

CHAPTER 7 REGULATIONS APPLICABLE TO ALL DISTRICTS

Section 700 Non Conforming Uses and Structures

Section 700.01 Purpose

The purpose of this Section is to recognize the existence of uses of land, buildings, lots, structures, uses of structures, and uses of structures and land in combination which lawfully existed at the time of this Zoning Resolution enactment, or amendments thereto, but which would be prohibited, or would not conform with one or more of the regulations contained in this Resolution. Any nonconforming status shall only be continued in compliance with this section. Nonconformities may be continued until removed or abandoned. No nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the zoning district in which it is located without approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this resolution.

Section 700.02 Buildings Under Construction

No change is required by this Zoning Resolution in the plans, construction or designated uses of a building which does not conform to the regulations of this Zoning Resolution for the district in which its premises are located, provided the Zoning Certificate for such building was issued and construction on it was begun prior to the enactment of this Zoning Resolution, or amendment thereto, that construction is carried on diligently, and that the entire building is completed within one (1) year after the issuance of such certificate. For the purposes of this Zoning Resolution, such construction shall be deemed an existing nonconforming use.

Where demolition or removal of an existing building has been substantially begun in preparation to rebuilding, such demolition or removal shall be deemed to be actual construction provided that such work shall be completed within one year of issuance of the Zoning Certificate.

Section 700.03 Nonconforming Lots of Record

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

A. Residential Lots

If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Zoning Resolution, with the exception of the lot area and lot width regulations.

B. Single Nonconforming Lots of Record

If a nonconforming lot is in separate ownership and not of continuous frontage with other lots in the same frontage, the following provisions shall apply:

1. Any lawfully existing lot recorded prior to the enactment of this Resolution, or amendment thereto, that does not comply with the minimum area requirements, may be developed for allowed residential uses provided that the proposed use can be located on the lot in compliance with the front, side and rear yard setbacks, and all other requirements of the district, except those that pertain to the lot area and lot width requirements.
2. The Board of Zoning Appeals shall review and approve uses, buildings and structures proposed for single, vacant nonconforming lots that do not meet the criteria set forth in Subsection 1 above.

C. Nonconforming Lots of Record in Combination

If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Resolution, or amendment thereto, such lots shall be combined to a conforming lot or more conforming lot as a prerequisite to development.

D. Increasing Nonconformity of Lots

The nonconformity of lots shall not be increased by being used or sold in a manner which diminishes compliance with lot width and area requirements of this resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this resolution.

Section 700.04 Nonconforming Building or Structures

Where a lawful structure or building exists at the effective date of adoption of this resolution or amendments thereto, that could not otherwise be built under the terms of this resolution, such building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

A. Maintenance and Repair

A nonconforming building or structure may be maintained and repaired provided that the cubic/content area existing when it became nonconforming shall not be increased. Nothing in these regulations shall prevent the strengthening or restoring to safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

B. Additions, Alterations and Reconstruction

No additions, alterations or other significant structural changes shall be made to a nonconforming building or structure unless those changes bring the structure into conformity or unless the Board of Zoning Appeals specifically approves the change. Such changes, additions and/or improvements shall upgrade the building/structure and make it more compatible to the district in which it is located and more compatible with adjacent uses.

Nonconforming buildings may be enlarged to increase their nonconformity up to a maximum of 20%, of the gross floor area for the life of the structure, *one time only*.

C. Change in Principal Use of Building

The principal use in a nonconforming building may be changed to any other use permitted in the district in which it is located so long as the new use complies with all of the regulations of this Zoning Resolution specified for such use.

D. Restoration of Damaged Building or Structure

If a nonconforming building or structure is damaged or destroyed by any means, to the extent of fifty percent (50%) or more of the replacement value, then it shall only be restored/reconstructed in conformity with the regulations of this resolution. A Zoning Certificate shall be applied for and issued within 90 days of destruction/damage and reconstruction shall be completed within one year of the issuance of the certificate. A structure shall not be reconstructed in a manner that will continue or increase its nonconformity unless authorized by the Board of Zoning Appeals. Damaged structures shall be secured within 90 days of damage.

