

# ZONING RESOLUTION

FOR

NEW RUSSIA TOWNSHIP

LORAIN COUNTY, OHIO



2023



## **2022 TOWNSHIP ELECTED OFFICIALS**

Members of the Board of Trustees of New Russia Township, Lorain County, Ohio, at the time of adoption of the New Russia Township Zoning Regulations on January 1, 2022.

Andrew Gulish, Chairman  
Patti Brubaker, Trustee  
Scott Justin, Trustee

Lisa Akers, Fiscal Officer

## **ZONING COMMISSION MEMBERS**

Dawn Essex  
James Griner  
Marita George  
Jina Jordan  
Cynthia Breda  
Kimberly Guelker - Alternate  
Gary Szuch - Alternate

## **ZONING INSPECTOR**

Daniel Jarven



## **NEW RUSSIA TOWNSHIP ZONING RESOLUTION**

**Originally adopted by Township Trustees: November 4, 1952**

### **PREVIOUS AMENDMENTS**

Entire Text and Map Amended September 17, 1973;  
Adopted November 7, 1973; Effective January 1, 1974.

Map (B-C Land Co. L1-1 to R1-1)  
Amended May 13, 1975;  
Adopted June 6, 1975; Effective July 9, 1975.

Map (Walker & Tingler R1-3 to GB-1)  
Amended April 11, 1977;  
Adopted June 20, 1977; Effective July 20, 1977.

Map (Yacyszyn R1-2 to GB-1)  
Amended September 11, 1978;  
Adopted October 17, 1978; Effective November 17, 1978.

Text Amended June 11, 1979;  
Adopted August 6, 1979; Effective September 6, 1979.

Map (Worcester/Starbuck R1-2 to GB-1)  
Amended June 2, 1981;  
Adopted July 13, 1981; Effective August 13, 1981;  
(Court released October 13, 1982)

Text and Map (Crystal Inn R1-1 to GB-1) (Midway Golf Course R1-1 to GB-1)  
Amended February 1, 1982;  
Adopted March 2, 1982; Effective April 1, 1982.

Text and Map (Graham R1-3 to R1-1)  
Amended August 9, 1982;  
Adopted September 13, 1982; Effective October 13, 1982.

Map (Crystal Inn R1-1 to GB-1)  
Amended March 14, 1983;  
Adopted April 11, 1983; Effective May 11, 1983.

Text Amended (Sanitary Landfill R1-1) August 8, 1983;  
Adopted October 3, 1983; Effective November 2, 1983.

Text and Map (GB-1 expanded area Rte. 20)  
Amended August 5, 1985;  
Adopted September 16, 1985; Effective October 16, 1985.



Text Amended (Article II Article 202 Definitions) - June 9, 1986;  
Adopted - July 15, 1986; Effective - August 15, 1986.

Text Amended (Article IV Article 419 SubArticle jj;  
Landfill Volume of Operation) - March 20, 1990;  
Adopted - March 20, 1990; Effective - March 20, 1990.

Entire Text and Map Amended - January 3, 1992;  
Adopted - January 3, 1992; Effective - January 1, 1992.

Text Amended and Definitions Numbered - June 30, 1992;  
Adopted - July 21, 1992; Effective - July 21, 1992.

Text Amended (Veterinary Animal Hospital/Clinic R1-1, GB-1)  
Amended June 8, 1993;  
Adopted July 6, 1993; Effective July 6, 1993.

Text Amended (Solid Waste Composting Facility & Transfer Station)  
Amended December 28, 1993;  
Adopted January 24, 1994; Effective January 24, 1994. VOID DUE TO ERRORS IN PROCEDURE

Text Amended (Solid Waste Composting Facility)  
Amended March 29, 1994;  
Adopted May 17, 1994; Effective May 17, 1994.

Text and Map (Article IV-Articles 405 & 419; Article XII-Articles 1202 & 1203; GB-1 rezoning areas  
of State Route 58) Amended June 27, 1995;  
Adopted August 15, 1995; Effective September 14, 1995.

Text Amended (Article IV-Article 419-SubArticles "ii", "jj", "ll")  
Amended April 3, 1997;  
Adopted May 1, 1997; Effective June 1, 1997.

Text and Map (Article II-Definitions; Article IV-Article 401.01; Article XII-Article 1203; R1-1  
rezoning areas of Russia Road)  
Amended February 22, 2000;  
Adopted April 4, 2000; Effective May 4, 2000.

Text Amended (Article IV-Article 419-SubArticle "jj")  
Amended October 5, 2000;  
Adopted November 7, 2000; Effective December 7, 2000.

Text Amended (Article IV-Article 409-SubArticles "e", "f", "g";  
Article VI-Article 603; Article XII-Article 1202)  
Amended November 6, 2001;  
Adopted December 18, 2001; Effective January 17, 2002.



Text Amended (Article IV- Article 409; Article III - Article 307.02 – SubArticle “b”; Article XXI - Article 2105.0601)

Amended June 4, 2002;

Adopted July 16, 2002;                      Effective August 15, 2002

Text Amended (Article II - Article 202.1140; Article III - Article 307.02 (b); Article IV - Article 401.01; Article VI - Article 602; Article VII - Article 702; Article VIII - Article 802; Article IX - Article 902)

Amended December 3, 2002;

Adopted December 17, 2002;    Effective January 16, 2003.

Text Amended (Article VIII – Article 802; Article IX – Article 902)

Amended March 4, 2003;

Adopted April 1, 2003;                      Effective May 1, 2003.

Text Amended (Article IV – Article 419 – SubArticle “jj”)

Amended July 18, 2003;

Adopted September 22, 2003;    Effective October 22, 2003.

Text Amended (Article IV-Article 401.01; Article III-Article 309.04; Article XII-Articles 1202 and 1203)

Amended November 4, 2003;

Adopted December 4, 2003;    Effective January 1, 2004.

Text Amended (Article II; Article III-Article 309.04; Article XII-Article 1202; Article XIX-Article 1919.03) Amended February 26, 2004;

Adopted April 6, 2004;                      Effective May 6, 2004.

Text Amended (Article IV – Article 424; Article XII – Article 1202 and 1203)

Amended July 27, 2004;

Adopted August 31, 2004;                      Effective September 30, 2004.

Text Amended (Article IV – Article 419 Sub Article jj)

Amended January 13, 2009;

Adopted March 3, 2009;                      Effective April 2, 2009.

Text Amended (Article XX – Article 2007.14 and 2007.15)

Amended June 30, 2009;

Adopted July 28, 2009;                      Effective August 27, 2009.

Text Amended (Article II – Articles 202.0125, 202.0335, 202.0464, 202.0465; Article III – Article 309.05; Article IV – Articles 405, 409, 425, 426; Article VI – Articles 602 and 603; Article VII – Articles 702 and 703; Article VIII – Articles 802 and 803; Article IX – Articles 902 and 903; Article X – Article 1003; Article XII – Article 1203)

Amended September 9, 2009;

Adopted October 5, 2009;                      Effective November 4, 2009.

Text Amended (Article II – Articles 202.0995.01, 202.0995.02, 202.0995.03, 202.0995.04,



202.0995.06, 202.0995.07, 202.0995.08, 202.0995.09, 202.0995.10; Article III – Article 309.04;  
Article IV – Article 401.01; Article XII – Article 1202 ; Article XIII – Article 1302.01;  
Article XIX – Article 1919.03)  
Amended July 6, 2010;  
Adopted August 3, 2010;                      Effective September 3, 2010.

Text Amended (Article II – Articles 204; Article XXVI)  
Amended November 8, 2011;  
Adopted December 6, 2011;                      Effective January 6, 2012.

Text Amended (Article II – Article 0625; Article IV Article 427; Article XII – Article 1203)  
Amended June 12, 2012;  
Adopted July 9, 2012;                      Effective August 9, 2012.

Text Amended (Article III – Article 309.03; Article IV – Article 416)  
Amended July 8, 2014;  
Adopted August 12, 2014;                      Effective September 10, 2014

Text Amended (Article III – Article 309.032; Article IV – Article 428, 428.01)  
Amended May 5, 2015;  
Adopted June 2, 2015;                      Effective July 2, 2015

Map Amended - 2018;  
Adopted - January 15, 2019;                      Effective - January 15, 2019.

Text Amended (Article II-Article 202.0631; Article XIX – Article 1911)  
Amended August 11, 2020  
Adopted - September 15, 2020    Effective – October 16, 2020

Text Amended (Article IV, Article 414 and Article III, Article 307.14)  
Amended, August 19, 2021  
Adopted - September 21, 2021    Effective –

Entire Text & Map – Revised and Updated  
Amended, June 1, 2022  
Adopted – June 14, 2022                      Effective – August 16, 2022



## **ZONING RESOLUTION AS SET FORTH BY THE NEW RUSSIA TOWNSHIP TRUSTEES LORAIN COUNTY, OHIO**

A Resolution providing for the zoning of the unincorporated area of New Russia Township by regulating the location, the size and use of buildings and structures, the area and dimensions of lots and yards and the use of land and for such purposes dividing the unincorporated area of the Township into zones or districts of such numbers, sizes, and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

WHEREAS, the Trustees of New Russia Township deem it in the interest of the public health, safety, and economic stabilization of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township

NOW THEREFORE, BE IT RESOLVED, by the Trustees of New Russia Township.

Rules and regulations for the zoning of the unincorporated lands in New Russia Township, Lorain County, Ohio.

Adopted by:  
**The New Russia Township Trustees**  
New Russia Township Hall  
46300 Butternut Ridge Road  
Oberlin, Ohio 44074  
440-775-7782  
[www.newrussiatownship-oh.gov](http://www.newrussiatownship-oh.gov)



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## **SECTION 1 GENERAL PROVISIONS**

### **TITLE**

The Board of Township Trustees in accordance with the enabling legislation for Township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides as follows: This Resolution shall be known as and may be cited to as the "Zoning Resolution of New Russia Township," as amended, and is referred to herein as "Resolution."

### **PURPOSE**

The purpose of this Resolution is to promote the public health, safety, and general welfare (where permitted) of the residents of New Russia Township. This Resolution shall serve the general good of the community, protect property values, and secure the most appropriate use of land in the Township. This resolution is adopted for the purpose of protecting and promoting public health, safety, and general welfare (where permitted); conserving and protecting property and facilitating adequate but economical provision of public improvements; and amending the Zoning Resolution of the Board of Trustees of New Russia Township, Lorain County, Ohio, effective November 4, 1952, as amended.

### **INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS**

The interpretation and application of any provisions of this Resolution shall be held to be the minimum requirements, adopted for the promotion of public health, safety, and general welfare (where permitted). When the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulation, or resolutions, the most restrictive requirements imposing the higher standards shall apply. For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The word "building" includes the word "structure."
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- D. The word "lot" includes the words "plot" or "parcel."
- E. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

### **SEVERABILITY**

Should this Resolution, or any section of this Resolution, be declared by a court to be unconstitutional or invalid, such a decision shall not affect the validity of this Resolution as a whole, or any other parts thereof, other than the part declared unconstitutional or invalid; in the event of such a declaration, then the applicable provision of the prior Zoning Resolution is hereby re-instated.

### **REPEAL OF CONFLICTING RESOLUTIONS**

All resolutions in conflict with this Resolution, or inconsistent with the provisions of the Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.



**EFFECTIVE DATE**

This Resolution shall become effective from and after the date of its approval and adoption by the Board of Township Trustees, as provided in ORC 519.12.

**AREA OF JURISDICTION**

The provisions of this Resolution apply to all unincorporated zoned areas of New Russia Township, Lorain County, Ohio.



## **SECTION 2 APPLICABILITY**

### **200 GENERAL APPLICABILITY OF ZONING RESOLUTION**

No structure shall be placed upon or moved onto land, constructed, reconstructed, enlarged, or structurally altered, nor shall any building or land be used or occupied in a manner which does not comply with the district regulations established by this Resolution for the district in which the building, structure, and/or land is located.

#### **200.01 Lot Size Requirements and the Subdivision of Land**

No lot or lot of land held under one ownership, with or without a building, at the time this Resolution became effective, shall be reduced or subdivided in any manner below the minimum lot width and lot area required by this Resolution. No lot(s) shall be built on unless the lot has frontage along a public street or private street.

#### **200.02 Location of Uses on a Single Lot**

Unless otherwise specifically allowed in Supplemental Regulations, every principal building whether presently existing or hereafter constructed, relocated, or structurally altered shall be located on a single lot of record. Only one principal building per lot of record shall be permitted.

#### **200.03 Reductions in Yard Requirements**

No building may be enlarged which would result in decreasing a yard's setback below the minimum requirements of the applicable zoning district.

#### **200.04 Unsafe Buildings**

Nothing in this Resolution shall prevent the strengthening, or restoring to a safe condition, any structure, or part thereof declared unsafe by a proper authority.

#### **200.05 Conversion of Dwellings**

The conversion of any structure into a dwelling or the conversion of any dwelling to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution.

#### **200.06 Parking Requirements**

No land use may change from one use to another use, without first meeting the parking requirements for the new use.

### **201 AGRICULTURE**

Pursuant to the Ohio Revised Code, the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, shall be permitted in all districts established by this Resolution. No zoning certificate shall be required for any such building or structure, except where regulated within platted areas or on lots of less than five (5) acres, farm markets, or as specifically listed below. Agricultural exemptions shall be approved by the Zoning Inspector.





### **201.01 Dwellings in an Agriculture District**

Dwellings on the same property as agricultural operations are not herein defined as agricultural structures and are subject to all requirements contained in this Resolution.

### **201.02 Raising/Maintaining livestock (Farm Animals)**

- A. In a platted subdivision approved under Revised Code Section 711.05, 711.09 or 711.10, or in any area consisting of fifteen or more lots approved under Revised Code Section 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:
1. On lots of one acre or less, the breeding, raising, or maintaining of farm animals such as horses, pigs, cows, sheep, goats, chickens, and similar livestock is prohibited.
  2. On lots greater than one acre but not greater than five acres, a lot owner may stable or keep livestock provided buildings or stables incident to the housing of livestock shall not be permitted within fifty (50') feet of a dwelling or an adjacent property line.
  3. There shall be at least one (1) acre per horse or pony on a single property on which the horses or ponies are stabled.
- B. No owner of any lot in a platted subdivision shall permit the use of any lot for the keeping of farm animals or livestock that produces, directly or indirectly, the noxious odor of the animals and livestock, insects, flies or other carriers of waste material, including, but not limited to, the transmission or flow of animal waste through the ground or by air from the lot to any adjoining lot or public right-of-way, or any other result of an animal or an animal husbandry ownership or use, which endangers the public's health, safety and general welfare on the lot or the owners or occupier of any adjoining lot, and the Board of Township Trustees may determine and find any such use to be a nuisance and that such nuisance causes injury to the property of another, endangers life and health, is offensive to the senses, violates laws of decency, or obstructs the reasonable and comfortable use of one's property.

### **201.03 Farm Market**

Pursuant to ORC 303.21, Farm markets are allowed in any zoning district if fifty (50%) percent or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Farm markets that do not provide more than fifty (50%) percent of the gross income from produce raised on land owned or operated by the market operator are considered a commercial use and shall be located in a commercial zoning district. All farm markets are subject to Site Plan Review for the consideration of size/setback of structure(s), parking areas, and ingress/egress.



#### **201.04 Agritourism**

Pursuant to ORC 303.21, Agritourism is allowed in any zoning district. Agritourism uses are subject to Site Plan Review for the consideration of size/setback of structure(s), parking areas, and ingress/egress.

#### **202 PUBLIC UTILITIES**

Pursuant to ORC 519.21, this Resolution does not regulate the location, construction, reconstruction, removal, use or enlargement of any buildings or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. This Resolution does require that site plans including building setbacks, parking and landscaping be reviewed in accordance with the Site Plan Review regulations.

#### **203 EXCEPTIONS**

Exceptions to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Section 24 – Board of Zoning Appeals. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

#### **204 SPECIAL HEIGHT REQUIREMENTS**

Any structure over fifty (50') feet in height shall require review by the Zoning Inspector and shall comply with any applicable FAA requirements.



## **SECTION 3**

### **PROVISIONS FOR OFFICIAL ZONING MAP**

#### **300 OFFICIAL ZONING MAP**

The location and boundaries of zoning districts are shown on the map titled “The Official New Russia Township Zoning Map.” A certified copy of this map is on file at the New Russia Township Hall, on the Township website, and is hereby declared to be a part of this Resolution. The Official Zoning Map is located in Appendix A of this Resolution.

#### **301 INTERPRETATION OF DISTRICT BOUNDARIES**

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

##### **301.01 Parallel District Boundaries**

Where district boundaries appear to be approximately parallel to the center lines or street lines of the streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined using the scale shown on the Official Zoning Map.

##### **301.02 Lot Lines, Railroad Lines, and Waterways**

Where district boundaries approximately follow lot lines, such lot lines shall be construed as a boundary of a zoning district. 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 said railroad line. Where the boundary of a district follows (or is parallel with) a waterway, such boundary shall be deemed to be located in the middle of the waterway.

##### **301.03 Interpretation by Zoning Board of Appeals**

Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the Board of Zoning Appeals for determination, in accordance with Section 24 – Board of Zoning Appeals.



### **302 ESTABLISHMENT OF DISTRICTS**

For the purpose of regulating and restricting the location of buildings, structures and land use, New Russia Township is divided into zoning districts as shown on the Official Zoning Map. These districts include the following and may be illustrated on the Official Zoning Map:

#### **ZONING DISTRICTS**

<b>R1-1</b>	<b>Agricultural Residential District</b>
<b>R1-2</b>	<b>Low Density Residential District</b>
<b>R1-3</b>	<b>Medium Density Residential District</b>
<b>MR-1</b>	<b>Multiple Family Residential District</b>
<b>PUD</b>	<b>Planned Unit Development</b>
<b>NB-1</b>	<b>Neighborhood Business District</b>
<b>GB-1</b>	<b>General Business District</b>
<b>LI-1</b>	<b>Light Industrial District</b>
<b>HI-1</b>	<b>Heavy Industrial District</b>
<b>MS-1</b>	<b>Motorist Service District</b>
<b>IP-1</b>	<b>Industrial Park District</b>



## SECTION 4

### AGRICULTURAL RESIDENTIAL DISTRICT (R1-1)

#### 400 PURPOSE

The purpose of the Agricultural Residential (R1-1) District is to preserve and protect agricultural uses, natural areas, drainage ways and flood plains, and to provide for public land use in New Russia Township. Single Family dwellings in this district are located on large rural lots two (2) acres in size or greater.

#### 401 PERMITTED USES

The following uses are permitted in the R1-1 District. See Section 14 for additional information:

Accessory Uses and Structures	Agriculture/Farm Market/Nursery/Greenhouse
Boarding and Stabling of Horses (Private)	Conservation Area
Dwelling, Single-Family	Home Occupation
Permanently Sited Manufactured Home	Public Uses
Public Parks	Public Playgrounds
Public Schools	Rooming House

#### 402 CONDITIONAL USES

The following use(s) may be approved in accordance with **Section 20** – Procedures and Requirements for Conditional Uses:

Assisted Living Facility	Group Living
Bed & Breakfast	Home Based Business (Section 1404)
Boarding & Stabling of Horses (Commercial)	Kennel
Campground	Lawn / Tree Service (Section 1422)
Cemetery (Public or Private)	Recreational Campground (Section 1432)
Church or Place of Worship	Small Solar Facility (Section 1431)
Golf Course (Public or Private)	Telecommunications Tower (Section 1413)

#### 403 DEVELOPMENT STANDARDS

All buildings, structures, lots, and land uses within the R1-1 District must meet the requirements of Section 14 – Supplemental Regulations, and the following standards:

##### 403.01 Height Limits

No structure, except those for agricultural purposes, shall be constructed or enlarged to exceed thirty-five (35') feet in height from grade.

##### 403.02 Area Requirements

All lots shall meet the following area, coverage, and yard requirements:

- **Lot Area:** Two (2) acres minimum
- **Lot Width:** One hundred fifty (150') feet measured at the right-of-way.
- **Front Yard:** Seventy (70') feet
- **Side Yard:** Twenty (20') feet



- **Rear Yard:** Fifty (50') feet
- **Driveway:** Minimum setback of ten (10') feet from property line

**403.03 Minimum Floor Area Requirement for All Dwellings:**

- 1200 sq. ft. for a single-family dwelling
- 24' minimum width



## **SECTION 5**

### **LOW DENSITY RESIDENTIAL DISTRICT (R1-2)**

#### **500 PURPOSE**

The Low-Density Residential District (R1-2) is established for areas that consist of larger parcels of land, orchards, farms, and single-family dwellings. This District is established for low density single-family dwellings on lots one (1) acre in size or larger.

#### **501 PERMITTED USES**

The following uses are permitted in the R1-2 District. See Section 14 for additional information:

Accessory Uses & Structures	Permanently Sited Manufactured Home
Agriculture – Farm Market – Nursery - Greenhouse	Rooming House
Dwelling, Single Family	
Home Occupation	

#### **502 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Assisted Living Facility	Recreational Facility (Outdoor)
Bed & Breakfast	Small Solar Facility (Section 1431)
Boarding & Stabling of Horses (Commercial)	Telecommunications Tower (Section 1413)
Church or Place of Worship	
Golf Course (Public or Private)	
Group Living	
Home Based Business (Section 1404)	

#### **503 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the R1-2 District must meet the requirements of Section 14 – Supplemental Regulations and the following standards:

##### **503.01 Height Limits**

No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height from grade.

##### **503.02 Area Requirements**

All lots shall meet the following minimum requirements:

- **Lot Area:** One (1) acre minimum
- **Lot Width:** One hundred twenty-five (125') feet measured at the right-of-way.
- **Front Yard:** Seventy (70') feet
- **Side Yard:** Twenty (20') feet



- **Rear Yard:** Fifty (50') feet
- **Driveway:** Minimum setback of ten (10') feet from property line

**503.03 Minimum Floor Area Requirement for All Dwellings:**

- 1200 sq. ft. for a single-family dwelling
- 24' minimum width





## **SECTION 6**

### **MEDIUM DENSITY RESIDENTIAL DISTRICT (R1-3)**

#### **600 PURPOSE**

The purpose of the Medium Density Residential District (R1-3) is to provide areas for single and two-family dwellings on lots twenty thousand (20,000) square feet or larger.

#### **601 PERMITTED USES**

The following uses are permitted in the R1-3 District. See Section 14 for additional information:

Accessory Uses and Accessory Structures  
Dwelling, Single-Family  
Dwelling, Two-Family  
Home Occupation  
Permanently Sited Manufactured Home  
Rooming House

#### **602 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

Bed & Breakfast  
Telecommunications Tower (See Section 1413)

#### **603 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the R1-3 District must meet the requirements of Section 14 – Supplemental Regulations, and the following development standards:

##### **603.01 Height Limits**

No structure shall be erected or enlarged to exceed thirty-five (35') feet in height from grade.

