422 INDOOR SELF SERVICE MINI STORAGE FACILITY [B]

a. Minimum lot area - Two (2) acres.

b. Building setback, side yard - Twenty five (25) feet.

c. Building setback, rear yard - Forty (40) feet.

d. Building setback, front yard - One hundred (100) feet from edge of road right-of-way.*

e. Lighting - All outside lighting shall be directed away from adjacent properties.

f. No outside storage including trucks, vehicles, autos, trailers, boats, mobile homes shall be permitted.

g. No storage of illegal, toxic or hazardous materials.

h. Signs shall meet the provisions of Article XVIII.

423 PLANNED SHOPPING CENTERS [B]

Business groupings including five or more of the uses listed in this section.

a. Department store
b. Variety store
c. Clothing and apparel store
d. Yard goods store
e. Furniture store
f. Household appliance store
g. Radio, television or music store
h. Electrical supply store
i. Paint, glass and wallpaper store
j. Jewelry store
k. Optical goods
l. Hobby shop
m. Toy shop
n. Camera and photography store
o. Bank
p. Any of the permitted uses in a B District
q. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
r. Preparation and processing of food and drink products to be retailed on the premises.
s. Service Station subject to Article IV, Section 420.

t. Church and other buildings for the purpose of religious worship subject to Article III, Section 309.01.

423.01 LOT REQUIREMENTS

a. Neighborhood Shopping Center (4 acres) - Sale of convenience goods and personal services (leading tenants-super market and drugstore - 5 to 20 stores).

b. Community Shopping Center (10 acres) - Same functions of the Neighborhood Center plus sale of shopping goods e.g. wearing apparel, appliances, etc. (leading tenants-variety store and small department stores - 15 to 40 stores).

c. Regional Shopping Center (30 acres) - Same functions of Community Center plus sale of general merchandise, apparel, furniture, etc. (leading tenants one or more large, major department stores - 40 to 80 stores).

423.02 YARD REQUIREMENTS

a. Minimum Front Yard Depth - one hundred (100) feet.

b. All other yard requirements as follows:
No structure, with the exception of permitted signs, fences, walls, water towers and light standards, shall be located closer to any property line of the shopping center than a distance equal to twice its height but no less than forty (40) feet.

423.03 DEVELOPMENT REQUIREMENTS

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

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

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

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

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

423.04 DESIGN REGULATIONS

a. Building heights. No building shall exceed two (2) stories or thirty-five feet in height.

b. Yards and screening. No building shall be less than forty (40) feet distant from any side and rear boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" district by a masonry wall or compact evergreen hedge at least six (6) feet in height. Such wall shall be placed on the lot line and the screening hedge shall be placed at least five (5) feet from the property line.

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

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

e. Signs. Each center shall be permitted two (2) free-standing signs not over thirty (30) feet in height with the bottom of the sign sufficiently high to provide adequate traffic visibility, having a maximum total area of 100 square feet and located not closer than ten (10) feet to any edge of road right-of-way and not closer than 100 feet to the adjoining lot line. A single identification pylon or similar structure of a height not in excess of thirty (30) feet and in harmony with the design of the buildings shall be controlled be written agreement between the owners and tenants of the center, to*

avoid excessive advertising and ensure a harmonious appearance to the center as a whole. In a shopping center, all signs shall only be indirectly illuminated, and all signs shall conform to the distance requirements from property lines for the buildings in the center. The provisions of Article XVIII shall also apply where applicable.

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

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

h. Parking Areas and Circulation. All motor vehicle parking areas and interior circulation for motor vehicles shall be designed in accordance with the following requirements and the provisions of Article XIX:

1. Notwithstanding the parking space requirements specified in Article XIX, Section 1919 - there shall be provided four (4) square feet of parking space for every square foot of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purposes of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.

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

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

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

5. All areas accessible to motor vehicles or pedestrians shall be illuminated.

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

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

423.05 SITE PLAN APPROVAL REQUIRED

To assure that the planned shopping center design and location will not be detrimental to any existing or proposed development in adjacent areas, and that the ingress and egress of vehicles to the shopping center will not intensify traffic congestion, a site plan indicating the site layout with regard to the locations and dimensions of the vehicular and pedestrian entrances, exits, driveways, walkways and vehicular circulation patterns to and from the site, store locations and dimensions, off-street parking spaces, landscaped yards and the location, type and lighting of signs shall be submitted to and approved by the Zoning Commission. Section 310 shall apply in this district.

423.06 MARKET ANALYSIS REQUIRED FOR ZONE CHANGE REQUESTS

A request to develop a shopping center should be evaluated from evidence gathered in a market analysis setting forth economic justifications and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to, such factors as the trade area of the community and travel time from

various parts thereof to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities, and other data and analyses which relate to the need for and feasible success and stability of the proposed center.

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

424 *SMALL MACHINE SHOPS [B]

a. LOT, YARD, BUILDING HEIGHT and PERCENT OF LOT COVERAGE REQUIREMENTS - Shall comply with Section 1104, 1105, 1106 and 1107 under Article XI.

b. FENCING - When such use abuts a lot in any residential district, a three foot solid wall, chain link fence or painted board fence shall be maintained from the edge of road right-of-way line to the building line. Whereupon a six foot solid wall, chain link fence or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of not more than three feet from the edge of road right-of-way line to the building line and a minimum of six feet along the remainder of the property lines.

c. MAXIMUM SQUARE FOOTAGE - Maximum square footage of a small machine shop building shall be 5,000 square feet.

d. WORK AREA - All work shall be performed inside the building.

e. ACCESS - No more than two driveway openings shall be permitted directly from any federal or state route nor more than one driveway opening from any county or township road, each of which shall not exceed thirty feet in width at its intersection with the edge of road right-of-way line. No part of any access way shall be nearer than 100 feet to the intersection of any two edge of road right-of-way lines, nor shall any such part be nearer than 20 feet to any side or rear property line.

f. OFF-STREET PARKING - One parking space for each employee shall be provided in addition to one parking space for each 1,000 square feet of floor space. Minimum number of parking spaces shall be 5.

g. OUTSIDE STORAGE - No overnight or weekend outside storage of materials, goods or products, machines or machine parts shall be permitted on the premises. Storage trailers, containers or PODs are prohibited.

h. SIGNS - The provisions of Article XVIII shall apply.

i. NUMBER OF EMPLOYEES - The maximum number of employees shall be limited to 12.

j. PERFORMANCE STANDARDS - No equipment or process shall be used in the operation of the machine shop which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. The provisions of Article XII, section 1212, paragraph f. shall apply.