E. Moving of Structures

If any nonconforming building/structure is moved, it shall thereafter conform to the regulations for the district in which it is located.

Section 700.05 Nonconforming Use of Buildings and Land

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

A. Alteration, Reconstruction, Expansion of Nonconforming Use

No additions, alterations, reconstruction, enlargements, and extensions shall be made to the nonconforming use of a building or land unless those changes bring the use into conformity or unless the Board of Zoning Appeals specifically approves the change. In making a decision to approve alteration, reconstruction or expansion of a nonconforming use, the Board of Zoning Appeals shall consider whether the change will make the use of buildings

and/or land more conforming, even though the change may not bring the building/land into total conformance. No nonconforming use shall be physically enlarged or extended to displace a conforming use.

The exception shall be in the Town Center District where a nonconforming use of a building or land may expand up to 50% one time only. Expansions that propose to exceed 50% in area of nonconformity expansion will need approval of the Board of Zoning Appeals.

B. Change of Use

A nonconforming use of a building, structure or land shall not be changed to, or substituted for another nonconforming use unless the Board of Zoning Appeals decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.

C. Abandonment of Nonconforming Uses

A nonconforming use that has been discontinued for a period of 2 or more continuous years shall be deemed abandoned, except when government action impedes access to the premises, and shall thereafter be used in conformity with the regulations of the district in which it is located.

D. Damage or Destruction

In the event a building or structure that is occupied by a nonconforming use is damaged or destroyed by any means to the extent of more than fifty percent (50%) of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the regulations of the district in which the building or structure is located unless authorized by the BZA.

Section 700.06 Change From Nonconforming Use

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

Section 700.07 Certificate of a Nonconforming Use

If a use of property/structure was legally created or established and has since become nonconforming because of the establishment of or amendment to this Zoning Resolution, the Zoning Inspector shall issue a Certificate of Nonconforming Use to all known owners.

A. No use of land, buildings or structures shall be made other than that specified on the

Certificate of Nonconforming Use unless the use shall be in compliance with the regulations of the zoning district in which the property is located.

- B. A copy of each Certificate of Nonconforming Use shall be retained by the Zoning Inspector who shall maintain a record of all such certificates.
- C. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming, or other facts that substantiate the nonconformity. The purpose is to protect owners of lands/structures that are or become nonconforming.

Section 705 Accessory Uses and Structures

All accessory uses and structures shall conform to the applicable requirements of this section. The provisions of this section contain general regulations for Accessory Uses and Structures and additional regulations for particular Accessory Uses and Structures.

Section 705.01 General Regulations

A. Relationship to Main Structure

Except as otherwise provided in this resolution, no accessory use or structure shall be approved, established, or constructed before the principal use or structure is approved, established or constructed.

B. Minimum Yard Requirements for Accessory Uses and Structures

Unless otherwise specified in Schedule 705.01, Accessory structures shall conform to the minimum setbacks for the district in which it is located.

Schedule 705.01

Structure or Use	Yard Permitted	Setback		
		Front	Side	Rear
1. Detached accessory buildings (a,b)	Rear	NA	district setback line	district setback line
2. Driveways	Front, side, rear	NA	5 ft.	10 ft.
3. Fences, walls	Front, side, rear	@ r-o-w	0 ft.	0 ft.
4. Refuse storage and collection areas	Rear	NA	Setback line	Setback line
5. Roadside stands	Front	30 ft.	30 ft.	30 ft.
6. Swimming pools, community	Rear	NA	50 ft.	50 ft.
7. Swimming pools, private ¹	Rear, side	NA	District Setback	District Setback
8. Terraces, uncovered porches, platforms, decks, ornamental features that do not extend more than 2 feet above the ground.(c)	Side, rear, front	NA	District setback.	District Setback

Notes to Schedule 705.01:

- (a) Accessory buildings in the Commercial and Industrial Districts shall conform to all lot and setback requirements for principal buildings in the District in which the lot is located and shall be subject to site plan review.
- (b) Applies to those uses not on a foundation as well.
- (c) Terraces, decks, etc., that extend more than 2 feet above ground shall follow all district setback requirements for structures.