##### **603.02 Area Requirements**

All lots shall have the following minimum requirements:

- **Lot Area:** Twenty thousand square (20,000') feet.
- **Lot Width:** One hundred (100') feet measured at the right-of-way.
- **Front Yard:** Fifty (50') feet
- **Side Yard:** Ten (10') feet
- **Rear Yard:** Forty (40') feet

##### **603.03 Minimum floor Area for all Dwellings:**

- 1200 sq. ft. for a single-family dwelling
- 1000 sq. ft. for a two-family unit (per unit)
- 24' minimum width



## **SECTION 7**

### **MULTI-FAMILY RESIDENTIAL DISTRICT (MR-1)**

#### **700 PURPOSE**

The MR-1 District is created to provide for a variety of housing types to include apartments, town houses, condominiums or other housing facilities of a similar character and density and in those areas suitable for such developments within the Township. Parcels in this District shall have public sewer and water services available.

#### **701 PERMITTED USES**

The following uses are permitted in the MR-1 District. See Section 14 for additional information:

Accessory Uses and Accessory Structures	Dwelling, Two-Family
Dwelling, Multi-Family	Home Occupation
Permanently Sited Manufactured Home	

#### **702 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

Apartment Complex (Site Plan Review Required- See Section 17)  
Assisted Living Facility  
Funeral Home  
Manufactured Home Park (Site Plan Review Required- See Section 17)  
Telecommunication Tower (See Section 1413)

#### **703 DEVELOPMENT STANDARDS**

All buildings, structures, lots, and land uses within the MR-1 District must meet the requirements of Section 14 – Supplemental Regulations, and the following development standards:

##### **703.01 Height Limits**

No structure shall be constructed or enlarged to exceed forty (40') feet in height from grade.

##### **703.02 Area Requirements**

All lots shall meet the following requirements:

- **Lot Area:**
  - a. The minimum lot area for a single or two-family dwelling shall be ten thousand (10,000) square feet.
  - b. The minimum lot area for a multiple-family dwelling shall be seven thousand two hundred (7,200) square feet per unit.
  - c. The minimum lot area for an apartment complex (10 unit minimum) shall be two (2) acres.



- **Lot Width:** Sixty (60') feet
- **Front Yard:** Thirty-five (35') feet
- **Side Yard:** Ten (10') feet
- **Rear Yard:** Forty (40') feet

**703.03 Minimum Floor Area for all Dwellings:**

- 1200 sq. ft. for a single-family dwelling
- 1000 sq. ft. for a two-family unit (per unit)
- 24' minimum width
- 500 sq. ft. for an efficiency apartment
- 650 sq. ft. for a one-bedroom apartment
- 900 sq. ft. for a two-bedroom apartment
- 1200 sq. ft. for a three-bedroom apartment



## **SECTION 8**

### **PLANNED UNIT DEVELOPMENT (PUD)**

#### **800 PURPOSE**

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space and provides for a combination of uses with an integrated design. The Planned Unit Development allows greater design flexibility so that natural features and open space may be preserved and enhanced, and development concentrated in a coordinated and efficient manner.

#### **801 DESCRIPTION**

The Planned Unit Development may be a residential, commercial, or industrial development or may be a combination of uses with no minimum site area required. Where a combination of uses is proposed, a maximum of twenty-five (25%) percent of the total acreage may be developed with uses not permitted in the underlying zoning district. The Board of Township Trustees shall review and may find that the combination of uses meets the standards set forth in Section 804. Signs for uses developed pursuant to the 25% provision shall conform to the District in which the use is permitted and subject to Section 16 – Signs and Outdoor Advertising.

#### **802 PROCEDURE**

The Planned Unit Development shall be submitted and processed pursuant to Section 21 – Zoning Changes and Text Amendments. The applicant shall submit a “Request for Zoning Change” application, the development plan, and PDF Files along with the required application fee. The application shall include the following:

##### **802.01 General Information for PUD**

- A.** Name, address, phone number, and e-mail address of the applicant;
- B.** Name, address, and phone number of registered surveyor, engineer and/or landscape architect who prepared the plan;
- C.** Legal description of the property;
- D.** Present use of the property;
- E.** Conceptual overview of the development;
- F.** Proposed provision of utilities;
- G.** Proposed ownership and maintenance of common open space;
- H.** Anticipated timing and phasing of the development.
- I.** A conceptual landscape plan is required upon submittal to the Zoning Commission

##### **802.02 Development Plan Information**

- A.** A vicinity/project location map;
- B.** Location, type, and density of development types;



- C. Conceptual drainage plan;
- D. Location and the amount of open space(s);
- E. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated;
- F. Maximum site coverage (not required for detached single-family PUD's)
- G. Topography at two-foot contour intervals;
- H. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses;
- I. Street layout and names along with sidewalk/pedestrian walkway locations.
- J. Existing buildings to remain or to be removed, and if the existing buildings remain, indicate proposed use;
- K. All proposed signs excluding street signs;
- L. Proposed method of street lighting;
- M. Landscape material to be used, and proposed locations;
- N. Location, area, and dimensions of all lots, setbacks, and building envelopes;
- O. Required number of parking spaces, and number of spaces proposed.
- P. Development plan shall illustrate existing natural land features.

### **803 ADDITIONAL INFORMATION**

The Board of Township Trustees, Zoning Commission, and/or Zoning Inspector may require additional information such as professionally prepared maps, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense for this information is the responsibility of the applicant.

#### **803.01 Open Space is defined as:**

- A. Any land area designated in any type of land use or site plan, exclusive of streets, rights of way and buffer zones, which provide for park, playground, school, recreational or similar public purposes, scenic resources and/or historical sites, or
- B. Any land area in which the preservation in its present use would:
  - 1. Conserve and enhance natural or scenic resources;
  - 2. Protect streams or water supply;
  - 3. Promote conservation of soils, wetlands, or tidal marshes;
  - 4. Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations or sanctuaries or other open space;
  - 5. Enhance recreation opportunities;



6. Preserve visual quality along highway, road, and street corridor or scenic vistas.

## 804 DEVELOPMENT STANDARDS

### 804.01 General

- A. The development shall be in conformance with the goals & objectives of the New Russia Township Land Use Plan and Zoning Resolution and any applicable Subdivision Regulations;
- B. The development shall be compatible with the proposed and existing surrounding land uses;
- C. The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.

### 804.02 Specific – Residential

- A. The maximum number of dwelling units (DU's) permitted for the site is listed in the districts below. An additional dwelling unit is permitted in each district subject to each additional acre provided within the Planned Unit Development as common and consolidated open space. Consolidated open space may include recreation areas, ponds/lakes, and natural areas.
  - i. **R1-1 District** 1 DU for every two acres of land (gross)
  - ii. **R1-2 District** 1 DU for every one acre of land (gross)
  - iii. **R1-3 District** 2 DU for every one acre of land (gross)
- B. No more than (40%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking area pavement;
- C. No less than twenty-five (25%) percent of the gross site acreage, none of which is part of any yard or perimeter open space, shall be allocated to usable, accessible and consolidated, common open space and may be allocated on a plat-by-plat basis;
  1. Fifty (50%) percent of the water surface of a retention pond may be counted towards the requirement for 25% percent useable, accessible, and consolidated open space under the following conditions:
    - a. It is filled with water year-round.
    - b. There is an access area for the pond at least 70 feet wide at the waterfront. It will be connected to an internal subdivision road so that residents that don't live around the pond can access it.



- c. The access area may be separated from the private lots around the pond by means of a permanent landscape feature such as bollards, fencing, low stone walls etc. so it is clear it is a common lot.
    - d. Provide at least one feature in the access area such as fishing docks, gravel paths or a gazebo to increase enjoyment of the pond.
  - 2. Useable accessible and consolidated open space quality requirements:
    - a. It must be accessible by all residents of the subdivision.
    - b. It must have at least two amenities such as a gravel or paved walking trail, gazebo, birdhouse, benches, playground, community building, tennis court, community pool etc.
    - c. Other than desired buffering from the major road artery of the subdivision the open space should be concentrated for maximum usability.
    - d. The open space is separated from the private lots around it by means of a permanent landscape feature such as bollards, fencing, low stone walls etc. so it is clear it is open space.
    - e. Areas in the floodway do not count towards useable, accessible, and consolidated open space.
    - f. Cemeteries do not count towards useable, accessible, and consolidated open space.
    - g. Dry detention ponds cannot count towards the requirement for 25% percent useable, accessible, and consolidated open space.
    - h. Easements for hazardous materials such as natural gas and oil pipelines that are usable for passive recreation activity can be counted towards the requirement 15% percent useable, accessible, and consolidated open space.
- D. An open space area void of buildings, structures, parking areas, or other above-ground improvements shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
  - 1. When abutting Residential Districts, an open space perimeter area shall be provided that has a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;
  - 2. When a residential area of a Planned Unit Development abuts a Non-residential District, an open space perimeter area shall be provided that has a minimum depth of fifty (50') feet.
- E. Building height shall be in accordance with the underlying zoning.



- F. There may be no minimum lot size, lot-width, building or structure setback requirements except as provided in Section 804.
- G. Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.
- H. Perimeter landscaping is required for all Planned Unit Developments.
  - 1. This landscaping must be sufficient to supply screening and include a mix of evergreen and deciduous trees and shrubs.
  - 2. Buffering at the main road/entrance to a subdivision to a depth of 25 feet off the road is considered part of the required perimeter landscaping not the required 25% usable consolidated open space. If amenities such as gazebos, benches etc. are added it could be considered part of the required 25% usable consolidated open space on a case-by-case basis.

#### **804.03 Specific – Commercial/Industrial**

- A. Commercial/Industrial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Section 19 – Parking Requirements, and the number of spaces required shall be determined by each specific use within the Planned Unit Development;
- B. An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained on all perimeter property lines of the Planned Unit Development:
  - 1. A minimum open space depth of 30 feet shall be provided unless a greater setback is required as listed in the underlying zoning district;
  - 2. A minimum open space distance of fifty (50') feet shall be provided when abutting a Residential District;
- C. No less than twenty (20%) percent of the gross lot acreage, (5% of which may be a pond that may not exceed one (1) acre in size), none of which shall be a part of any yard, shall be allocated to usable, accessible, and consolidated, common open space;
- D. No more than forty (40%) percent of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway, and parking area pavement;
- E. Landscaping or screening for parking shall be required pursuant to Section 18 – Landscaping Requirements;
- F. There shall be no minimum lot size, lot-width, or building, or structure setback requirements except as provided in Section 804;





- G. Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.



## SECTION 9 NEIGHBORHOOD BUSINESS DISTRICT (NB-1)

### 900 PURPOSE

The purpose of the Neighborhood Commercial District (NB-1) is to provide areas for small local businesses that provide retail goods and services, not requiring outdoor sales, to the nearby community.

### 901 PERMITTED USES

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the NB-1 District. See Section 14 for additional information.

Accessory Uses and Accessory Structures	Personal Service
Bank Or Financial Center	Photo, Dance, Music Studio
Caterer	Professional Office
Day Care Facility	Restaurant (Without Drive-Thru)
Funeral Home	Veterinary Office
Medical/Dental Office	
Retail Sales (Less Than 5,000 Sq. Ft. In Floor Area)	

### 902 CONDITIONAL USES

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Assisted Living Facility	Group Living
Car Wash	Gasoline Sales
Church Or Place of Worship	

### 903 DEVELOPMENT STANDARDS

All main buildings, lots and land uses within the NB-1 District shall meet the following minimum development standards. See Section 17 – Site Plan Review.

#### 903.01 Height Limits

No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height from grade.

#### 903.02 Coverage & Setback Requirements

All lots shall meet the following requirements:

- **Lot Width:** One hundred twenty-five (125')
- **Lot Area:** One (1) acre
- **Maximum Lot Coverage:** Sixty (60%) percent (impervious)
- **Front Yard:** One hundred (100') feet
- **Side Yard:** Ten (10') feet
- **Rear Yard:** Forty (40') feet



## **SECTION 10**

### **GENERAL BUSINESS DISTRICT (GB-1)**

#### **1000 PURPOSE**

The purpose of the General Business District (GB-1) is to provide areas for commercial uses serving a larger area. Parcels in this District are typically located on main arterial streets and are safely accessible to the general public.

#### **1001 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the GB-1 District. See Section 14 for additional information.

Accessory Uses and Accessory Structures	Gasoline Sales
Automobile Sales	Hotel/Motel
Automobile Service Center	Marine Sales and Service
Bicycle Sales	Medical/Dental
Office Bank and Financial Center	Movie Theater
Bar/Lounge/Tavern	Personal Service
Business School	Professional Office
Car Wash	Recreation Facility
Caterer	Restaurant
Club	Retail Sales
Day Care Facility	Veterinary Hospital
Photo, Dance, Art, Music Studio	

#### **1002 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Banquet Hall  
Funeral Home

#### **1003 DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the GB-1 District shall meet the following minimum development standards. See Section 17 – Site Plan Review.

##### **1003.01 Height Limits**

No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height from grade.

##### **1003.02 Trip Generation**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) General Manual) shall submit a Traffic Impact Study.

##### **1003.03 Coverage & Setback Requirements**

All lots shall meet the following requirements:



- **Lot Area:** One (1) acre
- **Lot Width:** One hundred twenty-five (125') feet
- **Lot Coverage:** Sixty (60%) percent (impervious)
- **Side Yard:** Ten (10') feet
- **Rear Yard:** Forty (40') feet
- **Front Yard:** One hundred (100') feet



## **SECTION 11**

### **LIGHT INDUSTRIAL DISTRICT (LI-1)**

#### **1100 PURPOSE**

The purpose of the Limited Industrial District (LI-1) is to provide areas for light industrial, mostly indoor uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intensive business and residential uses. These uses are typically separated from residential uses.

#### **1101 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the LI-1 District. See Section 14 for additional information.

Accessory Uses and Accessory Structures	Professional Office
Electronic Equipment Manufacture/Assembly	Professional/Trade School
Equipment Sales & Rental	Recreational Facility, Indoor
Manufacturing, Indoor	Research and Development Facility
Precision Instrument Manufacture/Assembly	Warehousing/Wholesale
Self-Storage Facility	
Lawn/Tree Service	

#### **1102 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20– Procedures and Requirements for Conditional Uses:

Any use requiring outside storage  
Crematorium  
Recreational facility, outdoor  
Small Solar Facility (See Section 1431)

#### **1103 DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the LI-1 District shall meet the following minimum development standards. See Section 17 – Site Plan Review.

##### **1103.01 Height Limit:**

No structure shall be constructed or enlarged to exceed fifty (50') feet in height from grade.

##### **1103.02 Trip Generation:**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

##### **1103.03 Coverage and Setback Requirements**

All lots shall meet the following requirements:

- **Lot Coverage:** Sixty (60%) percent (impervious)



- **Lot Area:** Two (2) acres
- **Lot Width:** Two hundred (200') feet
- **Front Yard:** One hundred (100') feet
- **Side Yard:** Twenty-five (25') feet
- **Rear Yard:** Seventy-five (75') feet



## **SECTION 12**

### **HEAVY INDUSTRIAL DISTRICT (HI-1)**

#### **1200 PURPOSE**

The purpose of the Heavy Industrial District (HI-1) is to provide areas for heavy industrial uses. These uses typically are indoor uses but can include outdoor uses as well. The development of major manufacturing, processing, warehousing and major research and testing operations is encouraged. These uses are usually separated from residential uses and commercial uses due to their potential intensity.

#### **1201 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the Heavy Industrial District (HI-1). See Section 14 for additional information:

- Accessory Uses and Structures
- Assembly Of Electrical Components, Instruments, and Devices, Including Electroplating
- Building Material Sales Yard (Excluding Concrete and Asphalt Production)
- Distribution Center
- Equipment Sales & Rental
- Laundry/Dry Cleaning Plant
- Lumber Yard
- Machine Shop
- Manufactured Home Sales
- Manufacturing
- Professional Office
- Plumbing, Sheet Metal, and Woodworking Shops
- Wholesaling, Including the Storage, Handling, or Sale Of Merchandise Primarily to Retailers

#### **1202 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

- Any Use Requiring Outside Storage
- Asphalt/Concrete Production
- Contractor Yard/Storage
- Logging/Wood Storage
- Mineral Extraction
- Motor Vehicle Salvage Yards
- Recycle Center
- Salvage Yard
- Sanitary Landfill
- Sludge Pond
- Small Solar Facility (See Section 1431)
- Storage Lot Including Automobiles, Boats, Trucks, and Recreational Vehicles
- Truck Repair Garage
- Truck Terminal



### **1203 DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the HI-1 District shall meet the following minimum development standards. See Section 17 – Site Plan Review:

#### **1203.01 Height Limits**

No structure shall be constructed or enlarged to exceed fifty (50') feet in height from grade.

#### **1203.02 Trip Generation**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

#### **1203.03 Coverage & Setback Requirements**

All lots shall meet the following requirements:

- **Lot Coverage:** Sixty (60%) percent (impervious)
- **Lot Area:** Three (3) acres
- **Lot Width:** Three hundred (300') feet
- **Front Yard:** One hundred (100') feet
- **Side Yard:** Thirty-five (35') feet
- **Rear Yard:** Fifty (50') feet





## **SECTION 13**

### **MOTORIST SERVICE DISTRICT (MS-1)**

#### **1300 PURPOSE**

The purpose of the Motorist Service District (MS-1) is to provide areas for uses on major roads in the immediate vicinity of freeway interchanges to serve the needs of the motoring public. The goal of the MS-1 District is to protect and stabilize developments from traffic congestion and hazards by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets. Developments in this District shall be buffered from residential areas.

#### **1301 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the Motorist Service District (MS-1). See Section 14 for additional information.

Accessory Uses and Accessory Structures	Hotel/Motel
Automobile Sales	Movie Theater
Bank and Financial Center	Recreation Facility
Bar/Lounge/Tavern	Restaurant
Car Wash	Retail Sales
Club	
Gasoline Sales	
Sexually Oriented Business (See Supplemental Regulations & Definitions)	

#### **1302 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Automobile Service Center

#### **1303 DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the MS-1 District shall meet the following minimum development standards. See Section 17 – Site Plan Review:

##### **1303.01 Height Limits**

No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height from grade.

##### **1303.02 Trip Generation**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

##### **1303.03 Coverage & Setback Requirements**

All lots shall meet the following requirements:

- **Lot Area:** One (1) acre
- **Lot Width:** One hundred fifty (150') feet



- **Lot Coverage:** Sixty (60%) percent (impervious)
- **Side Yard:** Twenty (20') feet
- **Rear Yard:** Forty (40') feet
- **Front Yard:** One hundred (100') feet



## **SECTION 13.50 INDUSTRIAL PARK DISTRICT (IP-1)**

### **1350 PURPOSE**

The purpose of the IP-1 Industrial Park District is to encourage the development of "industrial subdivisions" which will be characterized by a park-like openness and attractive, high-quality buildings set in a landscaped environment. Uses in this District are indoor uses that shall be harmoniously integrated with each other and compatible with surrounding uses.

### **1351 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the IP-1 District. See Section 14 for additional information:

Accessory Uses and Accessory Structures	Recreational Facility, Indoor
Airport	Research and Development Facility
Electronic Equipment Manufacture/Assembly	Warehousing/Wholesale
Manufacturing, Indoor	
Precision Instrument Manufacture/Assembly	
Professional Office	

### **1352 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Any Use Requiring Outside Storage  
Aviation Repair Facility  
Heliports  
Small Solar Facility (See Section 1431)

### **1353 DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the IP-1 District shall meet the following development standards. See Section 17 – Site Plan Review.

#### **A. Height Limit**

No structure shall be constructed or enlarged to exceed fifty (50') feet in height from grade.

#### **B. Trip Generation**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) Generation Manual) shall submit a Traffic Impact Study.

#### **C. Coverage and Setback Requirements**

All lots shall meet the following requirements:

- **Lot Area:** One (1) acre
- **Lot Width:** One hundred fifty (150') feet
- **Lot Coverage:** Sixty (60%) percent (impervious)



- **Side Yard:** Twenty (20') feet
- **Rear Yard:** Forty (40') feet
- **Front Yard:** One hundred (100') feet
- **Industrial Park Size Requirement**
  - Minimum of one hundred (100) acres

### **1354 SIGNAGE**

- A. All signs shall be low-profile/monument style. Pole signs are not permitted.
- B. All lighted signs shall be internally illuminated; external lighting sources are not allowed.

### **1355 ARCHITECTURAL STANDARDS**

The purpose of architectural standards is to ensure the exterior of new construction and additions and/or renovations to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of such structures in the Township. Unique Building Design is encouraged for all new buildings constructed in this district. Further, it is encouraged that when existing buildings are remodeled and/or enlarged, the following standards are adhered to so as to bring the entire building into conformity with the standards of this district. Building design shall include the following features for all buildings in this district:

- A. Buildings shall include three of the following features along the primary building frontage and any façade visible from the public right of way:
  - 1. Canopies/porticos
  - 2. Roof overhangs/roof line changes
  - 3. Recesses/projections
  - 4. Gabled roofs/arches
  - 5. Architectural details such as tile work or molding
  - 6. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- B. Brick, stucco, stone, or cultured stone masonry finishes are encouraged for the building frontage visible from the right-of-way.
- C. The use of concrete block, steel paneling and wood siding is discouraged.
- D. The township may, through the Site Plan Review process, exempt all or parts of the architectural standards in this section when, in the opinion of the Township, the design constitutes a unique, one-of-a-kind building that meets the intent of these standards.



## **SECTION 14**

### **SUPPLEMENTAL REGULATIONS**

#### **1400 GENERAL**

In addition to the Zoning District requirements, the following Supplemental Regulations shall regulate the uses and structures in New Russia Township.