ARTICLE V
ESTABLISHMENT OF DISTRICTS

501 PURPOSE

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

502 DISTRICTS

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

AR Agricultural Residential District
B Business District
LI Light Industrial District
FP Flood Plain District

503 ZONING MAPS

The boundaries of the districts are hereby established as shown on a map entitled, "The Official Zoning Map of Grafton Township" adopted on June 09, 2005 and certified by the Clerk, which map accompanies this Zoning Resolution and which map together with all notations, references and other information shown thereon is hereby made part of this Zoning Resolution

504 INTERPRETATION OF DISTRICT BOUNDARIES

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

a. Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be considered to be such boundaries.

b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be considered to be said boundaries.

c. Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or to the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

d. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

e. Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.

f. In unsubdivided property, the district boundary lines on the map accompanying and made part of the Zoning Resolution shall be determined by dimension notes of the map, or by the use of the scale appearing on the map.

ARTICLE VI
RESIDENTIAL DISTRICT REGULATIONS
AGRICULTURAL RESIDENTIAL [AR]

601 PURPOSE

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

a. Reserve and protect for agricultural use those land areas needed and best suited for agriculture.

b. Prevent the indiscriminate spread of urban uses into rural areas which are incompatible with agricultural pursuits and which contribute to their premature termination.

c. Retain land which could eventually be developed for urban uses currently in productive agricultural use.

d. Permit orderly, efficient and economical change of land to urban uses at a time when the community can feasibly provide the required urban services.

602 PERMITTED USES

Agriculture (Farms)
Single family dwellings
Duplexes and two family dwellings
Accessory buildings incidental to the principal use
Which do not include any activity conducted business.
Greenhouses as an accessory building to a homeowner
Water impoundment facilities
Churches
Public and Parochial Schools

603 CONDITIONALLY PERMITTED USES

Cemeteries (See Section 404)
Customary Home Occupations (See Section 409)
Day Care Centers (See Section 405)
Extraction of minerals and top soil (See section 406)
Funeral Homes (See Section 407)
Golf Courses (See Section 408)
Miniature Golf Courses (See Section 410)
Model Airplane Clubs (See Section 411)
Parks and Playgrounds (See Section 412)
Plant Nursery and Greenhouses (See Section 413)

Recreational Campgrounds (See Section 415)
Riding, Boarding and Show Stables (See Section 416)
Roadside Stands (See Section 417)
Veterinary Hospital or Kennels (See Section 421)

604 LOT REQUIREMENTS

a. Farm Minimum Area -- see definition.

b. Minimum Single Family, Duplex/Two Family, and Accessory Building Lots shall conform to the following:
Note - Duplex & Two Family requirements shown in brackets [ ].

1. A continuous and constant minimum 200 [300] foot width starting from the front lot line and extending a minimum of 350 feet. Frontage to be 200 [300] continuous feet on dedicated highways/roadways.

2. The width of a lot shall not be reduced to less than 200 [300] feet at any point from the front lot line to the 350 foot location from the front lot line.

3. The length of a lot shall not be reduced to less than 350 feet at any point from one side lot line to the opposite side lot line.

4. The length or width of any lot shall not be reduced from the minimums along and between the appropriate lot lines.

605 YARD REQUIREMENTS

a. Minimum Front Yard Depth - one hundred (100) feet for all federal or state highways; eighty (80) feet for all other roads measured from the edge of road right-of-way.*

b. Maximum front yard depth -- 1000 feet measured from the edge of road right-of-way.*

c. Minimum Rear Yard -- fifty (50) feet.

d. Minimum Side Yard Width -- fifteen (15) feet with total side yard not less than thirty (30) feet.

e. All accessory structures not attached to the principle structures shall be set back 20 feet further from the edge of road right of way than the principle building and not less than (15) fifteen from the side and/or rear lot lines. No vehicle, trailer (box, soft sided or mobile home) or shipping container may be used as an accessory building in any zoned district in Grafton Township.*

606 MAXIMUM BUILDING HEIGHT

No residential building or accessory buildings shall be erected or structurally altered to exceed thirty five (35) feet in height.

607 CONVERSION OF EXISTING SINGLE FAMILY UNITS

A single family home may be converted to a two family home provided that it meets the lot and area necessary for each family's off-street parking and yard requirements in addition to the sanitary regulations for two families.

608 REQUIRED MINIMUM LIVING AREA*

All measurements shall be taken from the outside perimeter of the building.

a. Single family dwelling - 1400 square feet.

b. Two family dwelling - 1400 square feet each unit.

609 DWELLING UNIT, ACCESSORY*

a. Allowed Accessory Dwelling Units – No more than one accessory dwelling unit shall be allowed per each single family dwelling.

b. Allowed facilities - Bedrooms, bathrooms, kitchen, laundry room, recreation room and any other features typically found in a residence.

c. Attachment – The accessory dwelling unit shall be connected to the main heated living area of the dwelling by a common wall.

d. Size – Maximum square footage shall be less than 1400 square feet with no minimum

e. Access from Residence to Accessory Dwelling Unit - Primary access to the accessory dwelling unit shall be provided by means of a minimum 36 inch door in the common wall between the primary dwelling and the accessory dwelling unit.

f. Appearance - There shall be no changes to the exterior of the single family residence which gives an appearance that the building is anything other than a single family dwelling.

g. Occupation Requirements - Family members, Caregivers and Property Owners.

h. Health District/Building Department - Approval is require as per Section 307.05, page 3.

i. Metered Utilities - Separate metered utilities are prohibited.