C. Maximum Floor Area of Accessory Buildings and Structures

The area of all accessory buildings and structures on residential lots or in residential districts, including terraces, decks and patios, shall not exceed 50% of the area of the rear yard, or the square footage of living floor area of the dwelling including the attached garage, whichever is less.

D. Architectural Projections

- 1. Closed structures, such as porches, carports, covered patios, and similar architectural projections, and balconies, shall be considered parts of the building to which they are attached, and shall not project into the required front, side or rear yards.
- 2. Skylights, sills, belt-courses, cornices, and ornamental features attached to the principal building may project a maximum of 12 inches into a required yard.

E. Additional Regulations for Accessory Buildings

- 1. Accessory buildings that are detached from the principal building shall comply with the setback requirements of Schedule 705.01 and shall be located a minimum of fifteen (15)

¹ Include decks around pools and platforms.

feet from the principal building. Detached accessory buildings on non-conforming lots of record shall be located a minimum of ten (10) feet from the principal building.

2. Accessory buildings that are attached to the principal building shall comply with the setback requirements for principal buildings set forth in the zoning district regulations.
3. The height of accessory buildings may not exceed twenty (20) feet in residential districts or on residential lots, unless specifically permitted in this Resolution. This height limitation may be exceeded if the pitch and design of the roof of the accessory building is the same as the roof of the principal dwelling.
4. The height of accessory buildings may not exceed twenty-five (25) feet in the Commercial and Industrial Districts.
5. No accessory buildings shall contain living quarters unless otherwise specified in this Resolution.
6. Detached accessory structures shall be located at least 10 feet from another detached accessory structure.

F. Fences, Walls, Hedges

1. Fences, walls and hedges are permitted in or along the edge of any yard, provided that no fence, wall or hedge along the front or the side for the length of the front setback of the front yard shall be over three (3) feet in height.
2. Fences, walls, hedges may be permitted along other side, or rear lot lines to a height not to exceed six (6) feet in height above grade.
3. Fences, walls, hedges, and natural plantings shall be well maintained, and harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located.
4. Fences, walls and hedges may not be hazardous or disturbing to existing or future neighboring uses.
5. Random plantings may be higher than 6 feet.

Section 705.02 Swimming Pools

Privately owned in-ground or above ground swimming, wading or other pools containing over one and one half (1 1/2) feet of water depth shall be considered as accessory structures for the purpose of this resolution and shall comply with the following requirements:

A. Location

Swimming pools shall not be located in front yard areas and shall conform to all side and rear yard setback limits for the district in which they are located.

B. Fencing

1. Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier intended to prevent uncontrolled access to the pool by children from adjacent property. A swimming pool shall not be filled with water until the required enclosure has been installed.

2. Swimming pool enclosures shall be a fence, wall, accessory building wall or a combination thereof, which completely surrounds the pool. The pool side of the enclosure shall be not less than twenty-four inches from the water's edge. The top of the enclosure, including all gates and doors therein, shall be not less than forty-eight inches above grade measured on the exterior side of the enclosure.
3. There shall be no openings, holes or gaps in a pool enclosure large enough for a sphere 3 inches in diameter to pass through. An enclosure or wall shall have no handholds, footholds or horizontal members accessible from the exterior side of the enclosure. Horizontal members of fences shall be placed on the pool side of the fence. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches measured horizontally.
4. All gates in a swimming pool enclosure shall be equipped to accommodate a locking device. The gate latch shall be located not less than forty-two inches above grade or shall otherwise be made inaccessible to small children from the outside of the enclosure. All gates shall be kept locked at times when the swimming pool is not in use. All gates shall be self-closing and self-latching.
5. A swimming pool cover is not considered to be a suitable alternative to the enclosure requirements delineated herein.
6. A temporary fence at least forty-two inches in height shall be erected and maintained, completely enclosing the excavation for an in-ground swimming pool. Such fence shall remain in place until completion of the permanent enclosure.
7. An enclosure is not required around an above-ground pool located on a single-family residential property provided:
 - a. The pool has non-climbable vertical sides not less than forty-eight inches in height above grade adjacent to the pool; or
 - b. The pool comes equipped with a self-contained fence which mounts atop the vertical wall of the pool, the combined height of which is not less than forty-eight inches above the grade. The self-contained fence must surround the pool; and
 - c. Any access steps or ladders are either removable without the use of tools or are designed to be secured in an inaccessible position when the pool is not in use with a lock or latch located not less than forty-two inches above the grade adjacent to the pool.

