swimming Pools (R-1, RS-1)

- A. Definition - A private swimming pool, as regulated herein, shall be any pool of water for swimming; especially a tank specifically built for that purpose containing at least one and one-half (1½) feet of water at any point. (04/05/02)
- B. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:
1. Exclusive Private Use - The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
 2. Distance Requirements - The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than twenty (20) feet to any property line. All pumping, filtration equipment leading up to a pool shall also be at least twenty (20) feet from any property lines. (04/05/02)
 3. Lighting - Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
 4. Permit Required - No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector. (Revised 12/17/87)
 5. Pools not in Seasonal Operation must be covered or removed. (04/05/02)

RESIDENTIAL SALES OF TANGIBLE PERSONAL PROPERTY

No person, firm or corporation shall conduct a residential sale of tangible personal property, including, but not limited to, a garage sale, a yard sale, a basement sale or a rummage sale, without first obtaining a Permit therefore from the Zoning Inspector. Such Permit shall be issued for no longer than seventy-two (72) hours per sale, with a maximum of three (3) such sales per year for any such residence. There shall be no fee charged for any such Residential Sale of Tangible Personal Property Permit. (12/17/87)

(04/05/02, 12/17/87)

GOLF COURSES (R-1; GB-1) (02/07/98)

- A. Site Size and Frontage. The site shall contain a minimum of thirty-five (35) acres for a par three (3) nine (9) hole golf course, a minimum of eighty (80) acres for a (9) hole golf course and one hundred-sixty (160) acres for an eighteen (18) hole golf course. Lot frontage shall be the minimum required for the District.
- B. Distance from Road Right-of-Way. All principal and accessory buildings shall be located not less than one hundred (100) feet from the Road Right-of-Way sideline.
- C. Access. Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty (20) feet in width and constructed of a hard surfaced material.
- D. Height. No structure shall be erected in excess of thirty-five (35) feet in height.
- E. Course Layout. Course Layout shall be directed away from all surrounding residential area and roads. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted in accordance with the provisions of Section 310.
- F. Distance from Residential Areas. Buildings and parking areas shall be not less than two hundred (200) feet from any abutting residential property lines.
- G. Signs. See Signs Article 13
- H. Lighting. Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.
- I. Parking. Ten (10) parking spaces per hole shall be provided in addition to one (1) space per thirty-five (35) square feet of floor area for public assembly. All parking spaces shall be located not less than seventy-five (75) feet from any Residential District and fifty (50) feet from the road right-of-way side line.
- J. Fencing. A minimum of six (6) feet in height shall be provided around all recreation areas (tennis courts, swimming pools, and shuffleboard courts), thereby by permitting access only to members or users of the golf course.
- K. Retail Sales. Pro shops and sale of goods incidental to the principal use shall be permitted. The sale of food and beverages shall be permitted if contained within the principal building or structure.

(02/07/98)

- L. Caretaker Dwelling. A single-family dwelling shall be permitted for use by a golf course caretaker and his/her family. The single-family dwelling allowed pursuant to this Section shall no be subject to the two hundred (200) feet minimum side yard set back required by Sub-section F of the Section 317, but shall be required to meet the minimum side yard setback requirements for structures and dwelling units in Residential Districts or General business Districts, as the case may be. One (1) Caretaker Dwelling is permitted providing a Health Permit can be obtained from the Lorain County Health Department or the Ohio EPA. This dwelling must meet all requirements as specified in the R-1 Zoning Section of the Eaton Township Zoning Resolution. (06/18/93)

318 CEMETERIES (R-1) (05/06/99)

- A. Access. The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of two (2) points of entry set at two hundred (200) feet between centerlines.
- B. Minimum Site Size. Ten (10) acres.
- C. Building Setback. All burial buildings or accessory buildings shall be set back at least seventy-five (75) feet from any street right-of-way bounding the cemetery. There shall be two (2) side yards and a rear yard of at least fifty (50) feet each.
- D. Burial Lot Setback. All graves or burial lots shall be set back at least forty (40) feet from any street right-of-way bounding the cemetery. The site shall provide two (2) side yards and a rear yard of at least forty (40) feet each.