610 FARM ANIMAL BUILDINGS

The OHIO REVISED CODE 519.21 shall be applied in any area consisting of 15 contiguous lots of 1 thru 5 acres, the setbacks for structures housing farm animals and/or storage or use of manure or odor or dust producing substance shall be (80) feet from side lot lines and eighty (80) feet from rear lot line.

ARTICLE XI
BUSINESS DISTRICT REGULATIONS
BUSINESS DISTRICT [B]

1101 PURPOSE

The Business District is created to provide retailing and personal services. This district is so designed to permit business development for permitted uses which will be limited only by standards set forth to protect the abutting districts and to protect against the extension of strip zoning. The Business District shall be considered for use in limited areas adjacent to the major activity centers and in accessible locations along arterial streets on the major thoroughfare plan.

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

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

1102 PERMITTED USES

Antique store
Automobile accessory store
Automobile-Truck-Travel sales lot
Bakery (goods for sale on premises only)
Bank (branch office)
Bar, grill, cocktail lounge, state liquor store
Barber and beauty shops
Bicycle repair shop
Billboards and signs, subject to the provisions of Article 18
Boat and sporting goods store
Bookstore
Bowling alley, provided that building used for such purpose is at least 100 feet from any residential district
Cafe
Churches
Clinics, medical and dental
Clubs (swimming, YMCA, etc.)
Computer, computer related hardware & software, sales, service
Convenience food stores
Dairy products store (no bottling or drive-in types permitted)
Delicatessen
Discount stores (variety, drugs, etc.)
Doughnut shop
Drive-in banks
Drive-in ice cream store
Drive-in restaurants
Drugstore
Dry cleaning, custom and self-serve
Egg and poultry store (no killing of fowl on premises)
Exterminator service
Farm, fruit and produce stands
Farm implement sales
Food and grocery stores
Food lockers
Garden and nursery centers
Gift, novelty and souvenir stores
Hobby and toy stores
Jewelry stores
Laundry, custom and self-serve
Lawn mower, sales and service
Monument sales, provided cutting is done in an enclosed building

Motels, tourist cabins and courts
Motorcycle sales and service
Pet store, supplies
Photographic studio
Photostatting, printing, publishing
Restaurants
Supermarkets
Tailor shop, including pressing
Travel Trailer and pickup coach sales and services

1103 CONDITIONALLY PERMITTED USES

Automobile automatic wash stations (See Section 402)
Automobile repair, body and paint shops (See Section 403)
Funeral Home (See Section 407)
Indoor self service mini storage facility (See Section 422)
Service stations (See Section 420)
Veterinary hospital or kennels (See Section 421)
Planned Shopping Centers (See Section 423)
Small machine shops (See Section 424)*

1104 BUILDING HEIGHT

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

1105 REQUIRED LOT AREA

The lot area shall be not less than 350 feet deep and with at least 200 feet of frontage.

1106 YARDS REQUIRED

a. FRONT YARD - Setback 100 feet from the edge of road right-of-way. A 20-foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.*

b. REAR YARD - Minimum 40 feet.

c. MINIMUM SIDE YARDS -- 15 feet where there is no rear access to the property.

d. SIDE YARDS ABUTTING A RESIDENTIAL AREA - A 75 foot unobstructed buffer strip suitably landscaped.

e. ACCESS WAYS - The use of marginal roads is to be encouraged throughout the district. Each lot shall have not more than 2 access ways to any street or highway with a 45 foot separation between center lines. The width of the access way leading to or from a highway shall be not less than 20 feet nor shall it exceed 36 feet.

1107 PERCENTAGE OF LOT COVERAGE

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

1108 SUBMISSION OF PLANS

The provisions of Section 310 shall be in full force and effect in this District.

ARTICLE XII
LIGHT INDUSTRIAL DISTRICT REGULATIONS
LIGHT INDUSTRIAL [LI]

1201 PURPOSE

The purpose of the light Industrial District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged.

1202 PERMITTED USES

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

1202.01 PUBLIC UTILITIES

Public utilities whether owned and operated municipally or privately.

1202.02 HELIPORTS

1202.03 GENERAL SERVICES

General services, sales and storage establishments if conducted wholly within enclosed buildings to the following extent:

a. Cleaning establishments: commercial laundries, dyeing, dry cleaning plants, carpet cleaning, towel supply and auto wash, provided the entire waiting line is accommodated on the lot;

b. Food and drink preparation: bakeries, canning, freezing, refrigeration, roasting, ice manufacturing, bottling works and creameries;

c. Repair and sales establishments: automobile engines, body and paint; busses, trucks, machinery; electrical and household appliances;

d. Shops and offices of contractors: carpentry, electrical, masonry, plumbing, heating, ventilating, air conditioning, painting, ornamental iron, roofing and sheet metal, packing and crating and monument works;

e. Storage yards and sale of new lumber and other building materials, public utility materials and equipment;

f. Warehouses, other storage establishments and parcel delivery stations, providing loading and off-loading facilities are entirely within an enclosed building;

g. Veterinarians' offices, animal hospitals and kennels.

1202.04 RESEARCH AND DEVELOPMENT

a. laboratories: The experimental research and testing of all types of basic and applied research of product design and development within enclosed buildings, including, but not limited to, the construction and operation of small-scale experimental and pilot plant operations;

b. Production and product assembly operation: The production and/or assembly of products which have a high value in relation to bulk, such as:

1. Electrical and electronic equipment, motors;
2. Electrical appliances, lamps, fixtures and clocks;
3. Hardware, cutlery, kitchen utensils;
4. Musical and scientific instruments;
5. Medical, orthopedic and photographic instruments and equipment;
6. Sporting goods, athletic equipment, toys;
7. Clothing and other textile products;
8. Pharmaceutical products, compounding or cosmetics, drugs, toiletries;
9. Extrusion, molding and fabricating of plastic panels, sheets, tubes and rods;
10. Printing, publishing and engraving;
11. Computers, computer peripherals and networking hardware.