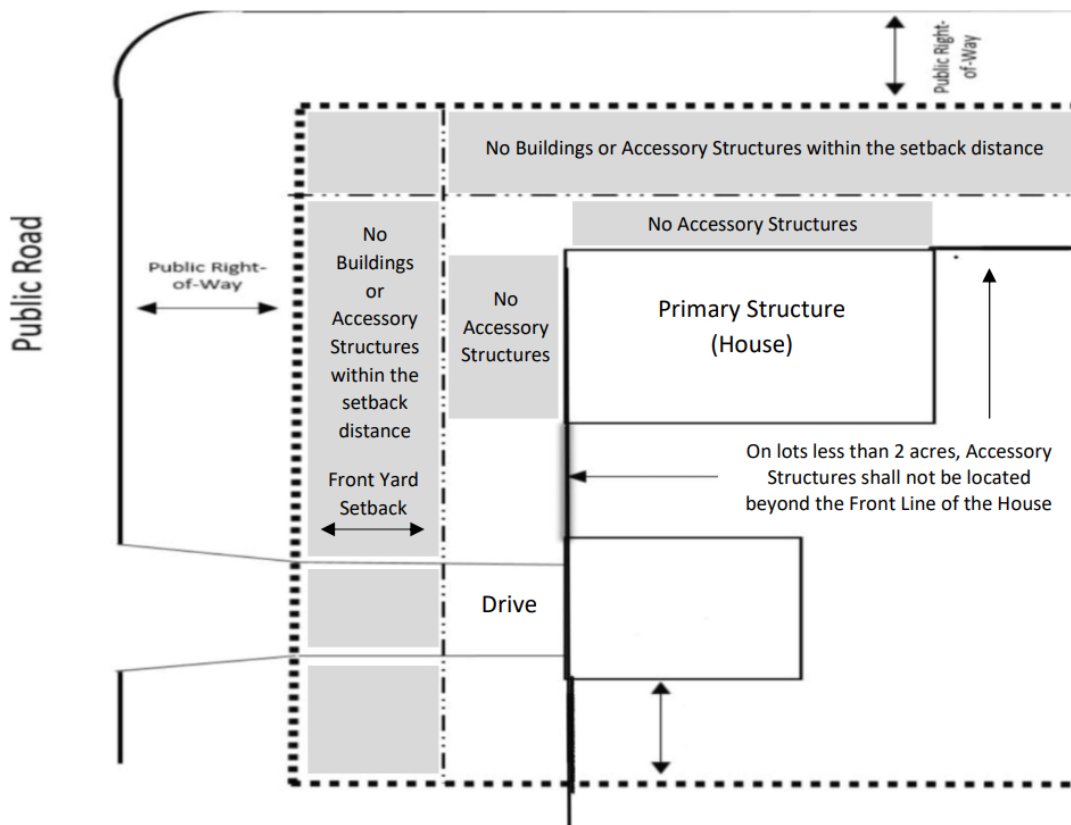
#### **1401 ACCESSORY BUILDING OR STRUCTURE**

An accessory building or structure shall be subject to the following requirements:

- A.** On lots less than 2 acres, it shall be located behind or adjacent to the principal building but may not project in front of the principal building. On lots 2 acres or greater, it shall not be located within the district's required front yard setback area or directly between the public right-of-way and the principal building. (See Diagram 1)
- B.** The minimum distance of the accessory building or structure from the principal building shall be fifteen (15') feet in all residential, commercial, and industrial districts.
- C.** The minimum distance of the accessory building or non-dwelling structure under 2,000 sq ft from any lot line in all districts shall be a minimum distance of ten (10') feet and shall be a minimum distance of fifteen (15') feet for 2,000 sq ft or larger. It shall not be located within any required planting strip pursuant to Section 18, or located less than the district's yard clearance requirements. Where the accessory building is located on a corner lot, it shall not project directly in front of the principal building from either street. (See Diagram 1 - Setbacks).



**Diagram 1 Setbacks**



- D. In any Agricultural or Residential District, an accessory building shall not exceed twenty-five (25') feet in height.
- E. The total square footage for all accessory buildings on parcels of less than one (1) acre cannot exceed one thousand (1,000) square feet in any Agricultural or Residential District. Total accessory building square footage on parcels between one (1) and two (2) acres cannot exceed fifteen hundred (1,500) square feet and parcels between two (2) and three (3) acres cannot exceed two thousand four hundred (2,400) square feet in any Agricultural or Residential District. Total square footage for accessory buildings on parcels between three (3) and five (5) acres cannot exceed three thousand five hundred (3,500) square feet in any Agricultural or Residential District. Total square footage for accessory buildings cannot exceed four thousand eight hundred (4,800) square feet on any parcel five (5) acres or greater in any Agricultural or Residential District.
- F. No accessory building or structure shall be constructed, reconstructed, or structurally altered nearer to the centerline of the roads listed in Section 1411.04.
- G. The dwelling shall be framed, and the roof completed prior to the issuance of an accessory building permit.



## **1402 ARCHITECTURAL PROJECTIONS**

- A.** Cornices, eaves, sills, canopies, window wells, or other similar architectural features (not including vertical projections) may extend or project into the required side yard not more than two (2") inches for each one (1') foot of width of side yard and may extend or project into a required front or rear yard not more than three (3') feet.
- B.** Chimneys may project into a required yard not more than two (2') feet.
- C.** Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4') feet.
- D.** Open, unenclosed patios, platforms, or decks not covered by a roof or canopy and not extending above the height of the first-floor elevation of the building, may extend or project into a required front yard not more than eight (8') feet and may extend, or project into a required rear yard not more than ten (10') feet.

## **1403 FENCES**

Fences, plant material, earth mounds, and similar screening devices between the principal building and a street, are permitted provided that the height of such fence and/or device does not exceed forty-eight (48") inches in height as measured at the adjacent road grade and provided the material is not located within the public right-of-way. Fences to the rear or to the side of a principal building shall not exceed six (6') feet in height except in Commercial and Industrial Districts in which case, no fence to the rear of the building shall exceed eight (8') feet in height. Motor Vehicle Salvage Yards and sports courts are allowed to have fencing not to exceed ten (10') feet in height. (See Supplemental Regulations Section 1416 and Section 1418). Maximum height of fences at least one hundred fifty (150') feet back from any adjacent right-of-way shall measure from adjacent grade for height calculation. No fence shall create a safety or vision hazard.

### **1403.01 Prohibited Fences**

The following types of fencing are prohibited in all Districts:

- A.** Barbed wire, razor ribbon and similar types except in conjunction with agricultural activities.
- B.** Any fence that impedes the view of vehicular traffic or creates any type of safety hazard.
- C.** Fencing that is charged or connected with an electrical current, except in conjunction with agricultural activities.

## **1404 HOME OCCUPATIONS/HOME BASED BUSINESS**

The following Regulations apply to Home Occupations and Home-Based Businesses in agricultural and residential districts:

### **A. Home Occupations**

Home occupations are allowed in all dwellings in single-family zoned agricultural and residential districts. They shall be carried on by the resident of the dwelling and shall be clearly incidental and secondary to the use of the dwelling. Home occupations shall not change the external character of the dwelling and/or property, shall not produce a sound



that is audible beyond the dwelling, shall not involve the employment of any person(s) other than a resident(s) of such dwelling, and shall not involve the direct sale of commodities and services on the premises. A home occupation may utilize one wall sign not to exceed two (2) square feet with an approved Zoning Permit.

**B. Home-Based Businesses**

A property owner may operate a Home-Based Business in the main dwelling or in an accessory building in the R1-1 and R1-2 Districts with Conditional Use approval from the Board of Zoning Appeals. Home-Based Businesses shall be carried on by the resident of the dwelling and shall be clearly incidental and secondary to the main residential use of the property. These types of businesses may employ up to one individual that does not reside on the premises. Home-based contractors shall comply with this section and shall not store any items and/or equipment outside when not in use. Either one wall sign not to exceed six (6) square feet or one free standing low-profile sign not to exceed six (6) square feet and four (4) feet in height may be permitted with an approved zoning permit. Employee and customer parking locations shall be indicated.

**1405 MINERAL/SOIL EXTRACTION, STORAGE, PROCESSING, & MANUFACTURE**

The following principles of acceptance, submission, and design requirements shall apply to mineral extraction and/or storage, processing, and manufacturing activities. In addition to the provisions of Section 20 – Procedures and Requirements for Conditional Uses, the following shall be considered in the review of a proposed Mineral Extraction, Storage, Processing, and Manufacturing Conditional Use request:

**1405.01 Principles of Acceptance**

In reviewing the location and the development plan of a proposed mineral extraction operation, the following general principles of acceptance shall be considered with respect to the location and the present and future development of the area:

- A. The mineral extraction operation shall not be detrimental to the adjacent land and surrounding area.
- B. Potential flooding shall not be increased for surrounding properties because of excavating or elevating portions of the property under consideration.
- C. The use and development of a proposed mineral extraction operation and its adjacent area shall be properly planned so as to prevent ground water contamination.
- D. After completion, the excavated area shall be properly maintained so that it will not become a danger and nuisance to area residents.

**1405.02 Submission Requirements**

The following items shall be submitted with the Conditional Use application:

- A. A topographical survey and soils report analysis of the property, prepared by a professional engineer, surveyor, or geologist;





- B. A site plan drawn to scale showing the location of the proposed excavated area, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, easements, ditches, and utility lines within five hundred (500') feet of the perimeter of the area;
- C. General location map;
- D. Location of haul roads on the property and proposed truck routes to the property;
- E. A drainage plan indicating the directional flow of water, constructed drain ways, holding canals, natural waterways used for drainage, and the streams or tributaries receiving this discharge;
- F. A reclamation plan of the area to be affected, including a specific reuse of the property, upon completion of the excavation.

**1405.03 General Conditions and Design Requirements**

The mineral extraction operation shall be conducted in accordance with the following conditions:

- A. A minimum site area of twenty-five (25) acres;
- B. The excavated area shall not exceed twenty (20%) percent of the total site area;
- C. The excavated area shall have a one hundred (100') feet minimum setback from any public road right-of-way;
- D. Excavated areas shall be no closer than three hundred (300') feet separated from septic tanks, water wells and leach fields in accordance with Health Department Standards.
- E. If the reclamation of the site includes a pond, the pond shall have a minimum depth of seventeen (17') feet. Within fifteen (15') feet of the shoreline, the average slope of the submerged areas of the pond shall be no steeper than 3 to 1. From the shoreline away from the water, the grade shall be no steeper than 4 to 1 within twenty (20') feet of the shoreline.
- F. No materials shall be hauled to the property for use as fill, except for clean clay material which may be required for a lake or other material(s) approved by the Ohio Department of Natural Resources.
- G. An appropriate amount of topsoil must be left on the site to establish and maintain vegetation.
- H. In areas where sanitary sewers are not available, backfilling for any proposed housing pad site and leach field areas as shown on the reclamation plan shall be distributed in accordance with Health Department Standards. The topsoil on a proposed housing site shall be stripped and stored, then the area backfilled and



compacted with the excavating material, the topsoil replaced over the backfilled area(s), and final grading completed.

- I. All backfilling and excavating material distribution shall be certified in writing to the Township Zoning Inspector as conforming to the site grading plan and reclamation plan. The written certification shall be submitted by a professional engineer or surveyor and shall be submitted at the time of completion or in phases as required by the provisions of the Conditional Use approval.
- J. Any areas not backfilled must be drained with ditches, which must include culverts under all driveways to eliminate any standing water. This is the responsibility of the property owner.
- K. All haul roads shall be properly maintained to control dust and shall have a gate to control ingress and egress. All truck routes shall be cleaned and maintained daily.
- L. The entire excavated area and equipment storage area shall be completely fenced in before any excavation begins and shall be maintained.
- M. In addition to any bonds required under the State of Ohio Surface Mine Law (ORC Chapter 1514), a bond of two-thousand dollars (\$2,000) per site acre shall be filed with New Russia Township to guarantee satisfactory development and completion of a lake or pit. The entire project shall be bonded at once, and not bonded one acre at a time. All bonds shall be obtained prior to the start of any earthwork. Bonds shall be released by the Board of Township Trustees following fulfillment of all conditions of the Conditional Use permit.

#### **1406 MORE THAN ONE PRINCIPAL BUILDING**

No more than one (1) principal building may be located on a single parcel, except when the following uses are permitted in the zoning district:

Assisted Living Facility	Multiple Family Dwellings
Church Or Place of Worship	Nursing Home
Manufactured Home/Mobile Home	Public Use
(In a Manufactured Home Park)	Self-Storage Facilities
School	Greenhouses

#### **1407 NOISE**

Noise Control will be enforced by local law enforcement in accordance with Chapter 505 of the Ohio Revised Code.

#### **1408 PONDS**

Section 1408 does not apply to an agricultural pond in accordance with ORC 303.21.

##### **1408.01 General Requirements for Ponds**

- A. Ponds shall not be permitted in any Zoning District on parcels less than two (2) acres.



**B. Prior to the issuance of a Zoning Certificate for a pond, and pursuant to**

Section 22 – Enforcement, of this Resolution, a waiver must first be obtained from the Lorain County Regional Health District for any lot with on-site sewage or water system. The waiver including a detailed site plan showing the pond location and other required information must first be reviewed and approved by the New Russia Township Zoning Inspector. In some cases, the Zoning Inspector may send the request to the Zoning Commission for their review and recommendation.

**C. Pond construction shall be completed within one (1) year from the date of the issuance of a Zoning Certificate.**

**D. Alterations of more than 10% of the area of an existing pond shall require review and an approved Zoning Certificate.**

**E. The Lorain County Health Department shall approve all ponds intended for use as a drinking water source.**

**F. Soil disturbances of one acre or larger shall comply with the Lorain County Soil and Water Conservation Services erosion and sediment control process.**

**1408.02 Area and Design Requirements for Ponds**

**A. The minimum pond surface area shall be one fourth (1/4) acre. Ponds may not exceed one half (1/2) acre except for parcels greater than five (5) acres in which ponds may not exceed one (1) acre maximum.**

**B. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of eight (8') feet. Where a beach is desired, from the shoreline away from the water, the beach grade shall be no greater than 4:1, with an overall minimum average pond depth of not less than nine (9') feet.**

**C. To prevent adverse drainage effects on adjoining properties, the natural water flow incoming and outgoing on the lot shall not be modified. All field tiles encountered during construction shall be rerouted around the pond area. A satisfactory drainage system shall be installed to accommodate overflows and surface drainage from pond development; this system shall be diverted to a suitable outlet or drainage ditch. Roadside outlets require prior approval of the agency maintaining the roadway.**

**D. Pond dams shall be graded not to exceed ten (10') feet in height so it will not obstruct an adjoining property owner's view and shall be in accordance with Section 1521.06 of the ORC. Excess dirt shall be redistributed on the parcel.**

**E. If a pond is deemed to pose a safety hazard because of the density of the development in the vicinity of the parcel, or the use of the parcel, the Township may require a minimum 48" fence be installed around the pond or the entire yard.**



- F. All excavated material shall remain on the same parcel as the pond.
- G. If a stream or regulated waterway exists on the parcel where the pond is proposed, all applicable permits shall be acquired from the County and State.
- H. Ponds shall meet or exceed the standards and specifications of the Natural Resource Conservation Service (NRCS Spec. 378).

#### **1408.03 Setback Requirements for Ponds**

- A. A pond shall be set back one hundred (100') feet minimum from any public road right-of-way.
- B. Ponds shall have a side yard setback of not less than twenty-five (25') feet.
- C. Ponds shall be located no closer than one hundred (100') from septic tanks, water wells and leach fields in accordance with Lorain County Health Department standards.
- D. Ponds/lakes shall have a rear yard setback of not less than fifty (50') feet.
- E. Setbacks shall be measured from the high-water line or toe of dam, whichever is closer, and shall be shown on the plans.

#### **1408.04 Sludge Ponds**

No Pond, Lagoon, Impoundment area or Storage Vessel shall be constructed or used to store sewage, industrial waste, or human waste, treated or untreated, shall be permitted unless conditional use approval is obtained. This does not apply to waste generated on premise, either human, animal or industrial and does not apply to sanitary units serving buildings or structures located upon the premises which have been approved by the Lorain County Health Department or other regulatory agency with authority to approve sanitary unit installation. Sludge Ponds may be permitted as a conditional use in the HI-1 District subject to the following conditions:

- A. Minimum lot size of ten (10) acres.
- B. 200-foot side and rear setback from adjacent lots.
- C. 400-foot setback from any road right-of-way.
- D. Hours of operation between 7:00 a.m. and 5:00 p.m.

#### **1409 NUISANCE**

No lot owner shall permit vegetation, garbage, refuse, or debris to exist on any lot, and the Board of Township Trustees may determine and find from all circumstances that the existence of such vegetation, garbage, refuse, and debris to be a "nuisance" and that such nuisance causes injury to the property of another, endangers life and health, violates laws of decency, or obstructs reasonable use of one's property. No land or building in any district shall be used or occupied in



any manner which produces dangerous, injurious, noxious, or otherwise objectionable elements or conditions which could adversely affect the adjacent land or pose a threat to the public health, welfare, or safety of persons at the site or external to it.

#### **1409.01 Junk Motor Vehicle(s) Prohibited**

No motor vehicle that is a “junk motor vehicle” (ORC 4513.65) shall be permitted to exist on any lot except for a salvage yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the ORC.

- A.** As used in this Section, “junk motor vehicle” means a motor vehicle that meets all the following criteria:
  - 1.** A vehicle that has been left on private property or left on a public street, public way, or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;
  - 2.** Three model years old or older;
  - 3.** Extensively damaged, including, but not limited to, any of the following: missing wheels, tire, engine, or transmission;
  - 4.** Apparently inoperable;
- B.** In addition to other remedies provided by law, the Board of Township Trustees may institute an action for injunction mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this Section.

#### **1410 SATELLITE DISH ANTENNAS**

- A.** Any satellite dish antenna that is independently supported in an Agricultural or Residential District shall be located toward the rear of the lot, shall be at least 10 feet from any main building, shall have rear and side property line setbacks equal to or greater than the height of the proposed structure, and, in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot. Where a satellite dish antenna is proposed to be independently supported, it shall not exceed 15 feet in height. Where a satellite dish antenna is proposed to be mounted on the roof of a building, it shall not extend more than 15 feet above the highest point of the roof of the building which it serves. In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of one (1) meter (39.37 inches) or less when located in an Agricultural or Residential District are exempt from the provisions of the Resolution.
- B.** Satellite dish antennas with a diameter more than one (1) meter (39.37 inches) are permitted in Agricultural or Residential Districts provided:
  - 1.** The satellite dish antenna shall be located toward the rear of the lot, at least ten (10') feet away from the main building, and setback from the rear and side property line a minimum of ten (10') feet.



2. Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet above surrounding grade.
  3. Where a satellite dish antenna is proposed to be attached to a roof of a building, the maximum height shall not exceed fifteen (15') feet above the highest point of the roof it is located on.
- C. In accordance with the Telecommunications Act of 1996, satellite dish antennas with a diameter of two (2) meters (78.74 inches) or less when located in a Commercial or Industrial District are exempt from the provisions of this Resolution. Satellite dish antennas with a diameter more than two (2) meters (78.74 inches) are permitted in Commercial and Industrial Districts provided:
1. The satellite dish antenna shall be located toward the rear of the lot, at least ten (10') feet away from the main building, and setback from the rear and side property line, a minimum of ten (10') feet.
  2. Where a satellite dish antenna is proposed to be independently supported, it shall not exceed fifteen (15') feet above surrounding grade.
  3. Where a satellite dish antenna is proposed to be attached to a roof of a building, the maximum height shall not exceed fifteen (15') feet above the highest point of the roof it is located on.

#### **1411 SUPPLEMENTAL YARD REGULATIONS**

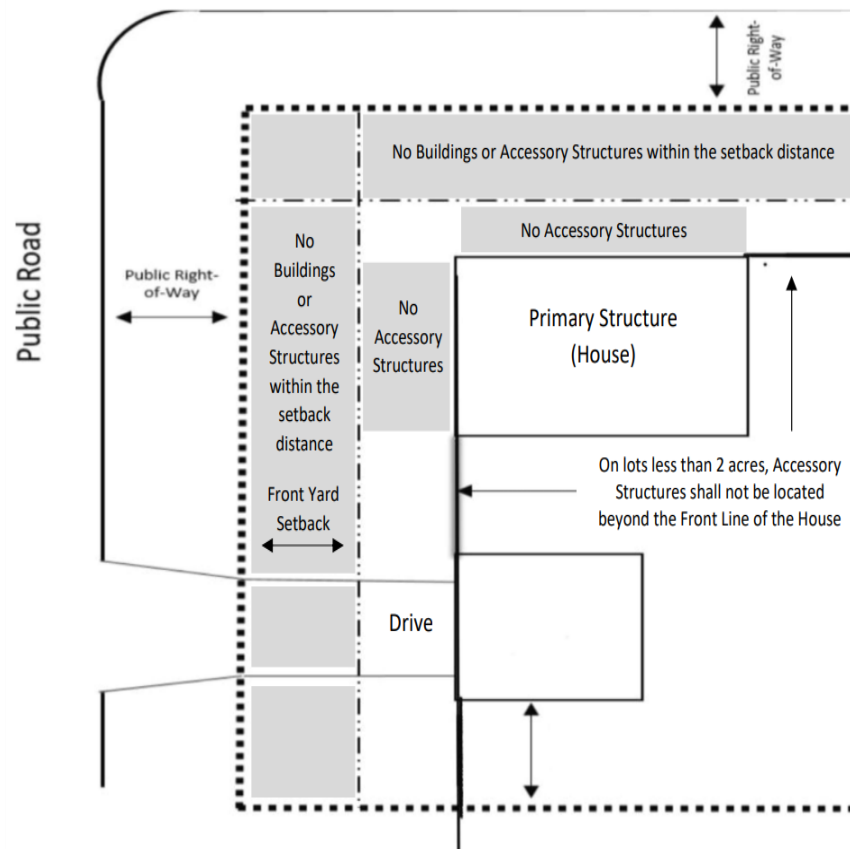
In addition to all yard regulations specified in each Zoning District, the following provisions shall be required as indicated:

##### **1411.01 Setback requirements for Corner Lots**

On a corner lot, the principal building and any accessory structures shall be the same setback distance from all right-of-way lines as is required for the front yard setback in the district in which the structures are located.



**Diagram 1 - Setbacks**



**1411.02 Visibility at Intersections**

On a corner lot in any Zoning District, nothing shall be located, planted or allowed to grow in such a manner as to impede, or restrict vision, between a height of two and one-half (2 ½') feet and ten (10') feet above the center-line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot, and a straight line joining points along each street's right-of-way lines, which points are located fifty (50') feet from the point of intersection of the right-of-way lines at the corner.

**1411.03 Additional Yard Requirements for Buffering Purposes**

To secure a desirable transition between land zoned for residential purposes and other zoning districts, larger yard setbacks shall be provided on the lot that is not zoned for residential purposes. The additional setback shall be along the lot line(s) that abut land zoned for residential purposes. When property that is zoned Commercial abuts Agriculturally/ Residentially zoned property, the yard requirements for that yard adjacent to the Agriculturally/Residentially zoned property, shall be increased two times the usual required setback. When Industrially zoned property abuts Agriculturally/Residentially zoned property, the minimum setback shall be 100' from the Agriculturally/Residentially zoned property. No off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, or internal lanes shall be placed within this required yard. The applicant may be required to install additional landscaping/fencing in the buffered area.



#### **1411.04 Major Roadway Setback Requirements**

On lots abutting the following roads and streets, no building or structure shall hereafter be constructed, enlarged, or reconstructed to extend nearer to the centerline of the right-of-way than one hundred (100') feet:

**SR 58**  
**SR 511**  
**Butternut Ridge Road**  
**Garfield Road**  
**Hale Road**  
**Hamilton Road**  
**Oberlin Elyria Road**  
**Parsons Road**  
**Pyle S. Amherst Road**  
**Quarry Road**  
**Russia Road**

#### **1412 SWIMMING POOLS**

Outdoor swimming pools are permitted as an accessory use and are regulated as follows:

##### **1412.01 Residential Swimming Pool**

Private swimming pools are permitted as an accessory use in any Zoning District provided the following conditions are met:

- A.** The pool shall be used solely for occupants and guests of the principal use of the lot on which the pool is located.
- B.** The pool shall not be located, including accessory structures adjacent thereto, closer than ten (10') feet to any lot line of the property on which located, and shall be located behind the principal building.
- C.** The swimming pool area shall be fenced or walled not less than four (4') feet in height, and the fence or wall shall be maintained. A swimming pool that is at least four (4') feet above grade on all sides shall be secured with a lockable ladder and no fencing shall be required.
- D.** Wading pools, landscape pools, and similar decorative pools which have a maximum depth of twenty-four (24") inches or less are exempt from the provisions of this Section. Hot tubs less than 100 square feet in size are also exempt from the provisions of this section, however, they shall be located to the rear of the home and shall always have a secured cover in place when not in use.

