

PERRY TOWNSHIP

ZONING RESOLUTION

Effective October 1, 2009

Revision 2-10-2011
Revision 12-22-2011

PERRY TOWNSHIP ZONING RESOLUTION

TABLE OF CONTENTS

SECTION 100	GENERAL PROVISIONS
SECTION 100.01	RESOLUTION AND TITLE
SECTION 100.02	PURPOSE
SECTION 100.03	EFFECTIVE DATE
SECTION 100.04	INTERPRETATION
SECTION 100.05	REPEALER
SECTION 100.06	VALIDITY AND SEPARABILITY
SECTION 100.07	INTERPRETATION AND DISTRICT BOUNDARIES
SECTION 100.08	RULES OF CONSTRUCTION
SECTION 100.09	ENFORCEMENT
SECTION 100.10	VIOLATIONS
SECTION 100.11	PENALTIES
SECTION 200	ADMINISTRATION AND ENFORCEMENT
SECTION 201	ZONING INSPECTOR
SECTION 201.01	APPOINTMENT
SECTION 201.02	POWERS AND DUTIES
SECTION 202	ZONING PERMITS
SECTION 202.01	PERMIT REQUIRED
SECTION 202.02	APPLICATION
SECTION 202.03	REVIEW AND APPROVAL
SECTION 202.04	ISSUANCE AND COMPLIANCE
SECTION 202.05	EXPIRATION OF PERMITS
SECTION 202.06	DISPLAY OF PERMIT
SECTION 202.07	REVOCATION OF PERMITS
SECTION 203	OCCUPANCY CERTIFICATES
SECTION 203.01	CERTIFICATE REQUIRED
SECTION 203.02	APPLICATION
SECTION 203.03	COMPLIANCE
SECTION 203.04	VIOLATION
SECTION 203.05	TEMPORARY CERTIFICATE
SECTION 203.06	FEEES
SECTION 204	SITE PLANS
SECTION 204.01	PURPOSE AND INTENT
SECTION 204.02	SITE PLANS REQUIRED
SECTION 204.03	PREPARATION
SECTION 204.04	MINOR SITE PLANS

SECTION 204.05 MAJOR SITE PLANS
SECTION 204.06 DESIGN STANDARDS
SECTION 204.07 CONFORMANCE WITH APPROVED SITE PLAN
SECTION 204.08 REVIEW AND FEES

SECTION 205 ZONING COMMISSION
SECTION 205.01 ZONING COMMISSION ESTABLISHED
SECTION 205.02 ALTERNATES
SECTION 205.03 VACANCIES
SECTION 205.04 PROCEEDINGS
SECTION 205.05 POWERS AND DUTIES

SECTION 206 BOARD OF ZONING APPEALS
SECTION 206.01 BOARD OF ZONING APPEALS ESTABLISHED
SECTION 206.02 ALTERNATES
SECTION 206.03 VACANCIES
SECTION 206.04 PROCEEDINGS
SECTION 206.05 POWERS AND DUTIES
SECTION 206.06 APPEALS
SECTION 206.07 NOTICE
SECTION 206.08 AREA VARIANCES
SECTION 206.09 USE VARIANCES
SECTION 206.10 ISSUANCE
SECTION 206.11 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

SECTION 207 COMPENSATION

SECTION 208 AMENDMENTS

SECTION 300 DISTRICTS
SECTION 300.01 ESTABLISHMENT OF DISTRICTS
SECTION 300.02 OFFICIAL ZONING MAP

SECTION 301 RESIDENTIAL DISTRICTS
SECTION 301.01 PURPOSE OF DISTRICTS
SECTION 301.02 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES
SECTION 301.03 AREA, SETBACK, AND HEIGHT REGULATIONS
SECTION 301.04 SPECIAL PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS

SECTION 302 COMMERCIAL AND INDUSTRIAL DISTRICTS
SECTION 302.01 PURPOSE OF DISTRICTS
SECTION 302.02 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES
SECTION 302.03 AREA, SETBACK, AND HEIGHT REGULATIONS

SECTION 302.04	SPECIAL PROVISIONS APPLICABLE TO COMMERCIAL AND INDUSTRIAL DISTRICTS
SECTION 302.05	ENVIRONMENTAL PERFORMANCE STANDARDS
SECTION 302.06	HEALTH CARE FACILITIES
SECTION 302.07	ADULT USES
SECTION 303	CONTINUING CARE OVERLAY DISTRICT
SECTION 303.01	PURPOSE AND INTENT
SECTION 303.02	ESTABLISHMENT OF CONTINUING CARE OVERLAY DISTRICTS
SECTION 303.03	PERMITTED USES
SECTION 303.04	DEFINITIONS
SECTION 303.05	DEVELOPMENT STANDARDS
SECTION 303.06	APPLICATION REQUIREMENTS AND PROCEDURES
SECTION 304	PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS
SECTION 304.01	PURPOSE AND INTENT
SECTION 304.02	PLANNED UNIT DEVELOPMENT DISTRICTS AUTHORIZED
SECTION 304.03	ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT DISTRICTS
SECTION 304.04	PERMITTED USES
SECTION 304.05	DEVELOPMENT STANDARDS APPLICABLE TO ALL PUD DISTRICTS
SECTION 304.06	DEVELOPMENT STANDARDS APPLICABLE TO SFPUD DISTRICTS
SECTION 304.07	DEVELOPMENT STANDARDS APPLICABLE TO MDPUD DISTRICTS
SECTION 304.08	APPLICATION REQUIREMENTS AND PROCEDURES
SECTION 304.09	DEVELOPMENT PLAN REQUIREMENTS AND PROCEDURES
SECTION 304.10	PROFESSIONAL ASSISTANCE
SECTION 304.11	CONSTRUCTION INSPECTION
SECTION 304.12	FEES AND DEPOSITS
SECTION 305	LAKEFRONT PLANNED MIXED-USE DISTRICT
SECTION 305.01	PURPOSE AND INTENT
SECTION 305.02	CRITERIA FOR ESTABLISHMENT
SECTION 305.03	PERMITTED USES
SECTION 305.04	DENSITY AND MIXTURE OF DWELLING UNITS
SECTION 305.05	OFFICE AND COMMERCIAL AREAS
SECTION 305.06	MINIMUM LIVABLE FLOOR AREA
SECTION 305.07	MINIMUM LOT AREA
SECTION 305.08	OPEN SPACE
SECTION 305.09	UTILITIES
SECTION 305.10	ACCESS AND STREET REQUIREMENTS

SECTION 305.11	SETBACKS AND SEPARATIONS
SECTION 305.12	STORM WATER MANAGEMENT
SECTION 305.13	FIRE PROTECTION
SECTION 305.14	MAXIMUM HEIGHT
SECTION 305.15	RESIDENTIAL ARCHITECTURAL TREATMENTS
SECTION 305.16	APPLICATION REQUIREMENTS AND PROCEDURES

SECTION 400 SUPPLEMENTAL REGULATIONS

SECTION 401 FENCES

SECTION 401.01	GENERAL STANDARDS
SECTION 401.02	FENCES IN RESIDENTIAL DISTRICTS
SECTION 401.03	FENCES IN COMMERCIAL AND INDUSTRIAL DISTRICTS
SECTION 401.04	SNOW FENCES

SECTION 402 CONSTRUCTION TRAILERS

SECTION 402.01	CONSTRUCTION TRAILERS IN COMMERCIAL AND INDUSTRIAL DISTRICTS
SECTION 402.02	CONSTRUCTION TRAILERS IN RESIDENTIAL DISTRICTS

SECTION 403 SWIMMING POOLS

SECTION 403.01	LOCATION
SECTION 403.02	FENCING REQUIRED

SECTION 404 SATELLITE DISHES

SECTION 405 RIPARIAN SETBACKS

SECTION 405.01	PURPOSE
SECTION 405.02	GENERAL REQUIREMENTS
SECTION 405.03	ESTABLISHMENT OF RIPARIAN SETBACKS
SECTION 405.04	PERMITTED USES WITHIN RIPARIAN SETBACKS WITH ZONING CERTIFICATE
SECTION 405.05	PROHIBITED USES WITHIN RIPARIAN SETBACKS

SECTION 406 WIRELESS TELECOMMUNICATION FACILITIES AND/OR TOWERS

SECTION 406.01	PERMIT REQUIRED
SECTION 406.02	EXCEPTIONS
SECTION 406.03	APPLICATION REQUIREMENTS

SECTION 407 WATER QUALITY AND EROSION AND SEDIMENTATION CONTROL

SECTION 407.01	EROSION AND SEDIMENTATION CONTROL
----------------	-----------------------------------

SECTION 407.02 WATER QUALITY STANDARDS FOR LARGE
ACTIVITIES

SECTION 407.03 WATER QUALITY STANDARDS FOR SMALL
ACTIVITIES

SECTION 408 PARKING

SECTION 408.01 PARKING SPACES REQUIRED

SECTION 408.02 PARKING SPACE DIMENSIONS

SECTION 408.03 DESIGN OF PARKING LOTS

SECTION 408.04 PARKING IN RESIDENTIAL DISTRICTS

SECTION 409 SIGNS

SECTION 409.01 PURPOSE AND INTENT

SECTION 409.02 COMPLIANCE REQUIRED

SECTION 409.03 ZONING PERMIT REQUIRED

SECTION 409.04 ZONING PERMIT EXCEPTIONS

SECTION 409.05 GENERAL REQUIREMENTS

SECTION 409.06 NONCONFORMING SIGNS

SECTION 409.07 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

SECTION 409.08 SIGNS PERMITTED IN COMMERCIAL DISTRICTS

SECTION 409.09 SIGNS PERMITTED IN INDUSTRIAL DISTRICTS

SECTION 410 PROHIBITED USES

SECTION 410.01 USES DECLARED NUISANCES

SECTION 410.02 JUNK AND RUBBISH

SECTION 410.03 INOPERABLE VEHICLES

SECTION 410.04 VEHICLE TRACKS

SECTION 500 CONDITIONALLY PERMITTED USES

SECTION 500.01 PURPOSE

SECTION 500.02 APPLICATION

SECTION 500.03 NOTICE AND HEARING

SECTION 500.04 BASIS OF DETERMINATION

SECTION 500.05 TERMINATION

SECTION 500.06 VIOLATIONS AND REVOCATION

SECTION 500.07 REAPPLICATION

SECTION 500.08 GENERAL STANDARDS FOR ALL CONDITIONALLY
PERMITTED USES

SECTION 500.09 SPECIFIC STANDARDS FOR CONDITIONALLY
PERMITTED USES

**SECTION 600 NONCONFORMING USES, STRUCTURES, AND
LOTS**

SECTION 600.01 PURPOSE

SECTION 600.02 NONCONFORMING USES

SECTION 600.03
SECITON 600.04

NONCONFORMING STRUCTURES
NONCONFORMING LOTS

SECTION 700

DEFINITIONS

SECTION 100 GENERAL PROVISIONS

SECTION 100.01 RESOLUTION AND TITLE

A resolution providing for the zoning of the unincorporated area of Perry Township by regulating the location and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for such purposes dividing the unincorporated area of the township into zones or districts of such number, size and shapes as are deemed best suited to carry out said purposes, and prescribing penalties and proceedings for the administration and enforcement of this resolution. This resolution shall be known as the Perry Township Zoning Resolution.

SECTION 100.02 PURPOSE

For the purpose of promoting public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this Township finds it necessary and advisable to regulate the location and use of buildings and other structures, including trailer coaches, tents, and cabins, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts and other open spaces, and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the Township into districts or zones.

SECTION 100.03 EFFECTIVE DATE

This Zoning Resolution shall become effective from and after the date of its approval and adoption as provided by law.

SECTION 100.04 INTERPRETATION

In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort and general welfare. Whenever the requirements of this Zoning Resolution are at variance with the requirements of any lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern

SECTION 100.05 REPEALER

All existing Zoning Resolutions of Perry Township, Lake County, Ohio inconsistent herewith are hereby repealed.

SECTION 100.06 VALIDITY AND SEPARABILITY

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.

SECTION 100.07 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

- A. Where Boundaries Approximately Follow Lot Lines. Where a district boundary line is shown to approximately follow a lot line, such lot line shall be construed to be the boundary line.
- B. Where Boundaries Approximately Parallel Street and Highway Right-of-Way Lines. Where a district boundary line is shown as approximately parallel to the centerline or right-of-way line of a street or highway, the district boundary line shall be construed as being parallel thereto and at a distance there from as indicated on the Official Zoning Map.
- C. Natural Boundary. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the high water line.
- D. Railroad Lines. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.
- E. Vacation of Public Ways. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such location, and all areas within that location shall thenceforth be subject to all regulations appropriate to the respective extended district.
- F. If no measurement is given, dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

SECTION 100.08 RULES OF CONSTRUCTION

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Zoning Resolution and the words used in the present tense include the future; singular number shall include the plural, and the plural the singular; the word “building” shall include the word structure; the word “used” shall

include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word “person” shall include a corporate firm partnership, or association of persons, as well as an individual; the word “lot” shall include the word plot or parcel; and the word “shall” is mandatory and not directory.

SECTION 100.09 ENFORCEMENT

When the Zoning Inspector becomes aware of any violation of this Zoning Resolution or any provision, regulation, requirement, condition, or stipulation adopted or applied pursuant to the provisions of this Zoning Resolution, he may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

SECTION 100.10 VIOLATIONS

- A. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution or any amendment to this Zoning Resolution.
- B. No person shall commence work or establish a use requiring a Zoning Permit or approval without first obtaining such permit or approval, nor shall any person vary from the terms or conditions of a Zoning Permit issued or of other authorized approval, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector. All violations shall be corrected within a reasonable time limit as determined and set by the Zoning Inspector.

SECTION 100.11 PENALTIES

- A. Violations of this Zoning Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in various sections of this Zoning Resolution, shall constitute a misdemeanor. Any person who violates this Zoning Resolution or fails to comply with any of its requirements shall upon conviction therefore be fined for such misdemeanor of the third degree as provided by law 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, or any architect, builder, contractor, agent, or other person who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.
- B. 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 without a permit in violation of this Zoning

Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance, or use.

SECTION 200 ADMINISTRATION AND ENFORCEMENT

SECTION 201 ZONING INSPECTOR

SECTION 201.01 APPOINTMENT

For the purpose of enforcing this Zoning Resolution, the Board of Township Trustees shall establish and fill the position of Township Zoning Inspector, together with such assistants as the Board of Township Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Board of Township Trustees.

SECTION 201.02 POWERS AND DUTIES

The Zoning Inspector shall have the following powers and duties in accordance with the procedures contained in this Section:

- A. To receive all applications for site plan review, conditionally permitted uses, zoning permits, zoning appeals and amendments, and collect fees under this Zoning Resolution. The Zoning Inspector shall review within three (3) business days each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant within three (3) business days of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application on that date for consideration of the action(s) requested.
- B. To issue Zoning Permits upon final approval of applications;
- C. To maintain a record of all administrative and legislative proceedings under this Zoning Resolution with respect to development plan approval, certificates of compliance, appeals, and zoning amendments;
- D. To conduct inspections of uses of land, or supervise such inspections and investigations, to determine compliance with this Zoning Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action;
- E. To maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices; and
- F. Determine the existence of any violation of this Zoning Resolution and cause such notifications, revocation notices, stop orders or citations to be issued, or initiate legal action as needed, to address such violations.

SECTION 202 ZONING PERMITS

SECTION 202.01 PERMIT REQUIRED

No building or structure, including signs and accessory structures, shall be erected, constructed, enlarged, reconstructed, altered, or moved in whole or in part, and no use shall be established, changed, or re-established prior to the issuance of a Zoning Permit. Agricultural buildings and structures integral to an active farming operation shall be exempt from this requirement.

SECTION 202.02 APPLICATION

All applications for Zoning Permits shall be submitted to the Zoning Inspector on forms provided by the Township, shall be signed by the land owner or his duly authorized and documented agent, and shall be accompanied by:

- A. Site plans as required by Section 204 hereof;
- B. Evidence from the appropriate public agency that the subject site has either public sanitary sewer service or approval for an on-site sewage disposal system capable of meeting the needs of the proposed use;
- C. Evidence of approval from the appropriate public agency that the subject site has an approved access to an improved public right-of-way;
- D. Permit and review fees in such amounts as may be established by the Board of Township Trustees; and
- E. Such additional information as the Zoning Inspector may require in order to determine compliance with this Zoning Resolution.

SECTION 202.03 REVIEW AND APPROVAL

The Zoning Inspector shall within three (3) business days review each application for completeness, accuracy, and compliance with this Zoning Resolution. If the application is determined to be insufficient the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and commence the review process. Applications shall be approved, denied, or approved with modifications and/or conditions as noted within fifteen (15) days of formal acceptance.

SECTION 202.04 ISSUANCE AND COMPLIANCE

When an application has been approved, the Zoning Inspector shall issue a Zoning Permit to the applicant. All work performed and uses established shall be pursuant to and in conformance with said Zoning Permit and this Zoning Resolution.

SECTION 202.05 EXPIRATION OF PERMITS

Zoning Permits shall become null and void one (1) year from the date of issuance unless construction has commenced and/or the use has been established. All construction work shall be completed within two (2) years from the date of issuance of the Zoning Permit unless such time period is extended by the Board of Zoning Appeals for sufficient cause.

SECTION 202.06 DISPLAY OF PERMIT

Zoning Permits must be displayed on the site so as to be plainly visible to the Zoning Inspector from the public right-of-way.

SECTION 202.07 REVOCATION OF PERMITS

- A. A Zoning Permit may be revoked by the Zoning Inspector where it is determined that any of the following conditions exist:
 - 1. It has been issued in error or has been issued based on materially false information or misrepresentations.
 - 2. Construction of the use has not commenced within one (1) year of zoning permit issuance, unless an extension of time has been granted pursuant to the provisions of this Zoning Resolution.
 - 3. Construction has not been completed within two (2) years of issuance of the Zoning Permit and a new permit, renewal, or extension has not been obtained.
 - 4. The work or use is not being conducted in accordance with the approved Zoning Permit and site plan.

- B. Written notice of revocation and the reasons therefore shall be signed and dated by the Zoning Inspector and sent to the applicant by certified mail (return receipt requested) and notice shall be posted in a conspicuous place on the property. The applicant shall be notified of the right to appeal within twenty (20) days after the revocation is issued. The notice of revocation shall contain a statement that all work and/or operation of the use shall cease pending determination of an appeal or approval of an extension or new permit.

SECTION 203 OCCUPANCY CERTIFICATES

SECTION 203.01 CERTIFICATE REQUIRED

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a Certificate of Occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution and to such permits or variances, and the conditions thereof, granted pursuant to this Resolution.

SECTION 203.02 APPLICATION

Prior to the occupancy of any land and/or building for any purpose or use, the property owner and/or tenant shall submit an application for a Certificate of Occupancy to the Zoning Inspector. The Zoning Inspector shall inspect the property and its use to determine compliance prior to the issuance of a Certificate of Occupancy. The Zoning Inspector shall maintain a record of all applications and Certificates of Occupancy issued.

SECTION 203.03 COMPLIANCE

Certificates of Occupancy issued subsequent to an application for a specific use or arrangement shall authorize only the use or arrangement set forth in the application and no other use or arrangement.

SECTION 203.04 VIOLATION

Use of property without a Certificate of Occupancy or contrary to the provisions of an issued Certificate of Occupancy shall be deemed to be a violation of this Resolution punishable as provided in the enforcement provisions hereof.

SECTION 203.05 TEMPORARY CERTIFICATE

The Zoning Inspector may issue a temporary Certificate of Occupancy for a period not to exceed three (3) months during alterations or partial occupancy of a building pending its completion, or for the temporary use of land.

SECTION 203.06 FEES

The Board of Township Trustees shall fix by resolution, and may from time to time amend by resolution, a schedule of fees for applications for Certificates of Occupancy.

SECTION 204 SITE PLANS

SECTION 204.01 PURPOSE AND INTENT

Site plans are intended to promote orderly and appropriate development, to advance the goals and objectives of the Perry Township Comprehensive Plan, to insure proper design for efficient use of land, to protect adjoining properties from adverse impacts, and to promote high quality developments. The purpose of this Subsection is to provide specific standards and requirements for design and construction of new developments, for additions and modifications to existing developments, for the establishment of new uses, and for the re-use of sites.

SECTION 204.02 SITE PLANS REQUIRED

A site development plan is required and shall be submitted for any use or development involving new construction, reconstruction, alteration, expansion, or relocation of non-agricultural buildings and/or structures. Site plans shall also be required for site improvements, such as, but not limited to, off-street parking, driveways, drainage provisions, and site lighting. No construction activity shall commence for any such use or project unless and until a site plan has been submitted to the Zoning Inspector for review and approval, and a valid Zoning Permit has been issued for said use or project.

Site plans for new detached single family residences, additions to detached single family residences, accessory buildings and structures commonly incidental to detached single family residences on individual building lots in Residential Districts and signs in any district shall comply with the requirements and procedures for Minor Site Plans as set forth herein. All other applications for site plan approval shall comply with the procedures and requirements for Major Site Plans as set forth herein.

SECTION 204.03 PREPARATION

Site plans shall be prepared and certified by an architect, engineer, or land surveyor duly registered by the State of Ohio at an appropriate scale, but not less than one inch equals one hundred feet.