Example of fencing atop vertical pool wall



8. It is the responsibility of the property owner to ensure that the enclosure including all the gates, doors, locks and latches are kept maintained, safe and in good working order at all times. No person shall alter or remove any portion of a pool enclosure except to repair, replace or reconstruct the enclosure in compliance with the requirements delineated herein.

C. Drainage

Discharge of any water from a swimming pool shall be onto the property where the pool is located or into the nearest storm sewer. The discharge shall not flow onto, through, or otherwise affect adjacent properties.

Section 706 Setback Requirements for Corner Lots

Corner lots shall meet the minimum front yard requirements for the district in which it is located, facing both streets.

Section 707 Parking and Storing of Vehicles

A. General Requirements

1. No stored or parked vehicle shall be used as a dwelling, office or other business structure, or for the storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas or fuel source.
2. The repair and rebuilding of a motor vehicle or trailer is permitted on a residential property, but only if conducted within an enclosed building.

B. Commercial Vehicles

The outdoor storage of commercial vehicles including trucks, buses, semi-trailers, and including those that are privately owned, shall only be permitted in the Industrial or General Commercial District unless it is stored in an enclosed building.

C. Inoperable/Unlicensed Motor Vehicles

The outdoor storage of a motor vehicle or trailer that is not in operating condition or that is not in compliance with all registration and licensing laws and not displaying proper tags and validation stickers shall be permitted for a period not to exceed 72 hours. Such motor vehicle or trailer may be stored in an enclosed garage or building for an unlimited period of time.

D. Recreational Vehicles and Equipment

1. The storage of recreational vehicles or trailers is a permitted accessory use on a residential property. Such vehicles may be stored only behind the front setback line and shall be adequately screened from view from adjacent properties.
2. Not more than one (1) of the following may be stored or parked outdoors in a residential district or on a residential property: a recreational vehicle, a boat (including its trailer; if the boat is mounted thereon); or two (2) snowmobiles, motorcycles, jet skis, or all-terrain vehicles (ATV's) if both are mounted on one (1) trailer.

Section 708 Outdoor Sales and Display

Outdoor sales and display of merchandise necessary, but incidental to the operation of the principal use is permitted only in the Town Center District and shall comply with the following:

- A. The area of a lot devoted to outdoor sales or display shall not exceed twenty-five (25) percent of the square feet in floor area, leased or owned by the merchant, of the building(s) on the lot.
- B. Areas devoted to the sales or display of merchandise shall not be located in areas intended for traffic circulation or pedestrian use, except on Waterloo Road or SR 44 in the Town Center District, where outside sales and display may extend up to five (5) feet in front of the building.
- C. Snack stands, food vendors and vending machines operating and/or located outside of an enclosed building shall be prohibited.

Section 709 Outdoor Storage of Materials and Equipment

The outdoor storage of materials and equipment including the outdoor storage of goods and supplies necessary, but incidental to the operation of the principal use is permitted only in the A-1 Agriculture District, General Commercial, and Light Industrial District.

- A. General storage of materials shall include the storage of goods, materials, products or waste materials in containers associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- B. Outdoor storage areas shall be located in the rear yard only and shall comply with the principal building setbacks established for the district in which the principal use is located. They shall not occupy or interfere with the use of the required parking spaces and aisles.
- C. Outdoor storage areas shall occupy an area less than 50% of the existing building coverage.
- D. All storage areas shall be enclosed with a solid wall or fence on all sides, including solid gates, or in an enclosed structure. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at grade level at a public street or at an abutting residential district line. However, in no case shall the height of the fence or wall be less than six feet.
- E. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- F. The bulk storage of sand, gravel, salt or other similar materials shall not be permitted unless the material is effectively prevented from spreading.
- G. No signs shall be permitted in conjunction with outdoor storage.