1202.05 ADULT USES/SEXUALLY ORIENTED BUSINESSES

a. Intent and Purpose

The Grafton Township Zoning Commission and the Township 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.

The members of the Grafton Township Zoning Commission and Township 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 on Minnesota.

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

These numerous studies conclude, based on documented evidence, that adult uses/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.

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".

The Grafton Township Zoning Commission and Township 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, prevent the spread of sexually transmitted diseases, preserve the quality

of life, preserve the property values and the character of surrounding neighborhoods and deter the spread of urban blight.

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

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

There is adequate land available in Grafton Township, zoned light industrial, within which adult uses/sexually oriented businesses may be located.

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

b. Definitions:

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

1. "Adult uses/sexually oriented businesses" means any of the following: Adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, adult motion picture theater, adult motel, nude model studio or sexual encounter center.

2. "Specified sexual activities" means any of the following:

(a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, sodomy or

(c) excretory functions as a part of or in connection with any of the activities set forth in (a) or (b) above.

3. "Specified anatomical areas" means:

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

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

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

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

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

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

8. "Employee" means a person who performs any service or work on the premises of any adult use/sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature or performing functions on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises or for the delivery or goods to the premises.

9. "Adult arcade" means any place to which the public is permitted or invited where either or both of the following are available:

(a) motion picture machines, projectors, video or laser disc players or other video or image producing devices run via coin, token, or any other form of consideration, to show images to five (5) or fewer persons per machine at any one time or

(b) live entertainment in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

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

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

11. A business establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if:

(a) such business establishment devotes more than 15 percent of its total floor area to such sales or rentals,

(b) such business establishment devotes more than 15 percent of its product display space to such sales or rentals or

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

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

(a) persons who appear in a state of nudity or semi-nudity;

(b) live entertainment characterized by the depiction or description of specified anatomical areas or

(c) live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators or similar entertainment.

13. "Adult motel" means a hotel, motel or similar commercial establishment that:

(a) offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way which advertises the availability of this sex-oriented type of photographic reproduction;

(b) offers a sleeping room for rent for a period of time that is less than ten (10) hours or

(c) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

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

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

"Nude model studio" does not include:

(a) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;

(b) a private college or university that offers educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or

(c) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class and where no more than one nude or semi-nude model is on the premises at any one time.

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

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

c. BUFFER REGULATIONS

Adult use/sexually oriented businesses as defined in this Zoning Resolution are permitted only in a Light Industrial District, provided further that no adult use/sexually oriented business as defined in this Zoning Resolution shall be operated or maintained within:

1. Three hundred (300) feet from any parcel of land which is zoned residential or from any other existing adult use/sexually oriented business.

2. One thousand (1000) feet from any parcel of land on which a church, public library, public or private educational facility that serves persons under 18 years of age, elementary school, public park or playground or state-licensed day care facility.

3. For the purpose of this section, the measure of distance shall be from the outer most wall of the structure or proposed structure of the new, Adult Use/Sexually

Oriented Business that is nearest to the existing Adult Use/Sexually Oriented Business, to the property line of the existing Adult Use/Sexually Oriented Business, along the shortest possible course, without regard to intervening structures or objects, regardless of any customary or common route or path of travel.

4. For the purpose of this section, the measure of distance shall be from the outer most wall of the structure or proposed structure of the Adult Use/Sexually Oriented Business that is nearest to the applicable sensitive use, to the property line of the applicable sensitive use, along the shortest possible course, without regard to intervening structures or objects, regardless of any customary or common route or path of travel.

1202.06 SIMILAR MAIN USES PERMITTED

Any other service, wholesale, storage or manufacturing use not listed or in any use classification of a subsequent district if considered and found to be similar by the Zoning Commission.

1202.07 ACCESSORY USE PERMITTED

a. Storage of materials and products within buildings and processes clearly accessory to the main use, provided that such a use has no injurious effect on adjoining Residential District;

b. Signs; industrial, project, real estate, identification and directional, as set forth in Article XVIII of this Zoning Code.

1203 CONDITIONAL PERMITTED USE

Salvage Yards (See Section 418)

1204 BUILDING HEIGHT

The maximum height of any building at each of the building lines shall be no more than fifty (50) feet.

1205 LOT REQUIREMENTS

1205.01 MINIMUM LOT AREA AND LOT WIDTH

Every lot in a Light Industrial District shall contain a minimum area of two (2) acres and a lot frontage and width of two hundred (200) feet.

1205.02 CORNER LOTS

The buildings setback on corner lots shall be one hundred (100) feet from both edge of road right-of-ways. The remaining yards shall conform to the provisions contained in this Resolution.*

1206 YARD REQUIREMENTS

a. Front yard - The minimum setback building line shall be one hundred (100) feet from the edge of road right-of-way, and shall be appropriately landscaped and maintained. Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.*

b. Side yards - There shall be two (2) side yards, each having a width of not less than twenty five (25) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district there shall be a side yard buffer strip of one hundred (100) feet on the side abutting the residential district. Such space abutting the residential district shall be appropriately landscaped and maintained. Such space shall remain open and unoccupied by any principal or accessory building or use.

c. Rear yards - There shall be a rear yard of not less than seventy five (75) feet. Rear yards used for parking shall be appropriately surfaced with a desirable dust free material and shall be grated and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting any residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately landscaped and maintained and shall remain open and unoccupied by any principal or accessory building.

1206.01 HELIPORT YARD REQUIREMENTS

In addition to the yards provided herein, any heliport or part thereof lying wholly within a Light Industrial District shall provide peripheral strips, no less than one hundred (100) feet wide, interior from all building lines and no structures above surface yard improvements or vegetation above a level of eight (8) inches above ground shall be permitted thereon. The interior lines of such peripheral strip shall constitute the building lines of such heliports. All approach strips, landing pads and other facilities shall meet minimum requirements

specified by the Federal Aviation Agency or other applicable agencies governing safe operation and procedure for aircraft.