SECTION 204.04 MINOR SITE PLANS

- A. Three (3) copies of Minor Site Plans shall be submitted to the Zoning Inspector along with a completed application for a Zoning Permit.
- B. Minor Site Plans shall contain the following information:
 1. The name of the owner and developer, north arrow, date, and scale;
 2. The owners, zoning classification, and present use of adjoining parcels;
 3. The property boundaries;
 4. The area of the parcel;

5. Proposed building elevations;
 6. Location and dimensions of existing public rights-of-way and of all minimum building setback lines;
 7. Locations and dimensions of all existing and proposed structures and drives;
 8. Provisions for adequate disposition of storm water;
 9. Correspondence from the Lake County Department of Utilities that sufficient water and sanitary sewer system capacity exists to accommodate the proposed development. If an on-site sewage disposal system is proposed, correspondence from the Lake County General Health District that appropriate soils and land area for such system exist on the site.
- C. Minor Site Plans may be reviewed and approved by the Zoning Inspector, who shall act within fifteen (15) days of formal acceptance of a complete application.
- D. Applicants or affected property owners aggrieved by a decision of the Zoning Inspector with regard to approval or denial of a Minor Site Plan may appeal such decision to the Board of Zoning Appeals following the procedures set forth in this Zoning Resolution.

SECTION 204.05 MAJOR SITE PLANS

- A. Five (5) copies of Major Site Plans approval shall be filed with the Zoning Inspector along with a completed application for a Zoning Permit.
- B. Major Site Plans shall contain the following information:
1. The name of the owner and developer, north arrow, date, and scale;
 2. The owners, zoning classification, and present use of adjoining parcels;
 3. A boundary survey;
 4. Existing topography and proposed finished grading with a maximum contour interval of two feet;
 5. Location and dimensions of all existing public rights-of-way and of all minimum building setback lines;
 6. Locations and dimensions of all existing and proposed structures, off-street parking, fencing, screening, buffers, drives, and walkways;
 7. Provisions for adequate disposition of storm water in accordance with Section 204.06(H) hereof;
 8. All existing and proposed sanitary sewer facilities indicating pipe sizes, types, grades, invert elevations, and location of manholes;
 9. All existing and proposed water water facilities including line sizes and locations, and hydrant locations;

10. Provisions for storage and removal of solid waste;
 11. Proposed landscaping and plantings;
 12. Proposed building elevations;
 13. Location and dimensions of all access drives and travel lanes;
 14. Correspondence from the Lake County Department of Utilities that sufficient water and sanitary sewer system capacity exists to accommodate the proposed development. If an on-site sewage disposal system is proposed, correspondence from the Lake County General Health District that appropriate soils and land area for such system exist on the site or an approval from the Ohio EPA.
- C. The Zoning Inspector shall act upon Major Site Plans within thirty (30) days of acceptance of a completed application.
- D. Prior to acting on a site plan application the Zoning Inspector may seek expert advice or cause special studies to be made to determine compliance with the requirements set forth herein. The costs of securing such expert or consultant advice and/or the preparation of such special studies shall be borne by the applicant.
- E. When an application for site plan approval involves a variance request and/or a conditional use permit request, the Board of Zoning Appeals may consider such matters concurrently with the site plan application providing all applicable hearing and notification requirements are met.

SECTION 204.06 DESIGN STANDARDS

All site plans shall conform to the following design standards:

- A. All proposed water and sanitary sewer improvements shall be designed and constructed in accordance with the standards and requirements of the Lake County Department of Utilities, the Lake County General Health District, and the Ohio Environmental Protection Agency.
- B. Every non-residential use shall be located within three hundred (300) feet of a fire hydrant. If additional fire hydrants are required to comply with this requirement, they shall be located as directed by the Fire Chief.
- C. Development features, including buildings, parking areas, driveways, etc., shall be so located and designed as to minimize adverse impacts on adjacent properties. Maximum possible visual and auditory privacy for surrounding properties shall be provided through good design and landscaping buffers.

- D. Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography.
- E. Parking and service areas shall be screened from view from adjoining residential properties. Screening of parking areas and service areas shall be provided by means of landscaping, ornamental walls, fences, or similar means.
- F. In large commercial parking areas, visual relief shall be provided by means of landscaped dividers and/or islands.
- G. Drives, travel lanes, and parking areas shall be designed and related to public thoroughfares to provide for pedestrian and vehicular safety both in the right-of-way and on the site. On-site circulation shall provide for adequate access by emergency vehicles.
- H. Storm runoff provisions shall be designed based on a minimum ten (10) year frequency design storm and the storm drainage calculations submitted with the site plan. The proposed outlet for storm drainage shall be identified and an evaluation made of its capacity to accommodate the projected flows. Where adequate capacity to handle projected flows does not exist in the existing system, or where there is no acceptable outlet, the applicant shall provide for either improvement of the receiving drainage facility or on-site detention of sufficient capacity and design to reduce post-development storm runoff to pre-development levels for all design storms of ten year frequency or less.
- I. Erosion and Sedimentation Control. Erosion and sedimentation control shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.
- J. Water Quality. Water quality shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.

SECTION 204.07 CONFORMANCE WITH APPROVED SITE PLAN

Developments shall conform in all respects to the approved site plan. No building or premises shall be occupied or used except in conformance with the approved site plan and this Zoning Resolution and pursuant to a valid Occupancy Certificate issued by the Zoning Inspector. The Zoning Inspector shall make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site plan and Zoning Resolution. Approved site development plans may be amended in the same manner and following the same procedure as the original site plan approval, provided, however, that the applicant need not resubmit information which was provided as part of the original site plan review process.

SECTION 204.08 REVIEW AND FEES

The Zoning Inspector shall review site plans for conformance with the provisions of the Zoning Resolution and this Section. The Zoning Inspector may request review of site plans by an independent engineer and/or planner. The cost of such consultant review shall be borne by the applicant and shall be in addition to such other fees as may from time to time be established by the Trustees for processing and review of site plans.

SECTION 205 ZONING COMMISSION

SECTION 205.01 ZONING COMMISSION ESTABLISHED

A Zoning Commission is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of Perry Township.

SECTION 205.02 ALTERNATES

The Board of Township Trustees shall also appoint two (2) alternate members to the Zoning Commission, each for a term of one (1) year. The alternate members shall be residents of Perry Township. An alternate member shall take the place of an absent member and may vote on any matter on which the absent member is authorized to vote.

SECTION 205.03 VACANCIES

Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

SECTION 205.04 PROCEEDINGS

- A. The Zoning Commission may make reasonable rules and regulations governing its procedure and the conduct of its business and may from time to time suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the Zoning Commission, or relieve unnecessary inconvenience or hardship.
- B. The Zoning Commission by majority vote of its members shall elect a Chairman, a Vice-Chairman, and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Zoning Commission, which shall be held during the month of January each year.
- C. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public.
- D. The Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication of such fact, and shall keep records of its examinations and other official actions, all of which is public record and be immediately filed in the office of the Zoning Commission.

SECTION 205.05 POWERS/ DUTIES

The Zoning Commission shall have the following powers:

- A. To prepare the Zoning Resolution;
- B. To take action on amendments to the text of the Zoning Resolution and/or the Official Zoning Map and make recommendation on same to the Board of Township Trustees;
- C. To initiate advisable zone changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public;
- D. To review general and final development plans for Planned Unit Developments; and
- E. To exercise such other powers as may be established by this Zoning Resolution.

SECTION 206 BOARD OF ZONING APPEALS

SECTION 206.01 BOARD OF ZONING APPEALS CREATED

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of Perry Township.

SECTION 206.02 ALTERNATES

The Board of Township Trustees may also appoint up to two (2) alternate members to the Board of Zoning Appeals, each for a term of one (1) year. The alternate members shall be residents of Perry Township. An alternate member shall take the place of an absent member and may vote on any matter on which the absent member is authorized to vote.

SECTION 206.03 VACANCIES

Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

SECTION 206.04 PROCEEDINGS

- A. The Board of Zoning Appeals shall adopt rules as necessary to the conduct of its affairs in keeping with the provisions of this Zoning Resolution. The Board of Zoning Appeals may make reasonable rules and regulations governing its procedure and the conduct of its business and may from time to time suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the Board of Zoning Appeals, or relieve unnecessary inconvenience or hardship.
- B. Meetings shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine. All meetings shall be open to the public.
- C. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- D. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication of such fact, and shall keep records of its examinations and other official actions, all of which is public record and be immediately filed in the office of the Board of Zoning Appeals.

SECTION 206.05 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Resolution:
- B. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Resolution will result in a practical difficulty or unnecessary hardship, and so that the spirit of this Zoning Resolution shall be observed and substantial justice done, and
- C. To authorize Conditional Use Permits in accordance with the provisions of Section 500 of this Zoning Resolution for those uses of land, buildings, or other structures specifically identified and listed as Conditionally Permitted Uses in Section 300 of this Zoning Resolution.
- D. In exercising the above-mentioned powers, such Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- D. When the Board of Zoning Appeals finds it necessary to maintain a strict record of public hearing procedures, or when the Board of Zoning Appeals has deemed it necessary to require special studies to be made, the applicant shall bear all direct and related costs.

SECTION 206.06 APPEALS

- A. Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.
- B. 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. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the specified provision of this Zoning Resolution, and shall set forth the interpretation that is claimed by the Board of Zoning Appeals, the details of the variance that is applied for

and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation, Conditional Use Permits or Variances, together with all documents pertaining thereto.

SECTION 206.07 NOTICE

Upon receipt of an application, the Board of Zoning Appeals shall fix a reasonable time for the public hearing, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

SECTION 206.08 AREA VARIANCES

Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

- A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
- B. Whether the variance is substantial.
- C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the variance will adversely affect the delivery of governmental services.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.

- H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

SECTION 206.09 USE VARIANCES

Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

- A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
- B. Whether the variance is the minimum necessary to afford relief to the property owner.
- C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- E. Whether the hardship condition was created by actions of the applicant.
- F. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- G. Whether the use requested is similar in character to the permitted uses in the subject district.
- H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

SECTION 206.10 ISSUANCE

A variance shall not be granted unless the Board of Zoning Appeals makes a determination that the criteria contained herein are satisfactorily addressed by the evidence presented by the applicant to establish that a practical difficulty or unnecessary hardship exists and that the granting of a variance will preserve the spirit and intent of this Zoning Resolution and that substantial justice will be done..

SECTION 206.11 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

SECTION 207 COMPENSATION

The Board of Township Trustees shall fix by resolution, and may from time to time amend by resolution, a schedule of compensation for the members of the Board of Zoning Appeals, members of the Zoning Commission, the Zoning Inspector, and the recording secretaries for the Zoning Commission and Board of Zoning Appeals.

SECTION 208 AMENDMENTS

The Township Zoning Commission may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. The procedure for amending this resolution shall be as set forth in Section 519.12 of the Ohio Revised Code, as the same may be amended from time to time.

SECTION 300 DISTRICTS

SECTION 300.01 ESTABLISHMENT OF DISTRICTS

For the purposes set forth in this Zoning Resolution, the land area within the unincorporated area of Perry Township is hereby divided into the following districts:

ER-1	Estate Residential 1 District
ER-2	Estate Residential 2 District
ER-3	Estate Residential 3 District
SR	Single Family Residential District
LSR	Lakeshore Residential District
SFPUD	Single Family Planned Unit Development District
MDPUD	Moderate Density Planned Unit Development District
B-1	Business and Commercial 1 District
B-2	Business and Commercial 2 District
I-1	Light Industrial District
I-2	General Industrial District
I-3	Heavy Industrial District
CCOD	Continuing Care Overlay District
LPM	Lakefront Planned Mixed-Use District

SECTION 300.02 OFFICIAL ZONING MAP

The zoning districts and their boundary lines are indicated upon the map entitled, "Perry Township Zoning Map", which said map is made part of this Zoning Resolution. The said Official Zoning Map together with all notations and references, thereon are hereby declared a part of this Zoning Resolution. The original map shall be maintained in the administrative offices of Perry Township, and shall show thereon all amendments or changes made hereafter.

SECTION 301 RESIDENTIAL DISTRICTS

SECTION 301.01 PURPOSE OF DISTRICTS

- A. ER-3 Estate Residential 3 District. The purpose of the Estate Residential 2 District is to accommodate agricultural use of land and single-family dwellings on very large lots with very low densities in order to protect environmentally sensitive areas and preserve and protect the watershed of a recognized scenic river.
- B. ER-2 Estate Residential 2 District. The purpose of the Estate Residential 2 District is to accommodate agricultural use of land and single-family dwellings on large lots with very low densities.
- C. ER-1 Estate Residential 1 District. The purpose of the Estate Residential 1 District is to provide for detached single-family dwellings at low densities intended to preserve the semi-rural character of Perry Township.
- D. SR Single Family Residential District. The purpose of the Single Family Residential District is to provide for single family residential dwellings at moderate densities in areas where public water and sewer service are available and at lower densities in areas where central utilities are not available.
- E. LSR Lakeshore Residential District. The purpose of this district is to establish provisions for the areas along the Lake Erie shore that provide for appropriate use of the land consistent with the protection of this unique and valuable resource. This District is intended to prevent development that would be detrimental to the use and protection of the shoreline, to protect existing and future residential developments from adverse impacts, to limit density within this environmentally sensitive area, and to preserve opportunities for future land uses which are in harmony with and take advantage of the shoreline and views of, and access to, Lake Erie.

This district is also intended to:

1. Protect and enhance the natural resources of the area especially the shoreline, the bluffs and the beaches;
2. Protect the existing residential development that has occurred, and future residential development that will occur, from the adverse affects of adjacent heavy industrial uses;
3. Provide scenic easements or view corridors that opens the shoreline and views of Lake Erie to all the residents of the Township, while not discouraging quality residential development overlooking Lake Erie;
4. Implement the Perry Township Comprehensive Plan, as amended.

SECTION 301.02 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES

The permitted uses, conditionally permitted uses, and accessory uses in Residential Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

TABLE 301.02 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR RESIDENTIAL DISTRICTS					
USE <i>Permitted = P</i> <i>Conditionally Permitted=C</i> <i>Accessory = A</i>	DISTRICTS				
	Estate Residential 1	Estate Residential 2	Estate Residential 3	Single Family Residential	Lakeshore Residential
Single-Family Dwellings, Detached	P	P	P	P	P
Places of Worship	C	C	C	C	C
Open Space Developments subject to Section 301.04(D)				P	
Sand, Gravel and Earth Removal	C	C	C	C	C
College, University, Public Library or Museum	C	C	C	C	
Township Cemeteries and Service Facilities	P	P	P	P	
Public Parks, Playgrounds and Recreational Facilities	P	P	P	P	P
Recreation Camp	C	C	C	C	
Private Recreational Facilities					P
Public or Private Schools that meet Ohio School Design Manual requirements	C	C	C	C	
Home Occupations subject to Section 301.04(C)	A	A	A	A	A
Roadside Stands / Farm Markets subject to Section 301.04(B)	P	P	P	P	P
Bed and Breakfasts subject to Section 500.09(E)	C	C	C	C	
Wind Turbine Energy Devices Section 500.09(G)	C	C	C	C	C
Accessory Buildings and Structures	A	A	A	A	A

TABLE 301.02 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR RESIDENTIAL DISTRICTS					
USE <i>Permitted = P</i> <i>Conditionally Permitted=C</i> <i>Accessory = A</i>	DISTRICTS				
	Estate Residential 1	Estate Residential 2	Estate Residential 3	Single Family Residential	Lakeshore Residential
Swimming Pools subject to Section 412	A	A	A	A	A
Fences subject to Section 401	A	A	A	A	A
Signs subject to Section 409	A	A	A	A	A
Parking subject to Section 408	A	A	A	A	A
Satellite Dishes subject to Section 404	A	A	A	A	A

SECTION 301.03 AREA, SETBACK, AND HEIGHT REGULATIONS

The area, setback, and height regulations in Residential Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

TABLE 301.03 AREA, SETBACK, AND HEIGHT REGULATIONS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS					
REGULATION	DISTRICTS				
	Estate Residential 1	Estate Residential 2	Estate Residential 3	Single Family Residential	Lakeshore Residential
Minimum Lot Area With Public Water and Sanitary Sewers	1 acre n/a	2 acres n/a	3 acres n/a	1 acre ¾ acre	3 acres n/a
Minimum Frontage (feet) At Right-Of-Way On Cul-de-sacs and Curves For Rear Lots	150 50 60	150 50 60	200 50 60	150 (a) 50 60	200 50 n/a
Minimum Lot Width at the Building Line (feet)	150	150	200	150 (a)	200
Minimum Front Setback (feet) Main Building Roadside Stands	50 (b) 25	50 (b) 25	50 (b) 25	50 (b)(c) 25	50 (b) 25
Minimum Side Yard (feet) Main Building Accessory Buildings Other Accessory Structures From ROW on Corner Lots	15 10 (d) 50	15 10 (d) 50	15 10 (d) 50	15 10 (d) 50 (c)	25 10 (d) 50
Minimum Rear Yard (feet) Main Building Accessory Buildings Other Accessory Structures	15 10 (d)	15 10 (d)	15 10 (d)	15 10 (d)	50 10 (d)
Minimum Riparian Setback	Per Section 405	Per Section 405	Per Section 405	Per Section 405	Per Section 405
Maximum Height (feet) Main Building Accessory Buildings	35 24	35 24	35 24	35 20 (e)	35 20
Minimum Livable Floor Area (square feet)	1,800	1,800	1,800	1,800	1800

**TABLE 301.03
AREA, SETBACK, AND HEIGHT REGULATIONS
FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS**

REGULATION	DISTRICTS				
	Estate Residential 1	Estate Residential 2	Estate Residential 3	Single Family Residential	Lakeshore Residential
Minimum Separation Between Main Building and Accessory Buildings (feet)	20	20	20	20	20
Maximum Aggregate Floor Area of All Accessory Buildings (square feet)	1200 (f)	1200 (f)	1200 (f)	720 (g)	1200 (f)
Maximum Number of Accessory Buildings	2	2	2	2	2
Minimum Shoreline Setback (feet from top of bluff)	n/a	n/a	n/a	n/a	100
Maximum Number of Dwelling Units Per Lot	1	1	1	1	1
Minimum Setback From an existing Gas or Oil Well, Storage Tank or Separator Unit (feet)	100	100	100	100	100

- (a) Minimum Lot Width and Frontage for lots served by public water and sanitary sewer systems shall be 100 feet.
- (b) Steps and unenclosed porches may extend up to ten (10) feet into the required front setback.
- (c) The minimum setback from Lane Road shall be 115 feet from the centerline.
- (d) Setback shall be equal to the height of the accessory structure plus 10 feet.
- (e) On lots in excess of one (1) acre in area, the maximum height of accessory buildings shall be 24 feet.
- (f) Plus 100 square feet of floor area for each one-half acre of land area in excess of one acre up to a maximum of 2,000 square feet.
- (g) The maximum area of all accessory buildings on lots in excess of ¾ acre but less than one acre in area shall be 960 square feet. Lots in excess of one acre shall be permitted accessory buildings totaling 1,200 square feet in area plus 100 square feet of floor area for each one-half acre of land area in excess of one acre up to a maximum of 2,000 square feet.

SECTION 301.04 SPECIAL PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS

- A. Rear Lots The access frontage of rear lots shall be not less than sixty (60) feet and the access strip shall extend a minimum of sixty (60) feet in width from the street right-of-way to the buildable portion of the lot which shall comply with the minimum lot width requirement of the zoning district. Rear lots shall contain the required minimum lot area exclusive of the required sixty (60) feet wide access strip. Only that portion of a rear lot meeting the minimum lot width requirement of the district shall be used in calculating lot area.
- B. Roadside Stands or Farm Markets Roadside stands and/or farm markets shall consist of temporary structures used for the display and sale of agricultural products pursuant to Section 519.21(c) of the Ohio Revised Code. Roadside stands and farm markets shall provide adequate facilities so that all customer vehicles are parked at least ten (10) feet from the paved portion of the road. No goods shall be displayed, stored, or offered for sale within twenty-five (25) feet of the road right-of-way.
- C. Home Occupations Any person may maintain an office or carry on a customary home occupation in the dwelling used as their private residence providing:
- 1) Such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling;
 - 2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
 - 3) Not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - 4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
 - 5) Any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution and shall not be located in a required front yard;
 - 6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - 7) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign in conformance with Table 409.07.
- D. Open Space Developments

- 1) The provisions of this Section have been created with the intent of preserving the single-family residential character of the Township, providing for attractive and interesting residential developments; encouraging greater flexibility in subdivision design, and permitting creative and innovative utilization of space to obtain a more desirable residential environment than may be possible through the strict application of the minimum requirements of the district. Detached single-family dwellings may be developed in accordance with the regulations of this Section with the approval of the Township Trustees. The purposes of permitting more flexible design of lots and spacing of buildings are to create functional and interesting residential areas, provide accessible recreation areas and open spaces, conserve the natural amenities of the landscape, protect environmentally sensitive areas, and insure compatibility with existing single-family neighborhoods.
- 2) The provisions of this Section shall apply whenever an owner or developer elects to submit plans in accordance with its provisions and whenever the Township Trustees find and determine that the application of the planning standards and regulations of this Section are appropriate and consistent with the intent and purposes set forth in Subsection 1) hereof.
- 3) The uses permitted shall be those uses normally permitted in the district provided, however, that the following additional uses may be permitted in Open Space Developments:
 - a. Common open space.
 - b. Recreational areas and facilities.
 - c. Guest parking areas.
- 4) To qualify for an Open Space Development the minimum area shall be not less than twenty (20) contiguous acres which must be adequately served by a public water supply and a public sanitary sewer system.
- 5) Within an Open Space Development the minimum lot area may be reduced to twenty thousand (20,000) square feet provided that the residential density of the entire Open Space Development shall not exceed one (1) dwelling unit per each three quarters (3/4) of an acre.
- 6) Each Open Space Development shall reserve a minimum of twenty percent (20%) of the total area of the development as common recreational and/or open space, which area shall be restricted to such uses and no others. The proposed ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted for review and approval. Said plan shall set forth responsibility of maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan if approved by the Township, shall be placed on record with the County Recorder along with the final subdivision plat for the development and shall be referenced in the deeds to individual parcels within the development. The Township Trustees shall have the option of accepting the dedication of any such open spaces.