#### **1413 TELECOMMUNICATION TOWER**

In accordance with ORC 519.211, when a tower is planned to be constructed for the provision of cellular telephone communication service, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to Section 17 – Site Plan Review and shall meet the following standards when located within a residential district:





- A. The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation);
- B. The applicant shall demonstrate that no suitable site is available in a non-residential district and shall be located on its own lot which meets the area and setback requirement as approved by the Board of Township Trustees;
- C. All accessory buildings shall be screened with fencing, masonry, shrubbery, or other screening as approved by the Board of Township Trustees;
- D. The applicant shall notify the Township Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations;
- E. No advertising or illumination other than that required by law may be located on the structure.
- F. Stealth technology
- G. Regulations in Section 1413 do not apply to Amateur Radio towers. Such towers shall comply with all applicable sections of the Ohio Revised Code.

#### **1414 TEMPORARY BUILDINGS AND USES**

- A. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may be permitted only on the lot on which construction is occurring and only during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work.
- B. Real estate sales offices, which shall contain no residence, shall be permitted within any district for any new subdivision for a period of one (1) year beginning on the date the Final Plat is approved. Extensions of such use may be granted by the Board of Zoning Appeals. Such offices shall be removed upon the completion of the sales of the subdivision lots, or upon the expiration or extension of the Zoning Certificate, whichever occurs first.
- C. A Zoning Certificate may be issued by the Zoning Inspector for outside or seasonal sales within any commercial district. All goods located outside must be within four (4') feet of the principal building and not create a traffic, fire, or pedestrian hazard. Temporary structures used for seasonal or outside sales may be permitted for one (1) continuous thirty (30) day period each calendar year. The temporary structure shall not create a traffic, fire or pedestrian hazard and all goods shall be located within the temporary structure.
- D. On-site construction debris shall be stored in an enclosed container so that debris is not spread to any neighboring properties or streets. Any materials and/or debris cleared from the building site shall be disposed of properly, pursuant to applicable regulations.



- E. A Single Temporary Storage Container may be allowed for a period of 30 days or less without a Zoning Certificate. These shall not be placed in any right-of-way and shall not become a safety hazard.
- F. All temporary structures not mentioned in this Section shall require a permit and bond/escrow to cover removal and shall be removed within six months of the date of the zoning permit.
- G. A Temporary Structure/Living Quarters may be placed upon a lot where a single-family home is under construction. A Bond or Escrow shall be required prior to placement of structure. Structure shall be approved by the Health Department and all required setbacks shall be maintained. Structure shall be removed within 18 months of placement or upon substantial completion of the dwelling, whichever occurs first.

#### **1415 YARD/GARAGE SALE**

Any individual or family may conduct no more than four (4) yard or garage sales within any consecutive twelve (12) month period not to exceed five (5) consecutive days. Items displayed for sale shall not encroach into the right-of-way at any time. A zoning certificate is not required for a garage sale.

#### **1416 MOTOR VEHICLE SALVAGE YARDS**

##### **1416.01 Submission Requirements**

- A. The applicant shall provide a complete and accurate legal description of the entire site.
- B. A site plan meeting all provisions of Section 1702.02 shall be submitted. The plan shall also indicate the storage areas, driveways, fencing, and landscape material.

##### **1416.02 Storage**

All loading and unloading of vehicles/parts and/or temporary storage of these items shall occur within the salvage yard behind the required fencing and out of view from the public.

##### **1416.03 Licensing**

All motor vehicle salvage yards shall be licensed as required by Chapter 4737 of the Ohio Revised Code.

##### **1416.04 Fencing and Screening**

Any area used as a motor vehicle salvage yard or junk yard shall be effectively screened on all sides by means of walls, fences, and plantings. Walls or fences shall be a minimum of eight (8') feet in height and a maximum of ten (10') feet in height with no advertising thereon. Storage of materials shall not exceed this height. A strip of land not less than fifteen (15') feet in width on the perimeter of the yard shall be planted and maintained with evergreen hedges or other plant material with year-round foliage. The plant material shall be equal to or greater than the height of the fence or wall at the time of planting.



#### **1416.05 Yard Requirements**

**A. Front Yard:**

There shall be a front yard of not less than fifty (50') feet, but where such a yard is opposite an Agricultural District or Residential District, it shall be a minimum of one hundred (100') feet and the first twenty-five (25') feet thereof shall be used only for landscaping purposes.

**B. Side Yard:**

There shall be a side yard of not less than twenty-five (25') feet, but where abutting an Agricultural District or Residential District, it shall be a minimum of fifty (50') feet. Storage of materials and parking of vehicles is prohibited in a side yard.

**C. Rear Yard:**

There shall be a rear yard of not less than fifty (50') feet, but where such a yard is abutting an Agricultural District or Residential District, it shall be a minimum of one hundred (100') feet.

#### **1416.06 Pavement**

All roadways internal to the site shall be paved and maintained to minimize dust.

#### **1417 TREATMENT OF SEWAGE**

- A.** Sewage plants, package treatment plants, or central treatment plants shall be fully housed in conformity with the development of the surrounding area. Prior to issuance of zoning certificate, plans must be submitted to the Zoning Commission for approval.
- B.** Untreated sewage sludge (i.e. human waste) shall not be applied to any land within the Township for purposes of disposal, sanitary landfill, soil improvement or fertilizer. Nothing in this Resolution is intended to prevent an owner/lessee from applying animal manure, commercial fertilizer, or organic vegetable wastes to his cropland.

#### **1418 PRIVATE SPORTS COURTS**

A private sports court shall be allowed in any Agricultural or Residential District as an accessory use, and provided the following conditions and requirements are complied with:

- A.** Submit a site plan of the court location to the Zoning Inspector, together with approval of any public utility companies affected by any right-of-way or easement encroachments.
- B.** The court area shall not exceed 7,200 sq. ft. in area (60 ft by 120 ft.)
- C.** The court is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located for sports like tennis, basketball, and other similar sports that require a hard surface court.
- D.** The court may not be located, including any walks or paved areas, closer than 10 feet to any property line of the property on which it is located.



- E. If a fence encloses said sports court, the fence shall not exceed ten (10') feet in height and shall be maintained in good condition and free of all advertising or other signs. If any part of a fence is less than twenty (20') feet from any property line, evergreen shrubs and/or trees a minimum of four (4') feet high shall be maintained as a screen between that part of the fence and the property line.
- F. The lighting arrangement for the court shall not project onto any adjacent property except that of the court area.
- G. The site plan shall indicate surface drainage flow directions. Overland flow to abutting properties shall not be permitted.

## **1419 SELF STORAGE FACILITIES**

### **1419.01 General requirements:**

- A. Self-storage facilities shall be limited to rental of storage units, pickup and deposit of storage.
- B. Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with the zoning inspector as a condition of the permit.

### **1419.02 Specific Requirements:**

- A. **Lot Area:** Minimum lot area shall be two (2) acres.
- B. **Lot Coverage:** Maximum lot coverage of units and storage areas shall be 50% of gross lot area.
- C. **Setback:**
  - Front Yard – fifty (50') feet
  - Side or Rear Yard – twenty-five (25') when abutting or opposite an Agricultural/Residential District and fifteen (15') feet when opposite or abutting a Commercial or Industrial District.
- D. **Height:** Height of structures shall be in conformance with structures or equal the average height of structures on properties abutting or opposite to self-storage facilities where no adjacent structures exist, the maximum height shall be fifteen (15') feet to highest point of building.
- E. **Lighting:** Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arranged to reflect light away from adjoining residential property or any public way.



- F. Pavement:** All roadways and parking areas shall be surfaced with concrete, asphalt or similar solid-surface material.
- G.** No door openings for any storage unit shall be constructed facing any agriculturally/residentially zoned property.
- H.** Fencing, walls or landscaping/plant screening shall be required around the perimeter of the facility. Where deemed appropriate under the site plan review, setbacks may be waived, and a unit wall approved in lieu of a fence or landscaping.
- I. Special Requirements:** Where within 500 feet of a residence:
  - Fencing or walls shall consist of decorative wood or stone, decorative concrete block, or similar materials compatible with surrounding residential dwellings.
  - The hours of operation shall be no earlier than 7:00 a.m. or later than 8:00 p.m. daily.
- J.** One (1) on-site dwelling unit to be used by a manager/security personnel is permitted.

#### **1420 FILLING OF LAND**

Prior to filling/disturbing land, a property owner shall inquire and obtain any required permits from Lorain County and any other agency. All material which may be excavated prior to filling of the land shall be left on the subject premises. This includes, but is not limited to, construction of driveways, buildings, and other developments which may require filling of land. A grading plan shall be submitted to the Zoning Inspector along with a material list of the type of fill to be brought to the site prior to the issuance of the Zoning Certificate. Considering the type of fill to be used, the Zoning Inspector may require Lorain County Agency review and/or Ohio EPA approval of the fill material. Under no circumstances shall asphalt material be used for filling. All material shall be graded within forty-five (45) days. Fill brought to the site to be used for a leach field system is exempt from this Section. Landfill uses are exempt from this Section.

#### **1421 SEXUALLY ORIENTED BUSINESS**

The establishment of sexually oriented businesses shall not be located within:

- A.** 500 feet of any residential district, school, church, park, playground, or other use established specifically for the activities of minors, as measured from the property line of the parcel which the adult entertainment use is located.
- B.** A 1,000-foot distance of another existing adult entertainment use, as measured from the property line of the parcel on which the adult entertainment use is located.

#### **1422 LAWN/TREE SERVICE**

Lawn and Tree Service uses may be allowed as a conditional use in the Agricultural Residential (R1-1) District when the following conditions are complied with:



- A. All Landscape Contractors are subject to Section 17 – Site Plan Review and Section 20 –Procedures and Requirements for Conditional Uses.
- B. Minimum lot size of 5 acres.
- C. When the use is deemed visible from abutting residential uses by the Board of Zoning Appeals, a twenty-five-foot (25') landscaping strip shall be maintained around the perimeter of the property with heavy landscaping and/or mounding.
- D. The storage of any organic materials shall comply with all applicable agency regulations and shall not emit odors beyond the property lines.
- E. Any parking of commercial vehicles and equipment shall be to the rear of the main building and no parking shall occur within 20' of any property line.

#### **1423 PARKING OF RECREATIONAL AND UTILITY TRAILERS**

Any owner of recreational and/or utility trailers may park or store such equipment on a parcel of land that is occupied by a principal use subject to the following conditions:

- A. Recreational and utility trailers parked or stored shall be owned by the occupant of the residence, shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the recreational or utility trailer is parked or stored outside, it shall not be parked within fifty (50') of any right-of-way. The setback requirement in the side or rear yard shall be a minimum of ten (10') feet in all residential districts. On one lot there shall be no more than one (1) recreational vehicle/utility trailer stored in the open per one half (1/2) acre of property up to a maximum of five (5). All such RV's and utility trailers parked outside shall be owned by the property owner.
- C. Notwithstanding the provisions of paragraph (B), recreational and utility trailers may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than 72 hours.
- D. All recreational and utility trailers must be kept in good repair.

#### **1424 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT**

The open storage and display of material and equipment incidental to permitted or conditional non-residential uses shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties by means of walls, fences, or plantings. In no case shall this storage be maintained beyond the front building line. Walls or fences to the side and rear of the building screening such storage shall be a minimum of six (6') feet in height without advertising thereon. A strip of land not less than ten (10') feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4') feet in height at the time of planting may be substituted. Screening shall be maintained indefinitely.



#### **1425 SOLID WASTE**

Solid waste that is adverse to public health may not be applied to any land within New Russia Township for purposes of disposal or sanitary landfill.

#### **1426 DEMOLITION AND DISPOSAL OF STRUCTURES**

Persons demolishing, removing, or burning for the purpose of fire training, any structure in the township shall adhere to the following requirements:

- A. Approval shall be obtained from the Lorain County Health Department to abandon an existing well and/or discontinue the use of an existing sanitary sewer;
- B. All debris from the property shall be disposed of within thirty (30) days in a licensed solid waste or construction and demolition landfill; (clean fill is allowed)
- C. A demolition permit shall be obtained from New Russia Township.

#### **1427 RIPARIAN SETBACKS**

To provide access for the maintenance of ditches, creeks, and other drainage ways and to enhance the environmental quality of storm water entering such drainage ways, no building shall be located within fifty (50') feet of any ditch identified by the Lorain County Engineer's Office.

#### **1428 SMALL WIND TURBINES**

##### **A. Purpose**

The purpose of this section is to promote and accommodate small wind turbines in appropriate locations, while minimizing the adverse visual, safety and environmental impacts of the system. This section provides a review and permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

##### **B. Definitions**

Decibel (dBA): The measurement of sound pressure relative to the logarithmic conversion of the sound pressure reference level often set at 0 dBA (A-weighted). In general, this means the quietest sound we can hear is near 0 dBA (A-weighted) and the loudest we can hear without pain is near 120 dBA (A-weighted). The average background noise in a house is about 50 dBA, while a car driving down a street would be measured at 60 dBA at a distance of 300 feet. A vacuum cleaner emanates sound at 70 dBA.

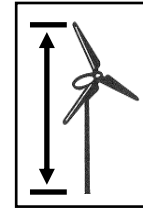
Meteorological Tower: Means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure wind speed and directions preliminary to construction of a small wind turbine.

Rated Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

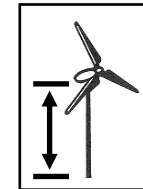
Small Wind Turbine: Means a free-standing wind energy electric generation system consisting of a tower, a turbine, and associated control or conversion electronics. This includes, but is not limited to, electrical collection and supply equipment, and transformers.



Total System Height: The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



Tower Height: The height above grade of the fixed portion of the tower.



Turbine: The parts of a wind system including the blades, generator, and tail.

### C. General Requirements

1. Small wind turbines are permitted as a Conditional Use in all zoning districts.
2. A small wind turbine shall service only one residence, any accessory use(s), a non-residential main building, and any other use on the premises.

### D. Specific Requirements:

1. Height: The total system height of the tower shall not exceed one hundred twenty (120') feet in the Agricultural/Residential Districts. The total height of the tower in all other districts shall not exceed one hundred fifty (150') feet. The minimum distance between the ground and any protruding blades shall be twenty (20') feet as measured at the lowest point of the arc of the blades.
2. Fall zone: A small wind turbine shall be a distance of at least 125% of the total system height from any property line, dwelling, occupied structure or right-of-way.
3. Lighting: The only permitted lighting on the structure shall be as required and regulated by the Federal Aviation Administration. No lighting shall be used to illuminate or feature the structure.
4. Electrical generator: A small wind turbine in the Agricultural/Residential Districts that is powering an electric generator shall have a rated capacity of not more than 20 kW. There is no maximum rated capacity for a small wind turbine in all other districts.
5. Noise: Noise coming from a small wind turbine shall not exceed 55 dBA at the nearest property line abutting an Agricultural/Residential District or abutting a hospital, library, or school. Noise coming from the small wind turbine shall not exceed 65 dBA at the nearest property line in all other districts except when abutting a hospital, library, or school.





6. Fencing: The supporting tower shall be enclosed with a six (6') foot height fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
7. Base: All tower support bases shall meet the requirements of the building regulations department having jurisdiction.
8. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease or has stopped operation for a period of 6 months and the wind turbine shall be removed by the owner within 60 days of ceasing operations.
9. The small wind turbine transmission lines shall be underground.
10. Tower, hub, and blade colors shall be the manufacturer's off-white or light gray with a non-reflective surface finish.
11. The manufacturer shall have its name/logo, system model number, system output, and contact information near the base of the tower. No other signage or advertising is permitted on the system.
12. No part of the wind turbine system or supports shall be located within the required setback for the zoning district in which it is located.
13. The Ohio Department of Natural Resources and the U.S. Fish and Wildlife Department shall be notified of any application to construct a small wind turbine. Only state and federal agencies with regulatory oversight may object to the application.

#### **1429 ACCESS FOR FIRE PROTECTION**

Access for fire protection shall be provided to all lots and to all buildings and structures on all lots prior to construction of any building or structure thereon. "Access for Fire Protection" means an all-weather driveway capable of supporting fire department vehicles and related equipment from the public roadway to the lot and to the building or structure located or proposed to be located on the lot. See Section 1901.02 for further details.

#### **1430 SANITARY LANDFILL**

##### **A. ENGINEERING STUDY & SITE PLAN REVIEW**

Before sanitary landfill operations may be permitted within New Russia Township, an engineering study of the proposed landfill site or existing landfill expansion or changes, shall be submitted to the New Russia Township Zoning Inspector following Section 17 of this Zoning Resolution and the Lorain County Health Department, State Health Department, the Lorain County Planning Commission, and Lorain County Soil and Water Conservation Services for review and approval; and subsequent applications to the Ohio Environmental Protection Agency for permits to install and copies of Ohio Environmental Agency permits issued shall be submitted to these same offices. In addition to the requirements of Section 17 the submitted application shall include a topographic map of the entire site and adjacent lands at a scale of not over 200 feet to the inch with five (5') foot contour intervals showing and the additional information as described below:



1. Location of existing buildings on site and adjacent property, including the location of their water supply.
2. Location of access road, type of surface and proposed maintenance.
3. Location of equipment facilities and type of maintenance program and breakdown response.
4. Location of employee facilities. Number of personnel, type of jobs to be created, including emergency medical treatment and employee safety program.
5. Location of property lines and periphery fences.
6. Wind direction data for 5-year period and velocity (wind rose).
7. Location of communications.
8. Location of water supply for drinking and fire protection.
9. Location of test borings and resulting data.
10. Acreage of the project.
11. General description of land.
12. Drainage: Landfill operators are to work with Lorain County Soil and Water Conservation and a County Engineer prior to the use of any land as a landfill to determine existing water flow. A plan must be developed in conjunction with the above so that the erection of a landfill will in no way deter, but in fact, may enhance the drainage of surrounding properties. Drainage should be at least as good as it was prior to the landfill being constructed. This plan is to be provided to the Zoning Department prior to the issuance of a zoning permit. A fifty (50') foot unoccupied zone shall surround the landfill measured from the base of the surrounding mound:
  - a. Grades for proper drainage and special drainage devices.
  - b. Water movements - ground water and surface water.
  - c. Outfall conditions up to 1 mile downstream of open drains, etc.
13. Rainfall data spring, summer, fall and winter for the past five years.
14. Agricultural soil classification of site (U.S.D.A. classification).
15. Utility locations.
16. Zoning of site and adjacent lands.
17. Condition, load limit and location of nearby bridges and roads.
18. Population to be served.
19. Capacity and life of site.
20. Type of Railroad crossings.
21. Landfill method used and procedure of fill.
22. Landfill classification for type of waste to be accepted. New Russia Township limits the type of waste to standard residential waste and those types accepted by the Ohio EPA for the facility.
23. Location of weighing facilities.
24. Location and design of vehicle washing facilities.
25. Odor Management Plan; including discussion of anticipated odors produced, circumstances which are likely to result in serious odor production, methods which will be taken to reduce or minimize odors which are produced and methods which will be used to mitigate the effects of odors.



26. Inspection procedures for incoming waste to prevent undesirable waste, or waste that may not be legally accepted. Include hazardous waste emergency reporting procedures.
27. Firefighting agreement with fire control agency.
28. Perimeter fencing to restrict access and fencing to collect blown litter. All landfill sites shall be enclosed entirely around the perimeter with an eight (8') foot high chain link fence.
29. Any other pertinent information as deemed necessary by the governing agency.
30. Final proposed elevation.
31. Plans for use of site before, during and after landfill operations cease.
32. Measures to be utilized to control fire, dust, scavenging, erosion and blowing debris.
33. Inclement weather operations, including procedures to prevent mud and debris from leaving the facility and getting on public roads.
34. Wherever a planting screen is deemed necessary, it shall be constructed of mounded earth not to exceed twenty (20') feet in height. It shall be seeded to appropriate grasses and appropriately landscaped as soon as is practical. The grass and landscaping shall be maintained.
35. Methane collection and disposal system.
36. Hours of Operation, No Sunday operations of any kind.

#### **B. SANITARY LANDFILL OPERATIONS**

1. **HAZARDOUS WASTE** – Sewage solids and liquids and hazardous materials shall be prohibited. Hazardous waste shall be defined as per the definitions of the Ohio Environmental Protection Agency and Federal Environmental Protection Agency, whichever shall be more stringent at any point in time. The facility shall not accept any hazardous waste, untreated human waste, or any type of waste not on the operating permit. Any dumping of described materials must be immediately isolated and reported to EPA, Lorain County EMA and Township Trustees and be promptly removed from the landfill.
2. **ACCESS ROADS** - All-weather, dirt-free access roads, negotiable by loaded collection vehicles, shall be designed and constructed so that traffic will flow smoothly and not be interrupted during inclement weather. Roads shall not create dust or permit mud or debris from reaching the public roads. Vehicle cleaning systems shall always be kept in good working order.
3. **LIMITED ACCESS & HOURS OF OPERATION** - Access to the sanitary landfill shall be limited to those hours established by the Board of Zoning Appeals and when an attendant is on duty by providing chain link fencing around the entire site with a strong gate which will be locked when the sanitary landfill is not in operation. No Sunday operations of any kind are permitted.
4. **UNLOADING OF REFUSE** - The unloading of refuse shall be restricted and controlled to provide systematic placement of refuse on the working face, facilitating the spreading



and compacting of disposed refuse. No indiscriminate disposal of refuse shall be allowed.

5. **SIZE OF WORKING FACE** - The working face of the sanitary landfill shall be confined so that it can be easily maintained with equipment and the area of refuse to be exposed and compacted lessened.
6. **BLOWING LITTER** - Blowing litter shall be controlled by installing temporary fences near the working area and policing the entire sanitary landfill site daily and at other times when conditions may warrant such actions.
7. **DAILY COVER** - A uniformly compacted layer on all exposed refuse by the end of each working day or at more frequent intervals as may be necessary or may use a brand of cover material as approved by the Board of Zoning Appeals, Lorain County Health Department and the Ohio EPA as an alternate daily cover pursuant to terms and conditions established by Ohio EPA.
8. **INTERMEDIATE COVER** – As established by EPA standards, Lorain County Health Department, and the Board of Zoning Appeals. The area shall be seeded within 30 days to limit erosion.
9. **FINAL COVER** – As established by EPA standards, Lorain County Health Department, and the Board of Zoning Appeals.
10. **FINAL GRADING** - The completed fill shall be graded to those elevations specified on the final plan. The finished construction shall not in any way cause interference with proper drainage on adjacent lands. Seeding of finished portions shall be performed to insure the stabilization of cover material.
11. **LARGE OR BULKY ITEMS** - There shall be no disposal of large, heavy, or bulky items unless special provisions are made to handle such items with heavy equipment and in a special area. Drums of ten (10) gallons or more shall have one end entirely removed before entering the landfill. Drums not meeting this requirement must be returned to the generator.
12. **BURNING** - There shall be no burning at any landfill site.
13. **SALVAGING** - No salvaging shall be permitted at any landfill site.
14. **VECTOR CONTROL** - Conditions unfavorable to producing insects and rodents and birds shall be maintained by carrying out operations promptly. If needed, as determined by the responsible authority, supplemental vector control shall be instituted immediately.
15. **DUST CONTROL** - Before dust becomes a nuisance, suitable control measures shall be taken.