1207 PERCENT OF LOT COVERAGE

No more than forty (40) percent of the lot area shall be covered by any main and accessory buildings.

1208 SUBMISSION OF PLANS

The provisions of Section 310 shall be in full force and effect in this district.

1209 LANDSCAPE REQUIREMENTS

a. Each and every business establishment must maintain the following: lawns mowed once a week during mowing season, generally from April through October, all shrub beds to be mulched and weed free, all areas such as graveled areas, drives, sidewalks and around trees to be weed free.

b. A landscape plan must be submitted to the Zoning Commission for approval for all areas as to size, quality and kind of trees and shrubs - deciduous and evergreen - before any development can begin.

1210 OUTDOOR PRODUCTION AND STORAGE

All business, production, servicing, processing and storage shall take place within completely enclosed buildings, except as may be shown on site plans approved by the Zoning Commission. Where approved by the Commission outdoor storage shall be permitted only as an accessory use and shall be incidental and subordinate to a principal use permitted in the Light Industrial District, subject to the following:

a. Outdoor storage shall be screened from view from all streets and from adjacent residential districts. Screening may include building walls, solid fences, mounds landscaping or any combination thereof which forms a year-round solid screen.

b. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be attractive to rodents or insects shall be stored outdoors only in closed containers designed for that purpose.

1211 PARKING AND LOADING (See Article XIX)

Parking and loading areas shall not occupy any part of a required front yard in a Light Industrial District. Except that parking and loading may be located in one of the front yards on a corner lot.

1212 PERFORMANCE STANDARDS

Any assembly, production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products within a Light Industrial District shall be conducted so as not to create odor, dust, noise, vibration, smoke, glare, radiation or electromagnetic interference in amounts greater than those permitted by appropriate Federal, State and County standards.

a. Noise. All uses in the Light Industrial District shall comply with the following noise standards:

Maximum Permissible Sound Levels Receiving Land Use. No person shall operate, cause to be operated or permit on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category when measured at or within the property boundary of the receiving land use.

Sound Level Limits (dBA) by Receiving Land Use

Receiving Land Use Category	Time	(dBA)
Light Industrial Zoning Districts	At all times	70
Residential Zoning Districts	6:30 a.m.-9:00 p.m.	60
Residential, Public, Open Space or Institutional	9:00 p.m.-6:30 a.m.	50

b. Glare. All exterior lighting and all lighting or glare resulting from industrial processes shall be installed and/or shielded in such a manner that the lighting source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential district.

c. Electromagnetic Interference. Electromagnetic interference with radio and television reception is prohibited.

d. Vibration. All uses shall cause no inherent and recurring generated vibration perceptible without instrumentation at any point along the boundary of the Light Industrial District.

e. Odor. The release of materials capable of becoming odorous either by bacterial decomposition or chemical reaction in amounts perceptible at the property line shall be prohibited. any process which may involve the creation or emission of any odors shall be provided with a secondary system so that control will be maintained if the primary system should fail.

f. Hazardous Materials. It is the intent of Grafton Township to limit the manufacture, processing, generation, storage or other use of hazardous materials in order to preserve the health and safety of persons both near the Light Industrial District as well as those who are employed within the Light Industrial District. Toward that end, all uses which employ hazardous materials are subject to the following:

1. Uses which employ hazardous materials classified in the H-1 or H-3 Use Group, as defined in Chapter 3 of the Ohio Basic Building Code (OBBC), shall be permitted, subject to the following:

(a) Buildings with gross floor areas of 50,000 square feet, or less, shall have no more than 10 percent of the gross floor area so classified by the OBBC and

(b) Buildings with gross floor areas of more than 50,000 square feet shall have no more than 5 percent of the gross floor area so classified by the OBBC.

2. Uses which employ chemicals which are health hazards as defined and classified in the H-4 Use Group by Chapter 3 of the OBBC shall be prohibited.

3. The above limitations or prohibitions on use of hazardous materials shall also apply to outdoor storage, subject also to the outdoor storage requirements in Section 1210.

1212 SIGNS

The provisions of Article XVIII shall apply.

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

b. Be constructed under said conditional use permits so as to have minimum first floor elevation of not less than three feet above the established flood plain.

c. Be designed so as not to require back filling in the flood plain areas with any material in any manner, unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment of the flood plain shall be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the flood plain would thereby result.

d. Be designed to accommodate utilities, roads, off-street parking, railroads, dams, rivers, structures and buildings for public or recreational uses, so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

Golf courses (See Section 408)
Parks and Playgrounds (See Section 412)
Plant nursery (See Section 413)
Recreational campgrounds (See Section 415)

1505 SUBMISSION OF PLANS

The provisions of Section 310 shall apply in this Zone.

1506 TOWNSHIP LIABILITY

Grafton Township shall not incur any liability whatsoever by permitting any use or building within a flood plain within the Township. A notification will be put on all deeds, by the property owners, that are in a flood plain.

ARTICLE XVIII
SIGNS

1801 PURPOSE

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

1802 GENERAL

a. Public notices and Christmas display lighting shall be exempted from the requirements of the resolution.

b. Area measurements for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters, designs or symbols.

c. Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.

d. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any specific "R" District shall not exceed six (6) square feet. Signs for conditional uses in any business, or light industrial district shall be as specified or conform to the requirement for the most similar use in the district in which it is located subject to approval of the Board of Appeals.

e. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System, if such laws are more restrictive than the provisions of this resolution, they shall apply. The total area of all free-standing signs, pole signs, or signs projecting beyond building walls shall not exceed three hundred fifty (350) square feet for any individual business establishment or use in any district.