7) In order to obtain a permit under this Section, the applicant shall submit an application together with a site plan and such other documents as may reasonably be requested to the Perry Township Trustees for review and consideration. Such application shall, at the minimum, include a subdivision plat conforming to the requirements of the Lake County Subdivision Regulations and the information required in Section 216 of this Zoning Resolution. The Township Trustees shall schedule a public hearing within thirty (30) days at which the applicant may present the proposal and shall respond to whatever questions the Trustees or the public may have regarding the proposed development. The Trustees may conduct such further investigations as they deem advisable. The Trustees may add such terms and conditions to any approval as they may consider advisable.

E. Outdoor Wood-fired Boilers Wood-fired boilers, hydronic heaters, wood furnaces, or water stoves which are used to heat a dwelling or other building but are located outside of the dwelling shall be placed a minimum of seventy-five (75) feet from any property line and shall have a chimney which terminates a minimum of twelve (12) feet above grade. Outdoor wood-fired boilers shall only be allowed on lots of $\frac{3}{4}$ acre or larger. Only natural wood shall be used to fuel the wood-fired boilers.

SECTION 302 COMMERCIAL AND INDUSTRIAL DISTRICTS

SECTION 302.01 PURPOSE OF DISTRICTS

- A. B-1 Business and Commercial 1 District. The purpose of the Convenience Commercial District is to provide for retail and service businesses serving the daily needs of Township residents for goods and services. B-1 Districts are intended to be strategically located to provide accessibility to Township residents. Uses in this district shall be compatible with surrounding residential uses in order to minimize impacts on the surrounding neighborhoods and are intended to be limited in scale.
- B. B-2 Business and Commercial 2 District. The purpose of the General Commercial District is to provide an environment for a wide range of business enterprises and promote a mix of commercial uses that provided goods and services for both the Township and surrounding areas. Establishments in this District must have access to public water and sanitary sewer service.
- C. I-1 Light Industrial District. The purpose of the Light Industrial District is to provide locations for manufacturing or other industrial uses which are relatively clean, quiet, and generate minimal objectionable impacts with regard to smoke, noise, odor, dust, vibration, electrical interference, or similar disturbances and which businesses are conducted solely within enclosed buildings and meet all environmental performance standards of Perry Township.
- D. I-2 General Industrial District. The purpose of the General Industrial District is to provide for manufacturing, assembly, processing, storage, testing, and similar operations which are generally larger in scale, require large site, may generate some nominal disturbances with regard to noise, smoke, vibration, glare, dust, air pollution, and water pollutions which may make them undesirable in close proximity to residences. Uses in this district will comply with Perry Township performance standards.
- E. I-3 Heavy Industrial District. The purpose of the Heavy Industrial District is to provide for manufacturing, assembly, processing, storage, testing, and similar operations which may be characterized by major or continuous operations, may require outdoor storage of products or raw materials, and which may generate significant volumes of heavy vehicle traffic. It is intended that these districts be buffered from residences.

SECTION 302.02 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES

The permitted uses, conditionally permitted uses, and accessory uses in Commercial and Industrial Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

TABLE 302.02 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS					
USE <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	DISTRICTS				
	B-1	B-2	I-1	I-2	I-3
Single Family Dwellings	P				
Offices	P	P	P	P	P
Medical Offices	P	P	P	P	P
Personal Services	P	P			
Retail Stores	P	P			
Banks and Financial Services	P	P			
Restaurants and Coffee Shops	P	P			
Public Parks, and Recreational Facilities	P	P	P	P	P
Public Service Facilities	P	P	P	P	P
Places of Worship	P	P			
Child and Adult Day Care Facilities	P	P	P		
Public Schools	P	P	P	P	P
Sand, Gravel and Earth Removal	C	C	C	C	C
Vehicle, Machinery, and Equipment Sales, Rental, Service and Repair	C	C			
Commercial Recreation and Entertainment Facilities	P	P			
Wholesale Business	P	P	P		
Hardware, Building Supply Stores and Lumbar Yards	P	P			
Grocery and Food Stores	P	P			
Dry Cleaners and Laundries	P	P			
Gasoline Stations	C	C			
Gymnasiums, Athletic Facilities, Fitness Centers, and Health Spas	P	P	P	P	P

**TABLE 302.02
PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY
USES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS**

USE <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	DISTRICTS				
	B-1	B-2	I-1	I-2	I-3
Contractors Yards	P	P	P	P	P
Photo, Art, and Dance Studios	P	P	P		
Hotels and Motels	P	P			
Bed and Breakfasts	P	P			
Party Centers	P	P			
Pet Stores, Kennels, Veterinary Clinics, and Pet Grooming Facilities	C	C	C	C	C
Nurseries, Lawn and Garden Centers	P	P	P	P	P
Movie Theaters	P	P			
Health Care Facilities subject to Section 302.06	C	C	C	C	C
Funeral Homes	P	P			
Private Schools and Training Facilities	P	P	P	P	P
Business Services	P	P	P	P	P
Light Manufacturing, Fabrication, and Assembly Operations			P	P	P
Research and Testing Facilities			P	P	P
Warehousing and Storage	P	P	P	P	P
Printing and Publishing	P	P	P	P	P
Heavy Manufacturing, Processing, Fabrication, and Assembly				C	C
Processing and Storage of Petroleum, Fuels and Gases				C	C
Storage of Fireworks and Explosives				C	C
Continuing Care Overlay Districts Subject to Section 302.06				P	
Similar Uses	C	C	C	C	C
Wind Turbine Energy Devices	C	C	C	C	C
Adult Uses Subject to Section 302.07					P

TABLE 302.02					
PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES FOR COMMERCIAL AND INDUSTRIAL DISTRICTS					
USE <i>Permitted = P</i> <i>Conditionally Permitted = C</i> <i>Accessory = A</i>	DISTRICTS				
	B-1	B-2	I-1	I-2	I-3
Home Occupations subject to Section 301.04(C)	A				
Roadside Stands / Farm Markets subject to Section 302.04(B)	P	P	P	P	P
Accessory Buildings and Structures	A	A	A	A	A
Fences subject to Section 404	A	A	A	A	A
Signs subject to Section 409	A	A	A	A	A
Parking subject to Section 408	A	A	A	A	A
Satellite Dishes subject to Section 411	A	A	A	A	A

SECTION 302.03 AREA, SETBACK, AND HEIGHT REGULATIONS

The area, setback, and height regulations in Commercial and Industrial Districts shall be as provided in the following table and as otherwise provided in this Zoning Resolution.

TABLE 302.03 AREA, SETBACK, AND HEIGHT REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS					
REGULATION	DISTRICTS				
	B-1	B-2	I-1	I-2	I-3
Minimum Lot Area (square feet)	44,000	44,000	44,000	44,000	44,000
Minimum Frontage (feet)					
At Right-Of-Way	100	100	100	100	100
On Cul-de-sacs and Curves	50	50	50	50	50
For Rear Lots	60	60	60	60	60
Minimum Lot Width At Building Line (feet)	100	100	100	100	100
Minimum Front Building Setback (feet)	50 (a)	50	50 (a)	50	70
Minimum Side Yard (feet)	25	25	25	25	25
From ROW on Corner Lots	50	50	50	50	50
Adjacent to Residential	100 (b)	100 (b)	100 (b)	100 (b)	100 (b)
Minimum Rear Yard (feet)	25	25	25	25	25
Adjacent to Residential	(b)	(b)	(b)	(b)	(b)
Minimum Riparian Setback	Per Section 405	Per Section 405	Per Section 405	Per Section 405	Per Section 405
Parking Setback (feet)					
Front	10	10	10	10	10
Rear	5	5	5	5	5
Side	5	5	5	5	5
Adjacent to Residential	(b)	(b)	(b)	(b)	(b)
Minimum Setback From an existing Gas or Oil Well, Storage Tank or Separator Unit (feet)	100	100	100	100	100
Maximum Building Height (feet)	35	35	45	45	45

(a) The minimum setback from Lane Road shall be 115 feet from the centerline.

(b) See Transition Buffer requirements Section 302.04(E).

SECTION 302.04 SPECIAL PROVISIONS APPLICABLE TO COMMERCIAL AND INDUSTRIAL DISTRICTS

- A. Rear Lots The access frontage of rear lots shall be not less than sixty (60) feet and the access strip shall extend a minimum of sixty (60) feet in width from the street right-of-way to the buildable portion of the lot which shall comply with the minimum lot width requirement of the zoning district. Rear lots shall contain the required minimum lot area exclusive of the required sixty (60) feet wide access strip. Only that portion of a rear lot meeting the minimum lot width requirement of the district shall be used in calculating lot area.
- B. Roadside Stands or Farm Markets Roadside stands and/or farm markets selling agricultural products not in conformance with Section 519.21(c) of the Ohio Revised Code shall be deemed as commercial businesses.
- C. Gasoline Pumps and Pump Islands Gasoline pumps and pump island canopies may be erected within the designated front building setback provided a Conditional Use Certificate authorizing such lesser setback is approved by the Board of Zoning Appeals.
- D. Display of Goods No goods or merchandise shall be displayed, stored, or offered for sale within forty (40) feet of the right-of-way line of any public road or street.
- E. Transition Buffer A transition buffer shall be required for any use which abuts an R or ER District. A transition buffer is a landscaped area along the length of each interior side and rear lot line that abuts any R or ER District. Transition buffers shall be installed prior to the occupancy of any permitted use and must be maintained at all times in accordance with these provisions. It is the intent of this requirement to provide appropriate screening and protection of residential uses from noise, lights, glare, dust, access, debris, and other potential nuisances associated with non-residential uses of land. Plans for required transition buffers shall be submitted as part of the final site plan and shall be reviewed and approved prior to the issuance of any Zoning Permit. Transition buffers shall comply with the following minimum criteria:
- 1) The minimum width of a transition buffer shall be forty (40) feet
 - 2) Each transition buffer shall contain either an earthen mound, masonry wall, or solid fence. The minimum height of said mound, wall or fence shall be six (6) feet. Fences shall be board-on-board or comparable solid type fencing as approved. Walls shall consist of materials which are compatible with the proposed building facade. Fences shall be earth tone in color.
 - 3) Each transition buffer shall be planted with a mixture of sixty percent (60%) evergreen trees and forty percent (40%) deciduous

- trees. There shall be a minimum of one (1) tree for each twenty (20) lineal feet of buffer area. Trees shall be a minimum of six (6) feet in height at the time of installation. Uniform spacing is not required. Trees shall be installed on the inside of the fence or wall.
- 4) Each transition buffer shall contain a minimum of two (2) species of shrubs. There shall be a minimum of one (1) shrub for each five (5) lineal feet of buffer area. Shrubs shall be a minimum height at installation of two and one-half (2-1/2) feet. Uniform spacing is not required. Shrubs shall be installed on the outside of the fence or wall.
 - 5) Transition buffers at intersections shall be designed so as not to obstruct sight lines for vehicular traffic or otherwise impair traffic safety.

SECTION 302.05 ENVIRONMENTAL PERFORMANCE STANDARDS

All non-residential uses established within the Township shall at all times comply with the performance standards set forth herein:

A. Air Pollution

- 1) **Odor** In any district, no odor shall be permitted at any lot line exceeding the lowest amount set forth in Table III, "Odor Thresholds", of Chapter 5,. "Physiological Effects", of Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described.
- 2) **Smoke** No activity, operation, or use shall, during normal operations, emit smoke at a density which exceeds Number Two (2) on the Standard Smoke Chart in a quantity in excess of ten (10) Smoke Units per hour per stack.
- 3) **Heat and Humidity** No use, operation, or activity shall produce intense heat or excessive humidity in the form of steam or moist air which has a perceptible impact beyond the lot lines of the property.
- 4) **Dust and Particulate Matter** No use, operation, or activity shall exhaust or discharge into the air any quantity of fly ash, dust, dirt, or other particulate matter except in conformance with the current air pollution standards of the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by OEPA. In no event shall there be any emission of solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air, nor of acid gases in excess of 0.2% by volume.

- B. Erosion No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- C. Water Pollution No use, operation, or activity shall emit or discharge solids, liquids, or other matter into or onto any bodies of water, streams, or the ground except in conformance with the water pollution control standards established by the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by the OEPA.
- D. Electrical Disturbance No use, operation, or activity shall generate or emit any electrical disturbance which interferes with normal radio and television reception or the use of electrical equipment beyond the property boundaries of such use, operation, or activity.
- E. Noise The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond the boundary of the property on which said sound is produced:

<u>Center Frequency Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level in Decibels</u>
31.5	76
63	74
125	68
250	63
500	57
1,200	52
2,000	45
4,000	38
8,000	32

The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond the boundary of any residentially zoned property:

<u>Center Frequency Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level in Decibels</u>
31.5	74
63	72
125	66
250	60
500	54
1,200	50

<u>Center Frequency Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level in Decibels</u>
2,000	43
4,000	35
8,000	26

- F. Vibration No activity or operation shall cause or create earth borne vibrations at the property boundary line in excess of the displacement amounts for frequencies as set forth below:

<u>Frequency (cycles per second)</u>	<u>Vibration Displacement (in inches)</u>	
	<u>Steady State</u>	<u>Impact</u>
under 10	.0008	.0016
10 - 19	.0005	.0010
20 - 2	.0003	.0006
30 - 39	.0002	.0004
40 and over	.0001	.0002

- G. Toxic or Noxious Matter. No use, operation or activity shall emit or discharge toxic or noxious matter in any form which may be detrimental to the public health, safety, or general welfare or which may endanger the natural environment. The use or storage of any hazardous or regulated materials shall be reported to the Perry Township Fire Department using the appropriate Material Safety Data Sheets. Provisions for proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such materials as established by the Ohio Environmental Protection Agency and shall be implemented in consultation with the Fire Chief.

- H. Radiation Hazards Unsealed radioactive materials shall not be manufactured, utilized or stored (unless such materials are stored in a fireproof and concussion proof container at or below ground level) in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection of the New York State Department of Labor. None of the following fissionable materials shall be assembled at any one point, place, or work area on any parcel in a quantity equal to or in excess of the amount set forth herein:

<u>Material</u>	<u>Quantity</u>
Uranium - 233	200 grams
Plutonium - 239	200 grams
Uranium - 235	350 grams

- I. Fire and Explosive Hazards Storage, utilization, and/or manufacture of materials or products which are slow to moderate burning including those with open cup flash points above 182 degrees Fahrenheit are permitted in accordance with the standards set forth in the National Fire Protection Association's Fire Protection Handbook. Storage, utilization, and/or manufacture of materials or products which are free burning and/or intense burning, including those which have open cup flash points between 100 degrees and 182 degrees Fahrenheit are permitted provided that:
- 1) The material or products are stored, manufactured, and/or utilized only within completely enclosed buildings having noncombustible exterior walls; and
 - 2) The buildings are set back at least forty (40) feet from any lot line and one hundred (100) feet from any residential zoning district boundary; or
 - 3) The buildings shall be protected throughout by an automatic fire-extinguishing system meeting the criteria set forth in the Ohio Basic Building Code for such systems.

Storage, utilization, and/or manufacture of materials or products which are flammable, combustible liquids, produce flammable or explosive vapors or gases, or decompose by detonation shall not be permitted, except in conformance with the following:

- 1) Storage of such materials, exclusive of finished products in original sealed containers, shall be underground;
- 2) Any activity or process involving the use of such materials shall take place solely within a completely enclosed building which is protected with an automatic fire-extinguishing system and contains such other safety and fire-prevention equipment as required by the Ohio Basic Building Code, the Fire Protection Code, and the Fire Chief;
- 3) No such material shall be used or stored within fifty (50) feet of any property boundary line, or within 150 feet of any residential zoning boundary.

- J. Glare Any activity, operation, or use which produces glare or intense light emissions shall be adequately shielded, screened, or enclosed so as not to be directly visible from any lot line. No glare or light emissions shall be of such intensity as to constitute a nuisance for adjoining properties.

- K. Measurement Procedures Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., the Manufacturing Chemists Association, Inc., the United States Bureau of Mines, the

National Fire Protection Association, and the Ohio Environmental Protection Agency.

- L. Enforcement The application for any non-residential zoning permit to the Zoning Inspector shall be accompanied by a statement setting forth the proposed use's ability to comply with these performance standards and describing any materials, processes, or activities which constitute potential hazards, as set forth herein, and the proposed methods for mitigating those potential hazards. The Zoning Inspector may, from time to time, monitor a use's performance to determine its continued compliance with these standards. The Zoning Inspector shall have the authority to investigate complaints relating to alleged non-compliance with the standards set forth herein. The Zoning Inspector may take such appropriate action as may be deemed necessary to protect the public health, safety, and general welfare and to compel compliance with these performance standards.

SECTION 302.06 HEALTH CARE FACILITIES

- A. Applicability The Health Care Industry uses a multitude of nomenclatures to identify institutions within the industry. Many institutions with different designations have very similar functions. For the sake of simplicity, this Section recognizes only generic groupings, and all references in this Section will be to the generic names which follow:
- 1) Out-Patient Centers - This classification includes Emergency Care Centers, Family Care Centers, Doctors' offices, Out-Patient Clinics, or any other facility described by the definition of "Emergency Care Center" in the Definition Section.
 - 2) Resident Nursing Centers - Includes Rest Homes, Nursing Homes, Sanitariums, Sanatoriums, Hospice Centers and any other facility described by the definitions for "Rest Home", "Sanitarium" and "Hospice Center" in the Definition Section.
 - 3) Hospitals - Full care facilities described by the definition for "Hospital" in the Definition Section.
- B. Plan Required An applicant for a permit to operate an Out-Patient Center, a Resident Nursing Center or a Hospital shall present to the Zoning Board of Appeals detailed plans which shall include the following: traffic flow, (to include loading and delivery facilities), parking, screening, fencing, emergency evacuation, topographical plan, landscaping, and fire protection. The traffic flow, parking, emergency evacuation, and fire

protection plans shall be approved by the Zoning Inspector and the Fire Chief prior to submission to the Board of Zoning Appeals.

C. Standards The Board of Zoning Appeals may grant a Conditional Zoning Certificate after determining that the plans presented satisfy the following mandatory criteria, in addition to the provisions of Section 500 of this resolution:

- 1) **Minimum Lot Size**
 - a) **Out-Patient Centers** - A minimum of one acre with 100 foot frontage on a public thoroughfare. For each 10,000 square feet of building area a minimum of one (1) acre of lot area is required.
 - b) **Resident Nursing Centers and Hospitals** - A minimum of five (5) acres with five hundred (500) foot frontage on a public thoroughfare. For each 10,000 square feet of building area a minimum of one (1) acre of lot area is required.
- 2) **Setbacks and Clearances**
 - a) **Resident Nursing Centers and Hospitals** - All structures shall be not less than one hundred (100) feet from any public right-of-way and not less than one hundred (100) feet from any property line.
 - b) **Out-Patient Centers** - All structures shall be not less than fifty (50) feet from any public right-of-way and not less than twenty-five (25) feet from any property line.
 - c) **Riparian Setbacks.** Riparian setbacks shall be required pursuant to Section 405 Riparian Setbacks.
- 3) **Height** No structure within the property lines of any facility listed above shall exceed thirty-five (35) feet in height.
- 4) **Utilities** All health care facilities shall be served by a public water supply and public sanitary sewers.
- 5) **Bulk Gas Storage** Oxygen and other bulk combustible gas storage shall be in compliance with regulations of the National Fire Protection Association and the Ohio Fire Code.
- 6) **Emergency Entrances** Any facility which provides emergency care shall have properly identified ingress and egress roadways for the exclusive use of emergency vehicles.

- 7) Off Street Parking
- a) No parking space shall be less than 180 square feet in area (excluding drives, curbs and turning space). Minimum width shall be nine (9) feet.
 - b) Driving lanes between 90 degree parking spaces shall not be less than eighteen (18) feet wide and for diagonal parking, twelve (12) feet wide.
 - c) Parking areas shall be graded and drained to minimize standing water, to provide positive drainage away from buildings, and to prevent runoff onto adjacent properties.
 - d) Handicapped parking and access shall be provided in accordance with the requirements of the Americans with Disabilities Act.
 - e) Facilities shall be provided with the following minimum number of parking spaces:
 - Hospitals - Two parking spaces per each 1000 square foot of building.
 - Resident Nursing Centers - 1.5 parking spaces per each 1000 square foot of building.
 - Out-Patient Centers - Six (6) per each 1000 square foot of building.