319 FUNERAL HOMES (GB-1) (05/06/99)

- A. Site Size. Minimum site size shall be one (1) acre with a minimum width of one hundred, fifty (150) feet.
- B. Access. The proposed site shall front upon a major thoroughfare. All ingress to the site shall be directly from said thoroughfare.
- C. Yards Required. Each side and rear yard shall be at least fifty (50) feet in width and be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards except that rear yards may be used for parking purposes under the requirements specified in Article 14 and except for required entrance drives and those walls and/or fences used to obscure the use from abutting Residential Districts.

(06/18/93, 05/06/99)

- D. Area Coverage. No more than thirty (30) percent of the gross site area shall be covered by buildings, including accessory buildings.
- E. Appearance of Buildings. All buildings shall be harmonious in appearance with any abutting surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.
- F. Off-Street Parking. Off-street parking shall be provided in conformance with the schedule outlined in Article 14. Adequate off-street assembly area of vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by a fence of at least four (4) feet in height. Shrubs or trees may be used in combination with said structural screens or walls.
- G. Signs: see SIGNS Article 13 (05/06/99)

320 PRIVATE GAS WELLS (ALL DISTRICTS) (05/06/99)
Private gas wells must comply with all State requirements.

321 SATELLITE DISH REGULATIONS (ALL DISTRICTS) (05/06/99)

- A. The following provisions shall apply to satellite ground stations or other antennae designed to transmit or receive radio or television signals to or from earth satellites in or on dwellings:
 - 1. Such ground stations or antennae shall be for the personal use of residents and their guests only.
 - 2. Such ground stations or antennae shall contain no graphic message or advertising.
 - 3. Ground-mounted stations or antennae shall be considered accessory structures and shall comply with the following conditions and requirements:
 - a. Such stations or antennae not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above-grade height of twelve (12) feet.
 - b. Such stations or antennae shall maintain minimum rear and side lot line requirements for the District in which said accessory structure is located.

(05/06/99)

- c. Such stations or antennae shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be utilized.
 - d. Wiring between such station and any other structure shall be placed underground.
 - e. Such stations or antennae shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
4. Roof-mounted stations or antennae shall be considered accessory structures and shall comply with the following conditions and requirements:
 - a. Such stations or antennae shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires, and shall not be mounted on a pitched roof facing the front yard.
 - b. Such stations or antennae mounted on the roof of a primary or accessory structure shall not exceed the height above the roof on which it is mounted at the roof's highest point.
 - c. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed four (4) feet.
 - d. Such stations or antennae shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
- B. In or on other than dwellings, the following provisions shall apply to satellite ground stations or other antennae designed to transmit or receive radio or television signals to or from earth satellites:
 1. Such ground stations or antennae shall contain no graphic message or advertising.
 2. Ground-mounted stations or antennae shall be considered accessory structures and shall comply with the following conditions and requirements:
 - a. Such stations or antennae not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure on the property where the station is located and shall not exceed an above-grade height of twelve (12) feet.

(05/06/99)

- b. Such stations or antennae shall not be located within fifty (50) feet of a public right-of-way, thirty (30) feet of a rear or side lot line and not closer than fifty (50) feet from a lot line of a Residential District.
 - c. Such stations or antennae shall be mounted in a concrete base in line with grade and only metal supports of a galvanized construction shall be utilized.
 - d. Wiring between such station and any other structure shall be placed underground.
 - e. Such stations or antennae shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
3. Roof-mounted stations or antennae shall be considered accessory structures and shall comply with the following conditions and requirements:
- a. Such stations or antennae shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
 - b. Such stations or antennae shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

322

WASH STATIONS FOR MOTOR VEHICLES (GB-1)(05/06/99)

- A. Off-Street Reserve Space. Reserve space for not less than ten (10) Automobiles per washing lane shall be provided.
- B. Required Off-Street Parking. One (1) space for each two (2) employees plus one (1) space for the owner or manager.
- C. Lighting. All outside lighting shall be shielded from adjacent properties.
- D. Frontage and Depth. A minimum frontage of one hundred, twenty-five (125) feet and a depth of two hundred (200) feet are required.
- E. Sand Trap. A sand trap for wastewater with a minimum capacity of one hundred, twenty (120) cubic feet shall be provided within the building for protection against ground water pollution. Said

(05/06/99)

wastewater shall be handled according to accepted County Health Board practices. Said use shall be located one hundred (100) feet from any lot in a Residential District.