1803 RESIDENTIAL DISTRICTS

a. One sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed sixteen (16) square feet.

b. Real estate signs advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted provided such sign shall not exceed four (4) square feet.

c. Signs for home occupations, professional activities and nonconforming uses, where existing or permitted, shall not exceed six (6) square feet in area in any "R" District.

d. Bulletin boards and signs for a church, school, community or other public or semipublic institution and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed twenty (20) square feet per face.

e. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed sixteen (16) square feet.

f. No building wall shall be used for display of advertising except pertaining to the use carried on within such building.

g. Temporary signs shall be permitted not closer than the highway edge right-of-way line provided no part of the sign is more than 3 feet above ground level. No more than one sign per parcel at a time. Maximum sign area is four (4) square feet. Maximum time is 10 days in a 30 day period.*

1804 BUSINESS DISTRICTS

a. In a business district, each business shall be permitted fascia or wall signs. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted within certain districts.

b. The erection of outdoor advertising signs shall be permitted in all business districts provided such signs advertise a bona fide business or service conducted on the premises and the size of the sign shall be limited as provided herein.

c. Free-standing signs serving an individual business or a group of business establishments shall be permitted if they have no more than a total sign area of one hundred (100) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any edge of road right-of-way or adjoining lot line.*

d. Pole signs of symbolic design shall be permitted for automobile service stations and other similar business establishments provided:

1. No part of such sign shall project into the right-of-way of any street or highway. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way.

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

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

1805 LIGHT INDUSTRIAL DISTRICTS

The area for all fascia or wall signs located on the premises with any industrial use shall be limited to an area not to exceed one and one-half (1 1/2) square feet per lineal foot of building width but not to exceed 200 square feet.

1806 SETBACK REQUIREMENTS

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

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

1807 YARD PROVISIONS

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

1808 FLOOD PLAIN ZONE

One sign which shall be at least three (3)feet above ground level to allow for the passage of flood waters may be permitted and shall be set back at least twenty (20) feet from the edge of road right-of-way.*

1809 ALLOWED SIGNS

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

a. Number of signs - Each building may have one building sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use. In addition, there may be an occupancy sign and one pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.

b. Location of signs - No sign shall overhang the public way to within 3 feet of the curb line. No sign, except on a marquee or canopy providing shelter, shall overhang more than 1/3 of the side walk width.

c. No sign shall extend more than 15 feet above record grade or more than 4 feet above the lowest point of the roof of the single story building with which it is associated, whichever is less restrictive, nor above the third floor of a multi-story building, except that motels, hotels, and other transient lodgings may display such signs up to 40 feet above record grade.

d. The top of pedestrian signs shall be no higher than 10 feet above the sidewalk.

e. For other than first floor occupants, occupancy signs shall be located between the second and third floors.

f. Permanent signs on the surface of or inside display windows shall cover no more than 10% of the display window area.

g. Portable signs shall be allowed without permit for a period not to exceed 10 days in any 30 day period provided such signs meet all other requirements of this Resolution.

1810 LETTERING SIZE

a. Building signs shall not employ letters exceeding 8 inches in height in Residential Districts as defined in this Resolution or 18 inches in height elsewhere.

b. Occupancy signs shall not employ letters exceeding 6 inches in height.

c. Pedestrian signs shall not employ letters exceeding 3 inches in height.

1811 ILLUMINATION

a. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.

b. Illuminated signs, including neon signs, shall not produce more than one foot candle of illumination 4 feet from the sign.

c. All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians, or neighboring premises. The marginal increase in light, as measured at any property line other than an edge of road right-of-way shall not exceed one foot candle.*

1812 TEMPORARY SIGNS

The following signs are allowed for a period of up to one year without a permit:

a. Construction signs - one unlighted sign of up to 20 square feet identifying parties involved in construction on the premises where the sign is located; one illuminated sign up to 40 square feet identifying the owner's name and the activity for which the building is intended and describing the construction process, but not including the advertisement of any product. These signs must be removed within 14 days after the completion of the intended activity.

b. Real Estate signs other than in a residential district - one unlighted sign of up to 20 square feet pertaining to the sale, rental, or lease of the premises on which the sign is displayed, to be removed within 14 days after sale, rental or lease.

c. Event signs - unlighted signs of up to 32 square feet displayed on private property and limited to one per each premise announcing a campaign, drive or religious organization, to be removed within 14 days after the event.

d. Temporary displays or signs advocating the election of a candidate or candidates or the passage or disapproval of an issue shall not be governed by the provisions of this Article provided the same are removed within ten days after the completion of the election involved. Failure to remove such signs as required herein shall be deemed a violation of this Resolution.

e. Display window signs - signs on the surface of or inside display windows lighted only by building illumination and covering no more than 20% of the display window area.

1813 PROHIBITED DEVICES

a. No sign or light shall move, flash, or make noise.

b. Colored lights and illuminated signs employing colors in use in traffic signal lights are prohibited within view of any signalized intersection.

c. Any imitation of official traffic signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning" are prohibited.

d. Florescent colors in the yellow to red spectrum are prohibited.

1814 ADMINISTRATION

a. No sign, except those specifically exempted by this Resolution shall be erected without a permit issued by the Township Zoning Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information as the zoning inspector may require. All signs shall display a tag supplied by the Zoning Inspector as evidence of the permit.

ARTICLE XIX
OFF-STREET PARKING AND LOADING FACILITIES

1901 GENERAL REQUIREMENTS

a. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with provisions of this Resolution.

b. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.

c. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided when ever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) per cent seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

1902 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1919 of this Resolution.

1903 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall be minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet.

One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1904 PAVING

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

1905 DRAINAGE

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

1906 MAINTENANCE

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

1907 LIGHTING

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

1908 LOCATION OF PARKING SPACES

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

a. Parking spaces for all detached residential uses shall be located on the same lot as the use for which they are intended to serve.

b. Parking spaces for business, light industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principle use.

c. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

1909 SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

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

1910 REQUIRED TRASH AREAS

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

1911 DISABLED VEHICLES

The parking of a vehicle (ie. car, truck, semi-trailer, truck box, bus, recreational vehicle, boat, or boat trailer) that is disabled, apparently inoperable, junk and/or abandoned within any and all zoned districts for a period of more than two weeks shall be prohibited, unless such vehicle is concealed by means of buildings, fences, vegetation, terrain, or other suitable obstruction as viewed from all sides at ground level.*

1912 MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any edge of road right-of-way.*

1913 JOINT USE

Two or more nonresidential uses may jointly provide and use parking space when their hours of operation do not normally overlap.