- 16. DRAINAGE OF SURFACE WATER** - Landfill operators are to work with Lorain County Soil and Water Conservation and the County Engineer prior to the use of any land as a landfill to determine existing water flow. A plan must be developed in conjunction with the above so that the erection of a landfill will in no way deter, but in fact, may enhance the drainage of surrounding properties. Drainage should be at least as good as it was prior to the landfill being constructed. This plan is to be provided to the Zoning Board prior to the issuance of a zoning permit. A fifty (50') foot unoccupied zone shall surround the landfill measured from the base of the surrounding mound.
- 17. ANIMAL FEEDING** - All animals shall be excluded from the landfill site.
- 18. ACCIDENT PREVENTION AND SAFETY** - Accident prevention measures shall be taken at the site and all employees shall be instructed in the principles of first aid and safety. An adequate stock of first aid supplies shall be maintained on the site.
- 19. OPERATIONAL RECORDS AND PLAN EXECUTION** - A daily log shall be maintained by the sanitary landfill supervisor and monitor to record operational information, including the types and quantity of refuse received, the portion of landfill used each day and any deviations made from the original plans and specifications. The daily log shall be filed with the Township Trustees on a monthly basis.
- 20. COLD WEATHER OPERATION** - To facilitate operations during the winter months, precautionary measures shall be taken to ensure continued operation of the sanitary landfill. Such measures may include:
- a. Sanitary landfill trenches being dug in advance of cold weather.
  - b. Covering areas to be excavated with straw or leaves to a sufficient depth to prevent frost penetration.
  - c. Stockpiling cover material loosely (without packing) or covering with straw or leaves, or mixing with straw, leaves, or road salt to prevent frost penetration.
- 21. PERFORMANCE BOND** - All persons or groups of persons, corporations, private contractors wishing to operate a sanitary landfill within the boundaries of New Russia Township shall submit to the Township Trustees a Bond for a sum to be determined by the Trustees which shall be held during the operation of the sanitary landfill and for a period not to exceed five (5) years after removal of equipment from the sanitary landfill site. The condition of this bond shall be that the persons or groups of persons, corporations, or private contractors responsible for the operations of the landfill shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such bond shall provide that the full amount thereof shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.



- 22. SETBACK REQUIRED** - The working area of the sanitary landfill district shall be set back fifty (50') feet from the road right-of-way and fifty (50') feet from the property line on the sides and at the rear measured from the base of the surrounding mound.
- 23. LANDFILL LIMITS** - Total fill acreage, excluding required setback, berm area and outside drainage shall not exceed three hundred ninety-two (392) acres. This acreage is to include present and future sanitary landfills.
- 24. LANDFILL VOLUME OF OPERATION** - All sanitary landfills constructed in New Russia Township shall dispose of not more than amounts prescribed by facility licenses and/or permits issued by the Ohio Environmental Protection Agency or the Lorain County Health Department and by resolution of the Township Board of Trustees.
- 25. LANDSCAPING** - Wherever a planting screen is deemed necessary, it shall be constructed of mounded earth not to exceed twenty (20') feet in height. It shall be seeded to appropriate grasses and appropriately landscaped as soon as is practical. The grass and landscaping shall be maintained.

#### **1431 SMALL SOLAR FACILITIES**

Solar facilities of fifty (50) megawatts or more shall be required to apply with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

##### **1431.01 Definitions**

**Ground Mounted Solar Energy Systems:** A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

**Integrated Solar Energy Systems:** A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

**Rooftop Solar Energy Systems:** A solar energy system that is mounted to a structure or building's roof on racks.

**Small Solar Facility:** A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

**Solar Energy:** means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

**Solar Energy System:** means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.



#### 1431.02 Where Permitted

- A. **Integrated Solar Energy Solar Systems:** Construction, erection, or siting of an Integrated Solar Energy System is permitted in all zoning districts. A Zoning Permit is not required if there is no change in footprint or volume of a building or structure.
- B. **Rooftop Solar Energy Systems:** Subject to the restrictions contained in this Section, any construction, erection, or siting of a Rooftop Solar Energy System shall be permitted in all zoning districts.
- C. **Ground Mounted Solar Energy Systems:** Such systems are permitted on parcels greater than one (1) acre in size. The construction, erection, or siting of a Ground Mounted Solar Energy System is permitted as an accessory structure and shall comply with the regulations in this Section and Section 1401. A Zoning Permit is required.
- D. **Small Solar Facilities:** Subject to the restrictions contained in this Section, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of Small Solar Facilities may be permitted as a conditional use on parcels five (5) acres and larger in the R1-1, R1-2, LI-1, HI-1, and IP-1 Districts.
- E. A commercial building permit may be required for the above projects.

#### 1431.03 General Requirements

##### A. Integrated or Rooftop Solar Energy Systems

- 1. **Height:** The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
- 2. **Coverage:** An Integrated or Rooftop Solar Energy System shall cover no more than 50% of a structure's walls and roof, as applicable.

##### B. Ground Mounted Solar Energy Systems

- 1. **Height:** The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed twelve (12') feet.
- 2. **Coverage:** Ground Mounted Solar Energy Systems shall not exceed three hundred (300) square feet in size in any Residential District. Such systems shall not exceed six hundred (600) square feet in size in Commercial and Industrial Districts.





3. **Visual Buffer:** A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with all applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.
4. **Maintenance:** Ground Mounted Solar Energy Systems shall be always maintained in good working order. The owner of the property shall, within thirty (30) days of permanently ceasing operation of a Ground Mounted Solar Energy System, provide written notice of abandonment to the Zoning Inspector. An unused Ground Mounted Solar Energy System may stand no longer than ninety (90) days following abandonment. All costs associated with the dismantling/demolition of the Ground Mounted Solar Energy System and associated equipment shall be the responsibility of the property owner. A Ground Mounted Solar Energy System is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Ground Mounted Solar Energy System. The property shall be returned to a graded, seeded and/or landscaped state similar to its condition prior to construction/installation.

#### C. Small Solar Facility

1. **Height:** The maximum height of Small Solar Facilities at any point shall not exceed sixteen (16') feet in height from grade.
2. **Coverage:** Small Solar Facilities shall be included as part of any lot coverage calculation applicable to the zoning district where located. Small Solar Facilities shall comply with the 60% maximum lot coverage requirement for non-residential districts.
3. **Visual Buffer:** Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Small Solar Facilities located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.
4. **Lighting:** All lighting associated with the Small Solar Facility shall focus light inward toward the solar equipment and shall be downlit and shielded. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
5. **Noise:** Noise Control will be enforced by local law enforcement in accordance with Chapter 505 of the Ohio Revised Code.





6. **Setbacks:** Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.
7. **Maintenance:** Small Solar Facilities shall be always maintained in good working order. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than ninety (90) days following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be the responsibility of the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility. The property shall be returned to a graded, seeded and/or landscaped state similar to its condition prior to construction/installation.
8. **Building Permits:** All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
9. **Advertising:** Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
10. **Other Restrictions:** A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

#### **1431.04 Criteria for Conditional Uses**

- A. A Small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided in this Resolution.
- B. Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements:
  1. **Road Use Maintenance Agreement:** The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.



2. **Safety Services:** The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
3. **Location:**
  - i. Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.
  - ii. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
4. **Height:** the maximum height of any Small Solar Facility shall not exceed ten (10') feet.
5. **Buffers and Setbacks:**
  - i. Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Small Solar Facility (other than components located entirely underground) shall be located within one hundred (100') feet of an existing residential dwelling.
  - ii. No Small Solar Facility (other than components located entirely underground) shall be located within fifty (50') feet of any property line.
  - iii. No Small Solar Facility (other than components located entirely underground) shall be located within one hundred (100') feet of a public right-of-way or shared-use driveway.
6. **Visual Buffer:** A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
  - i. Enhances the view from any existing residential dwelling and from any public right-of-way;
  - ii. Is in harmony with the existing vegetation in the area; and
  - iii. Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.
7. **Glare:** Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
8. **Lighting:** All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any light splash onto any adjacent property.
9. **Fencing:** Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall always be maintained in good repair.



10. **Conditions:** Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

#### **1431.05 Small Solar Zoning Permit**

- A.** A Zoning Permit shall be required before any construction is commenced on a Small Solar Facility.
- B.** Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a Zoning Permit:
  - 1. An engineering report that shows:
  - 2. The total size and height of the proposed Small Solar Facility.
  - 3. Data specifying the megawatt size and generating capacity in megawatts of the Small Solar Facility.
  - 4. Hazardous materials containment and disposal plan.
- C.** A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
- D.** Evidence of compliance with applicable setback and all other applicable zoning restrictions.
- E.** A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
- F.** Any other information or materials reasonably requested by the Zoning Inspector.

#### **1432 RECREATIONAL CAMPGROUNDS**

Recreational campgrounds may be permitted as a conditional use in the R1-1 District. All Recreational campgrounds shall comply with the following regulations:

- A. AREA** - No campground shall be developed on a lot of less than ten acres. The minimum campsite shall contain 7,260 square feet. Ratio of campers to total area is based on six units or campsites per acre. No campsite shall be located on land having a slope in excess of twenty percent.
- B. SETBACK** - Buildings shall be located no closer than 300 feet to the right-of-way and 200 feet to the side or rear lot line.
- C. SANITATION** – The general criteria for sanitary facilities shall be:
  - 1. Toilet fixtures - One for each 17 people.
  - 2. Showers - One for each 50 people.



3. One restroom with six toilets per campground of 25 units.
4. One restroom with 6 toilets, and one combination building with six (6) toilets, four (4) showers, and laundry facilities per campground of 50 units.
5. Adequate garbage and rubbish cans with tight fitting lids shall be provided for each campsite.
6. The campground and all permanent facilities and equipment shall be kept in a clean orderly and sanitary condition and free from any condition that will menace the health of any camper or the public or constitute a nuisance.

**D. WATER SUPPLY REQUIREMENTS** - Water supply requirements at campgrounds shall be:

1. With showers and flush toilets - 40 gallons per camper per day.
2. With flush toilets only - 25 gallons per camper per day.
3. Without showers or flush toilets - 5 gallons per camper per day.
4. Emergency storage - The capacity of the water storage reservoir or tank should provide for double the expected daily use. If a pressure system is developed, a "standby" or emergency supply of water should be provided.
5. Distance from drinking water to unit - 300 feet maximum, 100 feet or less optimum.

**E. FIRE PROTECTION** - The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department which serves the area.

**F. PROHIBITED ACTIVITIES** - No intoxicating beverages may be sold or permitted on the campgrounds. No mechanical amusement devices or games of chance shall be allowed.

**G. HOURS OF OPERATION** - Under no conditions shall activities continue past 11:30 p.m., at which time all lights in halls, buildings, outside areas, and all other lights accessory to the operation shall be extinguished, except necessary protection lights.

**H. NOISE** – Noise shall be regulated and enforced by local law enforcement.

**I. RETAIL SALES** - The sale of soft drinks shall be permitted provided that the vending equipment is wholly enclosed within a building.

**J. PARKING** - The following parking space must be provided:

1. Car - 300 square feet.
2. Car and trailer - 600 square feet.
3. One space or hard stand per camper unit, minimum space for two cars, or car and trailer.
4. Optimum space for three cars must be provided at each restroom.

**K. HARD STAND AREAS** - To accommodate self-contained camping trailers, all-weather hard stand areas, 10 feet x 40 feet shall be provided and so designed that the car and camping trailer can be backed onto the hard stand area with the minimum amount of maneuvering.



- L. TRAILER LENGTH** - Camping trailers are limited to a length of 28 feet, except self-propelled camper vehicles.
- M. ACCESS ROADS** - All access roads shall be maintained in an all-weather, dust-free condition.
- N. SIGNS** – Signs shall be permitted as regulated by Section 16.
- O. LIGHTING** – All outdoor lighting shall be shielded to prevent glare to adjoining properties.
- P. CAMPER VEHICLES** - All camper vehicles shall display the current year license plates. No campground shall be used for permanent occupancy or as a mobile home park. Travel or camping trailers shall not be allowed to exceed a stay of seven months, and only between the periods of April 15th and November 15th.



## **SECTION 15 NON-CONFORMITY**

### **1500 PURPOSE**

To encourage the development and development consistent with this Resolution and to enable property owners with a reasonable use of their land, it is the intent of New Russia Township to allow uses, structures, and lots that came into existence legally, and that conformed with the applicable requirements at the time, to continue to exist and to bring as many aspects of such non-conformities into compliance with existing requirements as is reasonably possible. Non-conformities shall not be enlarged, expanded, or extended, and shall not be used for adding or substituting other structures, buildings or uses that are prohibited in the same district except for Motor Vehicle Salvage Yards pursuant to Section 1416.

### **1501 NON-CONFORMING LOTS OF RECORD**

Any lot of record with frontage of sixty (60') feet or more existing at the effective date of this Resolution in any Residential District may be used for a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of ten (10') feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the lots shall be combined and used for one (1) main building. In either case, the prevailing setback shall be met.

### **1502 NON-CONFORMING USE OF LAND**

The lawful use of land which use would not be permitted by the provisions of this Resolution may be continued so long as such use remains otherwise lawful, and provided:

- A.** No such non-conforming use shall be enlarged or increased in its size, dimension, intensity and shall not be extended to occupy a greater area of land than such use occupied at the effective date of this Resolution.
- B.** No such non-conforming use shall be moved in whole or in part to any area of the lot other than that occupied by such use at the effective date of this Resolution.
- C.** If any such non-conforming use of land is discontinued or abandoned for more than two (2) consecutive years, any subsequent use of land shall conform to the requirements specified by this Resolution for the district in which such land is located.
- D.** No additional structures shall be located on a lot with a non-conforming use of land.
- E.** All non-conforming uses shall comply with County and State Health Department regulations in regard to sanitary waste disposal facilities.

### **1503 NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a lawful building or structure exists at the effective date of this Resolution that is not otherwise permitted pursuant to this Resolution due to building area, lot coverage, height, setbacks, yards, or location on the lot, such building or structure may be permitted so long as it remains otherwise lawful, subject to the following:



- A. If any non-conforming building, structure, or mobile, manufactured or modular home is destroyed by any means to the extent of more than sixty (60%) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution and the following conditions:
1. A Zoning Certificate for such restoration shall be first obtained within one (1) year of such damage or destruction;
  2. Such repair shall not cause a new or additional non-conformity and such repair shall not increase the size, dimension or intensity of the non-conformity that existed prior to such damage or destruction.

#### **1504 PRIOR ZONING APPROVALS**

Any zoning or land use approval granted prior to the adoption of this amended Resolution shall remain in effect pursuant to the provisions of the Section and terms of such approval. Any changes to the approved zoning or site plan shall require re-submittal of the zoning or site plan request and shall meet all requirements of this amended Resolution.

#### **1505 REPAIRS AND MAINTENANCE**

On any non-conforming structure or portion thereof containing a non-conforming use, work may be done on ordinary maintenance repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided the cubic content that existed when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a Zoning Certificate for such activities shall be required.



## SECTION 16

### SIGNS AND OUTDOOR ADVERTISING

#### 1600 PURPOSE

This section provides standards for signs in New Russia Township. These standards are to provide for public health and safety, pedestrian, and traffic safety, and to control adverse effects of signs on public and private property; and (where legislatively permitted) to provide for the general welfare of the public.

#### 1601 SIGN DEFINITIONS

**Abandoned Sign:** A sign or sign structure which no longer identifies or advertises a business, service, owner, product, or activity, or is in disrepair. Such signs and sign structures shall be removed within 30 days of notice to the property owner by the Zoning Inspector.

**Animated Sign:** A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means of power. Such signs have lights or illuminations that change the visual image depicted, including visual images that may flash, move, rotate, flicker, depict action, or create a scene, blink, vary in intensity or color, or use intermittent electrical impulses, scrolling text or a sign which has revolving, or rotating parts or other visible mechanical movements. An Animated Sign does not include a changeable copy sign.

**Area Identification Sign:** A sign which identifies a subdivision or a group of buildings whether residential, commercial, or industrial.

**Awning/Canopy Sign:** A sign attached to an awning covering a doorway, window, or face of the building. Awning/canopy signs are wall signs, as provided for in Section 1607.

**Banner Sign:** A temporary sign display including a sign on a flag, strip of lightweight material, paper, cloth, or fabric which may be located on the ground or attached to a building, another sign, or any other structure. Banner signs may not be displayed for more than 120 days per year total.

**Billboard:** (see Off-Premise Sign)

**Building Face or Wall:** All window and wall area of a building in one plane or elevation.

**Building Frontage:** The length of the outside building wall along a right-of-way.

**Changeable Copy Sign:** A sign, or portion thereof with letters, numbers, or illustrations that can be periodically manually changed or rearranged without altering the underlying or supportive face of or surface of the sign.

**Clearance of Sign:** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including its framework extending





over that grade.

**Commercial Message:** Any wording, logo, or other visual copy that directly or indirectly identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

**Copy:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic (logo), or alphabetic form.

**Onsite Traffic Directional Sign:** An on-premise sign that is designed to facilitate traffic flow, does not contain any advertising, and provides direction to an on-premise place or object.

**Double-Faced Sign:** A sign with two faces.

**Electronic Message Center:** A sign whose visual display includes alphabetic, numeric, or symbolic content that can be changed or altered on a fixed display screen composed of electronically illuminated segments.

**Embellishment:** The decorative or ornamental structure or frame that contains a sign. Embellishments are not included in the square footage of the sign's area calculation; Embellishments shall not exceed twenty-five percent (25%) of the single face area and shall not exceed the sign's maximum permitted height or be located within required setbacks.

**Exempted Signs:** Exempted from sign permit requirements.

**Façade:** The entire building front including the parapet.

**Flag:** Any fabric displaying the name insignia, emblem, colors, patterns, or symbols used as a message of a political subdivision or private entity.

**Temporary Future Development Sign:** A Temporary, freestanding sign located on the premises of a proposed development/construction project that indicates the future construction or development of a building or area which may identify the architect, financial institution, contractor, subcontractor, and/or material supplier participating in the construction on the property.

**Height:** The vertical distance measure from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever vertical distance is less.

**Low Profile/ Monument Sign:** A sign placed directly on the ground, and independent from any building or other structure on the lot.

**Message:** The wording or copy on a sign, flag, or pennant.

**Non-Conforming Sign:** A sign, which was placed on the lot legally, but which does not comply with Section 16 of this Resolution.



**Off-Premise Sign (Billboard):** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished on the lot on which said sign is located.

**Pennant:** Any lightweight plastic, fabric, or any other material, frequently in a series, whether containing a Message of any kind, suspended from a rope, wire, or string, designed to move in the wind.

**Pole Sign:** Any sign supported by upright structure(s) or support(s) that are anchored in the ground and that are independent from any building or other structure on the lot.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to: Signs designed to be transported by wheels; "A" or "T" frame Signs; menu and sandwich board signs; umbrellas used for advertising; and signs and/or copy attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used regularly in the usual and customary operations of the business.

**Projecting Sign:** A sign that projects more than fifteen inches (15') from a building wall or other structure and not specifically and solely designed to support the sign.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity, or sale which communicate information of any kind.

**Sign Area:** Total area for one (1) side of sign.

**Sign Face:** Area of the sign upon which copy can be placed.

**Sign Structure:** Any structure which supports, has supported, or can support a sign, including a decorative cover.

**Temporary Sign:** A sign not permanently attached to the ground, wall, or a building, and not designed or intended for permanent display.

**Wall Sign:** A sign attached to, painted on, or placed against a wall of a building, with the sign face parallel to the building wall and extending away from the building wall parallel to the adjacent grade not more than fifteen (15") inches there from, which copy advertises the use carried on within such building.

**Window Sign:** Any sign placed inside a window in a building or structure or upon the building's interior windowpanes or glass or an opening recessed from the building face such that the copy is visible from the exterior of the premises.



## **1602 GENERAL PROVISIONS FOR SIGNS**

- A.** Unless otherwise provided by this Resolution, all new signs shall require a zoning permit prior to the sign's installation. An application for a zoning certificate shall be made to the Zoning Inspector. Fees shall be in accordance with the permit fee schedule. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed, changeable copy signs, or electronic message centers so long as the sign area or sign structure is not modified in any way for the existing business.
- B.** An application for a zoning permit shall include the following information:
  - 1.** Name and address of the owner of the sign.
  - 2.** Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
  - 3.** The type of sign or sign structure as defined in this Resolution.
  - 4.** A site plan with dimensions showing the proposed location of the sign with vertical and horizontal measurements from all property lines and rights-of-way along with the location of all existing signs and buildings on the same premises.
  - 5.** A drawing/picture of the proposed sign showing the following specifications: dimensions, height, clearance of sign, copy, illumination, and construction details (materials, structural supports, and electrical components)
  - 6.** A list of the total number and the square footage of existing and proposed signs on the premises.
- C.** No sign shall be placed or project into any right-of-way. No sign shall obstruct traffic visibility at the road or highway intersections.
- D.** If a sign is installed, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify the property owner and the sign owner or lessee thereof to alter such sign to comply with this Resolution. Any owner, lessee, or sign contractor who installs a sign without a Zoning Permit shall be subject to two (2) times the normal fee schedule at the discretion of the Zoning Inspector.
- E.** All signs, marquees, and awnings/canopy shall be always maintained in a safe structural condition, in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint. Signs which provide time and/or temperature readings shall be maintained to reflect current readings.
- F.** All on-site traffic directional signs shall not exceed four (4) square feet per face with a maximum height of forty-two (42") inches. Such signs shall not contain the business name or logo. Onsite traffic directional signs are not included in the sign area calculations; a zoning permit is required.



**G.** The following regulations shall apply to Electronic Message Centers:

1. No more than one (1) Electronic Message Center attached to a permitted-on premise freestanding Sign shall be allowed per property.
2. Each Message displayed on an Electronic Message Center must be static and must be depicted for a minimum of eight (8) seconds. When a Message is changed, the change shall occur within three (3) seconds. The continuous scrolling of Messages is prohibited.
3. All Electronic Message Centers shall have a dimming device for day/night operation. The illumination shall not create excessive brightness and/or pose a safety hazard to the public.
4. No freestanding Electronic Message Center shall exceed fifty (50%) percent of the total allowable square footage for any on premise freestanding sign.
5. The addition of any Electronic Message Center to any Non-Conforming freestanding sign is prohibited.

**1603 PROHIBITED SIGNS**

The following types of Signs are prohibited in all districts:

- A. Abandoned Signs
- B. Animated Signs
- C. Balloon Signs
- D. Blinking Signs
- E. Flashing Signs
- F. Inflatable Signs
- G. Moving Signs
- H. Reflective Signs
- I. Rotating Signs
- J. Scrolling Signs
- K. Signs attached or painted on trees, rocks, or natural features.
- L. Signs in the right-of-way.



- M. Signs installed, attached, or painted on fences.
- N. Signs or sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access, or Fire Department connection.
- O. Snipe or Bandit Signs
- P. Unlawful Vehicle Signs
- Q. Portable Signs
- R. Any sign or other object attracting attention to a business that interferes with the safety of the traveling public.
- S. Roof signs that exceed the highest point of the roof that the sign is installed upon or that expose bracing and other mounting materials.
- T. Signs that resemble or conflict with traffic control signs or signals.
- U. Signs or devices that emit audible sound, smoke, gas and/or odor.
- V. Window signs that occupy greater than thirty percent (30%) of the total window area.
- W. Any sign unlawfully installed, erected, or maintained.