F. Retail Sales. Retail sales of related commercial products shall be permitted.

G. Repair Work. Repair work shall not be permitted.

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

I. Hours of Operation. Facilities located adjacent to a residential area shall be used only during the hours of seven (7) a.m. to ten (10) p.m.

J. Distance from Side Lot Line. The building shall be a minimum of forty (40) feet from the side lot line.

K. Fencing. A permanent screening fence or wall not less than six (6) Feet in height shall be constructed along any property line, which abuts property zoned for residential use.

323 ADULT USES/SEXUALLY ORIENTED BUSINESSES (LI-1) (11/07/03)

323.01 PURPOSE

The Eaton Township Zoning Commission and Board of Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult use/sexually oriented businesses on the neighborhoods and areas in which those businesses are located. (11/02/01)

The members of the Eaton Township Zoning Commission and Board of Trustees have been provided with, have reviewed, and have considered copies of the “Adult Entertainment Study” dated November 1994, conducted by the New York city Department of Planning. “Adult Entertainment Businesses in Indianapolis, An Analysis” dated February 1984, conducted by the Department of Metropolitan Development of the City of Indianapolis; and the “Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses” dated June 6, 1989, conducted by the Attorney General for the State of Minnesota. (11/02/01)

The “Adult Entertainment Study” of the city of New York contains summaries of impact studies from the cities of Islip, New York; Los Angeles, California; Indianapolis, Indiana; Whittier, California; Austin, Texas; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina; and the State of Minnesota. (11/02/01)

(05/06/99, 11/02/01, 11/07/03)

These numerous studies conclude, based on documented evidence, that adult use/sexually oriented businesses have negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of rural and urban life, and the spread of sexually transmitted diseases. (11/02/01)

The adverse effects of adult use/sexually oriented businesses are compounded when such businesses are located in close proximity to each other and have the tendency to create “dead zones”. (11/02/01)

The Eaton Township Zoning Commission and Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens, protect the citizens from increased crime, the spread of sexually transmitted diseases, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight. (11/02/01)

The Eaton Township Zoning Commission and Board of Trustees desire to prohibit the establishment of adult use/sexually oriented businesses within the close proximity to existing adult use/sexually oriented businesses, residentially zoned areas, residences, schools, churches, parks, playgrounds, social service facilities, and neighborhood centers. (11/02/01)

It is not the intent of this resolution or any related resolutions to suppress any speech activities protected by the First Amendment to the United States Constitution. The intent is to enact a content-neutral resolution which addresses the secondary effects of adult use/sexually oriented businesses. (11/02/01)

There is adequate land available in Eaton Township, zoned Light Industrial within which adult use/sexually oriented businesses may be located.

It is not the intent of this resolution or any related resolution to condone, encourage or legitimize the distribution of obscene material or the establishment of adult use/sexually oriented businesses. (11/02/01)

323.02 REGULATIONS

- (A) No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult use/sexually oriented business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 4 Section 401 of this Resolution. (11/02/01)
- (B) Adult Use/Sexually Oriented Businesses shall comply as defined in this Zoning Resolution is only permitted in Light Industrial (LI-1) Districts. (11/02/01)

(11/02/01)