- 8) Signs Display and directional signs for all facilities listed above shall conform to the standards set forth in Section 409 of this Resolution with the following exceptions:
- a) Any facility which has an emergency room shall be permitted one (1) additional double-faced sign not exceeding twenty-five (25) square feet in area for the purpose of directing emergency vehicles to the proper entrance.
 - b) Signs designating parking areas for staff personnel, out-patients and visitors shall be permitted. Maximum area shall be three (3) square feet. Maximum height shall be three (3) feet.

D. Supplementary In addition to the standards listed in 302.05(C) above, the applicant shall provide evidence satisfactory to the Board of Zoning Appeals that the proposed facility will comply with the following additional criteria:

- 1) Each Resident Nursing Center shall provide a minimum of five hundred (500) square feet of living space per resident, exclusive of closets, cafeterias, examining rooms, laboratories and other operating areas.

- 2) Resident Nursing Centers and Hospitals shall provide a minimum of forty percent (40%) of the total lot area as open space which shall be unoccupied by buildings, parking areas or roadways. Recreational type shelters and pavilions open on three sides may be included in open areas.
- 3) Each proposed facility must have at presentation preliminary approval of the State Department of Health, show that it meets State Requirements for Voluntary Certification, and have obtained any required Licenses or Certificates of Need, which shall be kept current.

SECTION 302.07 ADULT USES

- A. Purpose and Intent It is the purpose of these provisions to regulate Adult Uses in order to promote health, safety, and general welfare and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the Township based upon reliable evidence concerning the adverse secondary effects of Adult Uses on other communities. These regulations are not intended to restrict the content of materials, to deny access to sexually oriented materials, or deny appropriate market locations to distributors and/or exhibitors.
- B. Application For the purpose of applying these regulations, the following are classified as Adult Uses:
 1. Adult Arcades;
 2. Adult Bookstores, Adult Novelty Stores, or Adult Video Stores;
 3. Adult Cabarets;
 4. Adult Motion Picture Theaters;
 5. Adult Theaters;
 6. Nude Model Studios; and
 7. Sexual Encounter Centers.
- C. Permitted Locations Adult Uses may be located in the I-3 Heavy Industrial subject to the following restrictions and limitations:
 1. No Adult Use shall be established within five hundred (500) feet of a church, synagogue, temple, or other place used primarily for religious worship;
 2. No Adult Use shall be established within five hundred (500) feet of a public or private educational facility, including but not limited to nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, special education facilities, and colleges.
 3. No Adult Use shall be established within five hundred (500) feet of a public park or recreation area, publicly owned open space, teen

or youth center, or private recreation facility regularly used for community or public sponsored recreation activities.

4. No Adult Use shall be established within five hundred (500) feet of another Adult Use.

For purposes of complying with this Section, measurements shall be made in a straight line from the nearest edge or portion of the building containing, or proposed to contain, the Adult Use, to the nearest property line of the premises of the use, or uses, listed herein, without regard to paths of travel or intervening structures or obstructions.

- D. Product and Activity Displays All activities associated with an Adult Use shall be conducted entirely within a completely enclosed building. No products, merchandise, displays, or activities shall be placed or conducted outside of the building or in such a manner as to be visible from off the premises.

SECTION 303 CONTINUING CARE OVERLAY DISTRICT

303.01 PURPOSE AND INTENT

The purpose of this Continuing Care Overlay District is to provide for the unique lifestyle needs of elderly persons and to enable elderly persons to obtain suitable, safe, sanitary and cost-effective housing and related facilities which are designed to meet their special needs with respect to: the location of buildings, the relationship of such buildings to one another, the design of dwellings, parking needs, the needs or desire for congregate dining, recreation, and/or continuing health care facilities that may not be satisfactorily accommodated through conventional zoning. This district is being established in conformance with the provisions of Section 519.021(C) of the Ohio Revised Code.

It is the intent of this overlay district to permit the construction of continuing, congregate care developments in a manner that:

- A. Is consistent with the goals and provisions of this Zoning Resolution, the Perry Township Comprehensive Plan, and the Perry Joint Economic Development District;
- B. Allows a mixture of dwelling unit types, congregate facilities and care facilities typically found in a senior citizen or continuing care facility;
- C. Establishes continuing care developments that are economically feasible, aesthetically pleasing and pedestrian friendly environments, which are designed to protect and preserve the appearance and character of the community;
- D. Ensures that continuing care overlay developments will occur in a unified manner and in a way that is compatible with surrounding land uses; and
- E. Ensures that the continuing care overlay development is designed for, reserved for and maintained and marketed as a senior citizen congregate care facility.

303.02 ESTABLISHMENT OF CONTINUING CARE OVERLAY DISTRICTS

The following shall govern the establishment of any Continuing Care Overlay District:

- A. The Continuing Care Overlay District shall be in addition to and shall overlay the I-2 Heavy Industry District.
- B. Until such time as a property owner applies for and receives approval for development of a Continuing Care Overlay District as provided herein, the underlying provisions of the I-2 Heavy Industry District shall apply.
- C. Upon approval by the Township Trustees of a Continuing Care Overlay

District application and plan, a notation shall be placed on the Perry Township Zoning Map to reflect such approval and that the provisions of the I-2 Heavy Industry District no longer apply to land contained within the Continuing Care Overlay District.

- D. The gross area of a tract of land proposed to be developed as a Continuing Care Overlay District shall not be less than twenty-five (25) acres.
- E. Each continuing care development shall be under single ownership and control.
- F. Each continuing care development shall be served by an approved public water supply system and an approved public sanitary sewer system.
- G. Each Continuing Care Overlay District shall be developed in conformance with a development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.

303.03 PERMITTED USES

In a Continuing Care Overlay District, no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as permitted or accessory and further provided that each such use is identified on and approved as part of the development plan:

A. Permitted Uses

- 1. Continuing Care Facilities which shall at a minimum contain nursing care and/or assisted living services;
- 2. Health Care Facilities in conformance with Section 302.06.

B. Accessory Uses.

- 1. Independent Dwelling Units, which may include single-family detached and attached units;
- 2. Congregate Living Facilities;
- 3. Adult Day Care Facilities;
- 4. Common Open Space and Recreation Facilities such as club house, community rooms, or similar facilities intended for use by residents of the development, provided such use is designed as an integral part of the continuing care overlay development;
- 5. Medical Offices designed to meet the special needs of elderly residents, such as physical therapy offices, dental offices, dialysis centers, and similar facilities to enhance and effectuate the

- purposes of continuing care;
6. Private Garages and Parking Areas;
 7. Signs;
 8. Places of Worship intended to serve the needs of residents of the continuing care facility and having no exterior identification or signage;
 9. Supporting Retail and Banking Services when:
 - (a) Located in a congregate or assisted living facility or health care facility;
 - (b) Not exceeding twenty percent (20%) of the first floor area or 2,000 square feet, whichever is less; and
 - (c) Having no exterior identification or advertising signage;
 10. Similar accessory features and facilities designed as an integral part of the continuing care development.

303.04 DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth herein:

- A. "*Continuing Care Facility*" means a campus, or comparable coordinated complex with facilities and services intended to provide habitation and continuing care for individuals, or couples of which either one is aged fifty-five (55) years or over, and consisting at a minimum of assisted living facilities and/or skilled nursing care facilities, but may also include independent living units, and all normal and necessary support facilities associated with continuing care facilities, including congregate dining provisions, recreational opportunities, personal care needs, the sale of accessory retail goods and services within the complex, nursing and other health care services, and other environmental settings and enhancements to meet all other reasonable needs of the residents.
- B. "*Continuing Care*" means the provision of lodging, personal services, nursing, medical and other health-related services to an individual within the facility.
- C. "*Living Unit*" shall mean a room or group of rooms, intended for independent residential living, which may be occupied by one or more persons, and which is associated with attached congregate facilities intended to serve the needs of the residents such as a common dining area, social or group activity areas, assistance or care giver facilities, etc. "Living Units" may be part of a Congregate Living, Assisted Living, or Nursing Care Facility.
- D. "*Assisted Living Facilities*" means residential accommodations designed for and intended to be occupied by individuals requiring supervision, assistance, skilled nursing or health care services, or who are otherwise dependent upon the services of others for help with everyday tasks such as bathing, dressing,

and taking medications by reason of age, physical or mental impairment or similar infirmity. Typical services include 24-hour protective oversight, three meals a day in group dining services, personal care, medication assistance, provision of social services, supervision of persons with cognitive disabilities, exercise and recreation activities, laundry and housekeeping services, and transportation services.

- E. “*Congregate Living Facilities*” means a form of senior housing which permits independent living by seniors but combines privacy and companionship with private bedroom or living units and shared common areas for living space, social activities, dining, and amenities. Such facilities shall be designed to accommodate the special needs of elderly and/or infirm residents including wheelchair accessibility, emergency intercoms or call buttons, provision of meals, housekeeping, social services, and transportation.

303.05 DEVELOPMENT STANDARDS

The following development standards are established to control the planning, development and use of land in a Continuing Care Overlay District (CCOD):

A. Maximum Site Coverage

1. The maximum site coverage for all buildings within a CCOD development shall not exceed twenty percent (20%) of the total site area.
2. The maximum site coverage for all buildings and other impervious surfaces, such as parking, driveways and service areas, within a CCOD development shall not exceed fifty percent (50%) of the total site area.
3. The following hard surfaces shall not be calculated for determining the site coverage percentages above: hard surfaces intended for pedestrian traffic (such as sidewalks and patios) or accessory, ornamental, or incidental recreation purposes (such as fountains, gazebos, shuffleboard courts, and swimming pools), or similar amenities as reasonably demonstrated to be integral to the development.

B. Density

1. The maximum density of living units and dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than a combined total of twelve (12) living and dwelling units per acre.
2. The combined sum of independent dwelling units and congregate living units shall not exceed three (3) times the sum of assisted living units and skilled nursing facility living units.

C. Building Configuration and Setbacks.

Buildings and structures may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwelling units in order to provide privacy, form a unified composition of buildings and space and otherwise co-exist with the other continuing care facilities within the development, and provided that all buildings are located in the development in compliance with the following:

1. No building, structure or parking area shall be located closer than one hundred (100) feet to the right-of-way line of an existing public street.
2. No building, structure or parking area shall be located closer than fifty (50) feet to any project boundary line other than a public street right-of-way.
3. No building or structure shall be located closer than thirty-six (36) feet from the centerline or twenty-five (25) feet to the edge of pavement of any private street which ever is the greatest.
4. The minimum distance between buildings which contain less than three (3) dwelling units shall be fifteen (15) feet
5. The minimum separation between buildings where one or more of the buildings is either a non-residential building or contains five (5) or more living units shall be thirty-five (35) feet.

D. Minimum Floor Area

1. The minimum livable floor area of an independent dwelling unit shall be not less than 800 square feet.
2. The minimum livable floor area of a congregate care living unit shall be not less than 500 square feet.
3. The minimum livable floor area of an assisted living unit shall be not less than 400 square feet.
4. The minimum livable floor area of a nursing care living unit shall be not less than 250 square feet.

E. Maximum Height

The maximum height of a building shall not exceed sixty (60) feet.

F. Open Space

All areas of a CCOD site that are not devoted to buildings, access, and parking shall be preserved as open space. Such open space shall be limited to existing natural vegetation, new plantings, approved landscaping features, including fences, landscaped earth berms or other required screening, approved landscaped retention ponds, and delineated wetlands. Such open

space may include hard surfaces as specified in Subsection 303.05(A)(3), when such features do not conflict with minimum screening requirements.

G. Buffers

Any area located within the minimum setbacks required in Section 303.05(C) shall comply with the requirements for open space set forth in Subsection F above. Pavement intended for vehicular traffic shall only be permitted within a required buffer when approved for limited and predetermined access to, and egress from, the site.

H. Screening

A full or partial visual barrier comprised of natural plantings, earth berms, fences and/or other approved methods shall be provided along all property lines as follows:

1. Adjacent to any residential district property line, a Transition Buffer conforming to the provisions of Section 302.04(E).
2. Adjacent to any public street or non-residential property line, landscaping or landscaped screening as determined by the Township to be aesthetically appropriate for the specific location.

I. Equipment and Storage

Areas for maintenance and utility equipment shall be screened from view from the surrounding property to the maximum extent practicable. Trash dumpsters, shall be screened from view from any public right-of-way or adjoining residential property by enclosure on at least three sides by a solid wall or fence of at least six (6) feet in height.

J. Utilities

All utilities shall be located underground, except utility appurtenances may be constructed above ground as approved by the Township as part of the development plan approval.

K. Architectural Design

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. Concrete block or other foundation materials shall not be left exposed above finished grade, but shall be covered with brick, stone, or other finished building façade material approved by the Township. Building and site designs shall incorporate appropriate accessibility standards for the elderly and handicapped.

L. Drainage

All CCOD developments shall provide for storm water management in accordance with the provisions of the Lake County Design Standards.

M. Erosion and Sedimentation Control

Erosion and sedimentation control shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.

N. Water Quality Standards

Water quality shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.

O. Fire Protection

Reasonable provisions shall be made for fire protection, including the following:

1. On all streets fire hydrants shall be installed at intervals of not more than three hundred (300) feet. Fire hydrants shall have two and one-half (2-1/2) inch outlets, and one (1) large pumping connection shall be located with all outlets facing or parallel to the street, and shall not be obstructed with landscaping materials, vegetation, fences, etc.
2. The type of hydrant and control valves shall be as approved by the Fire Chief and the County Sanitary Engineer.
3. The size of any water line serving any hydrant shall not be less than eight (8) inches in diameter and the line shall be looped. The size and location of water lines shall be as approved by the County Sanitary Engineer.

P. Access and Street Requirements

1. All CCOD developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit that is part of a CCOD shall have a driveway access directly onto an existing public street.
2. Each dwelling unit and each non-residential use shall have access to a street internal to the CCOD in a manner approved by the Township and said access shall be clearly defined on the development plan.
3. CCOD developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and

pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

4. Street identification signs and traffic control devices shall be provided and installed by the owner as directed by the Township and in accordance with the standards of the Lake County Engineer and the Ohio Department of Transportation. The owner and operator of the continuing care facility shall be responsible for the maintenance of all such signs, markings, or devices.
5. All streets within a CCOD development shall be privately owned and maintained and shall be designed and constructed in accordance with the base and pavement design standards and specifications of the Lake County Design Standards.
6. All streets, including access drives, shall accommodate two-way traffic, and shall have a minimum width of twenty (20) feet where parking is not permitted. If parallel parking is permitted on one side of the street, the minimum width of the street shall be not less than twenty-eight (28) feet, and if parallel parking is permitted on both sides of the street, the minimum width shall be thirty-five (35) feet.

Q. Parking

Parking shall comply with the provisions of Section 408 and the following minimum standards:

1. Each Attached Independent Dwelling Unit shall have a minimum of one (1) parking space which shall be located within a completely enclosed garage.
2. Each Detached Independent Dwelling Unit shall have a minimum of two (2) parking spaces, at least one (1) of which shall be located within a completely enclosed garage.
3. Assisted Living, Nursing Care and/or Congregate Living Facilities shall provide one (1) off-street parking space for each two (2) living units.
4. Adult Day Care Centers shall provide four (4) spaces for each 1,000 square feet of floor area.
5. Health Care Facilities shall provide parking in conformance with Section 302.06(C)(7).
6. Storage garages for private automobiles and maintenance vehicles accessory to Assisted Living, Nursing and/or Congregate Living Facilities must be wholly enclosed.

7. One (1) guest parking space shall be provided for every two (2) Living Units, not including driveways designed to serve Independent Dwelling Units. Guest parking spaces shall be located reasonably convenient to the Living Units to be served.
8. Pedestrian walkways shall be provided between parking areas and buildings.

303.06 APPLICATION REQUIREMENTS AND PROCEDURES

A. Application

Property owners who wish to have their land designated as a Continuing Care Overlay District shall make application for general development plan approval. Applications shall be made by filing an application for approval of a general development plan conforming with the requirements of Subsection B hereof and such filing fees as may be established by the Township Trustees with the Zoning Inspector who shall place said application on the next Zoning Commission agenda occurring at least twenty-one (21) days after the submission date.

B. General Development Plans

Each application for general development plan review shall include twelve (12) copies of a plan for the entire CCOD, drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;
2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two feet (2') contour interval;
5. Proposed building locations;
6. Location of all minimum setback lines;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan; including preliminary arrangements for storm detention facilities.
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of all recreation and open space areas;
13. A general planting and landscaping plan;
14. Architectural plans of proposed structures including the number and minimum floor area of living units and dwelling units, provisions for congregate dining and the preparation and serving of

- meals, provisions for nursing care and/or protective oversight, provisions for elderly accessibility, and provisions for common social areas;
15. Building elevations of all proposed buildings including descriptions of proposed façade materials and treatments;
 16. The location, width, names, and grades of existing and proposed streets.
 17. Typical sections for all proposed streets;
 18. Proposed phases if the project is to be developed in stages;
 19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type.

C. General Development Plan Approval

The Zoning Commission shall review each general development plan for a CCOD and shall make a recommendation to the Township Trustees regarding same within sixty (60) days of the date at which such general development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Township Trustees may attach, such conditions to the approval of a general development plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and to insure consistency with the implementation of the Township's Comprehensive Plan. The Township Trustees shall act upon each general development plan for a CCOD referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Trustees with the consent of the applicant.

D. Final Development Plans Required

After the Board of Township Trustees approves the application for a Continuing Care Overlay District and the general development plan for said CCOD District, the applicant shall submit a final site development plan, or plans if the development is to be accomplished in phases, in conformance with Subsection F hereof.

E. Final Site Development Plan Requirements

Final site development plans shall be based on a previously approved general development plan and may be for portions or phases of the entire project. A minimum of four (4) copies shall be submitted with the Zoning Inspector. Submission shall include a fee as established by the Township Trustees.

Final site development plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final Development Plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets. Final site development plans shall include detailed construction drawings for proposed improvements including such items as:

1. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
2. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
3. A detailed landscaping plan including a listing of all plant material by type, size, and number;
4. Provisions for the adequate control of erosion and sedimentation;
5. The location, type, size and height of all fencing, screening, and retaining walls;
6. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
7. A site lighting plan;
8. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses;
9. Building plans for all proposed buildings complete with detailed floor plans and exterior elevations.

F. Final Site Development Plan Approval

The Zoning Inspector shall review and act upon each final site development plan within thirty (30) days from the date of filing. The Zoning Inspector may obtain professional advice and assistance in reviewing final site development plans as he deems necessary and appropriate as set forth in Subsection I hereof.

G. Compliance Required

Subsequent to the approval of a Continuing Care Overlay District, all building permits, zoning certificates, and all development and/or construction within the District shall be in substantial compliance with the approved final site development plan and any conditions of such approval adopted by the Township. Any departure from the approved plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the final site development plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

H. Amendments to General or Final Development Plans

The owner of a property within a Continuing Care Overlay District may submit plans for amendment of either the general or final site development plan approved for the District. The Zoning Commission and Township Trustees shall review and act upon such amended plan in conformance with the review and approval procedures set forth above.

I. Professional Assistance

The extent and complexity of certain applications for Continuing Care developments will require that the Zoning Commission, Township Trustees, and/or Zoning Inspector obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission, Township Trustees, and/or Zoning Inspector shall determine when such studies or expert advice are necessary to evaluate a proposed development relative to the requirements of this Section. The Zoning Commission, Township Trustees, and/or Zoning Inspector shall advise the applicant if such studies are required. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

SECTION 304 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

SECTION 304.01 PURPOSE AND INTENT

The purpose of this chapter is to establish provisions for planned unit development districts subject to the regulations and procedures contained herein in conformance with the provisions of Section 519.021 of the Ohio Revised Code. Planned unit development districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using flexible zoning guidelines and site design criteria.

It is the intent of this chapter to make planned unit developments subject to the established and negotiated development standards as proposed and accepted by the developer as part of the approval process in order to:

- A. encourage creative, high quality site design practices in the development of residential areas;
- B. promote harmony and integration with existing land uses and protect adjoining properties from adverse impacts;
- C. promote safe and efficient pedestrian and vehicular movement;
- D. permit the clustering of housing units;
- E. promote efficient layout of infrastructure;
- F. provide tracts of permanently preserved open space; and
- G. implement the Perry Township Comprehensive Plan

SECTION 304.02 PLANNED UNIT DEVELOPMENT DISTRICTS AUTHORIZED

To achieve the purposes of this chapter, the following Planned Unit Development Districts are hereby created:

- A. Single Family Planned Unit Development (SFPUD) Districts
Single Family Planned Unit Development (SFPUD) Districts are intended to provide for clustering of single family dwellings in appropriate locations in furtherance of the stated purposes of this chapter.
- B. Moderate Density Planned Unit Development (MDPUD) Districts
Moderate Density Planned Unit Development (MDPUD) Districts are intended to provide for more intensive housing options including multi-family dwellings in well planned developments which have condominium style ownership, exhibit cohesive design principles, have privately owned and maintained streets, and are of limited size and scale.