#### 1604 SIGN EXEMPTIONS

The following signs do not require a zoning permit:

- A. **Government signs** erected by New Russia Township, Lorain County, State of Ohio, or the Federal government in furtherance of their governmental responsibility.
- B. **Any sign wholly inside a building** which does not exceed thirty percent (30%) of the total window area and is unable to be read or be discerned from any property line or any public right-of-way.
- C. **Informational signs** attached to a building and not exceeding three (3) square foot and are limited to business identification, hours of operation, address, and emergency information of the occupant(s) of the building. Such signs shall be permitted in addition to other permitted signs.
- D. **Temporary future development signs and construction signs** placed upon the lot under construction. These signs shall not exceed five (5) feet in height and thirty-two (32) square feet in sign area, shall be non-illuminated, and shall be removed upon completion of the project or within two (2) years of the sign's erection, whichever occurs first.
- E. **Memorial signs or tablets**, name of buildings and dates of construction, provided that such signs do not exceed two (2) square feet in sign area.



- F. Address numbers for dwellings** shall not exceed two (2) square feet in area and address numbers for commercial or industrial buildings shall not to exceed six (6) square feet in area unless the address number is an integral component of a sign for which a zoning permit is required by this Resolution.
- G. Flags.** All flags shall be displayed as follows:
1. Maximum flag size shall be sixty (60) square feet.
  2. Maximum pole height of forty (40') feet.
  3. All flags shall be flown on a pole, with a maximum of three flags per lot with no more than one (1) flag other than that of a nation, state, or political subdivision.
  4. Flags may not be located in such a way as to intentionally attract the attention of the public for commercial purposes.
  5. The flag and flagpole shall be maintained in good condition.
  6. Flagpole(s) must be set back from all property boundaries a minimum of fifteen (15') feet or set back a distance which is at least equal to the height of the pole, whichever is greater.
- H. Political signs.** Such signs shall not be placed in the right-of-way and shall be removed within 30 days following the election.
- I. Garage sale signs** do not require a permit but shall be placed on the lot where the sale is occurring and shall be removed upon completion of the event. (See Section 1415)
- J. Homestead signs.** Such signs typically identify the family name and/or homestead date. These shall not be placed in the right-of-way and shall be limited to six (6') square feet.

#### **1605 OFF-PREMISE SIGN**

A total of one (1) Off-Premise sign per parcel is permitted in non-residential districts and on lands used for agricultural purposes per ORC Section 519.20. Off-Premise signs shall be setback a minimum distance of one hundred (100') feet from the nearest right-of way and one hundred (100') feet from any property line. Off-Premises signs shall not exceed fifteen (15') feet in Height and shall not exceed one hundred (100) square feet of sign area.

#### **1606 SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS**

- A.** One (1) low-profile or one (1) wall sign shall be allowed for each lot which contains a non-residential main building permitted in the district. Low-profile signs in Agricultural/Residential Districts shall not exceed sixty (60") inches in height and thirty-two (32) square feet per face (maximum of two (2) faces) and shall be setback a minimum distance of ten (10') feet from the nearest right-of-way line and setback a minimum of ten (10') feet to any adjacent lot. Wall signs in Agricultural/Residential Districts shall not exceed



twenty-four (24) square feet of sign area.

- B.** Home occupation signs shall not exceed two (2) square feet in sign area and shall be a wall sign. A property owner may operate a Home-Based Business in an main dwelling or accessory building in the R1-1 and R1-2 Districts with Conditional Use approval from the Board of Zoning Appeals. These types of businesses may utilize one wall sign not exceeding six (6) square feet or one free standing low-profile sign not to exceed six (6) square feet and four (4) feet in height with an approved zoning permit. (See Section 1404)
- C.** A church or school allowed by this Zoning Resolution may locate two (2) signs on the lot; one sign shall be a wall sign; the face of which shall not exceed twenty-four (24) square feet in area, and a second sign, which shall be a free-standing low-profile sign not to exceed thirty two (32) square feet per face (maximum of two (2) faces) and shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and setback a minimum distance of ten (10') feet to any adjacent lot. Low-profile signs shall not exceed five (5') feet in Height.
- D.** No sign of any type shall be permitted in Agricultural/Residential Districts, other than as specifically permitted in this Section 1606.



## 1607 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

- A. The following signs as listed below may be permitted on a lot in the Commercial and Industrial Zoning Districts as follows in Table 16-1:

Table 16-1. SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS					
ZONING DISTRICT	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA IN SQ. FT. Pole Sign (1)(5)	MAXIMUM SIGN AREA IN SQ. FT. Wall Sign (2) (4)	MAXIMUM SIGN AREA IN SQ. FT. Low Profile / Monument Sign (1) (3) (5)	MAXIMUM SIGN AREA IN SQ. FT. Projecting Sign (1) (3)
NB-1	Wall, Low Profile Projecting	Not Permitted	1.5 feet per Linear Foot of Building Frontage	60 per face	30 per face
GB-1, MS-1	Wall, Low Profile, Pole	60 per face	1.5 feet per Linear Foot of Building Frontage	80 per face	30 per face
LI-1, Hi-1, IP-1	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage	60 per face	N/A

- 1) There shall be a maximum of two (2) faces for low-profile/monument, pole, and projecting signs.
- 2) Awning and canopy signs are wall signs for the purposes of this table.
- 3) No low profile/monument sign or projecting sign is permitted when a pole sign is located on the lot.
- 4) For multi-tenant buildings, the total square footage permitted shall be based on each occupant's linear building frontage
- 5) One pole or one low profile/monument sign, or one projecting sign may be used in combination with a wall sign.

**B. Pole Signs and Low-profile/ Monument Signs on Double Frontage Lots**

If a lot is bordered by two streets that do not intersect at the lot's boundaries (double frontage lot), then the lot may (subject to total sign area limitation in Section 1607 A) have a pole or low-profile/monument sign on each street.

**C. Wall Signs**

The square footage for a wall sign is calculated on the wall area facing the right of way. On corner lots, only one building frontage may be used in the size calculation. Multiple wall signs are permitted provided the combined sign area is less than the total wall sign size limit set forth in Section 1607 A. Awning/canopy signs are allowed and are calculated as part of the overall square footage. Awning/canopy signs shall not be lower than eight





feet (8') above curb grade and awning/canopy signs shall not project vertically above the surface of the canopy or awning.

**D. Low-profile/ Monument Signs**

Shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and shall be setback a minimum of ten (10') feet to any adjacent lot line, and not to exceed five (5') in height.

**E. Location and Height of Pole Signs**

All pole signs shall be located a minimum distance of twenty (20') feet from the nearest right-of-way line, a minimum of twenty (20') feet from any adjacent lot line and shall not exceed a height of twenty (20') feet.

**F. Projecting Signs**

One projecting sign is allowed per business. The maximum projection length beyond the building face shall be four (4') feet. A projecting sign must have its lower edge a minimum of eight (8') feet above the surrounding grade. Projecting signs shall not exceed the height of the wall that they are attached on.

**G. Special Event Signs**

1. For the opening of a new business or re-opening of a seasonal business located in a commercial or industrial district, a temporary, on-site sign advertising the grand opening may be permitted for a total period of thirty (30) continuous days and shall have a zoning permit. These signs shall be either a wall sign or shall be placed within ten (10') of the building and shall not project into the right-of-way.
2. For existing businesses, temporary, on-site signs advertising a special event may be permitted for two (2) two (2) week continuous periods per calendar year. The sign shall be removed on or before the end of the two week period. Special event wall signs shall not exceed thirty-two (32) square foot in size and shall be located on the wall of the building where the special event is taking place. Freestanding special event signs shall not exceed six (6) square feet and shall not project into any right-of-way area nor pose a safety hazard. Special event signs do not require a zoning permit.



## **SECTION 17**

### **SITE PLAN REVIEW**

#### **1700 PURPOSE**

Site plan review provides a procedure with specific standards for commercial, industrial, and certain multi-family residential (See Section 7) development proposals in New Russia Township. Items to be considered include but are not limited to building placement, traffic and storm water management, preservation of existing natural features, adjacent land uses, and general welfare and safety.

#### **1701 APPLICATION**

Site plan review and landscaping pursuant to this Section is required for all new commercial, industrial, and certain multi-family residential (See Section 7) main buildings. Site plan review is also required for the alteration, modification, or an enlargement of an existing structure whereby the enlargement is greater than 5,000 square feet or whereby the enlargement is greater than thirty-five (35%) percent of the existing floor area. Site plan review is also required for all new accessory buildings greater than 2000 square feet in size in the commercial & industrial districts. Single-family and two-family dwellings and related accessory structures and buildings are exempt from the Site Plan Review procedure. Application shall be deemed complete when required application, plans, and correct fee are submitted.

#### **1702 REQUIREMENTS**

An applicant shall file with the Zoning Inspector the following documents along with the application fee:

##### **1702.01 Basic Site Plan Requirements**

- A.** A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the site plan that contains the applicant's phone number and mailing address.
- B.** The site plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways.
- C.** All site plans shall indicate the scale of the drawing and shall use an Engineer's scale. The site plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing. The location map and site plan orientation shall be the same.
- D.** The following documents shall be filed: Three (3) blue line or black line prints of the site plan on paper no larger than 24" x 36". Detailed drawings other than the site plan need not be submitted for the purpose of site plan review.
- E.** A PDF file of the entire set of plans shall be submitted with each submission.



## **1702.02 Site Plan Requirements**

- A.** The site plan shall show the zoning classification(s) and existing uses of the property and all abutting property; the approximate location of buildings and driveway locations opposite to, and adjacent to the property.
- B.** The site plan shall indicate the dimensions including area of the property, the dimensions of the existing and proposed buildings to be constructed, and any buildings to be removed or other alterations to occur on the property.
- C.** The site plan shall indicate the distance of existing and proposed structure(s) to all right-of-way lines and the distances of the structure(s) to the front, side and rear property lines.
- D.** The site plan shall indicate the name of all adjacent roadways and right-of-way and pavement widths measured from the centerline of the roadway.
- E.** The site plan shall indicate the locations, height, and material of all existing and proposed fencing and/or walls on the property.
- F.** The site plan shall show the location, height, lighting, and dimensions of existing or proposed signs on the property.
- G.** The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks, if any, and drive approach aprons. The drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat.
- H.** The site plan shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, two-foot (2') contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Lorain County Engineer's Office.
- I.** The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.
- J.** The site plan shall show existing and proposed sanitary and storm sewers, water mains, and the location of fire hydrants if present. In the event these improvements are not proposed, the site plan shall indicate the location of proposed or existing wells and sewage systems both on-site and on abutting parcels.
- K.** The site plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions, the number and size of the proposed parking stalls including handicap spaces and the type of pavement composition of the parking area, such as asphalt or concrete, and if the off-street



parking area is located next to an existing parking area or on another parcel, the method of circulation, if any, between the two areas.

- L. A site plan with a proposed drive-thru window operation shall indicate where the vehicle will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and drive-thru window.
- M. Color exterior building elevation(s) visible from all abutting streets and highways.
- N. The site plan shall include a photometric plan showing the existing and proposed lighting, both freestanding and on the building. Wall pack lighting on the building shall be shielded. All freestanding lighting shall be shoebox style with no glare. Pole height shall be a maximum of 20 feet. When abutting a residential or agricultural district, light splash shall be zero (0) at all lot lines that border those districts.

### **1703 APPROVAL PROCEDURE**

- A. Site plans shall be submitted to the Zoning Inspector. Site plans shall not be circulated for review and recommendation unless all required information is submitted and/or indicated on the site plan.
- B. The applicant shall be aware that there are other governmental agencies that application will need to be made to for review and recommendations.
- C. Once all recommendations have been received, the Zoning Inspector shall transmit the site plan and recommendations to the Zoning Commission for review and approval or denial.
- D. As part of the site plan review, a bond, escrow, or other suitable guarantee to ensure the implementation of site improvements may be required by the Zoning Commission.
- E. Changes to the approved site plan may require resubmittal for review pursuant to this Section. The Zoning Inspector may administratively approve changes to the approved plan provided the change(s) in the plan do not:
  - 1. Result in an increase in the number of units;
  - 2. Encroach materially into the setback areas;
  - 3. Encroach into the parking areas so as to cause an alteration in the layout of the access drives or provisions for additional parking spaces;
  - 4. Create a large building mass either through an increase in its height, length, or width that would magnify its effect on the adjoining areas;
  - 5. Alter specific conditions approved by the Zoning Commission.

### **1704 EXPIRATION AND EXTENSION OF SITE PLAN APPROVAL**

If construction of any phase of the approved site plan begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the site plan shall be void. An extension of the time limit may be approved by the Zoning Commission.



## **SECTION 18**

### **LANDSCAPING REQUIREMENTS**

#### **1800 PURPOSE**

The landscaping requirement is to establish standards to enhance appearance, preserve native vegetation, and natural features unique to New Russia Township. To the greatest extent practical, each development should preserve natural features. The use of native vegetation is encouraged and may be approved as part of the landscape review process.

#### **1801 REQUIREMENTS**

##### **1801.01 General Landscaping Requirements**

- A. Landscaping for all uses except single and two-family dwellings, shall be provided in the following areas:
  - 1. At the perimeter of sites to buffer, separate, and/or screen adjacent land uses;
  - 2. At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses;
  - 3. In the interior of parking lots to provide shade;
  - 4. Around the perimeter of buildings to enhance the appearance of structures;
  - 5. When barriers or fences are utilized, plant material shall be included;
  - 6. Required landscape areas shall not include any portion of the right-of-way;
  - 7. All loading areas shall be landscaped for screening purposes;
  - 8. Trash receptacles shall be screened and shall not be placed within any required setback areas.

##### **1801.02 Specific Landscaping Requirements**

- A. A planting strip at least five (5') feet in width shall be located along the perimeter of a parking area but not within any right-of-way. Within this area, there shall be one (1) two and a half (2.5") inch caliper deciduous shade trees per fifty (50) linear feet of perimeter parking area. There shall also be shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process.
- B. Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but to break up visually the expanse of paved areas. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
  - 1. An area equal to five percent (5%) of the total area devoted to parking spaces and aisle ways shall be landscaped and permeable.



2. For parking areas over thirty thousand (30,000) square feet in size, the required landscaping shall be designed to break up the visual expanse with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.
3. All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment.
4. The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
5. Foundation plantings are required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter. Ten (10) shrubs shall be required for every one hundred (100') lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.
6. A landscape strip between the roadway and parking area shall be provided along the full width of the lot. The width of this landscape strip shall be not less than fifteen (15') feet measured from the right-of-way line. The landscape strip shall be unoccupied except for landscape material, sidewalks, and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, there shall be one (1) two and a half (2.5") inch caliper deciduous shade trees or two (2) six (6') foot high evergreen trees, or a combination, per one hundred (100) linear feet of property frontage.
7. An irrigation system is recommended in all required landscape areas unless drought resistant, native species are utilized.

## **1802 PLANT MATERIAL SPECIFICATIONS**

The following sections include specifications for plant materials. Alternatives to these specified plant materials which demonstrate both the intent and requirements of this Resolution may be approved as part of a Site Plan:

### **A. Deciduous Trees**

A minimum caliper of at least two and one-half (2 ½") inches measured twelve (12") inches above ground level at time of planting.

### **B. Evergreen Trees**



A minimum of six (6') feet high and a minimum spread of three (3') feet at time of planting.

**C. Shrubs**

Shrubs shall be at least thirty (30") inches average height and twenty-four (24") inches width at the time of planting.

**D. Ground cover and Grass**

Ground cover shall be planted a minimum of eight inches on center and shall be planted in such a manner to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, shredded bark, mulch, and other material. Grass shall be planted in species normally grown in permanent lawns.

**E. Prohibited Tree/Shrub Species**

The following tree and shrub species shall not be used unless already existing in the proposed landscape area:

- Ash (Fraxinus)
- Box Elder (Acer negundo)
- Bradford Pear (all species)
- Mulberry (Morus alba)
- Willow (Salix babylonica)
- Siberian Elm (Ulmus pumila)
- Hickory (Carya sp.\*) (\*Indicates numerous species)
- European Alder-Buckthorn (Rhamnus frangula)
- Common Buckthorn (Rhamnus cathartica)
- Autumn Olive (Elaeagnus umbellata)
- Multiflora Rose (Rosa multiflora)
- Purple Loosestrife (Lythrum salicaria)
- Tree of Heaven (Ailanthus altissima)
- Black Walnut (Juglans nigra)
- Silver Maple (Acer saccharinum)
- Black Locust (Robinia pseudo-acacia)
- Catalpa (all species)
- Walnut



### **1803 MAINTENANCE AND REPLACEMENT REQUIREMENTS**

The lot owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

- A.** Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- B.** Within two years of installation (or incorporation of existing vegetation), trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
- C.** Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
- D.** Reasonable care should be taken to ensure that landscaping areas are well maintained and kept free of overgrown weeds and dead plants. This includes the trimming and upkeep of Landscaping areas so that any plants do not become overgrown.
- E.** As part of the Site Plan, a bond, escrow, or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed and maintained for a two (2) year period. No Zoning Permit shall be issued until the bond, escrow or other suitable guarantee is received.





## SECTION 19 PARKING REQUIREMENTS

### 1900 GENERAL PARKING REQUIREMENTS

Any building, structure or use of land that is constructed, enlarged, or used shall provide off-street parking spaces for automobiles in accordance with the following minimum provisions.

### 1901 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking including driveways, entrances, exits, circulation and maneuvering areas, aisles and interior lanes, and parking spaces shall be in accordance with the following minimum standards and specifications:

#### 1901.01 Parking Space Dimensions

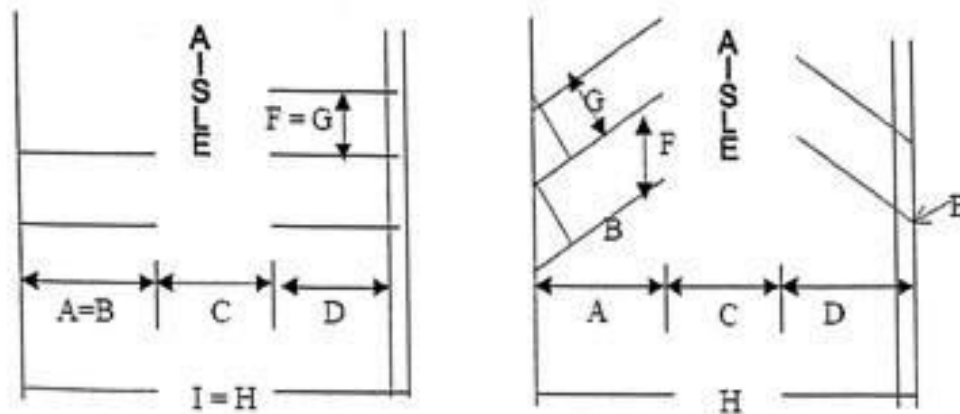
All new or altered parking lots shall conform to the parking space stall width and length and aisle width, as set out in Table 19-1 and illustrated in Figure 19-1.

TABLE 19-1 PARKING SPACE DIMENSIONS					
DIMENSIONS (feet)		ANGLE (degrees)			
		45°	60°	75°	90°
A.	Stall depth to wall	17	18.5	19	18
B.	Stall depth parallel to vehicle	18	18	18	18
C.	Vehicle aisle width	12	18	22	25
D.	Stall depth to interlock	15	17	18	18
E.	Stall depth reduction due to interlock	2	1.5	1.0	0
F.	Stall width parallel to Aisle 1	12.7	10.4	9.3	9
G.	Stall width perpendicular to vehicle	9	9	9	9
H.	Module width wall to wall	45	54	60	61
I.	Module width interlock to interlock	42	51	52	51

#### Exceptions to TABLE 19-1:

- A. For bumper overhang deduct one and one-half (1 ½') feet from stall depth to wall or three (3') feet from wall to wall for 45 degree and 60-degree parking. The equivalent dimensions for 75 degree and 90-degree parking are two (2') feet and four (4') feet respectively.
- B. Where natural and/or man-made obstacles, obstructions, or other features such as landscaping, support columns, or grade difference exist, the New Russia Zoning Commission may approve a reduction in required stall width, length, and/or aisle width as part of the Site Plan review process. In all instances where a reduction is requested, emergency vehicle access shall be considered and incorporated into the parking lot design.

**FIGURE 19-1 PARKING DIAGRAM**



#### **1901.02 Access**

For single or two-family residential dwellings, driveways/lanes shall be a minimum of nine (9') feet in width to provide clearance for any Fire Apparatus. For all other uses, driveways shall be a minimum width of twenty-two (22') feet.

#### **1901.03 Setbacks**

- A. No parking shall be permitted in the front yard of any residential property except on an asphalt, concrete or gravel driveway. Parking may occur in a front yard if the parking is at least 250 feet from the right-of-way and is not visible from the right-of-way.
- B. Off-street parking areas in commercial districts shall not be located in the required landscape strips, or closer than five (5') feet from any side or rear property line.
- C. No part of any loading space shall be permitted closer than fifty (50') feet to any residential district nor closer than five (5') feet to any right-of-way.
- D. Whenever any non-residential zoning district adjoins a residential district, the off-street parking for the non-residential use may not be located within twenty (20') feet from the residential district boundary and shall not be located within ten (10') feet of any right-of-way.

#### **1901.04 Screening**

See Section 18 – Landscaping Requirements.

#### **1901.05 Surfacing**

All non-residential off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, and interior lanes shall be surfaced prior to occupancy of the building. Surfacing shall be accomplished with asphalt, concrete or masonry-type material. Stone or gravel is not considered a masonry-type material.



**1901.06 Drainage**

All parking spaces, driveways, entrances, exits, circulation and maneuvering areas and interior lanes, shall be graded and drained to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public roads. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.

**1901.07 Striping**

All parking areas in nonresidential districts shall be marked with paint lines, curbs, or some other manner approved by the Zoning Inspector, and shall be clearly identified.

**1901.08 Maintenance**

Parking areas shall be maintained in good condition and free of dust, trash, or other debris.

**1901.09 Signs**

Where necessary in nonresidential districts, entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

**1901.10 Parking of Commercial Vehicles**

Truck tractors and/or truck trailers, dump trucks, and other vehicles with a gross vehicle weight of 12,000 lbs. or greater shall not be parked, stored, or kept in front of the principal building on any parcel in any agricultural or residential district except when making deliveries. Vehicles used for agricultural purposes are exempt from this section.

**1901.11 Shared Parking**

Two (2) or more non-residential uses may jointly provide and use parking spaces when the hours of operation do not normally overlap, provided that a written agreement is submitted and the request is first approved by the Board of Zoning Appeals.

**1901.12 Parking of Vehicles for Sale**

The parking of any vehicle for sale shall be prohibited on any undeveloped parcel or any parcel which does not have a use occurring on the site with the exception of a used car sales lot. Any vehicle for sale shall not project into the right-of-way, shall not interfere with vision of traffic, and shall not create a safety hazard. There may be only one (1) vehicle for sale at any time on a parcel and personal sales of vehicles may not exceed five (5) vehicles per year.