Section 710 Landscaping and Screening

Section 710.01 Purpose

The purpose of these regulations shall be to: minimize adverse visual impacts as well as potential impacts of noise, light and air and water pollution; to reduce the impacts of impervious surfaces on the site and to the environment; enhance the environment and aesthetic character of the Township; to preserve and enhance the ecological balance of the community; to safeguard property values and public and private investments; and to increase the desirability of living and working in the Township.

Section 710.02 Applicability

These regulations apply to all uses subject to plan review requirements of Chapter 400 and 401 **with the exception of single-family uses.**² Of particular importance are landscaping for any commercial, industrial and institutional uses, and multifamily developments.

In particular landscaping shall be applied to, but is not limited to:

- A. Front and exterior side yards
- B. Parking lots (Also see Chapter 8)
- C. Buffer planting areas
- D. Required screening areas
- E. Trash and garbage storage areas
- F. Storm water retention areas
- G. Sight triangle areas at street intersections
- H. Street planting areas
- I. Ground sign areas
- J. Vehicular loading or storage areas
- K. Other areas as indicated in these regulations or deemed appropriate by the Board of Zoning Appeals.

Section 710.03 Approval Process

Landscaping and screening shall be reviewed as part of the plan review process by the Zoning Inspector for Permitted Uses and the Board of Zoning Appeals for Conditionally Permitted Uses.

Section 710.04 Alternative Methods of Compliance

Alternative materials and methods may be utilized if the alternative will equal these regulations in terms of quality, effectiveness, durability, hardiness, and performance. Requests for alternative landscaping methods to meet the requirements of this Resolution for plantings may only be justified if one of the following applies:

- A. The site involves space limitations or unusually shaped parcels.
- B. Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical.
- C. To preserve existing significant natural features.
- D. Due to a change of use of an existing site the required buffer yard is larger than can be provided; and
- E. Safety considerations are involved.

Section 710.05 Plant Substitutions

Due to the seasonal planting problems and lack of plant availability, approved landscape plans may require minor revisions. Such revisions to planting plans may be accepted if there is:

² Does not exempt entrances to major subdivisions

- A. No reduction in the quality of plant material.
- B. No significant change in size or location of plant materials.
- C. The new plants are of the same general category, (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.
- D. Proposed materials must also be compatible with the area to ensure healthy tree growth.
- E. If these criteria are not fulfilled, changes to the approved plans must be resubmitted and reviewed by the appropriate authority (Zoning Inspector or Board of Zoning Appeals).

Section 710.06 Landscaping Plan Preparation

All landscaping plans should serve to enhance the physical environment and the projects aesthetic character.

All landscaping plans for projects subject to plan review shall bear the seal of a certified landscape architect or other licensed professional authorized to prepare landscape plans. The Board of Zoning Appeals may waive this requirement based on the size and scope of the project as long as the intent of these regulations are met.

Section 710.07 Landscaping Plan Submittal Requirements

The landscaping plan shall contain at a minimum, the following:

- A. Location, general type and quality of existing vegetation, including specimen trees.
- B. Existing vegetation to be saved.
- C. Methods and details for protecting existing vegetation during construction and the approved sediment control plan if available.
- D. Locations and labels for all proposed plants.
- E. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
- F. Location and description of other landscape improvements such as earth berms, walls, fences, screens, street furniture, lights, and courts or paved areas.
- G. Planting and installation details as necessary to ensure conformance with all required standards.
- H. Locations of current and future utility lines and easements.

Section 710.08 Enforcement and Maintenance

All plant material shall be installed as per the approved landscaping plan and guaranteed for a period of 1 year from initial installation. If any plant material dies within the first year the owner must replace it. To insure that plant material will be installed, a cash escrow for the value of the plant materials plus 10% shall be placed on deposit with the Township Clerk in conjunction with plan review approval. Such deposit shall be returned upon completion of installation as per approved plans.