1914 WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

1915 WIDTH OF DRIVEWAYS

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

1916 ACCESS

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

a. ONE WAY TRAFFIC - For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.

b. TWO WAY TRAFFIC - Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.

1917 STRIPING

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

1918 PARKING SPACE REQUIREMENTS

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

TYPE OF USE	PARKING SPACES REQUIRED
1918.01 RESIDENTIAL	
Single family or two family dwelling	Two for each unit.
Apartment hotels, apartments	Two for each unit.
Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms	Two for each sleeping room or two for each permanent occupant.
1918.02 BUSINESS	
Automobile service Stations	One for each two gasoline pumps and two for each service bay plus one for each restroom.

Hotel, motels	One per each sleeping room plus one space for each two employees.
Funeral parlors, mortuaries and similar type uses	One for each 100 sq. ft. of floor area in parlors or service rooms.
Retail stores	One for each 250 sq. ft. of floor area.
Banks, financial institutions and similar uses	One for each 200 sq. ft. of floor area.
Offices, public or professional administration or service buildings	One for each 400 sq. ft. of floor area.
All other types of business uses permitted in any business	One for each 300 sq. ft. of floor area.

1918.03 RECREATIONAL OR ENTERTAINMENT

Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 sq. ft. of floor area.
Bowling alleys	Four for each alley or lane plus one additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use.
Dance floors, skating	One for each 100 sq. ft of floor area used for the activity.
Outdoor swimming pools, public or community club	One for each 5 persons plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater.

Auditoriums, sport arenas, theaters and similar uses	One for each 4 seats.

1918.04 INSTITUTIONAL

Churches and other places of religious assembly	One for each 4 seats.
Hospitals	One for each bed.
Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar uses	One for each two beds.
Medical and dental clinics	One for every 200 sq. ft. of floor area of examination, treating room, office and waiting room.
Libraries, museums, and art galleries	One for each 400 sq. ft. of floor area.

1918.05 SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)

Elementary and junior high schools	Two for each classroom and one for every eight seats in auditoriums or assembly halls.
High Schools	One for every ten students and one for each teacher and employee.
Business, technical and trade schools	One for each two students.
Colleges and universities	One for each four students.
Kindergartens, child care center, nursery schools and similar uses	Two for each classroom but not less than six for the building.

1918.06 LIGHT INDUSTRIAL

All types of manufacturing, storage and wholesale uses permitted in any light industrial district	One for every 2 employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.
Cartage, express, parcel delivery and freight terminals	One for every 2 employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

1919 GENERAL INTERPRETATIONS

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

a. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Trustees.

b. Fractional numbers shall be increased to the next whole number.

1920 PLOT PLAN REVIEW

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

ARTICLE XX
ADMINISTRATION - ENFORCEMENT

2001 ZONING PERMITS

2001.01 ZONING PERMITS REQUIRED

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

2001.02 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within one-and one-half (1½) years. At a minimum, the application shall contain the following information:

a. Name, address, and phone number of applicant.

b. Legal description of property.

c. Existing use.

d. Proposed use.

e. Zoning District.

f. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations.

g. Building heights.

h. Number of off-street parking spaces or loading berths.

i. Number of dwelling units.

j. Sanitary permits as per section 307.05.

k. Copy of building blueprints.

l. Fee.

m. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

2001.03 APPROVAL OF ZONING PERMIT

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

2001.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

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

twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

2001.05 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and a written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

2003 FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Article XXII.

2004 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, or arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Article XXII of this Resolution.

2005 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

2006 SCHEDULE OF FEES, CHARGES AND EXPENSES

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

2007 ZONING AMENDMENTS

2007.01 GENERAL

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

2007.02 INITIATION OF ZONING AMENDMENTS

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

a. By adoption of a motion by the Zoning Commission.

b. By adoption of a resolution by the Township Trustees.

c. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

2007.03 CONTENTS OF APPLICATION

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

a. Name, address, and phone number of applicant.

b. Proposed amendment to the text or legal description.

c. Present use.

d. Present zoning district.

e. Proposed use.

f. Proposed zoning district.

g. A vicinity map at a scale approved by the Zoning Inspector describing property lines, streets, existing and proposed zoning and such other items as the Zoning Inspector may require.

h. A list of all property owners within, contiguous to, and directly across the street from the parcel (s) proposed to be rezoned and others who may have a substantial interest in the case.

i. A fee as established by the Township Trustees.

2007.04 TRANSMITTAL TO THE ZONING COMMISSION

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

2007.05 SUBMISSION TO STATE HIGHWAY DIRECTOR

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

2007.06 PUBLIC HEARING BY THE ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal of a resolution from the Township trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) days, not more than forty (40) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.

2007.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

2007.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission secretary, by first class mail, at least ten (10) days before the date of the hearing, to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted. Such notice shall be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and on such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

2007.09 SUBMISSION TO COUNTY PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the County Planning Commission. The County Planning Commission

shall recommend that 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.

2007.10 RECOMMENDATIONS BY THE ZONING COMMISSION

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

2007.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES

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

2007.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

2007.13 ACTION BY THE TOWNSHIP TRUSTEES

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

2007.14 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Township Clerk a petition,

signed by a number of qualified voters residing in the Township equal to not less than ten percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the zoning resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE XXI
ZONING BOARD OF APPEALS

2101 PURPOSE

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

2102 ORGANIZATION AND PROCEDURE

2102.01 APPOINTMENT

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

2102.02 ORGANIZATION AND RULES

a. The Board shall organize annually and elect a chairman and vice chairman from its membership and a secretary who may or may not be a member of the Board. The Board shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.

b. The chairman shall preside at all meetings of the Board. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The chairman may appoint committees deemed necessary to carry out the business of the Board. The chairman may administer oaths and compel the attendance of witnesses. The chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

c. The vice chairman shall serve in the absence of the chairman. He shall have all the powers of the chairman during his absence, disability or disqualification.

d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board.