- (C) No Adult Use/Sexually Oriented Business shall be permitted in a location which is within seven hundred-fifty (750) feet of another adult use/sexually oriented business. (11/02/01)
- (D) No Adult Use/Sexually Oriented Business shall be permitted in a location which is within seven hundred-fifty (750) feet of any church, any public or private school, any park, any playground, any social services facility, or any state licensed day care facility, or any neighborhood center. (11/02/01)
- (E) No Adult Use /Sexually Oriented Business shall be permitted in a location, which is within five hundred (500) feet of any current residence or boundary of any residential district. (11/02/01)
- (F) No Adult Use/Sexually Oriented Business shall be permitted in a location which is within two-hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Township. (11/02/01)
- (G) For purposes of this section, distances shall be measured in a straight line from property line to property line, using the closest property lines of the parcels of land involved. (11/02/01)
- (H) See Article 13 – Signs for sign regulations of Adult Use/Sexually Oriented Business. (11/02/01)

324 TWO-FAMILY RESIDENCES (11/20/04)

324.01 Purpose.

This permitted use is created to provide for two-family residences (see Article 2), each comprised of exactly two residential units, within selected residential districts (R-1, R-2, and R-3). (11/20/04)

324.02 Conflicts.

All requirements shall be in accordance with those of the Residential District (R-1, R-2, or R-3) in which the lot is located, except as otherwise provided herein. (11/20/04)

- B. Minimum Lot Area. Minimum lot area is given in Schedule 324
- C. Units per lot. No more than two attached units are permitted per lot.
- D. Minimum Living Space. One thousand, two hundred (1,200) square feet per unit.

(11/02/01, 11/20/04)

Schedule 324

ZONE R-1	ZONE R-2	ZONE R-3
One and one-half (1 1/2) acres	Three quarters (3/4) of an acre, where water service and a waste water system connected to a sanitary sewer or to an Ohio Environmental Protection Agency (EPA) approved septic system are available	Nineteen Thousand, two hundred (19,200) square feet, where water service and a waste water system connected to a sanitary sewer or to an Ohio Environmental Protection Agency (EPA) approved septic system are available

324.03 Accessory Buildings.

All accessory structures not attached to the principal building shall be set no less than twenty (20) feet behind the principal building/s. Porches or Decks shall be considered part of the "principal building." Utility Trailers and Shipping Containers may not be used as an Accessory Building. (11/20/04)

324.04 Attached Units.

Units must be attached along a shared wall or floor plate. (11/20/04)

324.05 Submittal of Plans.

The provisions of Section 310 shall apply. (11/20/04)

324.06 Off Street Parking and Loading.

The provisions of Article 14 shall apply. (11/20/04)

324.07 Permitted Signs.

The provisions of Article 13 shall apply. (11/20/04)

324.08 General Regulations.

The provisions of Article 3 shall apply. (11/20/04)

325 MULTIPLE-FAMILY RESIDENCES

325.01 Purpose.

This permitted use is created to provide for a variety of housing types to include garden apartments, townhouses, condominiums or other housing facilities of a similar character and density and in those areas suitable for such developments within the Township. This use is permitted only within the R-3 residential district where water service and a waste water system connected to a sanitary sewer or to an Ohio Environmental Protection Agency (EPA) approved septic system are available. (11/20/04)

(11/20/04)

325.02 Multiple-Family (Three [3] or More Units)

- E. Minimum Lot Area. Three thousand, six hundred (3,600) square feet per dwelling unit.
- F. Minimum Lot Width and Frontage. One hundred, twenty-five (125) feet plus two and one-half (2 1/2) additional feet per dwelling unit.
- G. Minimum Front Yard. The minimum front yard depth shall be consistent with the depth required of single-family detached dwellings in the R-3 district.
- H. Minimum Side Yard. Fifty (50) feet.
- I. Minimum Rear Yard. Fifty (50) feet.

325.03 Maximum Building Height.

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

325.04 Minimum Gross Floor Area Per Dwelling Unit.

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

- A. Efficiency Suites. Six hundred (600) square feet.
- B. One-Bedroom Dwelling Unit. Seven hundred, fifty (750) square feet.
- C. Two-Bedroom Dwelling Unit. Nine hundred (900) square feet.
- D. Three-Bedroom Dwelling Unit. One thousand, two hundred (1,200) square feet.
- E. Four (4) (or More) Bedroom Dwelling Unit - One thousand, five hundred (1,500) square feet.