Within 30 days of installation, the individual who prepared the landscaping plan must submit written certification that healthy plants were properly installed and send such written confirmation to the Zoning Inspector who shall then inspect said installation for compliance.

All plant material installed shall be properly maintained. Failure to replace dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.

Section 710.09 Plant Material Selection Considerations

The following items shall be taken into consideration in determining the appropriate plant materials to be selected for plantings:

- A. The purpose(s) for the plant material, whether for shade, screening, etc.
- B. Planting site characteristics such as soils, hydrology, size of site, structures proposed.
- C. Plant material characteristics:
 - 1. Size at maturity
 - 2. Crown shape
 - 3. Maintenance requirements
 - 4. Disease resistance
 - 5. Desired soil
 - 6. Sun/Shade
- D. Diversification of plant material and age of representation

Section 710.11 Landscape Standards and Specifications

A minimum area of 15% of each new or redeveloped site, excluding single-family dwellings, shall be landscaped. Landscaping and screening within parking areas may be counted toward this requirement. The Board of Zoning Appeals may reduce or waive this requirement when it is demonstrated that the spirit and intent of these requirements are accomplished through other means or the nature of the change does not require additional landscaping.

- A. In addition to the requirements in Chapter 8, the following standards shall guide the number and placement of plantings for landscaping within the Township:
 - 1. *Shade Trees for Street Planting*
 - a. Shade trees shall be planted by the developer along each side of all streets, public or private for residential subdivisions and for all development in non-residential districts. In locations where healthy and mature shade trees exist, the requirements for new trees may be waived or modified.
 - b. In commercial areas, street trees shall be required in addition to any proposed on site landscaping to provide the shading, visual enhancement and continuity for the landscape.

- c. Any existing street tree that constitutes a specimen or mature tree may be substituted for the required street tree.
- d. Trees shall be selected that will shade large paved areas. Trees should be a minimum of 20' but generally not greater than 40' to accomplish such shading.
- e. Such trees shall normally be spaced at intervals of no greater than 40 feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
- f. Street tree placement shall include consideration for vehicle line of sight, entrance and exit curb cuts, street light and traffic control devices, and other site specific conditions as part of the design review process.
- g. Species shall be selected following the plant material selection guidelines of Appendix A and according to the following criteria:
 - 1. Cast moderate shade to dense shade in the summer.
 - 2. Survive at least 30 years.
 - 3. Mature height of:
 - a. Large trees-50 feet or greater;
 - b. Medium size trees-30'-50'
 - c. Small trees-up to 30'.
 - 4. Tolerant of pollution and direct or reflected heat.
 - 5. Require little maintenance by being structurally sound. Insect and disease resistant varieties shall be selected when available.
 - 6. Be able to survive without irrigation after establishment; and
 - 7. Be of native origin, provided they meet the above criteria.
- h. In storefront areas, the street treescape shall consist of deciduous species that branch above 8 feet to facilitate viewing of storefronts and signage.
- i. Street trees and parking lot trees shall have a minimum of:
 - 1. Small Trees-4' diameter planting area;
 - 2. Medium Trees-6' diameter planting area;
 - 3. Large Trees-8' diameter planting area.
- j. The street tree list designates recommended tree species.
- k. Planting Distances:
 - 1. Street trees shall normally be planted at 40-foot intervals for medium to large trees and 20' intervals for small trees.
 - 2. Street trees shall be planted at the following distances from:
 - a. Public sidewalk and curbs: large trees-4 ft; medium trees-3 feet, and small trees 2 feet.
 - b. Sewer or water lines: At least 10 feet away from sewer or water lines, and at least 5 feet from a driveway.
 - c. Overhead utility lines: 10 feet and may not be planted underneath unless they are small trees.
 - d. Street corners and fire hydrants: 35 feet from street corners measured from the point of nearest intersecting curbs or curb lines.
No tree shall be planted closer than 10 feet from any fire hydrant.