SECTION 304.03 ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT DISTRICTS

The following criteria shall govern the establishment of Planned Unit Development (PUD) Districts:

- A. No PUD District shall be established except subsequent to petition by the owner(s) of land proposed to be included within the district.
- B. No PUD District shall be created unless a determination is made that such development will be in conformance with the goals and objectives of the Perry Township Comprehensive Plan.
- C. Each PUD District shall be served by an approved public water supply system and an approved public sanitary sewer system.
- D. Each Planned Unit Development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township Trustees in accordance with the provisions set forth herein.
- E. Each Single Family Planned Unit Development (SFPUD) District shall have a minimum area of not less than ten (10) contiguous acres, provided however, that after a district is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.
- F. Each Moderate Density Planned Unit Development (MDPUD) District shall consist of a gross area of not less than five (5) nor more than twenty-five (25) contiguous acres.
- G. Each Moderate Density Planned Unit Development (MDPUD) District shall have frontage on a Primary Route as designated in the Perry Township Comprehensive Plan.

SECTION 304.04 PERMITTED USES

Within a Planned Unit Development District no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as a permitted, conditionally permitted, or accessory use within such planned unit development district and further provided that each such use is identified on and approved as part of the development plan. The Zoning Commission and Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein and any other considerations deemed by the Commission and Trustees to be significant in determining the appropriateness of a use or uses. The Commission and Trustees shall have the authority to deny approval for inclusion of any proposed use where such use is determined to be inappropriate for the development.

- A. Single Family Planned Unit Development (SFPUD) Districts

1. Permitted Uses
 - i. Detached Single Family Dwellings
 - ii. Attached Single Family Dwellings, provided that not more than four (4) such dwelling units shall be attached in any single building
 - iii. Public or private parks and recreation facilities, including golf courses, club houses, swimming pools, and tennis courts
 - iv. Public Facilities
2. Conditionally Permitted Uses
 - i. Private and Public Schools
 - ii. Day Care Facilities and Nursery Schools
3. Accessory Uses
 - i. Detached Garages
 - ii. Common and/or Guest Parking Areas
 - iii. Detached Storage Buildings, provided that the maximum size of such buildings shall be as established by the Zoning Commission and Township Trustees as part of the Final Development Plan approval.
 - iv. Fences
 - v. Home Occupations subject to the conditions and requirements set forth in Section 301.04(c) of this Zoning Resolution

B. Moderate Density Planned Unit Development (MDPUD) Districts

1. Permitted Uses
 - i. Attached Single Family Dwellings, provided that not more than eight (8) such dwelling units shall be attached in any single building
 - ii. Multi-family Dwellings provided that not more than eight (8) such dwelling units shall be contained within a building
 - iii. Parks and recreation facilities
 - iv. Public Facilities
2. Accessory Uses
 - i. Detached Garages
 - ii. Common and/or Guest Parking Areas
 - iii. Detached Storage Buildings, provided that the maximum size of such buildings shall be as established by the Zoning Commission and Township Trustees as part of the Final Development Plan approval.
 - iv. Fences
 - v. Home Occupations subject to the conditions and requirements set forth in Section 301.04(c) of this Zoning Resolution

**SECTION 304.05 DEVELOPMENT STANDARDS APPLICABLE TO ALL
PUD DISTRICTS**

The following development standards shall apply to all Planned Unit Development Districts:

A. Open Space Requirements

1. Open space and recreation areas shall be as set forth on the final approved development plan provided, however, that the land area designated for open space and recreational use shall not be less than forty percent (40%) of the total land area of the Planned Unit Development District.

Common open space shall be located and designed to:

- i) be integrally related to the overall design of the development;
 - ii) be beneficial to the residents of the PUD;
 - iii) conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
3. Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual building lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space when such areas are contiguous to and part of a larger common open space area.
 4. Water surface of lakes, ponds, or other open bodies of water which are under the direct ownership and control of the applicant may be included as open space but shall not be considered to constitute more than one-half (1/2) of the required common open space requirement for any Planned Unit Development District.
 5. The ownership of all common open space areas, vegetative buffers, fences, ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the County Recorder as a covenant on the land within the PUD District. The perpetual maintenance plan shall identify Perry Township as a beneficial

party thereto with rights, but no obligation, to enforce the provisions contained therein.

B. Utilities

All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township as part of the development plan approval.

C. Parking

Off-street parking shall be provided in accordance with the following:

1. Each dwelling unit shall be provided with a minimum of two and one-half (2.5) off-street parking spaces, at least one (1) of which shall be within a completely enclosed garage.
2. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township Trustees.
3. Illumination shall be provided for common parking lots, walkways, and drive intersections. Lighting shall be designed and located so as not to cause glare or permit the source of light to be visible beyond the boundaries of the development.
4. All common parking areas shall be improved with a compacted base, not less than four (4) inches in depth and shall be surfaced with a minimum of two (2) inches of asphaltic concrete or comparable all-weather dustless surface material. Every parking area designed for storage of five (5) or more vehicles shall have permanent pavement markings to delineate spaces.
5. Parking areas shall be graded and drained to minimize standing water, to provide positive drainage away from buildings, and to prevent runoff on to adjacent properties.
6. Parking areas containing more than thirty (30) spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling traffic flow, and provide visual quality.
7. Handicapped parking and access shall be provided in accordance with the requirements of the Americans with Disabilities Act.
8. One (1) guest parking space shall be provided for every four (4) dwelling units. Driveways of individual dwelling units shall not be counted toward compliance with this requirement.
9. Pedestrian walkways shall be provided between common parking areas and dwelling units.
10. Each parking space shall be a minimum of nine (9) feet in width and shall have a minimum area of not less than one hundred eighty (180) square feet, exclusive of access drives and aisles.

D. Access and Street Requirements

1. All Planned Unit Developments shall be designed to provide access for proposed uses internally within the development and to

minimize access points and intersections onto existing public streets. No dwelling unit or non-residential use which is part of a PUD shall have a driveway access directly onto an existing public street.

2. Each dwelling unit and each non-residential use shall have access to a street internal to the PUD in a manner approved by the Township and said access shall be clearly defined on the development plan.
3. Planned Unit Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
4. Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township and in accordance with the standards of the Lake County Engineer and the Ohio Department of Transportation. Where such signs, markings, or devices are located on private streets, the owner's association shall be responsible for their maintenance.

E. Landscaping and Buffers

All disturbed areas within a Planned Unit Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development.

Entry points shall be landscaped in an attractive manner using plant materials which are consistent throughout the project. Street trees shall be provided along the main access streets sufficient to create a tree lined image. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.

Screening and buffering shall be provided within the required setback from existing public street rights-of-way. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.

Buffers may be required within setbacks from adjoining properties where the Zoning Commission and Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

F. Architectural Design

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. Concrete block or other foundation materials shall not be left exposed above finished grade, but shall be covered with brick, stone, or other finished building façade material approved by the Township.

G. Drainage

All PUD developments shall provide for storm water management in accordance with the provisions of the Lake County Design Standards.

H. Erosion and Sedimentation Control

Erosion and sedimentation control shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.

I. Water Quality Standards

Water quality shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.

J. Fire Protection

All PUD developments shall make provisions for fire protection which shall include the following:

1. Installation of fire hydrants on all streets at intervals of not more than three hundred (300) feet.
2. Hydrants shall have two and one-half (2.5) inch outlets and one (1) large pumping connection and shall be placed with all outlets either facing or parallel to the street.
3. The type of hydrant and control valves shall be as approved by the Fire Chief and the Lake County Sanitary Engineer.
4. Water lines serving fire hydrants shall be a minimum of eight (8) inches in diameter and shall be looped except as specifically approved by the Fire Chief.

K. Trash Receptacles

Outdoor trash collection and storage facilities shall be screened from view from any public right-of-way and/or adjoining residential property by an enclosure consisting of a solid wall or fence at least six (6) feet in height.

SECTION 304.06 DEVELOPMENT STANDARDS APPLICABLE TO SFPUD DISTRICTS

The following development standards shall apply to all Single Family Planned Unit Development Districts:

- A. Density of Dwelling Units
The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than two (2) dwelling units per gross acre of the Single Family Planned Unit Development District.
- B. Maximum Height
No building or structure shall exceed two (2) stories or thirty-five (35) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval. Accessory buildings shall not exceed twenty (20) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.
- C. Minimum Floor Area
Dwelling units within a Single Family Planned Unit Development shall comply with the following standards for minimum livable floor area:
1. Each Detached Single Family Dwelling shall contain not less than eighteen hundred (1800) square feet of livable floor area.
 2. Each Attached Single Family Dwelling shall contain not less than twelve hundred (1200) square feet of livable floor area.
- D. Setbacks and Separations
Dwelling units within a Single Family Planned Unit Development may be on individual lots and/or part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code. Building setbacks and separations shall be as established on the approved final development plan. In establishing said separations the Zoning Commission and Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:
1. No building, structure, or parking area shall be located closer than one hundred (100) feet to the right-of-way line of an existing public street.
 2. No building, structure, or parking area shall be located closer than fifty (50) feet to any project boundary line of the Single Family Planned Unit Development.
 3. No building or structure shall be located closer than twenty-five (25) feet from the right-of-way line of any new public right-of-way constructed as part of the SFPUD.
 4. No building or structure shall be located closer than thirty-six (36) feet from the centerline or twenty-five (25) feet to the edge of

pavement or edge of easement of any private street which ever is the greatest.

5. The minimum distance between buildings which contain less than three (3) dwelling units shall be twenty (20) feet.
6. The minimum distance between buildings where one or more of the buildings contains three (3) or more dwelling units shall be twenty-five (25) feet.
7. Where lot lines are created as part of a Single Family Planned Unit Development, there shall be no setback requirement from such lot lines provided that:
 - i) such arrangement is shown on the development plan;
 - ii) the building separations comply with the requirements contained herein; and
 - iii) such arrangement is specifically approved by the Township as part of the development plan approval.

E. Access and Street Requirements

1. All public streets within an SFPUD shall be designed and constructed in accordance with the standards and specifications of the Lake County Design Standards.
2. Private streets within an SFPUD District shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snow plows and garbage trucks.
3. Private streets shall meet the same base and pavement design criteria as public streets.

F. Minimum Building Lot Area

Where individual building lots are established within a Single Family Planned Unit Development, the sizes of said lots shall be as established on the development plan and as approved by the Township.

SECTION 304.07 DEVELOPMENT STANDARDS APPLICABLE TO MDPUD DISTRICTS

The following development standards shall apply to all Moderate Density Planned Unit Development Districts:

A. Density of Dwelling Units

The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than six (6) dwelling units per gross acre of the Moderate Density Planned Unit Development District.

B. Maximum Height

No building or structure shall exceed three (3) stories or forty (40) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval. Accessory buildings shall not exceed twenty (20) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.

C. Minimum Floor Area

Dwelling units within a Moderate Density Planned Unit Development shall comply with the following standards for minimum livable floor area:

1. Each Attached Single Family Dwelling shall contain not less than twelve hundred (1200) square feet of livable floor area.
2. Each Multi-family Dwelling shall contain not less than eight hundred (800) square feet of livable floor area.

D. Setbacks and Separations

Dwelling units within a Moderate Density Planned Unit Development shall be

part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code. Building setbacks and separations shall be as established on the approved final development plan. In establishing said separations the Zoning Commission and Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

1. No building, structure, or parking area shall be located closer than one hundred (100) feet to the right-of-way line of an existing public street.
2. No building, structure, or parking area shall be located closer than fifty (50) feet to any project boundary line of the Moderate Density Planned Unit Development.
3. No building or structure shall be located closer than thirty-six (36) feet from the centerline or twenty-five (25) feet to the edge of pavement or edge of easement of any private street which ever is the greatest.
4. The minimum separation between buildings containing less than five (5) dwelling units shall be twenty-five (25) feet.
5. The minimum separation between buildings where one or more of the buildings contains five (5) or more dwelling units shall be thirty-five (35) feet.

E. Access and Street Requirements

1. All streets within a MDPUD shall be privately owned and maintained and shall be designed and constructed in accordance with the base and pavement design standards and specifications of the Lake County Design Standards.
2. Private streets within a MDPUD District shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snow plows and garbage trucks.
3. Where the Perry Township Comprehensive Plan indicates future rights-of-way, roadway connections, or frontage roads in the area of a proposed MDPUD District, the development plan for the MDPUD shall be designed to accommodate the proposed routing of such planned roadways and the access provisions for the MDPUD shall be designed and coordinated to be compatible with such future roadways. The Zoning Commission and Township Trustees may require such special conditions as they may deem necessary and appropriate to manage the future access to and from the MDPUD in association with any proposed future rights-of-way, roadway connections, or frontage roads, as approved by the Lake County Planning Commission.

SECTION 304.08 APPLICATION REQUIREMENTS AND PROCEDURES

Property owners who wish to have their land zoned for a Planned Unit Development District shall make application for both a Zoning Map amendment and general development plan approval. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other.

Applications for rezoning to a Planned Unit Development District shall be made by filing an application to the Zoning Commission pursuant to the provisions of Section 208 of this Zoning Resolution. Said application shall be heard and action taken in accordance with the procedures and provisions set forth in Section 205. The following additional submission requirements shall apply to all applications for rezoning to a Planned Unit Development District:

- A. A General Development Plan conforming to the requirements of Section 304.09(c) of this Resolution.
- B. A traffic impact analysis projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic.

- C. A utility impact analysis addressing the proposed project's demand for water and sanitary sewer services and assessing the availability of adequate treatment and transmission capacities to meet the projected needs.
- D. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
- E. Proposed covenants and restrictions intended to govern the development and future use of the Planned Unit Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, private streets, and other commonly owned facilities.
- F. Any proposed development agreement proffered as inducement for the rezoning of the property.

After the Board of Township Trustees approves both an application for rezoning to a Planned Unit Development District and the General Development Plan for said PUD District, the applicant shall submit a Final Development Plan, or plans if the development is to be accomplished in phases, in conformance with Section 307.09 hereof. Final Development Plans shall be submitted concurrently to appropriate County reviewing agencies.

SECTION 304.09 DEVELOPMENT PLAN REQUIREMENTS AND PROCEDURES

- A. Pre-application Meeting
Prior to the submission of an application and development plan for a Planned Unit Development, applicants shall notify the Zoning Inspector of their intent to file an application and request a meeting with the Zoning Inspector and other pertinent Township and County Officials at which time the applicant may present a preliminary sketch or concept plan of his proposed Planned Unit Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the PUD process, to familiarize the applicant with the relevant portions of the Perry Township Comprehensive Plan, and to review the applicant's proposed general approach to development of the site.
- B. Development Plans Required
Submission of development plans is required for all Planned Unit Development projects. A General Development Plan for the entire project shall be submitted and reviewed simultaneously with the application for rezoning for the PUD District. If the rezoning and General Development Plan are approved, subsequent development of the property shall be made only in substantial conformance to said approved General Development

Plan. After a parcel is rezoned to a Planned Unit Development District and a General Development Plan has been approved for the entire project, the applicant shall submit a Final Development Plan for review and approval.

C. General Development Plan Submission Requirements

Each application for General Development Plan review shall include twelve (12) copies of a plan for the entire PUD area, drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;
2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two foot (2') contour interval;
5. Proposed building locations;
6. Location of all minimum setback lines;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan; including preliminary arrangements for storm detention facilities.
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of all recreation and open space areas;
13. A general planting and landscaping plan;
14. Architectural plans of proposed structures including the number and minimum floor area of dwelling units;
15. The location, width, names, and grades of existing and proposed streets.
16. Typical sections for all proposed streets;
17. Proposed phases if the project is to be developed in stages;
18. The location and sizes of any proposed fee simple building lots with SFPUD Districts;
19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type;

D. Review Criteria for General Development Plans

When reviewing an application for a Planned Unit Development, the Zoning Commission and Township Trustees shall consider, but shall not be limited to consideration, of the following characteristics of the proposed development:

1. The comprehensive nature and design of the General Development Plan, including appropriate design of the physical, aesthetic, and economic relationships among its parts;
2. The suitability of the site proposed for zoning as a Planned Development District, including its location, area, relationship to existing development in the community, natural features, relationship to community plans, and other such characteristics;
3. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
4. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
5. The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the Township and to promote use of such transportation modes;
6. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit within the District;
7. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the District;
8. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
9. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
10. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
11. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering;
12. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
13. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed;
14. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Unit Development and its improvements;

15. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

E. Final Development Plan Requirements

Final development Plans submitted to the Zoning Commission for review shall be based on a previously approved General Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted at least ten (10) working days prior to the meeting at which said plans will be reviewed by the Zoning Commission. A minimum of twelve (12) copies shall be submitted. Submission shall include a fee as established by the Township Trustees. Final Development Plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.

Final Development Plans shall be prepared by persons professionally qualified to do such work. Final Development Plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final Development Plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets.

Final Development Plans shall include detailed design information for all of the items contained on General Development Plans but shall also include detailed construction drawings for proposed improvements including such items as:

1. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
2. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
3. A detailed landscaping plan including a listing of all plant material by type, size, and number;
4. Provisions for the adequate control of erosion and sedimentation;
5. The location, type, size and height of all fencing, screening, and retaining walls;
6. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
7. A site lighting plan;
8. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses;

F. Bonding of Required Improvements

A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period. Where performance guarantees are provided to other public agencies, such as the Lake County Department of Utilities, for certain required improvements, such arrangements shall be deemed to meet the requirement of this provisions for such improvements so that no dual bonding of specific improvements is required.

G. Approval of Final Development Plans

The Zoning Commission shall review each Final Development Plan and shall make a recommendation to the Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Township Trustees may attach, such conditions to the approval of a Final Development Plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of the Township's Comprehensive Plan. All Final Development Plans must have the approval of applicable County agencies.

The Township Trustees shall act upon each Final Development Plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Trustees with the consent of the applicant.

H. Compliance Required

Subsequent to the approval of a Planned Unit Development District, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the District shall be in substantial compliance with the approved Final Development Plan and any conditions of such approval adopted by the Township in approving the PUD District and Final Development Plan. Any departure from the approved Final Development Plan and any conditions or development agreements attached thereto, shall be deemed

to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the Final Development Plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

I. Amendments to General or Final Development Plans

The owner of a property within a Planned Unit Development District may submit plans for amendment of either the General or Final Development Plan approved for the District. The Zoning Commission and Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the General Development Plan approved for the District as part of the rezoning.

If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved General Development Plan for the PUD District, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.

SECTION 304.10 PROFESSIONAL ASSISTANCE

The extent and complexity of certain applications for Planned Unit Developments will require that the Zoning Commission and/or Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission and/or Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Unit Development relative to the requirements of this Section. The Zoning Commission and/or Township Trustees shall advise the applicant if such studies are required and provide an estimate of whether the anticipated costs of such studies will exceed the base deposit set forth in Section 304.12(b). The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

SECTION 304.11 CONSTRUCTION INSPECTION

During construction the Township's representatives shall be afforded adequate opportunity to inspect the development to confirm proper installation of required improvements and compliance with the provisions of this Zoning Resolution, the approved standards and conditions for the PUD, and such other regulations as may be applicable.

SECTION 304.12 FEES AND DEPOSITS

- A. All applications for development plan review and approval shall be accompanied by a non-refundable fee in an amount established by the Township Trustees.
- B All applications for development plan review and approval shall also be accompanied by a cash deposit for professional consultant services in an amount established by the Township Trustees. Any balance of unused deposit funds shall be refunded to the applicant within sixty (60) days of the Township's final action on the application.
- C. Prior to commencement of construction, the developer of a PUD shall deposit with the Township Clerk a sum as determined by the Township Trustee's, which funds shall be used by the Township to pay for project inspections and administration during construction as provided in Section 304.11.

SECTION 305 LAKEFRONT PLANNED MIXED-USE DISTRICT

SECTION 305.01 PURPOSE AND INTENT

The purpose of this section is to establish provisions for the establishment of coordinated mixed-use developments in certain strategic locations within the Township and subject to the regulations and procedures set forth herein and in conformance with the provisions of Section 519.021 of the Ohio Revised Code. The zoning provisions within Lakefront Planned Mixed-Use Districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments along the Lake Erie shoreline by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted in traditional districts. Such districts are intended to meet both the housing and retail needs of the Township while protecting natural features and preserving its established character. It is intended that commercial components within a Lakefront Planned Mixed-Use District may be designed and arranged to create a town center. All development within a Lakefront Planned Mixed-Use District shall be in accordance with an approved General Concept Development Plan.

SECTION 305.02 CRITERIA FOR ESTABLISHMENT

A Lakefront Planned Mixed-Use District (LPM) may only be established if it conforms with all of the following criteria:

- A. Each Lakefront Planned Mixed-Use District shall be served by an approved public water supply system and an approved public sanitary sewer system.
- B. Each Lakefront Planned Mixed-Use District shall have a minimum area of not less than seventy-five (75) contiguous acres.
- C. Each Lakefront Planned Mixed-Use District must have a minimum of one thousand (1,000) feet of frontage on Lake Erie.
- D. A determination is made that such development is consistent with the goals and objectives of the Perry Township Comprehensive Plan.
- E. Submission and approval of a General Concept Development Plan for the entire Lakefront Planned Mixed-Use District.