325.05 Accessory Buildings.

All accessory structures not attached to the principal building shall be set no less than twenty (20) feet behind the principal building/s. Porches or Decks shall be considered part of the "principal building" Utility Trailers and Shipping Containers may not be used as an Accessory Building.

325.06 Percentage of Lot Coverage.

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

325.07 Minimum Livable Open Space.

A minimum of forty-five (45) percent of the gross land area shall be livable open space for the use and enjoyment of the residents of the project. Livable open space is the minimum required non-vehicular open space unobstructed to the sky, generally in lawn area (including required yard areas that are left as lawn areas) or paved areas for recreation. The minimum recreation space performance standard listed for this District shall be included as a part of the livable open space. No parking areas, loading areas or access drives may be included as part of the livable open space to be provided on the lot. Where paved areas are provided adjacent to parking areas, the paved areas must be distinguished from the parking areas by a curb and appropriate pavement striping.

325.08 Minimum Recreation Space.

A minimum of ten (10) percent of the gross land area shall be usable recreation space. The recreation space shall be counted as a part of the required livable open space. Recreation areas shall be located a minimum distance of twenty (20) feet from all principal buildings and twenty (20) feet from all driveways, roadways, and parking areas. The recreation space may include open space for both passive and active recreation. Passive recreation facilities may include but are not limited to common sitting areas in the form of sun decks or garden areas. Active recreation areas may include but are not limited to swimming pools, tennis courts, shuffleboard courts, play fields, playgrounds, or tot lots.

325.09 Distance between Buildings on the Same Lot.

No point of any principal building shall be closer in horizontal distance to any other principal building than the height of the point above the natural grade.

325.10 Required Court Dimensions

- A. Inner Courts. The least dimensions of an inner court shall be not less than forty (40) feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passage way shall have a cross-section area and sufficient headroom to permit the passage of fire-fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.
- B. Outer Courts. The width of any outer court shall be not less than the average height of the walls forming said court. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1 1/2) times the width.

325.11 Walkways.

In order to provide a safe pedestrian facility separate from roadways and parking areas, walkways with a minimum width of four (4) feet shall be provided. These walkways shall extend parallel to any internal roadways or parking area on

the side closest to any adjacent principal buildings. Where two principal buildings flank a private road, driveway or parking area, one (1) walkway must be provided, except that two (2) walkways must be provided where the walkways are separated by a distance of sixty-six (66) feet or more.

325.12 Submittal of Plans.

The provisions of Section 310 shall apply.

325.13 Off Street Parking and Loading.

A. The provisions of Article 14 shall apply.

B. Buffered areas shall be located between the parking lot and adjacent properties and shall be a minimum of ten (10) feet in width.

325.14 Permitted Signs.

The provisions of Article 13 shall apply.

325.15 General Regulations.

The provisions of Article 3 shall apply.

325.16 Annual Review.

An annual review of the Permit shall not be required unless there is a proposed change to the use, land or any structure.

326 PORTABLE STORAGE CONTAINERS (12/06/07)

Portable Storage Containers are permitted for temporary use, subject to limitations.

326.01 General Limitations

A. Portable Storage Containers must be delivered and picked up by truck.

B. Portable Storage Containers are not permitted to encroach on road rights-of-way.

C. One Portable Storage Container to remain on a lot at any time, except that one container may replace another.

(12/06/07)

326.02 Size Limitations

In all districts, Portable Storage Containers must be:

- A. No more than one thousand, one-hundred (1,100) cubic feet in volume
- B. No wider than eight (8) feet, and no longer than sixteen (16) feet.