**1902 DETERMINATION OF REQUIRED SPACES**

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

- A. Whenever there is more than one type of use on a parcel, the area allocated for each specific use must be identified.
- B. Each separate or distinct use on the site shall meet its own specific parking space requirements. Any proposed use on a site which cannot satisfy the parking requirements shall be strictly prohibited.



- C. The total number of parking spaces required on-site shall be the sum of the requirements for each use on the premises.
- D. Whenever the total sum computed for required off-street parking or loading spaces includes a fraction, the next higher whole number shall be required.
- E. For purposes of off-street parking and loading requirements, “gross floor area” shall include all of the area on each floor, whether or not such area is enclosed by walls, exclusive of interior areas used for off-street parking or loading facility.
- F. Where seating capacity is the standard for determining parking space requirements, the capacity means the number of seating units, or each eight (18) lineal inches of benches, or pews, unless occupancy standards set by the Fire Marshal require a greater number of parking spaces, which shall then be the minimum number of parking spaces required.
- G. The parking space requirements for a use not specifically identified in this Resolution shall be the parking requirements for the use that is most similar.

## **1903 PARKING SPACE REQUIREMENTS**

### **1903.01 Residential Uses**

- A. **Assisted living facilities/Nursing Homes:**  
One for every three beds.
- B. **Multi-family with three or more dwelling units:**  
One and one-half per dwelling unit.
- C. **Multi-family with three or more dwelling units designated exclusively for occupancy by the elderly or physically disabled (including congregate housing):**  
One-half per dwelling unit; plus an area on the site reserved for future parking to accommodate one parking space per dwelling unit.
- D. **Group Home:**  
One for every two sleeping rooms.
- E. **Single-family or two-family dwelling;**  
Two per dwelling unit.

### **1903.02 Commercial Uses**

- A. **Adult Entertainment:**  
One for each one hundred (100) square feet of gross floor area.
- B. **Amusement arcade:**  
One for every two hundred (200) square feet of gross floor area.
- C. **Auditorium, stadium, theater, conference center, or large place of assembly:**



One for each thirty (30) square feet of gross floor area of the auditorium or assembly space.

**D. Automobile car wash, automatic, self-service:**

Two per site.

A washing space is not a parking space.

**E. Automotive repair:**

Two per bay.

A service bay is not a parking space.

**F. Automobile sales:**

One for each 5,000 square feet of developed lot area used for vehicle display and one for each 300 square feet of gross floor area.

**G. Bank or financial institution:**

One for every 200 square feet of floor area.

**H. Barber and beauty shop:**

One for every 200 square feet of gross floor area.

**I. Bowling Alley:**

Five per alley or lane.

**J. Funeral Home:**

One for every 150 square feet of gross floor area.

**K. General Office:**

One for each 300 square feet of gross floor area.

**L. Golf Course:**

Five (5) for each hole.

**M. Hotel or motel:**

One per guest room.

**N. Medical or Dental Office or Clinic:**

One for each 200 square feet of gross floor area.

**O. Meeting or Reception Hall:**

One for every 75 square feet of gross floor area.

**P. Outdoor recreation:**

One for every 500 square feet of use area.

**Q. Retail:**

One (1) for each 250 square feet of gross floor area.



**R. Restaurant or tavern:**

One (1) for each 75 square feet of gross floor area or one (1) for each 125 square feet of gross floor area when located within a multi-tenant building.

**S. Salvage Yard:**

Five spaces per acre.

**T. Self-service storage facility:**

Four plus one space per employee.

**U. Any other type of commercial use:**

One for each 250 square feet of gross floor area.

**1903.03 Institutional Uses**

**A. Church or place of worship:**

One for each forty square feet of gross seating area of the sanctuary, auditorium, or main place of worship, whichever has the greater area.

**B. Club or lodge:**

One for every five members.

**C. Correctional Facilities:**

One for every two beds.

**D. Day Care Facility:**

One space per 250 square feet of gross floor area.

**E. Elementary school (K-9):**

Two per classroom and one for each sixty square feet of gross floor area in the auditorium or assembly hall.

**F. Hospital:**

One space for every four beds.

**G. Library, museum, or art gallery:**

Ten plus one for each 300 square feet of gross floor area in excess of 2000 square feet.

**1903.03 Industrial Uses**

**A. Manufacturing, Utility, Research, and Development Facilities:**

One per one and one-half employees.

**B. Truck Terminal:**

One space per loading dock.



#### **1904 OFF-STREET AREAS WITH DRIVE-UP/DRIVE-THRU SERVICE**

Establishments shall provide off-street vehicle storage areas in accordance with the following requirements:

- A.** Restaurants, drive-thru convenience stores, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five (5) vehicle storage spaces per window, not including the space at the window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each stopping point.
- B.** Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- C.** Self-serve automobile washing facilities shall provide no less than four (4) stacking spaces per stall. All other automobile washing facilities shall provide a minimum of eight (8) stacking spaces per entrance.
- D.** Motor vehicle service stations shall provide no less than two (2) stacking spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.

#### **1905 PARKING SPACE REQUIREMENTS**

The number of off-street parking spaces required for various uses shall be no less than the minimum set forth. For unique cases, to prevent an overabundance of non-necessary parking, an applicant may submit the reason in writing to the Board of Zoning Appeals for a determination.



## **SECTION 20**

### **PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES**

#### **2000 PROCEDURE**

Under certain unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses are listed as “Conditional Uses” within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for the use of the land, buildings, or other structures and may allow such a use to be established where such approval will be consistent with the general purpose and intent of this Zoning Resolution as well as the general purpose and intent of the New Russia Township Land Use Plan.

#### **2001 APPLICATION FOR CONDITIONAL USE**

An applicant shall file with the Zoning Inspector the following documents along with the application fee.

##### **2001.01 Basic Requirements**

- A.** A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the site plan that contains the applicant’s phone number and mailing address along with a general description of the proposed request.
- B.** The site plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways.
- C.** All site plans shall indicate the scale of the drawing and shall use an engineer’s scale. The site plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing. The location map and site plan orientation shall be the same.
- D.** The following documents shall be filed: Three (3) blue-line or black-line prints of the site plan on paper no larger than 24” x 36”. Detailed drawings other than the site plan typically do not need to be submitted for the conditional use request.
- E.** A PDF file of the entire set of plans shall be submitted with each submission.

##### **2001.02 Site Plan Requirements**

- A.** The site plan shall show the zoning classification(s) and existing uses of the property and all abutting property along with the approximate location of buildings and driveway locations opposite to, and adjacent to the property.





- B. The site plan shall indicate the dimensions including area of the property, the dimensions of the existing and proposed buildings to be constructed, and any buildings to be removed or other alterations to occur on the property.
- C. The site plan shall indicate the distance of existing and proposed structure(s) to all right-of-way lines and the distances of the structure(s) to the front, side, and rear property lines.
- D. The site plan shall indicate the name of all adjacent roadways and right-of-way and pavement widths measured from the centerline of the roadway.
- E. The site plan shall indicate the locations, height, and material of all existing and proposed fencing and/or walls on the property.
- F. The site plan shall show the location, height, lighting, and dimensions of existing or proposed signs on the property.
- G. The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks, if any, and drive approach aprons. The drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat.
- H. The site plan shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, two-foot (2') contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Lorain County Engineer's Office.
- I. The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.
- J. The site plan shall show existing and proposed sanitary and storm sewers, water mains, and the location of fire hydrants if present. In the event these improvements are not proposed, the site plan shall indicate the location of proposed or existing wells and sewage systems both on-site and on abutting parcels.
- K. The site plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions, the number and size of the proposed parking stalls including handicap spaces and the type of pavement composition of the parking area, such as asphalt or concrete, and if the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any, between the two areas.
- L. A site plan with a proposed drive-thru window operation shall indicate where the vehicle will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and drive-thru window.
- M. Exterior building elevation(s) visible from all abutting streets and highway.



## **2002 GENERAL STANDARDS FOR CONDITIONAL USES**

The Board of Zoning Appeals shall not approve a Conditional Use unless in each specific case, it makes specific findings of fact directly based on the particular evidence presented to them that support conclusions that such use at the proposed location shall meet all the following requirements:

- A. Will be found to be consistent and harmonious with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and adequate drainage, refuse disposal, water and sewer, and schools.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be significantly detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, light, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property that shall be so designated as not to create interference with existing traffic on the surrounding public streets or roads. Sight distance and safety considerations shall be considered.

## **2003 SUPPLEMENTARY CONDITIONS**

In granting any Conditional Use, the Board shall insure that the specific applicable conditions and standards established in Section 14 – Supplemental Regulations have been adequately addressed. The Board may prescribe other appropriate conditions and safeguards as it deems necessary to insure that the use will be conducted in conformance with the intent and purpose of this Resolution.

## **2004 PUBLIC HEARING**

The Board of Zoning Appeals shall fix a reasonable time for the hearing of a matter to come before it and shall give at least ten (10) days' notice to the parties in interest, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing.

## **2005 ACTION BY BOARD**

The Board of Zoning Appeals shall make its findings and determination in writing within sixty (60) days from the date of the filing of the request. At the hearings, any party may appear in person by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the Board of Zoning Appeals shall be transmitted to the applicant within fourteen (14) days following the hearing.



## **2006 PUBLIC INFORMATION**

All communications to members of the Board of Zoning Appeals, written or oral which pertain to any matter before the Board shall be reduced to writing and made a part of the record. The official record of the Board's proceeding in any matter shall be kept on file at the Township Hall and available for inspection by the public.

## **2007 FEES**

The Township Trustees shall establish fees as deemed appropriate to defray the costs associated with the advertisement, mailings, or other required or necessary expenses incurred.

## **2008 EXPIRATION OF CONDITIONAL USE**

A Conditional Use shall automatically expire if the Conditional Use has not been instituted or utilized within one (1) year from the date on which the Conditional Use was granted by the Board of Zoning Appeals, or for any reason the use shall cease for more than a two (2) year continuous period. Violation of any condition(s) of approval shall be cause for the revocation of the Conditional Use by the Board of Zoning Appeals.



## **SECTION 21**

### **ZONING CHANGES AND TEXT AMENDMENTS**

#### **2100 AUTHORITY**

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Township Trustees may, by resolution, after the Zoning Commission recommendations, and subject to the procedures provided by law, amend, supplement, change or repeal the regulation, restrictions and district boundaries or classification of property, now or established by this resolution or amendments in this Resolution.

#### **2101 PROCEDURES**

Amendments or supplements to this Zoning Resolution may be initiated in one of the following ways. The Board of Township Trustees shall upon passage of such resolution, certify it to the Zoning Commission.

- A. By passage of a resolution by the Board of Township Trustees;
- B. By a motion of the Zoning Commission
- C. By the filing of an application by at least one (1) owner, or a duly authorized agent of the owner of the property within the area proposed to be changed.

#### **2102 APPLICATION AND FEES**

The application for any change of district boundaries or classifications of property shall be made on forms obtainable at the office of the Zoning Inspector. The application shall be accompanied by information that may be required by the Zoning Commission and verified by the owner as to accuracy. A fee shall be paid upon the filing of the application and no action shall be taken on an application until all fees are paid in full.

#### **2103 TRANSMITTAL TO THE LORAIN COUNTY PLANNING COMMISSION**

Within five (5) days after the adoption of such motion or the certification of such Resolution, or the filing of such application, the Township shall transmit a copy of the request to the Lorain County Planning Commission. The Lorain County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation may be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

#### **2104 HEARING AND NOTICE BY ZONING COMMISSION**

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application as covered by paragraph 2101 of this Section the Zoning Commission shall hold a public hearing. The Zoning Commission shall set a date for the public hearing, which date shall not be less than twenty (20) or more than forty (40) days from the date of the certification of such resolution or the date of the adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:



- A. A notice shall be published in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Township Trustees.
- B. If the proposed amendment or supplement intends to rezone ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the Lorain County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

#### **2105 RECOMMENDATION BY ZONING COMMISSION**

The Zoning Commission shall study the proposed change in the terms of public necessity, public safety, general welfare, good zoning practice, and the Township's adopted Master Plan. The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map and the recommendation of the Lorain County Planning Commission to the Board of Township Trustees.

#### **2106 PUBLIC HEARING AND NOTICE BY THE BOARD OF TOWNSHIP TRUSTEES**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of the public hearing shall be given by the Board of Township Trustees with at least one (1) publication in a local newspaper of general circulation at least 10 days before the date of the public hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed request.

#### **2107 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees deny or modify the recommendation of the Zoning Commission, the majority vote of the Board of Township Trustees shall be required.

#### **2108 EFFECTIVE DATE AND REFERENDUM**

- A. Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than the percent of voters outlined in the ORC of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.



- B.** No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.



## **SECTION 22 ENFORCEMENT**

### **2200 ZONING INSPECTOR**

The Zoning Inspector shall be appointed by the Board of Township Trustees and shall have the following responsibilities:

- A.** Review applications for Zoning Permits, Site Plan Review, Conditional Uses, and Zoning Changes.
- B.** On-Site Inspections.
- C.** Investigation of violations and enforcement of this Resolution. Issue stop orders to non-permitted construction activity.
- D.** Maintain records of zoning activity including non-conforming and Conditional Uses.

### **2201 ZONING PERMIT REQUIRED**

No building or other structure, including temporary structure, shall be constructed, moved, added to, altered, nor shall any building, structure, or land be established or changed in use without a Zoning Permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance. Zoning Permits may be issued for the following:

#### **2201.01 Construction**

Before any structure, as defined in this Resolution is built, erected, enlarged, or placed on a property, a Zoning Certificate shall be required. The Zoning Inspector shall issue a Zoning Permit when satisfied that according to the information submitted by the applicant, the proposed structure will conform to all requirements of this Resolution.

#### **2201.02 Change of Use/Occupancy**

When the use of a property or a building or structure changes, or a new business occupies an existing structure, a Zoning Permit is required. The Zoning Inspector shall issue a Zoning Permit when the requirements of this Resolution are met.

#### **2201.03 Signs**

Before any sign, except those exempted in this Resolution, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a Zoning Permit is required.

### **2202 APPROVAL OF ZONING PERMIT**

Within twenty (20) days after the receipt of an application for a Zoning Permit, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Permits shall, however, be conditional upon the commencement of work within twelve (12) months. If the work described in any Zoning Permit has not begun within twelve (12) months from the date of issuance thereof, said Zoning Permit shall expire. All Zoning



Permits shall expire if the project is not substantially completed within thirty (30) months. The Zoning Permit may be renewed subject to filing of a new application and associated fees.

## **2203 ENFORCEMENT AND PENALTIES**

- A.** This Resolution shall be enforced by the Board of Township Trustees or such enforcement officer as may be designated by the Board of Township Trustees. No Zoning Certificate(s) may be issued if the building or use currently is or would be in violation of any of the provisions of this Resolution except in those cases where it is being obtained to remedy an existing violation on the property.
- B.** Except as expressly provided in this Resolution, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, structurally alter, or use any building or structure or use and land without obtaining a Zoning Permit.
- C.** Any Zoning Permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Permit shall be revoked by notice in writing to be delivered to the holder of the void Zoning Permit upon the premises concerned, or in case such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who proceeds, thereafter, with such work or use without having obtained a new Zoning Permit, in accordance with this Resolution, shall be deemed guilty of violation thereof.
- D.** In case any building is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecutor, the Township Zoning Inspector, or any adjacent or neighboring 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 proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- E.** Any person, firm, or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each and every day, during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.
- F.** Failure to obtain a Zoning Permit shall result in paying a penalty fee as established by the Board of Township Trustees.
- G.** If any structure is placed or constructed without a Zoning Permit, the Zoning Inspector has the authority to issue a stop order and pursue enforcement of the violation.





#### **2204 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Board of Township Trustees shall, by Resolution, establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the office of the Zoning Inspector and may be amended only by the Board of Township Trustees. No Zoning Permit will be issued until the appropriate fee has been paid. No hearing or appeal will be conducted until the fee has been paid.



## **SECTION 23 ZONING COMMISSION**

### **2300 NEW RUSSIA TOWNSHIP ZONING COMMISSION**

The New Russia Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of New Russia Township and who shall be appointed by the Board of Township Trustees. Vacancies shall be appointed by the Board of Township Trustees for any unexpired term. The Board of Trustees may appoint alternate members in accordance with the provisions of ORC 519.04.

### **2301 ORGANIZATION**

The Zoning Commission shall organize and keep a written record of its actions and determinations, adopt rules and procedures to effectively carry out duties and obligations, all of which shall be filed in the office of the Township Fiscal Officer and shall be a public record.

### **2302 MEETINGS**

At the annual organizational meeting, the Zoning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Zoning Commission shall keep a record of its proceedings showing the action of the Zoning Commission and showing the vote of each member on each request considered. All recommendations of the Zoning Commission shall be filed in the Township Hall and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

### **2303 DUTIES OF THE ZONING COMMISSION**

The Township Zoning Commission shall have the following authority:

- A.** Initiate proposed amendments to the Zoning Resolution and zoning map;
- B.** Consider, review, and recommend all proposed amendments to the Board of Township Trustees;
- C.** Consider, review, and approve or deny all site plan reviews. See Section 17.



## **SECTION 24**

### **BOARD OF ZONING APPEALS**

#### **2400 NEW RUSSIA TOWNSHIP BOARD OF ZONING APPEALS**

The New Russia Township Board of Zoning Appeals (BZA) shall consist of five (5) members who shall be residents of the unincorporated area of New Russia Township. The terms of all members shall be so arranged that the term of one (1) member expires each year. The Board of Township Trustees shall fill by appointment any vacancies including unexpired terms. The Board of Trustees may appoint alternate members in accordance with the provisions of ORC 519.13.

#### **2401 MEETINGS**

At the annual organizational meeting, the Board of Zoning Appeals shall elect a Chairperson, Vice-Chairperson, and Secretary for a term of one (1) year. There shall be a fixed place for the meeting and all meetings shall be open to the public. The BZA shall keep a record of its proceedings showing the action of the BZA and showing the vote of each member on each request considered. All records of the BZA shall be filed in the Office of the Township Fiscal Officer and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the BZA.

#### **2402 DUTIES OF THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the following authority:

- A.** To organize, adopt rules, hold meetings, and keep records as required by law.
- B.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determinations made by the Zoning Inspector in the enforcement of this Resolution. This includes hearing and deciding matters of interpretation of the provisions of the text of this Resolution and the “Official New Russia Township Zoning Map”.
- C.** To authorize, upon appeal, in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. No variance shall be granted except in conformance with the provisions of Section 2404 of this Resolution.
- D.** To allow the construction of more than one (1) main building on a single parcel unless specifically permitted in Section 1406– Supplemental Regulations.
- E.** To review and decide on all proposed Conditional Use applications in accord with Section 20 – Procedures and Requirements for Conditional Uses.

#### **2403 APPEAL REQUIREMENTS**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The following information shall be included in any application brought before the Board of Zoning Appeals for consideration of an appeal or matter of interpretation:



- A. The request must include the action or order of the Zoning Inspector such as the citation of zoning violation and/or a Zoning Certificate being denied or revoked.
- B. The specific reference, including chapter(s) and sections(s), of the zoning text or portions of the “Official New Russia Township Zoning Map” that may be appealed.
- C. The facts and information showing the basis of the appeal, including factors or characteristics unique to a parcel.
- D. The specific remedy proposed or proposed interpretation shall be described.

#### **2404 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL**

The Board of Zoning Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals shall review each variance individually and shall consider the following for each variance request:

- A. That due to exceptional narrowness, shallowness, or shape or exceptional topographic conditions or any other extraordinary situation or condition of a lot, the strict application of the terms of this Resolution would result in exceptional practical difficulties for the applicant.
- B. That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
- C. That a variance from the strict application of this Zoning Resolution is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Resolution.
- D. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
- E. If the request is a result of non-permitted action by the applicant, careful consideration is important so as not to alter the intent of this Resolution and/or set precedent.
- F. No variance may be granted which would allow a use that is specifically not allowed in a zoning district. The applicant should be encouraged to pursue a zoning change or alternate location.
- G. The authorization of a variance will not impair an adequate supply of light to adjacent properties, unreasonably increase the congestion on public streets, increase the danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience, or general welfare of the inhabitants of the Township.



#### **2405 CONDITIONS OF APPROVAL**

In granting a variance, the BZA may stipulate the manner in which the variance shall be carried out and may require other improvements and safeguards for the protection of public health, safety, and welfare. In such cases the BZA may attach conditions.

#### **2406 APPLICATIONS**

All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the office of the Zoning Inspector.

#### **2407 PUBLIC HEARING AND NOTICE**

- A.** Once the application has been received, one or more on-site notices shall be posted. Posted notices shall be removed within ten (10) days after the decision of the BZA. No one shall remove or tamper with any such notice during the time it is required to be posted and maintained.
- B.** The BZA shall fix a reasonable time for the hearing of a matter to come before it and shall give at least ten (10) days' notice to the parties in interest, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing. The BZA shall make its findings and determination in writing within sixty (60) days from the date of the filing of the request. At the hearings, any party may appear in person by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the BZA shall be transmitted to the applicant within fourteen (14) days following the hearing.



## SECTION 25 DEFINITIONS

For the purpose of this Resolution, certain terms and words are defined in the various Sections of this Resolution including Section 16 — Signs and Outdoor Advertising and in this Section 25. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. **The word “shall” is mandatory;** “occupied” or “used” shall be considered as though followed by the words “. . . or intended, arranged, or designed to be used or occupied.” Except where specifically defined, all words used in this Resolution shall carry their customary meanings.

**Abandoned:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, during normal periods of vacation or seasonal closure.

**Accessory Structure:** A subordinate structure including those without a permanent foundation, detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A use incidental to, and on the same lot as, a principal use. Accessory uses include any use of a subordinate nature to the principal use on the same lot.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Agricultural Pond:** A natural or artificially formed structure which serves as a reservoir of water for year-round agricultural use. Agricultural ponds are to be used for agriculturally based activities including aquaculture, hatcheries, hydroponics or irrigation, and animal related maintenance and/or production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds is limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming.

**Alteration:** Any change, addition, or modification in construction or use of an existing structure.

**Amusement Arcade:** A building or part of a building in which five or more video games or other similar player-operated amusement devices are maintained.

**Assisted Living Facility:** A residential living facility licensed by the State of Ohio for four or more persons that provides assistance with daily needs which may include medical assistance, transportation, meal preparation, and laundry services. Such facilities may also provide other services, such as transportation for routine social and medical appointments, and counseling.



**Automobile Service Center:** A place that provides routine maintenance and replacement of parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.

**Automobile Wrecking Yard (see also Salvage Yard):** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute evidence of an automobile wrecking yard.

**Banquet Hall:** A facility used and/or rented to hold indoor events including, but not limited to, weddings, receptions, graduation parties, anniversary parties, funeral dinners, and similar gatherings.

**Bar or Lounge:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises.

**Bed and Breakfast:** An establishment located within a single-family dwelling that is the principal residence of the operator, where short-term lodging is offered for compensation and which includes the service of one or more meals to guests. A whole-house rental is not considered a Bed & Breakfast.