SECTION 305.03 PERMITTED USES

Within a Planned Unit Development District no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as a permitted, conditionally permitted, or accessory use within such planned unit development district and further provided that each such use is identified on and approved as part of the development plan. It is intended that permitted uses may be mixed within a single building. The Zoning Commission and Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein and any other considerations deemed by the Commission and Trustees to be significant in determining the appropriateness of a use or uses. The Commission and Trustees shall have the authority to deny approval for inclusion of any proposed use where such use is determined to be inappropriate for the development or conflicts with the Comprehensive Plan.

A. Permitted Uses

1. Detached Single Family Dwellings
2. Attached Single Family Dwellings, provided that not more than eight (8) such dwelling units shall be attached in any single building
3. Multi-family Dwellings provided that not more than eight (8) such dwelling units shall be contained within a building
4. Places of Worship
5. Parks and Recreation Facilities, including club houses, swimming pools, and tennis courts in conformance with the General Concept Development Plan
6. Banks and Financial Institutions subject to the provisions of Section 305.05
7. Offices, including Medical Offices subject to the provisions of Section 305.05
8. Personal Services subject to the provisions of Section 305.05
9. Retail Stores subject to the provisions of Section 305.05
10. Restaurants and Coffee Shops subject to the provisions of Section 305.05
11. Child and Adult Day Care Facilities subject to the provisions of Section 305.05

B. Conditionally Permitted Uses

1. Commercial Recreation and Entertainment Facilities
2. Gymnasiums, Athletic Facilities, Fitness Centers, and Health Spas

- C. Accessory Uses
 - 1. Residential Accessory Buildings and Structures
 - 2. Parking subject to Section 408
 - 3. Signs subject to Section 409
 - 4. Home Occupations subject to Section 301.04(c)
 - 5. Fences subject to Section 404

SECTION 305.04 DENSITY AND MIXTURE OF DWELLING UNITS

- A. Density

The maximum density of dwelling units shall be as set forth on the approved General Concept Development Plan, but shall in no case shall the aggregate density for the overall development be greater than 5.0 dwelling units per gross acre of the entire Lakefront Planned Mixed-Use District.
- B. Mixture of Dwelling Units

Each Lakefront Planned Mixed-Use District shall contain a mixture of housing types and styles in order to provide a variety of housing opportunities. In no case, however, shall the number of multi-family dwellings exceed twenty percent (20%) of the total number of dwelling units within the District, nor shall the number of detached single family dwellings be less than twenty-five percent (25%) of the total number of dwelling units within the District.

SECTION 305.05 OFFICE AND COMMERCIAL AREAS

- A. Area Requirements

The area developed with office and commercial uses shall be as set forth on the approved General Concept Development Plan, but in no case shall the area occupied by office and commercial uses be less than five percent (5%) nor greater than fifteen percent (15%) of the gross area of the Lakefront Planned Mixed-Use District.
- B. Design Requirements

Commercial buildings and establishments shall be planned as groups having common parking areas and access points. The commercial portion of the District shall have an integrated and harmonious design of buildings.

C. Trash Receptacles

Outdoor trash collection and storage facilities shall be screened from view from any public right-of-way and/or adjoining residential property by an enclosure consisting of a solid wall or fence at least six (6) feet in height.

SECTION 305.06 MINIMUM LIVABLE FLOOR AREA

All dwelling units within a Lakefront Planned Mixed-Use District shall conform with the following minimum living area requirements:

- A. Each detached single family dwelling shall contain not less than eighteen hundred (1800) square feet of livable floor area.
- B. Each Attached Single Family Dwelling shall contain not less than twelve hundred (1200) square feet of livable floor area.
- C. Each Multi-family Dwelling shall contain not less than eight hundred (800) square feet of livable floor area.

SECTION 305.07 MINIMUM LOT AREA

Where individual building lots are established within a Lakefront Planned Mixed-Use District, the minimum sizes of said lots shall be as established on the development plan and as approved by the Township Trustees.

SECTION 305.08 OPEN SPACE

A. Minimum Area Required

Open space and recreation areas shall be as set forth on the final approved development plan. The land area designated for open space and recreational use shall not be less than twenty percent (20%) of the total land area of the Lakefront Planned Mixed-Use District provided, however, that the Zoning Commission and Township Trustees may reduce the required percentage of opens space and recreation area as part of the development plan approval based upon the quality of the areas designated for open space and recreation. Common open space shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the District and to conserve and protect significant natural features such as wetlands, woodlands, streams, the shoreline, historic features, and environmentally sensitive areas.

B. Calculation of Open Space

Land areas devoted to streets, parking areas, rights-of-way, required setbacks from streets and rights-of-way, and areas within individual lots shall not be considered open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from the Lakefront Planned Mixed-Use District project boundary lines shall be counted as common open space. Parking areas, drive aisles and other similar features may be counted as part of the open space requirement when they exclusively serve a park or recreation use.

C. Ownership and Maintenance of Common Areas

The ownership of all common open space areas, vegetative buffers, detention ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the Lake County Recorder as a covenant on the land within the Lakefront Planned Mixed-Use District. The perpetual maintenance plan shall identify Perry Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.

D. Landscape Plan Required

All disturbed areas within a Lakefront Planned Mixed-Use District which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.

E. Lakeshore Protection

Each Lakefront Planned Mixed-Use District shall provide shoreline erosion protection sufficient to protect all improvements from coastal erosion. The extent of such protection measures shall be as approved by the Township as part of the Development Plan approval and shall conform to the applicable standards and requirements of the Ohio Department of Natural Resources, Ohio Environmental Protection Agency, the U. S. Army Corps of Engineers, and any other agency having appropriate jurisdiction.

F. Public Access

Each Lakefront Planned Mixed-Use District shall include arrangements for providing or enhancing public access to the shoreline and/or lakefront in a manner acceptable to and approved by the Zoning Commission and Township Trustees.

SECTION 305.09 UTILITIES

All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township Trustees as part of the development plan approval.

SECTION 305.10 ACCESS AND STREET REQUIREMENTS

A. Street Standards

All public streets shall be designed and constructed in accordance with the standards and specifications of the Lake County Design Standards. Private streets shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snowplows and garbage trucks. Private streets shall meet the same base and pavement design criteria as public streets.

B. Emergency Vehicle Access

Planned Mixed-Use Districts shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

C. Street Signs and Markings

Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township and in accordance with the standards of the Lake County Engineer and the Ohio Department of Transportation for such devices. Where such signs, markings, or devices are located on private streets, the owner's association shall be responsible for their maintenance.

D. Pedestrian Access

Each Lakefront Planned Mixed-Use District shall provide for a system of walkways and/or trails that accommodates pedestrian and bicycle access. Said walkway and trail system shall link residential units to the commercial center, the open space areas, and the lakefront.

SECTION 305.11 SETBACKS AND SEPARATIONS

Dwelling units within a Lakefront Planned Mixed-Use District may be on individual lots and/or part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code. Building setbacks and separations shall be as established on the approved final development plan. Buffers may be required within setbacks from adjoining properties where the Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts. The established setbacks and/or separations shall comply with the following standards, provided however, that the Township Trustees may permit portions of a project to have lesser setbacks and separations where such setbacks and/or separations are part of an approved town center design concept plan:

- A. No building, structure, or parking area shall be located closer than fifty (50) feet to any project boundary line of the Lakefront Planned Mixed-Use District.
- B. No building or structure shall be located closer than thirty (30) feet to the right-of-way line of any public street.
- C. Commercial and office parking shall be located a minimum of twenty (20) feet from the right-of-way line of any public street and said parking setback area shall be landscaped in accordance with an approved landscaped plan.
- D. No building or structure shall be located closer than twenty-five (25) feet to the edge of pavement of any private street.
- E. Commercial and office parking shall be located a minimum of twenty (20) feet from the boundary of the area designated for commercial and office uses.
- F. The minimum distance between residential buildings where there are no individual building lots shall be fifteen (15) feet side to side, thirty (30) feet rear to rear, and thirty (30) feet side to rear.
- G. The minimum distance between an exclusively commercial and/or office building and any exclusively residential building shall be fifty (50) feet.
- H. Mixed-use buildings that contain a combination of commercial or office uses along with residential uses shall meet the separation requirements established by the Zoning Commission and Township Trustees for such buildings as part of the General Concept Development Plan approval.

- I. Where individual building lots are created as part of a Planned Mixed-Use District, the minimum setback from any side lot line shall be equal to not less than ten percent (10%) of the lot width measured at the building line but in no case less than seven (7) feet.
- J. Where individual building lots are created as part of a Planned Mixed-Use District, the minimum rear yard setback shall be twenty-five (25) feet.

SECTION 305.12 STORM WATER MANAGEMENT

- A. Drainage
All Lakefront Planned Mixed-Use District developments shall provide for storm water management in accordance with the provisions of the Lake County Design Standards.
- B. Erosion and Sedimentation Control
Erosion and sedimentation control shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.
- C. Water Quality Standards
Water quality shall be required pursuant to Section 407 Water Quality and Erosion and Sedimentation Control.

SECTION 305.13 FIRE PROTECTION

All Lakefront Planned Mixed-Use District developments shall make provisions for fire protection which shall include the following:

- A. Installation of fire hydrants on all streets at intervals of not more than three hundred (300) feet.
- B. The type of hydrant and control valves shall be as approved by the Fire Chief and the Lake County Sanitary Engineer.
- C. Water lines serving fire hydrants shall be a minimum of eight (8) inches in diameter and shall be looped except as specifically approved by the Fire Chief.

SECTION 305.14 MAXIMUM HEIGHT

No building or structure shall exceed three (3) stories or forty-five (45) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval. Accessory buildings shall not exceed twenty (20) feet in height except as specifically authorized by the Zoning Commission and Township Trustees as part of the development plan approval.

SECTION 305.15 RESIDENTIAL ARCHITECTURAL TREATMENTS

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. Concrete block or other foundation materials shall not be left exposed above finished grade, but shall be covered with brick, stone, or other finished building façade material approved by the Township.

SECTION 305.16 APPLICATION REQUIREMENTS AND PROCEDURES

Property owners who wish to have their land zoned for a Lakefront Planned Mixed-Use District shall make application for both a Zoning Map amendment and General Concept Development Plan approval following the same approval procedures set forth in Sections 304.08 through 304.12 for Planned Unit Developments. General Concept Development Plans may be preliminary and general in nature, but shall contain sufficient information, as required by the Zoning Commission and Township Trustees, to adequately convey the overall intent and design approach of the development.

SECTION 400 SUPPLEMENTAL REGULATIONS

SECTION 401 FENCES AND HEDGES

SECTION 401.01 GENERAL STANDARDS

- A. All fences and permanent walls shall require a zoning permit.
- B. Where a proposed fence will present a different appearance on one side from the other, the fence shall be constructed so that the finished side faces the abutting properties, as determined by the Zoning Inspector. Generally, that side on which the exposed posts or supporting cross members are most visible shall be faced into the lot on which the fence is located.
- C. Fences and hedges shall be maintained in good repair and appearance.
- D. No fence or hedge shall interfere with clear sight distance or create a visual obstruction.
- E. No fence, wall or hedge shall extend into the road right-of-way.
- F. Fences shall not be constructed in a manner which obstructs drainage.

SECTION 401.02 FENCES IN RESIDENTIAL DISTRICTS

- A. Open fences, walls and hedges shall be permitted along a side lot line in the front yard provided that they do not exceed forty-two (42) inches in height.
- B. Within fifty (50) feet of the right-of-way, no fence, wall or hedge shall exceed forty-two (42) inches in height.
- C. On corner lots, fences in excess of forty-two (42) inches in height may be placed five (5) feet from the edge of the right-of-way of the side street provided that such fence does not extend into the required front setback or closer to the front street right-of-way than the dwelling located on the property.

SECTION 401.03 FENCES IN COMMERCIAL AND INDUSTRIAL DISTRICTS

- A. Fences shall only be constructed in conformance with an approved site plan.
- B. Fences shall not exceed eight (8) feet in height.

- C. In Commercial Districts fences shall not be located in the required front building setback or in required side yards abutting a public right-of-way. Fences located in front of or at the same setback as the principal building shall be board-on-board, decorative stockade, picket, wrought iron, split rail or brick and/or stone wall or similar decorative style material which shall match or complement the architectural treatment of the principal building and shall not exceed six (6) feet in height. Woven wire, chain link, and similar utility fencing shall not be permitted at the minimum building setback line or between the principal building and any public street right-of-way. Electric fences, razor wire fences, fences made of chicken wire barbed wire or pallets shall not be permitted.
- D. In Industrial Districts fences shall be setback a minimum of thirty (30) feet from any street right-of-way line. Gated entries to fenced areas shall be setback a sufficient distance to permit trucks stopping at the gate to adequately clear the nearest travel lane of the public street so as not to obstruct the flow of vehicular traffic. Electric fences, razor wire fences, fences made of chicken wire barbed wire or pallets shall not be permitted

SECTION 401.04 SNOW FENCES

Temporary snow fences may be erected within front yards provided that:

- A. Such fences are located a minimum of ten (10) feet from any boundary line;
- B. Such fences are not erected prior to November 15th and are removed prior to April 1st;
- C. A temporary no fee zoning permit is required and the property owner or occupant must obtain that permit from the Zoning Inspector prior to erecting any such fence; and
- D. For the purposes of this Section, temporary snow fence shall mean wood roll fencing consisting of one and one half (1½) inch wood slats with two and one quarter (2¼) inch spacing or plastic equivalent and forty-eight (48) inches in height.

SECTION 402 CONSTRUCTION TRAILERS

SECTION 402.01 CONSTRUCTION TRAILERS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A construction trailer may be temporarily placed on any parcel of land in a commercial or industrial district for which a valid building permit has been issued for the construction of a permanent building provided that a Zoning Permit for such construction trailer has been obtained from the Zoning Inspector and further provided that such trailer is removed upon the completion of construction and/or issuance of an occupancy permit.

SECTION 402.02 CONSTRUCTION TRAILERS IN RESIDENTIAL DISTRICTS

Construction trailers shall be permitted in residential districts only in conjunction with a valid building permit and only where a Conditional Use Permit has been approved for such use by the Board of Zoning Appeals. Conditional Use Permits for construction trailers shall expire simultaneous with the building permit or at such sooner time as may be designated by the Board of Zoning Appeals.

SECTION 403 SWIMMING POOLS

SECTION 403.01 LOCATION

Swimming pools shall be located to the rear of the principal building and shall be setback a minimum of fifteen (15) feet from any side or rear property line.

SECTION 403.02 FENCING REQUIRED

Every swimming pool, except those which are a minimum of four (4) feet in height above the surrounding ground and which have retractable steps or ladders, shall be enclosed by an aesthetically acceptable fence or wall not less than four (4) feet in height. Such fence or wall shall be so constructed as to prevent a child from crawling or otherwise passing through or under it. Said fence or wall shall be maintained in good condition with a gate and locking device.

SECTION 404 SATELLITE DISHES

Satellite dishes or similar signal receiving and transmitting devices which exceed forty (40) inches in diameter and/or four (4) feet in height shall not be erected, installed or mounted without a Zoning Permit and a Conditional Use Permit.

SECTION 405 RIPARIAN SETBACKS

SECTION 405.01 PURPOSE

Riparian setbacks control land use activities and new development within certain distances of streams. Setting development back maintains the ability of riparian areas to control flooding, limit stream bank erosion, protect habitat, purify ground water, and reduce water pollution. Riparian setbacks protect structures and reduce property damage and threats to watershed residents while contributing to the scenic beauty and semi-rural character of Perry Township.

SECTION 405.02 GENERAL REQUIREMENTS

- A. These regulations shall apply to all zoning districts.
- B. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated water course, except as otherwise provided herein.
- C. No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

SECTION 405.03 ESTABLISHMENT OF RIPARIAN SETBACKS

- A. Riparian setbacks shall be measured from the centerline of a designated watercourse.
- B. Except as otherwise provided in this resolution, riparian setbacks shall be preserved in their natural state.
- C. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the affected area provided by Federal Emergency Management Agency (FEMA).
- D. Riparian setbacks on designated watercourses shall be established as follows:
 - 1. A minimum of 150 feet on each side of the Grand River.
 - 2. A minimum of 30 feet on each side of Red Mill Creek, Red Creek, and Arcola Creek.

SECTION 405.04 PERMITTED USES WITHIN RIPARIAN SETBACKS WITH ZONING CERTIFICATE

Buildings, structures, and uses may be permitted within a riparian setback, subject to approval of an application for a zoning certificate by the Zoning Inspector or conditional zoning certificate by the Board of Zoning Appeals in accordance with the following regulations and such other applicable regulations contained in this Zoning Resolution:

- A. Crossings. Crossings of designated water courses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted, subject to the other regulations contained in this Zoning Resolution and the regulations enforced by the Lake Soil and Water Conservation District (SWCD), the Lake County Engineer, and the Army Corps of Engineers.
- B. Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses may be permitted, subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Lake SWCD and the Army Corps of Engineers.
- C. Storm Water Retention and Detention Facilities. Storm water retention and detention facilities are permitted subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Lake SWCD and the Ohio EPA. Storm water retention and detention facilities shall be

located a minimum of fifty feet from the ordinary high water mark of the designated watercourse.

- D. Signs. Signs in accordance with Section 409.

SECTION 405.05 PROHIBITED USES WITHIN RIPARIAN SETBACKS

The following buildings, structures, and uses are prohibited within a riparian setback.

- A. Construction. There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations.
- B. Dredging and Dumping. There shall be no drilling, filling, dredging, or dumping of soils, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials as permitted under these regulations.
- C. Fences and Walls. There shall be no fences or walls.
- D. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
- E. Roads and Driveways. There shall be no roads or driveways except as permitted under these regulations.

SECTION 406 WIRELESS TELECOMMUNICATIONS FACILITIES AND/OR TOWERS

SECTION 406.01 PERMIT REQUIRED

Except in accordance with Ohio Revised Code Section 519.211 and the provisions of this Zoning Resolution, no person shall, in any Residential District, locate, erect, construct, reconstruct, change, alter, use or enlarge any wireless telecommunication tower.

Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 519.211, regarding a wireless telecommunication tower in any Residential District, the Board of Zoning Appeals, shall, upon proper application and hearing as set for in Section 500 of this Zoning Resolution, have the power to issue at its discretion a Conditional Zoning Certificate allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such wireless telecommunication tower if it finds that the applicant has satisfied all of the applicable requirements.

SECTION 406.02 EXCEPTIONS

The following are exceptions to the regulations contained herein pertaining to wireless communication towers:

- A. Wireless telecommunication facilities located in Commercial and Industrial Districts are exempt from these provisions to the extent provided in Ohio Revised Code Section 519.211 and no Conditional Zoning Certificate or Zoning Certificate shall be required for such facilities where such exemption applies.
- B. The addition of a new wireless telecommunication antenna to an existing tower in any Residential District where such installation does not involve any increase or extension of the original height of the structure on which it is mounted shall not require a Conditional Zoning Certificate but may directly apply for and obtain a Zoning Certificate for such installation from the Zoning Inspector.
- C. Wireless telecommunication towers located in any Residential District where, within such time period as is stipulated in Ohio Revised Code Section 519.211(F)(1), neither a contiguous property owner gives written notice to the Township Trustees requesting that the wireless telecommunications facility be subjected to the provisions of this Zoning Resolution, nor a member of the Township Trustees makes an objection to the proposed location of the wireless telecommunications facility.

SECTION 406.03 APPLICATION REQUIREMENTS

Requests for a Conditional Zoning Certificate to install a wireless telecommunication facility in any Residential District shall be filed through the Zoning Inspector to the Board of Zoning Appeals in conformance with the provisions of Section 500 of this Zoning Resolution. In addition to the application requirements set forth in Section 500, the following additional requirements shall apply to all applications for wireless telecommunication facilities:

- A. Analysis Of Co-Location Alternatives. Unless the application is for co-location, the applicant shall submit a certification, supported by evidence, indicating that co-location of the proposed wireless telecommunications facility on an existing, approved tower cannot be accommodated. The applicant's certification shall include a listing of all existing wireless telecommunications towers within a one (1) mile radius of the proposed site regardless of political boundaries. Reasons for not co-locating on an existing tower may include:
 - 1. No existing wireless telecommunications towers are located within the above-listed radius of the site;
 - 2. Existing wireless telecommunications towers are not of sufficient height to meet the applicant's engineering requirements;

3. Existing wireless telecommunications towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 4. Collocation would result in radio frequency interference with other existing equipment on the wireless telecommunications tower which cannot be reasonably prevented;
 5. Evidence that the owner of the existing wireless telecommunications tower will not to enter into a co-location arrangement; or
 6. Existing wireless telecommunications towers do not provide an acceptable location or requisite coverage for the applicant's communication network.
- B. Analysis Of New Tower Site Alternatives Unless the application is for co-location, the application shall submit certification, supported by evidence, indicating that the proposed new site for a wireless telecommunications tower is an essential location. The applicant's certification shall include a listing of potential sites, a description of each potential site (including ground elevations) and a discussion of the ability or inability of the site to host a telecommunications tower
- C. Analysis Of Visual Impact The applicant shall submit a pictorial representation, such as a silhouette drawing, photograph, etc. of the proposed wireless telecommunications tower from a point two hundred (200) feet from the facility in each of the four compass directions showing the relationship of the tower against the massing of surrounding structures, trees, and other intervening visual masses.
- D. Collocation Agreement The proposed owner/operator of the tower shall submit an agreement to allow, under commercially reasonable terms, collocation until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms for two (2) additional providers unrelated to the owner/operator. Agreement to this provision must also be included in the applicant's lease with the property owner, if different from the owner/operator of the tower.