2102.03 MEETINGS

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public. Any persons presenting witness shall be under oath.

2102.04 VOTING

a. All actions of the Board shall be taken by resolution, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector.

b. No member of the Board shall vote on any matter in which he is personally or financially interested.

2102.05 MINUTES AND RECORDS

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

2102.06 WITNESSES AND OATHS

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

2102.07 DEPARTMENT ASSISTANCE

The Board may call on any applicable County or State agency for assistance in the performance of its duties and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Commission may make an analysis and present a report on any

matter before the Board. Such report shall be considered by the Board at the time of hearing on the matter.

2103 GOVERNING GUIDELINES

a. The Board shall be governed by the provisions of all applicable state statutes, local laws, regulations and rules set forth herein.

b. The Board shall become familiar with all enacted resolutions and laws of Grafton Township under which it may be expected to act as well as with applicable state enabling legislation.

c. The Board shall become familiar with the community goals, desires and policies. Through the performance of its duties, the Board may not act as a legislative body; or through interpretation, the granting of variances or the settling of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

2104 JURISDICTION AND POWERS

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

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.

b. To hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this Resolution.

c. To hear and decide upon application for variances under the terms provided in this Resolution.

d. To interpret the provisions of the Zoning Resolution or Map where there is doubt as to meaning or application. The Board shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.

e. To exercise such other powers as may be granted to the Board by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

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

2105 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

2105.01 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

2105.02 FEES - See Section 2006.

2105.03 STAY OF PROCEEDINGS

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

2105.04 VARIANCES

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 where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

2105.05 APPLICATION AND STANDARDS FOR APPEALS AND VARIANCES*

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

a. Name, address, and phone number of applicants.

b. Legal description of property.

c. Description of nature of variance requested.

d. Names and addresses of all property owners who are adjacent to and across the street from the property that the variance is being applied for.

e. A narrative statement demonstrating that the requested variance conforms to the following standards:

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

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

h. The special conditions and circumstances do not result from the action of the applicant.

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

*129 revised 2009

2105.06 **Conditions For Granting Variances**

a. Use Variances - "unnecessary hardship" standard - a variance of use of land, building or other structure. A variance from the provisions or requirements of this Resolution shall not be authorized by the Zoning board of Appeals unless it finds that all the following facts and conditions exist:

1. That unnecessary hardships would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.

2. That there are unique physical circumstances or condition, applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.

3. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

4. That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.

5. That the granting of such variance will not be contrary to the public interest (health, safety) of the intent and purpose of this Resolution and other adopted plans.

6. That said variance will not permit the establishment within a district, of any use other than those permitted by right within that district or any use for which a conditional permit is required.

7. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.

8. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.

9. That in no instance shall a variance be considered for the following reasons:

(a) Presence of nonconformities in the zoning district;

(b) Previous variances granted in the zoning district;

(c) Uses in adjoining districts;

(d) The applicant's belief that the intended use would be permitted upon his purchase of the land;

(e) The character standing of the applicant or

(f) Hardship being demonstrated beyond the context of zoning; e.g. economics.

b. **Area Variance** - "practical difficulties" test - a variance of area, size, and setback requirements, etc. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property <u>include, but are not limited to:</u>

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

2. Whether the variance is substantial.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

5. Whether the property owner purchased the property with the knowledge of the zoning restriction.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

2105.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS

The Board shall have no powers to authorize, as a variance, the establishment of a nonconforming building or use, extensions of or changes in nonconforming uses where none previously existed. The substitution of a nonconforming use existing at the time of enactment of this Zoning Resolution for another nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Board shall adhere to all regulations contained in Section 308 of this Resolution in enacting additional conditions upon all nonconforming variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XXII of this Resolution.

2105.08 CONDITIONS IMPOSED BY THE BOARD

The Board shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a

violation of this Resolution and punishable under Article XXII of this Resolution.

2105.09 LAPSES OF VARIANCES

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

2105.10 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

2105.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

2105.12 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

2106 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES

2106.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT*

An application for conditional use permit shall be obtained from the Zoning Inspector and sent to the Board of Zoning Appeals by at least one owner or lessee of

property for which such conditional use is proposed. At a minimum, the application shall contain the following information:*

a. Name, address and phone number of applicant.

b. Legal description of property.

c. Description of existing use.

d. Names and addresses of all property owners who are adjacent to and across the street from the property that the variance is being applied for.

e. Present zoning district.

f. Description of proposed conditional use.

g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirement of this resolution.

h. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan.

i. Such other information as may be required.

2106.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

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

a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plan.

b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

c. Will not be hazardous or disturbing to existing or future neighboring uses.

d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

2106.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

*2106.04 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

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

*2106.05 NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

*2106.06 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, written notice of such hearing shall be mailed by the Secretary of the Board, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.*

*2106.07 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

2107 DECISIONS OF THE BOARD

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

All findings and decisions shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should show that:

a. It has considered and evaluated all available information and evidence.

b. It has heard all parties in question.

c. Any personal knowledge the Board may have of the subject under question has been taken into account.

d. The Board has received a report on the case based upon an inspection of the parcel in question.

2108 DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by Section 2109 of this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the Board. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments or the repeal of all or part of this Resolution, as provided by law and of establishing a schedule of fees and charges. If, in the course of carrying cases brought before it, the Board finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

2109 APPEAL TO COURTS

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

ARTICLE XXII
PENALTY FOR VIOLATION

2201 PENALTIES FOR VIOLATION

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

2202 CIVIL ACTION

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

2203 REMEDIES CUMULATIVE

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

ARTICLE XXIII
MISCELLANEOUS PROVISIONS

2301 INTERPRETATION

This Resolution is not intended to repeal, abrogate or impair any existing resolutions, easements, covenants or deed restrictions. However, where this Resolution and another resolution, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2302 VALIDITY

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

2303 EFFECTIVE DATE

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

2304 REPEAL

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