**Buildings:** A structure having a roof supported by columns or walls; for the shelter, support, enclosure or protection of persons, animals, or property. When separated by party or shared walls, each portion of such a building shall be considered a separate structure.

**Building, Main:** The building on a parcel in which the principal use is conducted.

**Canopy:** Means any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding an area from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs a doorway, window, walkway, or driveway.

**Car Wash:** An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Church or Place of Worship:** A place that people regularly attend for religious services, meetings, and other activities, which may include day care services. The word "Church" shall not carry a secular connotation. Church shall include buildings in which religious services and related activities of any denomination are held.



**Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**Club:** Buildings or facilities occupied for social, educational, or recreational purposes, but not primarily for profit or for rendering a service that is customarily carried on as business and not open to the public.

**Commercial Vehicle:** A cab, limousine, truck, truck trailer or other vehicle with a total maximum gross vehicle weight of three (3) tons or greater and is used or designed to be used for business or commercial purposes.

**Community or Club Swimming Pools:** A community or club swimming pool shall be any pool constructed by an association of lot owners, or by a private club for use and enjoyment by members of the association or club.

**Conservation Area:** Areas having significant natural vegetation, wildlife, or physical features.

**Contractor Yard:** A place used for the storage of heavy equipment, commercial vehicles and materials used for construction or maintenance purposes.

**Crematorium:** A facility where a dead human or animal corpse is cremated.

**Day Care Facilities:** A building or part thereof other than a permanent residence which administers to the needs of children or adults providing social, recreational, or educational activities on a daily basis with no provisions for resident care.

**Density:** The number of dwelling units permitted per net acre of land (excluding right-of-way).

**Design Standards:** A set of guidelines defining parameters to be followed in site and/or building design and development.

**Detention/Retention Basin:** A facility separate and distinct from a lake or pond and for the temporary storage of storm water runoff.

**Detention Pond:** An artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies.

**Development:** All structures and other modifications of the natural landscape above and below ground or water, on a particular site.

**Distribution Center:** The storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Drive-Thru Facility:** An establishment that by design, and/or service, permits customers to receive





a service or obtain a product while remaining in vehicle.

**Dwelling:** A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple family dwellings. The term “dwelling” shall include permanently sited manufactured homes and Ohio Basic Building Code (OBBC) certified units, but shall not include mobile homes, recreational vehicles, hotels, motels, boarding or lodging houses, and group living.

**Dwelling, Multi-Family:** A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**Dwelling Unit:** A place for residential occupancy by one family with separate toilets and facilities for cooking and sleeping. An attached garage cannot exceed fifty (50%) percent of the gross floor area.

**Exception(s):** Means permission to depart from the requirements or design standards of this Resolution with respect to the submission of required documents.

**Family:** One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel, or group living as herein defined. This definition shall include the following:

- A. A group of persons with disabilities (meaning persons who are considered handicapped or disabled as those terms are defined either by the Fair Housing Act or the Americans with Disabilities Act) who need not be related by blood or marriage or adoption, living together as a single housekeeping unit.
- B. A foster home as defined by Ohio Revised Code Section 5103.02 (D).

**Farm:** See - Agriculture

**Farm Market:** A retail establishment where the majority of products for sale have been grown or raised on-site and/or on land owned or operated by the market operator, and then sold directly to the consumer. (See Section 201.03)

**Fence:** A fence is a structure without a roof, plant material, or similar screening device erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot. Fencing shall be constructed with an acceptable building material and not randomly mismatched materials.

**Frontage:** The side of a lot abutting on a public street or private place and ordinarily regarded as the front of the lot. All buildable lots shall have frontage on a dedicated and improved street.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for:



- A. Embalming and the performance of other services used in preparation of the dead for burial;
- B. Performance of autopsies and other surgical procedures;
- C. Storage of caskets, funeral urns, and other related funeral supplies;
- D. Storage of funeral vehicles, but shall not include facilities for cremation;
- E. A funeral chapel

**Group Living:** The residential occupancy of a structure by other than a family, where units or quarters do not each have its own kitchen facilities. Includes the following:

**A. Adult Family Home**

A state-licensed home or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.

**B. Drug and Alcohol Residential Facility**

A home or facility that provides habilitation services for persons with drug and alcohol addictions but does not include methadone treatment.

**C. Group Rental**

Unrelated persons who do not constitute a family or a functional family as defined in this Zoning Code, living as a single housekeeping unit in which individual sleeping quarters may be occupied by the residents of the dwelling thereof, and in which the relationship among the members of the group rests primarily upon a cost-sharing arrangement.

**D. Halfway House**

A state-licensed facility for the care and treatment of adult offenders. ORC 2967.14(C).

**E. Home for the Aging**

A state-licensed home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.” ORC 3721.01(A)(8). A facility that conforms to the definition for Residential Facility (Small) or Residential Facility (Large) shall be treated as such a Residential Facility, although it may also meet this definition.

**F. Homeless Shelter**

A home or facility that provides temporary housing, with or without meals, to indigent, homeless, or transient persons. Such a home or facility shall not provide lodging on a regular basis.

**G. Nursing Home**

A state-licensed home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services. ORC 3721.01(A)(6). Also includes Residential Care Facility, ORC 3721.01(A)(7).

**H. Other Group Living**

Includes fraternity and sorority houses and other community-based housing not provided for elsewhere in this code.



**I. Residential Facility, Large**

A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for more than 9 but not more than 16 persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, ORC 5123.19(L); shelter for victims of domestic violence, ORC 3113.33(C); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.

**J. Residential Facility, Small**

A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for as many as six (6) (or, if allowed by state law, eight (8)) persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, ORC 5123.19(L); shelter for victims of domestic violence, ORC 3113.33(C); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.

**K. Rest Home**

A home or facility that provides personal care services but not skilled nursing services to adults who reside at the facility. Includes Residential Care Facility ORC 3721.01(A)(7). A facility that conforms to the definition for Adult Foster Home, Adult Family Home, Residential Facility (Small) or Residential Facility (Large) shall be treated as such, although it may also meet this definition.

**Height (of building or other structure):** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Highway, Major:** A street or road of considerable continuity and used primarily as a traffic artery.

**Home-Based Business:** A business conducted either in a dwelling or an accessory building on an agricultural or residential property. A Home-Based Business may employ one outside employee. Home-Based businesses shall maintain the residential character of the property and shall meet the requirements of Section 1404 (B). Such businesses require conditional use approval from the Board of Zoning Appeals for the consideration of location, ingress/egress, type of business, hours of operation, noise, and other specifics.

**Home Occupation:** A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all requirements of Section 1404 (A).

**Hospital:** A care facility providing clinical and emergency services of a medical or surgical nature to human patients and licensed by the State of Ohio to provide such facilities and



services.

**Internet Café:** A place or restaurant that provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials and does not include internet sweepstakes establishments.

**Internet Sweepstakes Establishment:** An establishment that promotes the sale of prepaid internet timecards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use a phone card, internet timecards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like. Internet Sweepstakes Establishments are not permitted in any zoning district.

**Kennel:** An establishment to operate a facility housing more than three (3) dogs, cats, or other household pets, over four (4) months of age, where grooming, breeding, boarding, training, or selling of animals is conducted.

**Lake:** A body of water at least five (5) acres in surface area.

**Landfill:** A site for the disposal of solid waste in a manner that minimizes environmental hazards by spreading or compacting to the smallest volume and applying cover material over all exposed waste at the end of each operation day.

**Landscape Contractor:** A business principally engaged in providing landscape services, including construction, soil preparation, and planting. The business may also include growing and selling nursery stock and may include property maintenance services including yard mowing, landscape maintenance, tree trimming, and/or snow plowing.

**Landscape Strip:** An area of land located along the right-of-way which contains decorative treatments, such as fencing or walls, and natural features, such as lawns, trees, plants, or mulch.

**Laundry, Self-service:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Limousine/Taxi Fleet Service:** The commercial business of providing motor vehicles for carrying or transportation of passengers for a fixed charge or fee or offering a vehicle with driver for a fixed charge or fee. This does not include private transportation services from third party ride services.

**Lot:** A parcel of land.

**Lot (corner):** A lot with frontage on and at the intersection of the rights-of-way of two or more streets.

**Lot (interior):** An interior lot is a lot other than a corner lot.



**Lot (through):** A lot, other than a corner lot, having frontage on two parallel, or approximately parallel, roads.

**Lot Area:** Total area bounded by property lines excluding any roadway easements and rights-of-ways.

**Lot Coverage:** Determined by dividing the total surface of all buildings, including covered porches and accessory buildings, and any other impervious surfaces, except sidewalks, located on the lot by the total area of the lot.

**Lot Depth:** The average horizontal distance of the lot between the front and rear lot lines.

**Lot Line:** A line dividing one lot from another lot or from the street or alley.

**Lot of Record:** A lot that has been recorded or registered in a deed or on a plat.

**Lot Width:** The horizontal distance of the lot between side lot lines measured at the required front setback line.

**Manufactured Home:** A factory-built, single-family structure that is transportable in one or more sections, and is used as a place of habitation. A manufactured home conforms to the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**Permanently Sited Manufactured Home:** A "permanently sited manufactured home" means a manufactured home that meets all the following criteria as specified in ORC 3781.06:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
- C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home park.

**Manufactured Home Park:** A parcel of land planned and improved upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes and including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such manufactured home



park.

**Mineral Extraction, Storage, and Processing:** Any mining, quarrying, or processing of limestone, sand, soil, gravel, oil, natural gas, or other mineral resources. See Section 1405.

**Mobile Home:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976. Mobile homes and manufactured homes that do not meet the definition of a “Permanently Sited Manufactured Home” as defined in Section 31 of this Resolution shall be located only in Manufactured Home Park Zoning Districts.

**Motel/Hotel:** A facility offering transient lodging accommodations on a daily rate to the public and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Permanent living arrangements are not permitted in any hotel/motel.

**Motor Vehicle Salvage Yard:** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable or operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Non-Conforming Lot:** A lot, which does not meet the requirements of this Resolution.

**Non-Conforming Structure (legal):** A building or structure which was lawfully existing at the time of adoption, revision, or amendment to this Resolution that at the present time does not comply with the site area, coverage, setback, height, or other applicable regulations for its zoning district.

**Non-Conforming Structure (illegal):** A building or structure which did not legally exist at the time of adoption, revision, or amendment to this Resolution and that does not comply with the site area, coverage, setback, height, or other applicable regulations for its zoning district.

**Non-Conforming Use (legal):** A use of land which lawfully existed at the time of adoption, revision, or amendment to this Resolution that at the present time does not comply with the use regulations for its zoning district.

**Non-Conforming Use (illegal):** A use of land which did not legally exist at the time of adoption, revision, or amendment to this Resolution and that does not comply with the use regulations for its zoning district.

**Outdoor Storage:** Any goods, material, merchandise, or vehicles in the same exterior place for more than 24 consecutive hours.

**Permanent Foundation:** A locally approved permanent masonry, concrete, footing or foundation, to which a structure may be affixed.



**Personal Service:** A business that provides services such as hair care, shoe repair, laundry mat, dry cleaning, travel agency, beauty salon, and other similar activities.

**Personal Solar Panel:** A solar panel or panels designed to provide solar electricity to a single dwelling. This shall be considered an accessory structure and shall be subject to all applicable accessory structure regulations.

**Plant Nursery:** The cultivation of crops, fruit trees, nursery stock, and garden products or similar plant materials outside or within greenhouses.

**Pond:** An artificially formed body of water with a minimum surface area of one-quarter (1/4) acre and a maximum surface area not to exceed five (5) acres. Ponds are intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year-round use. Such ponds are to be designed for year-round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc.

**Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

**Private Place:** A duly approved and platted private thoroughfare other than a public street permanently reserved as the principal means of access to abutting property and/or platted lots in a subdivision.

**Professional Office:** Establishments that may cater to a specific professional service such as outpatient medical/dental offices, insurance agencies, real estate offices, travel agencies, and other similar activities.

**Professional/Trade School:** A facility that provides a curriculum for an occupation, skill, or trade.

**Public Use:** Any land, use or activity owned and operated by a public agency such as a post office, government building/structure, school, police or fire station, open space, or park.

**Public Way:** Means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the public or a public entity have a right, or which are dedicated, whether improved or not.

**Recreational Facilities:**

**Indoor:** Public or private facilities including bowling alley, racquetball courts, tennis courts, basketball courts, swimming pools, ice skating rinks, firing range, exercise facilities, arcade.

**Outdoor:** Public or private facilities including golf courses, driving ranges, swimming pools, ice skating rinks, riding stables, racetracks, carnivals, campgrounds, tennis courts or basketball courts.





**Recreational Vehicle:** A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classified as follows:

- A. **Fifth Wheel Trailer:** A vehicle that is of such size and weight as to be movable without a special highway permit, that has gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of the truck.
- B. **Motor Home:** A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C. **Park Trailer:** A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary quarters, and may be connected to utilities necessary for the operation of installed features and appliances.
- D. **Tent-Type Foldout Camping Trailers:** Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and which is subject to the following properties and limitations:
  - 1). A minimum of twenty-five (25) percent of the foldout portion of the tip and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.
  - 2). When folded, the unit must not exceed:
    - a. Fifteen (15) feet in length, exclusive of bumper and tongue,
    - b. Sixty (60) inches in height from the point of contact with the ground,
    - c. Eight (8) feet in width,
    - d. One (1) ton gross weight at time of sale.
- E. **Travel Trailer:** A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet of space when erected on site. "Travel Trailer includes a tent-type fold-out camping trailer as defined in this resolution.
- F. **Truck Camper:** A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle.





“Truck Camper” does not include truck covers that consist of walls and a roof but do have floors and facilities enabling them to be used as a dwelling.

**Recycling Center:** An area where recoverable resources, such as newspapers, glassware, and metal cans are collected, but no processing of recyclable materials occurs.

**Residential Care Facility:** Includes Assisted Living Facility, Nursing Home, Rest Home, Adult Day Care, Group Home, or and other similar institution.

**Retail:** The sale or rental of commonly used goods and merchandise for personal or household use and rendering services incidental to the sale or rental of such goods. Such sale or rental shall be conducted exclusively indoors unless specifically allowed in this resolution. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

**Retention Pond:** An artificially formed structure designed to hold water year-round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial, and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies.

**Rooming House:** A dwelling where lodging is provided by the owner, for compensation, to three or more unrelated adult persons. This shall maintain the single-family residential character of the dwelling. For example: An “AirBNB” would be considered a Rooming House. Rooming Houses are permitted in the R1-1, R1-2, and R1-3 Districts.

**Salvage Yard: (see also Automobile Wrecking Yard)** An area where inoperable used materials are bought, sold, exchanged, stored, processed, or handled. The word “materials” shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An Automobile Wrecking Yard is also considered a Salvage Yard.

**School:** A public or privately funded facility that provides a curriculum of academic instruction, including kindergarten, elementary, middle, junior, and high schools, colleges, and universities.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other methods.

**Self-Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods excluding boats or recreational vehicles.



**Setback(s):** The required minimum distance between the building line and the nearest front, side, or rear property line.

**Sexually Oriented Business:** As used in this Zoning Resolution, 'sexually-oriented business' means an inclusive term used to describe collectively: adult media store, bathhouse, lingerie modeling or photograph studio, massage parlor/studio (except for massage therapy as licensed by the State of Ohio in Revised Code Section 4731.16), motion picture arcade booth, sex shop, sexual encounter center, sexually-oriented cabaret or sex-oriented cabaret, sexually-oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema. Terms relating to "sexually oriented business" are defined as follows:

- A. Adult Media:** Includes magazines, books, videotapes, movies, slides, CD-ROM's or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to explicit sexual material.
- B. Adult Media Store:** An establishment that rents and/or sells media, and that meets any of the following three tests: 40 percent or more of the gross public floor area is devoted to adult media; 40 percent or more of the stock-in-trade consists of adult media; or it advertises or holds itself out in any forum as 'XXX', 'adult', 'sex', or otherwise as a sexually-oriented business other than an adult media store, sexually oriented cinema, sexually oriented motion picture theater, or sex-oriented cinema, or sexually-oriented cabaret or sex-oriented cabaret.
- C. Bathhouse:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state.
- D. Book or Media Store:** A book or media store which devotes less than 10 percent of its gross public floor area or 10 percent of the number of items in inventory to explicit sexual material shall be treated for zoning purposes as a retail establishment. A book or media store which devotes more than 10 percent of its gross public floor area or 10 percent of the number of items in inventory to explicit sexual material, but which devotes less than 40 percent of its gross public floor area and less than 40 percent of the number of items in inventory to explicit sexual material shall be treated for zoning purposes as a book or media store and not as an adult media store, provided that it meets the following conditions: all explicit sexual material shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight feet above the floor, whichever is less; access to the room containing the explicit sexual material shall be through an opaque door; the room containing explicit sexual material shall be posted with a notice indicating that only persons 18 years of age or older (adults) are allowed in the room; and access to the room will be physically limited to adults through control of access by an employee of the store, through use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or



through a window or mirror providing visibility into the room from the manager's or cashier's work station.

- E. Gross public floor area:** The total area of the building accessible or visible to the public, including showrooms, sexually-oriented cinemas, sexually oriented motion picture theaters, or sex-oriented cinemas, motion picture arcade booths, service areas, behind counter areas, storage areas visible from such other areas, restrooms (whether or not labeled 'public'), areas used for sexually-oriented cabarets or sex-oriented cabarets, plus aisles, hallways, and entryways serving such areas.
- F. Massage:** Touching, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).
- G. Massage parlor/studio:** An establishment offering massage therapy and/or body work by a massage therapist not licensed under ORC 4731.16 or under the direct supervision of a licensed physician.
- H. Media:** Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROM's, other magnetic media, and undeveloped pictures.
- I. Motion picture arcade booth:** Any booth, cubicle, stall, or compartment which is designed, constructed or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by customers therein. The term 'booth', 'arcade booth,' 'preview booth', and 'video arcade booth' shall be synonymous with the term 'motion picture arcade booth'.
- J. Primary live entertainment:** Entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
- K. Sex shop:** An establishment offering goods for sale or rent and that meets any of the following tests: it offers for sale items from any two of the following categories: adult media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its gross public floor area; more than 5 percent of its stock in trade consists of sexually oriented toys or novelties; or more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.



**L. Sexual encounter center:** A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of 'specified sexual activities'. The definition of sexual encounter center or any sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**M. Sexually oriented cabaret or sex-oriented cabaret:** An establishment and/or building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the 'primary live entertainment' is distinguished or characterized by an emphasis on the exhibiting of 'specific sexual activities' or 'specified anatomical areas' for observation by customers therein. A cinema or motion picture theater which shows explicit sexual material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.

**N. Sexually oriented cinema, sexually oriented motion picture theater, or sex-oriented cinema:** A cinema or motion picture theater which shows explicit sexual material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.

**Small Wind Turbine:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW, and which is intended to primarily reduce on-site consumption of utility power.

**Story:** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it.

**Structure:** A combination of materials constructed or placed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Truck Service Center:** A place that provides routine maintenance and replacement of commercial vehicle parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load from one vehicle or building to another or one party to another. The terminal facility may include truck storage and repair.

**Yard:** Any open space located on the same lot as a building, unoccupied and unobstructed from the ground, except for accessory structures, parking, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard is the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.



**Yard, Front:** A yard extending along the full width of the lot between side lot lines and from the front lot line to the front building line.

**Yard, Rear:** A yard extending across the full width of the lot between the side lot lines and lying between the rear lot line and the nearest wall of the main building. Rear yard depth shall be measured from the rear building wall to the nearest point of the rear lot line.

**Yard, Side:** A yard lying between the side lot line of the lot and the nearest building wall of the main building, between the front yard and the rear yard.



# APPENDIX A OFFICIAL ZONING MAP

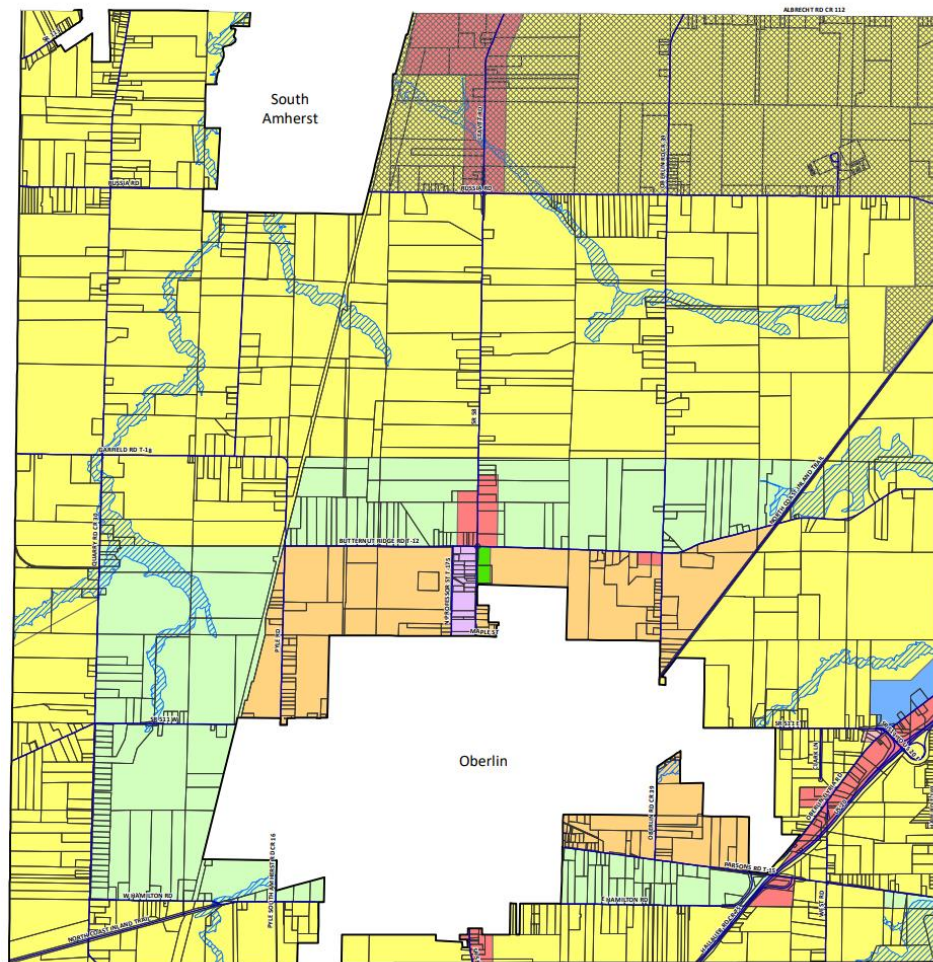
## Official New Russia Township Zoning Map

New Russia Township, Lorain County, Ohio

Adopted: January 1, 1992  
Amended: September 14, 1995  
Amended: May 4, 2000  
Amended: 2018  
Amended: August 16, 2022  
Map Adopted: January 15, 2019

### Zoning Designations

 R1-1, Agricultural Residential	 GB-1, General Business
 R1-2, Low Density Residential	 MS-1, Motorist Service
 R1-3, Low Density Residential	 LI-1, Light Industrial
 R2-1, Medium Density Residential	 FP-1, Floodplain
 NB-1, Neighborhood Business	 210C, Overlay District



Map Produced by:  
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