SECTION 407 WATER QUALITY AND EROSION AND SEDIMENTATION CONTROL

SECTION 407.01 EROSION AND SEDIMENTATION CONTROL

Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction for developments one acre or larger and for planned unit developments shall be provided.

SECTION 407.02 WATER QUALITY STANDARDS FOR LARGE ACTIVITIES

For all planned unit developments and large commercial and industrial construction activities (involving the disturbance of five or more acres of land or will disturb less than five acres, but is a part of a larger common plan of development or sale which will disturb five or more acres of land), the post construction Best Management Practices (BMPs) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality. Structural (designed) post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site. The BMPs chosen must be sized to treat the water quality volume (WQ_y) and ensure compliance with Ohio’s Water Quality Standards in Ohio Administrative Code (OAC) Chapter 3745-1. The WQ_y shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to the following equation:

$$W_{q_y} = C * P * A / 12$$

where:

- W_{q_y} = water quality volume in acre-feet
- C = runoff coefficient appropriate for storms less than 1 inch (see Table 1)
- P = 0.75 inch precipitation depth
- A = area draining into the BMP in acres

Runoff coefficients required by the OEPA for use in determining the water quality volume shall be determined by using the list in Table 1.

Table 1 - Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Residential (4 to 6.5 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational	0.2
Industrial & Commercial	0.8

An additional volume equal to 20 percent of the WQ_y shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. BMPs shall be designed according to the methodology included in the Rainwater and Land Development manual unless an alternative design standard is approved by the Township. This volume shall be incorporated into the sections of storm water practices where pollutants will accumulate.

BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2.

Table 2: Target Drain Times for Structural Post-Construction BMPs

BMPs Suitable for Drainage Areas \geq 5 Acres		BMPs Suitable for Drainage Areas $<$ 5 Acres	
Best Management Practice	Drain Time	Best Management Practice	Drain Time
Dry Extended Detention Basin*	48 hours	Infiltration Basins [^]	24-48 hours
Wet Extended Detention Basin**	24 hours	Bioretention Cells	40 hours
Constructed Wetlands+	24 hours	Sand & Other Media Filters	40 hours
Infiltration Basins [^]	24-48 hours	Enhanced Water Quality Swales	24 hours
		Pocket Wetlands#	24 hours
		Vegetated Filter Strips	24 hours

* Dry basins must include forebay and micropool each sized at 10% of the WQv

** Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQv

+ Extended detention shall be provided for the full WQv above the permanent water pool.

[^] The WQv shall completely infiltrate within 48 hours so there is no standing or residual water in the BMP.

Pocket wetlands must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDv above the permanent pool must be equal to the WQv.

The applicant may request approval from the Township to use alternative structural post-construction BMPs if the applicant can demonstrate that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. Construction activities shall be exempt from this condition if it can be demonstrated that the WQ_y is provided within an existing structural post-construction BMP that is part of a larger common plan of development or if structural post-construction BMPs are addressed in a regional or local storm water management plan.

For redevelopment projects (i.e., developments on previously developed property), post-construction practices shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQ_y, or a combination of the two.

SECTION 407.03 WATER QUALITY STANDARDS FOR SMALL ACTIVITIES

For all small multi-family, commercial, and industrial construction activities (which disturb one or more, but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land), a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the Storm Water Pollution Prevention Plan (SWP3). Structural measures should be placed on upland soils to the degree attainable.

- A. Such practices may include, but are not limited to storm water detention structures (including wet basins); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The SWP3 shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

- B. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regimes of the receiving water).

SECTION 408 PARKING

408.01 PARKING SPACES REQUIRED

In all zoning districts, the minimum number of parking spaces provided shall be in accordance with Table 408.01.

TABLE 408.01 REQUIRED PARKING SPACES	
USE	REQUIRED SPACES
Single Family Dwellings	Two (2) per dwelling unit
Multi-Family Dwellings	Two and One-half (2.5) per dwelling unit
Schools	Six (6) per classroom or One (1) for every three (3) seats in the largest assembly area, whichever is greater
Day Care Centers	Four (4) for each 1000 square feet of floor area
Places of Worship	One (1) for each three (3) seats
Personal Services	Four (4) for each 1000 square feet of floor area
Nursing Homes and Assisted Living Facilities	One (1) for each two (2) beds
Funeral Homes	Six (6) for each 1000 square feet of floor area
Private Schools and Training Facilities	Six (6) per classroom or One (1) for every three (3) seats in the largest assembly area, whichever is greater
Gasoline Service Stations	One and One-half (1.5) per fueling station
Medical Clinics and Ambulatory Care Facilities	Six (6) for each 1000 square feet of floor area
Medical Offices	Six (6) for each 1000 square feet of floor area
Offices	Four (4) for each 1000 square feet of floor area
Hotels and Motels	One and one-quarter (1.25) for each guest room
Banks and Financial Services	Four and One-half (4.5) for each 1000 square feet of floor area
Retail Stores	Four (4) for each 1000 square feet of floor area
Restaurants and Coffee Shops	One (1) for each two (2) seats based on maximum seating capacity

**TABLE 408.01
REQUIRED PARKING SPACES**

USE	REQUIRED SPACES
Business Services	Four (4) for each 1000 square feet of floor area
Recreation and Entertainment Facilities	Four (4) for each 1000 square feet of floor area
Gymnasiums, Athletic Facilities, Fitness Centers and Health Spas	Four (4) for each 1000 square feet of floor area
Movie Theaters	One (1) for each two (2) seats based on maximum seating capacity
Light Manufacturing, Fabrication, and Assembly Operations	Two and One-half (2.5) for each 1000 square feet of floor area
Hardware, Building Supply, and Lumbar Yards	Two and One-half (2.5) for each 1000 square feet of floor area
Research and Testing Facilities	Two (2) for each 1000 square feet of floor area
Wholesale Businesses	Two and One-half (2.5) for each 1000 square feet of floor area
Pet Stores, Kennels, Veterinary Clinics and Pet Grooming Facilities	Four (4) for each 1000 square feet of floor area
Heavy Manufacturing, Processing, Fabrication, and Assembly	Two and One-half (2.5) for each 1000 square feet of floor area
Bed and Breakfast	One (1) per guest room
Party Centers	One (1) for each two (2) seats based on maximum seating capacity
Nurseries and Garden Centers	One (1) for each 1000 square feet of enclosed floor area
Vehicle, Machinery and Equipment Repair and Service	Two and One-half (2.5) for each 1000 square feet of floor area
Contractor Shops	Two and One-half (2.5) for each 1000 square feet of floor area
Home Occupations	Four (4)
Printing, Publishing and Copy Services	Two and One-half (2.5) for each 1000 square feet of floor area
Warehousing and Storage	Two (2) for each 1000 square feet of floor area

SECTION 408.02 PARKING SPACE DIMENSIONS

Each off-street parking space shall have an area of not less than 180 square feet exclusive of drive aisles and access drives. The minimum width of any parking space shall be nine (9) feet.

SECTION 408.03 DESIGN OF PARKING LOTS

All parking areas shall be designed in accordance with the following standards:

- A. Parking areas shall be graded and drained to minimize standing water, to provide positive drainage away from buildings, and to prevent runoff onto adjacent properties.
- B. Parking areas shall be improved with either a compacted bituminous base, not less than four (4) inches in depth, and a paved asphalt surface or equivalent depth concrete.
- C. Parking areas intended for use by more than five (5) vehicles shall have permanent pavement markings to delineate spaces.
- D. Handicapped parking and access shall be provided in accordance with the requirements of the Americans with Disabilities Act.
- E. Drive aprons shall be located at the maximum possible distance from street intersections. The number of drive aprons shall be the minimum necessary to service the facility.
- F. All drive aisles which provide access to parking spaces shall have a minimum width of twenty-two (22) feet. Drive aisles which do not provide direct access to parking spaces shall be a minimum of twenty (20) feet in width.
- G. All parking areas shall be maintained in good condition without holes and free of dust, trash, and other debris and shall be maintained so that the pavement markings are clearly visible.

SECTION 408.04 PARKING IN RESIDENTIAL DISTRICTS

No motor homes, boats, private buses, campers, camping trailers, boat trailers, horse trailers, cargo trailers, or recreational vehicles which does not belong to an individual permanently residing on the premises shall be parked or stored on any property located in a Residential District.

SECTION 409 SIGNS

SECTION 409.01 PURPOSE AND INTENT

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

- A. To promote and maintain attractive and high value residential districts;
- B. To provide for reasonable and appropriate methods and conditions for advertising goods sold or services rendered in commercial districts;
- C. To provide for appropriate and harmonious identification of uses and services within industrial districts;
- D. To protect property values;
- E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstruction; and
- F. To protect and preserve the aesthetic quality and physical appearance of the Township.

SECTION 409.02 COMPLIANCE REQUIRED

Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in accordance with these provisions. These provisions shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs.

SECTION 409.03 ZONING PERMIT REQUIRED

A Zoning Permit issued by the Zoning Inspector pursuant to the provisions of Section 202 shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted in Section 409.04. In addition to the standard requirements of Section 202.02 regarding applications for Zoning Permits, applications for signs shall also be accompanied by detailed information regarding the design of the sign, including dimensions, materials, method of attachment or support, source of illumination, and the relationship to any building or structure to which it is or is proposed to be installed or affixed.

SECTION 409.04 ZONING PERMIT EXCEPTIONS

No Zoning Permit shall be required for:

- A. Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure;

- B. Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual;
- C. Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility;
- D. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas.
- E. Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties.
- F. One temporary, non-commercial, public opinion sign or property sale or lease sign not exceeding six (6) square feet in area per lot or parcel.
- G. Signs identifying the address of the premises.
- H. Signs located on a parcel of land which is larger than three (3) acres in area, has more than five hundred (500) lineal feet of frontage on a public right-of-way, and is actively used for agricultural purposes.

SECTION 409.05 GENERAL REQUIREMENTS

The following provisions shall apply to all signs:

- A. The total area of all signs permitted on a lot in accordance with regulations set forth in the following sections shall include the area of all of the sign faces visible from a public right-of-way, including the area of signs placed upon the surface of windows or doors, but shall not include:
 - 1. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property;
 - 2. Required address identification signs; or
 - 3. Any signs which cannot be seen from a public street right-of-way, or adjacent properties.
- B. The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.
- C. Free-standing signs shall be limited to a maximum of two (2) faces. Where the two faces of a free-standing sign are oriented 180 degrees, or back to back, to one another the total sign area of such sign shall be measured as if the sign had a single face.
- D. The height of free-standing signs shall be measured from the finished grade at the base of the sign to the highest point or element of the sign.
- E. For the purposes of calculating permitted sign area, the frontage of a building shall be the number of linear feet of the facade facing the public

street right-of-way or containing the main entrance, and the frontage of a lot shall be the number of linear feet that the lot abuts on the public street right-of-way.

- F. Signs in Residential Districts shall not be illuminated, except as specifically provided. Signs in Commercial and Industrial Districts may be illuminated. Where illuminated signs are permitted, they shall conform to the following requirements:
1. All illuminated signs shall comply with the requirements of the National Electric Code.
 2. Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.
 3. Illumination shall not be of excessive brightness and shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
 4. Flashing, moving or intermittent illumination other than changeable copy shall not be permitted.
 5. The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.
- G. All signs shall be located in conformance with the following criteria:
1. No signs shall be attached to utility poles, street signs, or traffic control poles.
 2. No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections.
 3. No sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.
 4. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.
 5. No off-premises signs shall be permitted.
- H. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:
1. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;

2. Mobile, portable, or wheeled signs;
 3. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign that is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
 4. Signs placed, inscribed or supported upon a roof or upon any structure that extends above the roof line of any building;
 5. Inflatable images;
 6. Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices, provided however, that changeable copy signs shall be permitted.
 7. Signs that employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
 8. Beacons or searchlights;
 9. High intensity strobe lights; and
 10. Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path.
- I. The base and foundation of every free-standing sign, regardless of zoning district, shall be landscaped with plant material as approved by the Zoning Inspector. Such landscaping shall be maintained in good condition and replaced as necessary to conform to the plan for as long as the sign remains on the property.
- J. Any owner, part owner, tenant or lessee who suffers a sign to remain on their property shall be deemed to have knowledge of the erection and nature of the sign. All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Inspector shall order the sign to be made safe or removed. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Zoning Inspector forthwith in the case of immediate danger and in any case within five (5) days, secure, repair or remove said sign or structure in a manner approved by the Zoning Inspector. If said person or firm fails to comply with such order within five (5) days, the Zoning Inspector may remove the sign at the expense of the owner or lessee.
- J. The Zoning Inspector shall order the removal or modification of any sign erected without a permit or found to be in violation of these regulations. The owner of the sign, the occupant of the premises on which the sign or

structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Zoning Inspector within five (5) days, remove or modify the sign or structure in a manner approved by the Zoning Inspector. If such sign is not removed or brought into compliance as directed in the notice of violation within five (5) days, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

L. Electronic Changeable Copy Signs

Multiple message and variable message signs which are changed electronically shall conform to the following standards:

1. Each message or copy shall remain fixed for at least eight (8) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.
2. Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.
3. Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions.
4. No such sign shall be of such intensity as to create a distraction or nuisance for motorists as determined by the Board of Zoning Appeals.
5. Displays shall not emulate traffic control devices.
6. Such signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.

SECTION 409.06 NONCONFORMING SIGNS

Signs which legally existed prior to the effective date of this Section, but which do not conform with these provisions, may be maintained as a matter of right provided that such signs comply with the provisions of Section 409.05(J) regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a nonconforming sign or any alteration in the size or structure of such sign, shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance with this Resolution.

SECTION 409.07 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

Signs shall be permitted in SR, ER, LSR and PUD Districts as provided in Table 409.07 and subject to conformance with the regulations set forth herein:

TABLE 409.07 RESIDENTIAL DISTRICT SIGNS						
Type Sign	Max. Area	Max. Height	Front Setback	Side Setback	Other Requirements	Permit Required
Sale/Rent/Opinion	6 sq. ft.	3 ft.	10 ft.	10 ft.	One per Lot	No
Permanent Wall or Free-standing	4 sq. ft.	3 ft.	10 ft.	10 ft.	One per Lot Address Required (a)	Yes
Multi-family Building Wall	20 sq. ft.	n/a	n/a	n/a	One per Building	Yes
Residential Development (b)	24 sq. ft.	6 ft.	10 ft.	10 ft.	One per Development (c)	Yes
Conditional Uses	(d)	(d)	(d)	(d)	BZA Approval Required	Yes
Temporary Free-standing (e)	32 sq. ft.	8 ft.	10 ft.	10 ft.	One per Lot	Yes

Notes:

- (a) Address numbers shall be not less than six (6) inches nor more than eight (8) inches in height and the area of such address shall not be counted in the calculation of total sign area.
- (b) Developments containing more than five (5) dwelling units.
- (c) In lieu of a two-sided free-standing Residential Development Sign, qualifying residential developments with decorative entrance walls may be permitted one (1) sign not exceeding twenty-four (24) square feet in area mounted on the decorative wall on each side of the main entrance to the development.
- (d) As determined by the Board of Zoning Appeals.
- (e) During construction or reconstruction of a building. Must be removed within 5 days of issuance of Occupancy Certificate.

(f) Residential District signs shall not be illuminated except for conditional uses as authorized by the Board of Zoning Appeals.

SECTION 409.08 SIGNS PERMITTED IN COMMERCIAL DISTRICTS

Signs shall be permitted in B Districts as provided in Table 409.08 and subject to conformance with the regulations set forth herein. Each commercial business shall include on its sign the address of the premises.

TABLE 409.08 COMMERCIAL DISTRICT SIGNS						
Type Sign	Max. Area	Max. Height	Front Setback	Side Setback	Other Requirements	Permit Required.
Sale/Rent/Opinion	6 sq. ft.	3 ft.	10 ft.	10 ft.	One per Lot	No
Wall	(a)	n/a	n/a	n/a	Extension Above Wall Limited to 20% of Sign Height Shall Not Extend More Than One and One-Half (1.5) feet in Front of Building Wall	Yes
Projecting	8 sq. ft. (a)	n/a	n/a	5 ft.	One per Establishment Shall Not Extend Above Roof Line	Yes
Marquee	(a)	n/a	n/a	n/a	Maximum Vertical Dimension = 4 feet	Yes
Window	(a)	n/a	n/a	n/a	Maximum Coverage 50% of Glazed Area	Yes
Free-standing (b)	40 sq. ft. (a)	8 ft.	10 ft.	10 ft.	One per Street Frontage (c) Address Required (d) Changeable Copy is Permitted (e)	Yes
Directional	3 sq. ft. (a)	3 ft.	10 ft.	10 ft.	One per Entrance	Yes
Shopping Center (f)	64 sq. ft. (a)	8 ft.	10 ft.	10 ft.	One per Street Frontage Address Required (d)	Yes

Temporary Free-standing (g)	32 sq. ft.	8 ft.	10 ft.	10 ft.	One per Lot	Yes
--------------------------------	------------	-------	--------	--------	-------------	-----

Notes:

- (a) Total area of all permanent signs shall not exceed one (1) square foot for each lineal foot of building wall or façade which faces the principal street or contains the main entrance as determined by the Zoning Inspector.
- (b) Must be designed and constructed of materials to be compatible with the architectural treatment of the principal building.
- (c) Parcels with more than 500 feet of frontage on a street are permitted one (1) additional free-standing sign provided the separation between signs is a minimum of 300 feet..
- (d) Address numbers shall be not less than six (6) inches nor more than eight (8) inches in height and the area of such address shall not be counted in the calculation of total sign area.
- (e) Changeable copy signs may be 48 square feet in area.
- (f) Planned shopping centers which contain more than six (6) retail establishments in a coordinated design with shared parking and access. These signs are in lieu of Free-standing signs.
- (g) During construction or reconstruction of a building. Must be removed within 5 days of issuance of Occupancy Certificate.
- (h) Commercial District signs may be illuminated.

SECTION 409.09 SIGNS PERMITTED IN INDUSTRIAL DISTRICTS

Signs shall be permitted in I Districts as provided in Table 409.09 and subject to conformance with the regulations set forth herein:

TABLE 409.09 INDUSTRIAL DISTRICT SIGNS						
Type Sign	Max. Area	Max. Height	Front Setback	Side Setback	Other Requirements	Permit Required
Sale/Rent/Opinion	6 sq. ft.	3 ft.	10 ft.	10 ft.	One per Lot	No
Wall	(a)	n/a	n/a	n/a		Yes
Projecting	(a)	n/a	n/a	n/a	One per Establishment	Yes
Free-standing	40 sq. ft. (a)	8 ft.	10 ft.	10 ft.	One per Lot (b) Address Required (c)	Yes
Directional	3 sq. ft. (a)	3 ft.	10 ft.	10 ft.	One per Entrance	Yes
Industrial Park	40 sq. ft. (a)	8 ft.	10 ft.	10 ft.	One per Industrial Park	Yes
Temporary Free-standing (d)	32 sq. ft.	8 ft.	10 ft.	10 ft.	One per Lot	Yes

Notes:

- (a) Total area of all Wall and Projecting signs shall not exceed one and one-half (1-1/2) square feet for each lineal foot of building wall or façade which faces the principal street or contains the main entrance as determined by the Zoning Inspector.
- (b) The foundation of each Free-standing Sign shall be landscaped in conformance with an approved landscape plan which shall accompany the permit application.
- (c) Address numbers shall be not less than six (6) inches nor more than eight (8) inches in height and the area of such address shall not be counted in the calculation of total sign area.

- (d) During construction or reconstruction of a building. Must be removed within 5 days of issuance of Occupancy Certificate.
- (e) Industrial District signs may be illuminate

SECTION 410 PROHIBITED USES (Adopted July 20, 2010)

SECTION 410.01 USED DECLARED NUISANCE

The uses set forth in this section are deemed to be inconsistent with the public health, safety, comfort, convenience and general welfare and the Perry Township Comprehensive Plan. Such uses shall be considered Public Nuisances.

SECTION 410.02 JUNK AND RUBBISH

No junk, rubbish, offal, scrap metal, rubber tires, or other refuse shall be placed, stored, buried, reduced, burned or otherwise disposed of on any property except as specifically authorized and permitted in conformance with this Zoning Resolution and in compliance with a landfill or waste incinerator permit duly issued and approved by the Ohio EPA and Lake County General Health District.

SECTION 410.03 INOPERABLE VEHICLES

No unlicensed and/or junk vehicles shall be placed, parked, or stored on any property in any zoning district except within a completely enclosed building or as specifically authorized pursuant to a Conditional Use Permit duly issued in a Commercial District for a vehicles sales, rental, or service and repair facility.

SECTION 410.04 VEHICLE TRACKS

The creation, establishment, maintenance, operation or use of a track or course for the operation or racing of motor vehicles or motorized recreational vehicles in any form shall be prohibited.