326.03 Time Limits

In all districts, one Portable Storage Container is permitted to remain on a lot for total elapsed time of two (2) months in a one-year period with a permit, except that a Portable Storage Container remaining on a premises in excess of a total elapsed time of months may be granted two (2) one (1) month extensions, at the discretion of the Zoning Inspector. (12/06/07)

327 DUMPSTERS (12/06/07)

327.01 General Limitations

- A. Dumpsters must be located a minimum of 5 feet off property lines and at a distance from the lot line so as not to interfere with the safety, convenience, or health of abutters or residents.
- B. Dumpsters, except temporary dumpsters on a construction site used for construction debris or demolition debris, must be enclosed or screened from view. Dumpsters other than temporary construction site dumpsters shall have a screening that is higher than the dumpster it is surrounding and shall be of such opacity that you cannot readily see the dumpster it surrounds.
- C. Dumpsters must be enclosed on all sides and covered with a lid when not in use, except that dumpsters for construction debris may be uncovered provided that their sides are in excess of four feet, six inches (4'-6") in height.
- D. Dumpsters must be maintained free of noxious odors and vermin, and must be placed at a distance from neighboring properties sufficient to preclude the spreading of any odors beyond the lot line.
- E. Dumpsters must be emptied or removed once every two (2) months, or once per week if receiving organic waste. (12/06/07)

(12/06/07)

PLACES OF WORSHIP (All Districts) (01/06/07, 01/03/08)

- A. Setbacks and Area Requirements. All buildings, structures, accessory buildings including parking areas or garages shall be located within the Buildable Lot Area in All Districts.
- B. Parking. Parking shall be provided as follows: One (1) space for each four (4) seats. Any parking lot(s) shall be located within the Buildable Lot Area.
- C. Lighting. Lights shall be shielded and directed away from adjacent properties.
- D. Access. A minimum of two (2) access points separated by seventy (70) feet center-to-center, where the lot area exceeds three acres and has more than one hundred and ten (110) feet of frontage, except that all points of entrance or exit shall be located no closer than two hundred (200) feet from a street intersection. The place of worship must be accessible to emergency vehicles without passing through parking aisles.
- E. Lot Area. The minimum lot area is that required within All Districts.
- F. Accessory Dwelling. One single family dwelling unit is permitted as an accessory use to the place of worship in All Districts, and must conform to the requirements for a principal structure in its district. (01/06/07, 01/03/08)

329**WIND TURBINE ENERGY SYSTEMS FOR GENERATING ELECTRICITY (ALL DISTRICTS) (04/16/09)****329.01****Purpose**

It is the purpose of this regulation to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity.

329.02**Definitions**

- A. Wind Turbine Energy System:** A wind energy conversion system consisting of a wind energy turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.
- B. Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

(01/06/07, 01/03/08, 04/16/09)

329.03

Permitted Use:

Small wind turbine energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

- A. Minimum Lot Size:** Minimum of 1 acre
- B. Tower Height:** Tower height shall not exceed State or Federal regulations.
- C. Set-Back:** Shall be erected behind the building line for the principle structure. No part of the wind turbine energy system structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. A minimum setback of the height of the tower plus the length of one blade from any neighboring inhabited residential structure is also required.
- D. Noise:** Wind turbine energy systems shall not exceed 60 dBA, as measured at the property boundaries of the installation site. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Commercially Produced Energy System:** Wind turbine energy system must have been approved under any wind certification program recognized by the American Wind with the Ohio Building Code and certified by a licensed professional engineer and shall also be submitted to the Zoning Inspector before a Zoning Permit issued.
- F. Zoning Permit Requirement:** Zoning permit applications for wind turbine energy systems shall be accompanied by standard drawings of the wind turbine structure and locations, including the tower, base, and footings.
- G. Compliance with FAA Regulations:** Wind turbine energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- H. Compliance With National Electric Code:** Zoning permit applications for wind turbine energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- I. Utility Notification:** No wind turbine energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- J. Electrical Wires:** All electrical wires associated with a wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- K. Lighting:** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- L. Appearance, Color & Finish:** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the zoning permit.
- M. Signs:** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind turbine energy system visible from any public road shall be prohibited.
- N. Shadow/Flicker:** Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- O. Removal:** Non-operational Wind Turbine Energy Systems must be dismantled or removed from property within one year of the cease in operation at property owner's expense.
(04/16/09)

(04/16/09)