SECTION 500 CONDITIONALLY PERMITTED USES

SECTION 500.01 PURPOSE

Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, and, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish such a dual objective, a provision is made in this Zoning Resolution for a more detailed consideration of each of certain specified activities relative to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, and concentration of population, etc. Land and structure uses possessing these particular unique characteristics are designated through the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

SECTION 500.02 APPLICATION

Applications shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose. Each application shall include at a minimum, the following:

- A. Ten (10) copies of a site plan, plot and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses, plus parking, loading and landscaped areas.
- B. Complete plans and specifications for all proposed development and construction.
- C. A statement supported by substantiating evidence regarding the requirements enumerated in Sections 500.08 and 500.09.
- D. A fee as established by the Board of Township Trustees.

The Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Zoning Resolution. Within five (5) business days of the submission date, the Zoning Inspector shall determine whether the application is complete. If the application is determined to be insufficient, the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and commence the review process.

SECTION 500.03 NOTICE AND HEARING

After adequate review and study of an application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication of notice of such hearing in a newspaper of general circulation in the Township at least ten (10) days prior to the date of such hearing. Such notice shall indicate the place, time, and subject of the hearing. Written notice of the hearing shall be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the subject site to the address of such owners appearing on the county auditor's current tax list. Such notice or letter shall indicate the place, time, and subject of the hearing.

SECTION 500.04 BASIS OF DETERMINATION

The Board of Zoning Appeals shall consider each application for a Conditional Use Permit based upon the general and specific standards set forth herein. No Conditional Use Permit shall be approved unless the Board determines that such use will comply with said standards. When approving a Conditional Use Permit, the Board of Zoning Appeals may impose such additional conditions and safeguards as it may deem necessary for the general welfare, the protection of individual property rights, and for ensuring that the intent and objectives of this Zoning Resolution will be observed. Upon approval by the Board, the Zoning Inspector shall issue a Conditional Use Permit setting forth the terms and conditions of such approval. The Board of Zoning Appeals may, at its discretion, refer an application to qualified consultants for such reports as the Board may deem necessary and appropriate for proper evaluation of the application. The cost of any such consultant reports shall be at the expense of the applicant. The applicant shall be notified of the cost of such reports and shall immediately deposit with the Township Fiscal Officer funds in said amount prior to any further consideration of the application by the Board. Reports so requested shall be furnished to the Board of Zoning Appeals and the applicant as soon as it is practicable.

SECTION 500.05 TERMINATION

Conditional Use Permits shall become null and void at the expiration of one (1) year after the date of issuance unless either the use for which the Conditional Use Permit was approved has commenced or a valid building permit has been obtained and construction of the approved buildings, structures, and other improvements is being diligently pursued, or said time is extended by the Board of Zoning Appeals. Conditional Use Permits shall also expire and become null and void if the use for which the Conditional Use Permit was approved is discontinued, abandoned, or ceases for any reason for a period of more than one (1) year

SECTION 500.06 VIOLATIONS AND REVOCATION

The Zoning Inspector shall notify the Conditional Use Permit holder of any noted violation of this Zoning Resolution or the specific terms, requirements, and conditions of the Conditional Use Permit and shall order that such use be brought into compliance and shall set forth a reasonable period of time to do so. The breach of any condition, safeguard, or requirement of the Conditional Use Permit shall constitute a violation of this Zoning Resolution. If the Conditional Use Permit holder fails to comply with either the provisions of this Zoning Resolution or the conditions of the Conditional Use Permit within such time period, the Zoning Inspector shall take appropriate action to compel compliance and/or abate the violation as provided in Section 100. Where a permit holder continues to violate the provisions of a Conditional Use Permit, the Zoning Inspector may, in addition to taking actions set forth in Section 100, refer the matter to the Board of Zoning Appeals to consider possible revocation of the Conditional Use Permit.

SECTION 500.07 REAPPLICATION

No application for a Conditional Use Permit which has been denied wholly or in part by the Board of Zoning Appeals of the Township shall be resubmitted until the expiration of one (1) year or more after such denial, unless newly discovered evidence or proof of changed conditions exist which would be sufficient to justify the reconsideration by the Board of Zoning Appeals.

SECTION 500.08 GENERAL STANDARDS FOR ALL CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall make a determination based upon the evidence provided whether such use in the proposed location:

- A. Will be harmonious with and in accordance with the general objectives of the Perry Township Comprehensive 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 or whether such use will change the essential character of the area;
- C. Will 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, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

- E. Will create excessive additional requirements or costs for public facilities and services or be detrimental to the economic welfare of the community;
- F. Will involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, odors, or noise of any nature;
- G. Will be consistent with the intent and purpose of this Zoning Resolution;
- H. Will be in compliance applicable regulations of Lake County and the State of Ohio;
- I. Will have vehicular approaches to the property designed so as not to create an interference with traffic on surrounding public streets or roads;
- J. Will be developed with consideration given to minimizing removal of trees and change of topography; and
- K. Will result in the destruction, loss, or damage of natural scenic, or historic features of major importance.

SECTION 500.09 SPECIFIC STANDARDS FOR CONDITIONALLY PERMITTED USES

In addition to the general standards set forth in Section 500.08, the Board of Zoning Appeals shall also consider whether the application for a conditionally permitted use complies with the specific standards for uses set forth herein.

- A. Similar Uses. An applicant may submit an application for a Conditional Use Permit for a building or use which is not specifically listed as a permitted use in those districts where similar uses are authorized by this Zoning Resolution. The Zoning Inspector shall maintain a record of each use declared to be similar by the Board of Zoning Appeals in each zoning district. Such list shall be used by the Zoning Inspector to evaluate subsequent applications for the same use or the same districts as a permitted use. Uses determined by the Board of Zoning Appeals to be similar uses in a zoning district shall be added to the list of permitted uses at the next general update of this Zoning Resolution. The Board of Zoning Appeals shall interpret this Zoning Resolution to determine if the proposed use is a comparable use. The Board of Zoning Appeals shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Zoning Resolution:
 - 1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district.

2. Whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
3. Whether the establishment of the use in the district will significantly alter the nature of the district.
4. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
5. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.

B. Sand, Gravel and Earth Removal.

1. The minimum area for extraction operations shall be twenty-five (25) acres.
2. No sand, gravel, or other earth material shall be removed or extracted nearer than fifty (50) feet from any street right-of-way or the property line of any property in a commercial or industrial district.
3. No sand, gravel, or earth material shall be removed or extracted nearer than two hundred (200) feet from the property line of any residentially zoned property.
4. A buffer strip with a minimum width of fifty (50) feet shall be planted with grass and landscape materials to provide a year round screen of the extraction operation.
5. The only processing of materials shall be as specifically authorized by the Board of Zoning Appeals as part of the Conditional Use Permit.
6. Upon completion of the excavation operations, the entire area shall be graded and planted with sufficient vegetative cover material to cover the land and prevent erosion.
7. The operator shall provide a surety bond in a form approved by the Township Trustees in the amount of Five Thousand Dollars (\$5,000.00) per acre of land to be excavated. In the event the land is not properly restored, as determined by the Zoning Inspector, the Township Trustees may declare the bond to be forfeited and use said funds to restore the site.

C. Recreation Camps.

1. The premises shall be used only for such activities as horseback riding, field games, overnight camping, swimming, picnicking, trails, nature study, archery, fishing, and other such general recreational activities;
2. No building or other structure shall be constructed closer than two hundred (200) feet from any property line;
3. The site shall contain a minimum of sixty (60) acres;

D. Vehicle, Machinery, and Equipment Sales, Rental, Service and Repair.

1. All service and repair work shall be conducted solely within a completely enclosed building.
2. All damaged and/or unlicensed vehicles shall be stored so as to be completely screened from view from off the premises by means of a solid fence or other device as approved by the Board of Zoning Appeals.

E. Bed and Breakfasts

1. There shall be no exterior alteration of the existing dwelling that changes the residential character or appearance of the building.
2. The total number of rentable guest rooms shall not exceed a maximum of one guest room for each full one thousand (1,000) square feet of floor area up to a maximum of five (5) guest rooms.
3. Off-street parking shall be provided and shall be located in such a manner that it does not impact the visual character of the neighborhood. Two (2) off-street parking spaces shall be provided for the owner/operator plus one (1) parking space for each rentable guest room.
4. Exterior lighting of the entrance drive, parking area, sign, and walks may be permitted provided that such lighting does not create adverse impacts on adjoining properties and complies with such specific standards and requirements as may be established by the Board of Zoning Appeals.
5. Food service shall be limited to overnight guests only. Food service facilities shall comply with applicable regulations of the Lake County Health Department.
6. The owner/operator must reside on the premises.
7. The maximum length of stay for any guest shall be limited to twenty-one (21) days in any calendar month.
8. The owner/operator shall maintain a guest register which shall be made available to the Zoning Inspector upon request.
9. Each sleeping room shall have a smoke detector, and fire extinguishers shall be readily accessible to guests. Facilities shall

comply with such other safety requirements as may be established by the Fire Department.

10. Signs shall comply with Table 409.07.
11. Where such facilities are served by an on-site sewage disposal system, evidence shall be provided to the Board of Zoning Appeals that the sanitary system is adequate to handle the anticipated flows.

F. Wireless Telecommunications Facilities

1. Where feasible, all towers shall be of a self-supporting monopole design, as opposed to a lattice or guy wire design.
2. Except as required by the Federal Aviation Administration (FAA), antennas and towers shall not be illuminated and lighting fixtures or signs shall not be attached to any antenna or tower. Lighting for security purposes shall be permitted only with the prior approval of the Board of Zoning Appeals.
3. Security fencing eight feet (8') in height shall surround the wireless telecommunication tower and equipment. A metal sign of no greater than four square feet (4') shall be posted on the fence showing the names of companies with facilities at the site and their respective twenty-four (24) hour emergency telephone numbers.
4. In the event a separate access road is necessary, it shall be constructed of suitable road materials as determined by the Board of Zoning Appeals to prevent mud deposits on public roads.
5. All disturbed areas are to be fine-graded, seeded and mulched upon completion of construction.
6. All utility lines servicing the wireless telecommunications equipment shall be run underground.
7. Towers and sites shall be so designed so as to permit collocation by at least two (2) additional providers of telecommunications services.
8. The minimum lot area for installation of a wireless telecommunications facility shall be five (5) acres.
9. The minimum distance from any tower and related wireless telecommunications equipment to any property boundary line shall be two hundred feet (200') as measured from the security fence enclosing the wireless telecommunications facilities.
10. The maximum height of any wireless telecommunication tower shall not exceed two-hundred feet (200') as measured from the average ground level at the base of the tower. No equipment building, equipment platform, ice bridge, or other associated equipment facilities shall exceed fifteen feet (15') in height from building grade.
11. Wireless telecommunications facilities shall be considered a principal permitted building and/or use and shall not be located on the same parcel as another principal permitted building and/or use.
12. The minimum separation between wireless telecommunications

- towers shall be one thousand feet (1,000').
13. The minimum distance from a wireless telecommunications tower to any residential dwelling shall be five hundred feet (500').

G. Wind Turbines

1. The minimum lot area shall be two (2.0) acres.
2. The maximum height of any wind turbine tower shall be 80 Feet measured to the top of the rotor blades in the vertical position.
3. Other than the supporting tower, no portion of the turbine, including the rotor blades shall extend to within 15 feet of the ground
4. In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line shall be 1.1 times the height of the tower.
5. The maximum sound produced by a wind turbine during operation shall not exceed 60 dbA measured at the nearest property line. .
6. All wind turbines shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that they do not exceed the design limits of the system.
7. Towers, turbines and blades shall be white or gray.
8. Lighting of wind turbines and towers shall be prohibited.
9. Wind turbine systems shall be properly maintained at all times in compliance with all OSHA and manufacturers specifications.
10. Any wind turbine which is not operated or ceases to function for a period of six (6) consecutive months or longer shall be deemed abandoned and shall be removed. The Board of Zoning Appeals may require a bond to insure removal of abandoned and/or non-operational facilities.
11. No Signage or advertising shall be permitted on any wind turbine device.
12. Each application for a wind turbine shall be accompanied by report from a licensed engineer documenting that the proposed wind turbine system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone, that it has appropriate over-speed controls.

**SECTION 600 NONCONFORMING USES, STRUCTURES,
AND LOTS**

SECTION 600.01 PURPOSE

The purpose of this Section is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Resolution and amendments hereto but which do not conform to the existing provisions of this Zoning Resolution. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Zoning Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Zoning Resolution to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

SECTION 600.02 NONCONFORMING USES

- A. Continuance of Lawful Nonconforming Use. The lawful use of any building or land existing at the time of this Zoning Resolution or amendments thereto, may be continued, although such use does not conform with the provisions of this Zoning Resolution, subject however to the provisions set forth herein.

- B. Discontinuance or Abandonment. Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the two (2) year period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Zoning Resolution.

- C. Enlargement of Use. A nonconforming use may be altered or enlarged to extend such use to a total area not to exceed twenty percent (20%) more than the existing area of the use, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. Provided however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties of community. No nonconforming use shall be extended to displace a conforming use.

SECTION 600.03 NONCONFORMING STRUCTURES

- A. Alterations or Enlargements. A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.

- B. Restoration of Damaged Structure. Nothing in this Zoning Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Zoning Resolution, provided that not more than seventy-five percent (75%) of the value of the building or structure was lost in such damage event and provided the structure is rebuilt or restored within two (2) years after the date of destruction and that such replacement or repair does not extend the nonconformity. When more than seventy-five percent (75%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming with this Zoning Resolution.

- C. Repairs and Maintenance. Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

SECTION 600.04 NONCONFORMING LOTS

When a nonconforming lot can be used in conformity with all applicable provisions of this Zoning Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area, width, and frontage were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Board of Zoning Appeals may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Zoning Resolution.

SECTION 700 DEFINITIONS

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

Access Drive - a private roadway used to permit vehicle access to and use of a parcel.

Accessory Building, Structure, or Use - a building, structure, or use which is customarily incidental and subordinate to the main building and/or use located on the same lot.

Adult Use – an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center. Adult use shall include any commercial establishment with forty percent (40%) or more of its stock in trade measured as a percentage of display area, floor area, or of gross receipts consisting of adult oriented materials or activities.

Bed and Breakfast - A private residence occupied by the owner/operator where overnight accommodations are available and compensation is paid by guests for overnight stays.

Building - any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Height - the vertical distance from the established grade to the highest point of any structure.

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

Conditional Use - a use not permitted by right, but which may be permitted with a special permit granted by the Board of Zoning Appeals subject to the requirements and findings set forth herein.

Condominium - any dwelling units which are a part of condominium property as defined by Chapter 5311 of the Ohio Revised Code. Any building or other structure containing condominium units shall contain no more than four (4) dwelling units.

Corner Lot - a lot located at the intersection of two or more streets, or a lot located on a distinct curve in a road that has at least 45 degrees of curvature.

Dwelling, Multi-Family - A dwelling consisting of three (3) or more dwelling units and no more than eight (8) dwelling units including condominiums with varying

arrangements of entrances and party walls and served by individual heating and plumbing systems.

Dwelling, Single-Family Detached - A building designed for or used exclusively for residence purposes by a single housekeeping unit.

Dwelling, Single-Family Attached - Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

Dwelling Unit - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

Family - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain more than five (5) persons.

Floor Area - the sum of the gross horizontal area of the several floors of a building normally used for occupancy, excluding basements, utility rooms, garages, terraces, breezeways and porches.

Floor Area, Livable - The sum of the net areas customarily used as living space. The following are excluded from the calculation of the livable floor area of a dwelling: basements, non-habitable attics, garages, and unenclosed spaces such as covered exterior steps, porches and breezeways.

Frontage - width of contiguous land between property lines abutting upon a dedicated and accepted road to a specified depth.

Frontage Lot - a lot with sufficient frontage on a dedicated roadway to meet the minimum lot width requirements of the zoning district measured at the normal setback line.

Heavy Manufacturing, Fabrication and Assembly - means industrial type use which does not conform to the definition for Light Manufacturing, Fabrication and Assembly as set forth herein but which conforms to the requirements of Section 302.05.

Home Occupation - An accessory use conducted entirely within a dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental

and subordinate in area, extent, and purpose to the dwelling unit, and shall not change the appearance of the structure and/or property.

Hotel/Motel - a building in which lodging or boarding and lodging are provided and offered to the general public for compensation as distinct from a boarding house, rooming house, or dormitory.

Hospital - a full service health facility equipped and staffed to provide a wide range of services including diagnosis, surgery, treatment, therapy and rehabilitation on both out-patient and in-residence basis.

Inoperable Vehicle – Means any motor vehicle, car, truck or motor home, camper, trailer or equipment that has missing wheels, tires, motors, transmissions or drivelines or major body parts. Vehicles must be in compliance with State of Ohio Motor Vehicle Laws.

Junk Vehicle – A junk motor vehicle means a motor vehicle that meets all of the following criteria:

1. Three model years old, or older.
2. Apparently inoperable.
3. Extensive damage, including but not limited to, any of the following:
missing wheels, tires, engine, or transmission.

A collectors vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria.

Kennel - any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment.

Light Manufacturing, Fabrication and Assembly - means industrial type uses which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from previously manufactured components, where such operations conform to the requirements of Section 302.05 hereof, but shall not include any operations that involve the reduction, refining, heat treatment, or chemical conversion of primary raw materials, or the manufacture and/or distribution of asphalt, concrete, or fuel.

Lot - a parcel of land of sufficient size to meet minimum zoning requirements for use. Such lot shall have sufficient frontage on a dedicated and accepted public right-of-way or approved private street to meet minimum frontage requirements.

Lot Area - the horizontal area of a lot computed exclusive of any portion of road rights-of-way abutting thereto.

Lot of Record - a lot which is part of a subdivision filed with the Lake County Recorder, or a parcel described by metes and bounds, the description of which has been so recorded.

Lot Width - the horizontal distance between the side lot lines of a lot measured along the minimum building setback line.

Mobile Home - any non-selfpropelled vehicle so designed, constructed, or added to by means of accessories, to permit use and occupancy for human habitation when connected to utilities, whether resting on wheels, blocks, jacks or temporary foundation.

Motor Vehicle – Any vehicle, including motor homes and recreational vehicles, which is propelled or drawn by power other than muscular power.

Non-conforming Building, Lot, or Use - any building, lot or use of land existing prior to the effective date of a current zoning provision which does not conform to that zoning provision.

Open Space - an area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities.

Performance Bond - an agreement, approved as to form and substance by the Township, to construct improvements or perform other tasks required by this resolution within a specified time period and providing a guarantee by means of a third party surety, cashiers check, or escrow account in favor of the Perry Township Trustees.

Person - any individual, firm, association, organization, partnership, trust, company, or corporation.

Personal Service - Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

Plot Plan - a scale drawing showing the boundaries of the lot, existing and proposed rights-of-way and easements, the location and dimensions of all existing and proposed structures, and such other data as may be required by the Zoning Inspector.

Rear Lot - a lot or parcel located to the rear of an existing lot which meets all other zoning requirements, including lot width requirements, except that the frontage of said lot is less than the minimum for the district in which it is located. No such rear lot shall have less than sixty (60) feet of frontage.

Riparian Area - Vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants.

Riparian Setback - Real property adjacent to a designated watercourse located within the area defined by the criteria set forth in this Zoning Resolution.

Roadside Stand - a temporary structure designed or used for display or sale of agricultural products produced on the premises.

Satellite Dish - a device of any size, shape or description, designed for the purpose of receiving microwave transmission directly from satellites.

Setback - a line established by this Zoning Resolution parallel with and measured from the right-of-way defining the limits of a front yard within which no above ground structures may be located, except as otherwise expressly set forth herein.

Sign - A structure or part thereof, or any device attached to land, buildings or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.

Sign, Changeable Copy - A sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Electronically changed signs may include either electronic message boards or digital displays.

Sign, Directional - A sign located adjacent to an access drive for the purpose of directing motorists and controlling the direction and flow of traffic to and from a site.

Sign, Free-standing - A sign erected on a free-standing wall or monument not attached to a building with a solid continuous foundation, or on a free-standing frame, mast, pole, wall, or other brace or support structure.

Sign, Marquee - A sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning.

Sign, Off-premises - A sign unrelated to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

Sign, Projecting - A sign erected on or attached to the outside wall of a building and which projects out at an angle from said wall.

Sign, Temporary - A sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and intended or designed for a limited period of display.

Sign, Wall - A sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

Sign, Window - A sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.

Similar Use - A use which is not listed as a permitted use or a conditionally permitted use for a district, but which is found to be sufficiently similar to other uses permitted in the district and otherwise compatible with the district and which is approved as a conditionally permitted use by the Board of Zoning Appeals.

Structure - an arrangement of materials constructed or erected for support, enclosure, shelter, storage or visual appeal, including buildings, sheds, signs, fountains, towers, posts, fences, and the like.

Temporary Business - shall mean any place at which goods, wares, merchandise, or services are sold or offered for sale, other than from a permanent structure duly approved for such use; and further means roadside stands, tables or booths at which goods, wares, merchandise, or services are sold or offered for sale or advertised.

Use - the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Yard - a required open area unoccupied and unobstructed by any structure or portion thereof.

Yard, Rear - a yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portion of any building or structure, except as otherwise expressly set forth herein.

Yard, Side - a yard between the nearest portion of any building or structure and the side lot lines of the lot and extending from the front yard to the rear yard, except as otherwise expressly set forth herein.