2. *Perimeter/Buffer Landscaping and Screening*

- a. Screening shall be used to protect adjoining properties and roadways from noise, glare, and uses that are visually incompatible with neighboring uses.

Screening is required:

1. On sites which involve loading or unloading, (including storage of vehicles and boats), trash, or disposal areas.
 2. Where exterior storage areas are visible from roadways, sidewalks or nearby residential properties.
 3. When noise not typically occurring in residential areas is expected to project onto nearby properties.
 4. To screen parking areas from motorist, pedestrian, and adjoining residential properties.
 5. Where a commercial district abuts a residential district or where industrial district abuts a residential district.
- b. Landscaped screens shall be designed to complement other landscaping occurring naturally on the site, planted previously, or approved as part of a plan review. Whenever possible, existing vegetation and landform shall be used to create screens.
 - c. The screen shall be capable of providing screening all through the year.
 - d. When noise is likely to be a factor, the screen shall be of sufficient construction to be an effective noise buffer.
 - e. Screening shall consist of trees and plants and may include masonry or wood fencing used with or without berms. Screening shall consist of a functional and well designed combination of the following:
 1. Vegetative ground cover.
 2. Coniferous and deciduous shrubs.
 - a. Specimens of which will reach and maintain a height of at least 5 feet at full growth.
 - b. Plants shall measure a minimum of 3 feet in height at the time of planting and are expected to attain a height of 5 feet in 3 years.
 - c. Evergreen shrubs shall not normally be planted any closer than 6 feet on center.
 - d. Shrubs shall not normally be planted closer than 6 feet to planted trees, nor within the drip line of existing protected trees.
 - e. For buffer areas, evergreen shrubs shall be provided at the following rates:

Required Buffer Width	One Shrub Per
20 ft. or less	50 sq. ft. of buffer
21 ft. to 30 ft.	75 sq. ft of buffer
31 ft. to 50 ft.	125 sq. ft. of buffer
>50 ft.	200 square ft. of buffer

Variations in quantities and spacing of buffer shrubs may be approved when larger plants are provided.

3. Coniferous and Deciduous Trees
 - a. Species and sizes of which will be chosen to best accomplish an adequate screen, ie., evergreens for visual screening, deciduous trees for seasonal screening.
 - b. Trees shall be distributed along the entire length of any required buffer area.
 - c. For buffer areas, trees shall be planted at the following rate:

Required buffer width	One Tree Per
20 ft. or less	200 square ft. of buffer
21 ft. to 30 ft.	300 square ft of buffer
31 ft. to 50 ft.	350 square ft. of buffer
>50 ft.	400 square ft. of buffer

- f. Natural slope and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the area from adjoining properties and roadways.
- B. The landscape contractor shall furnish and install and/or dig, ball, burlap, and transplant materials listed on the plant schedule. Bare root is not typically permitted for any tree.
- C. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown unless otherwise approved by the Board of Zoning Appeals.
- D. Plants shall conform to the following minimum measurements:
 1. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in diameter and larger.
 2. Minimum branching height for all medium and large shade trees shall be six feet.
 3. Minimum size for medium and large shade trees shall be 2.5 to three inches in

- diameter, 12-14 feet in height.
4. Minimum size for small shade trees shall be 1.5 inches to 1.75 inches in diameter, four to seven feet in height.
 5. Minimum size for evergreen trees shall be six to eight feet in height.
 6. Minimum size for shrubs shall be 36 inches in height. If used for screening, they shall be of a variety that can be expected to reach 4-5 feet in height within 3 years of planting.
- E. A professional horticulturalist/nurseryman shall be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized. Planting of deciduous material may be continued during months provided there is no frost in the ground and frost free topsoil planting mixtures are used.
- F. A landscape contractor shall excavate all plant pits, vine pits, hedge trenches, and shrub beds as follows:
1. All pits shall be generally circular in outline with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above the existing grade. Plants shall rest on undisturbed existing soil or well compacted backfill. The tree pit must be a minimum of nine inches larger on every side than the ball of the tree.
 2. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth. Areas designated for ground covers and vines shall be cultivated to at least 12 inches in depth.
- G. Each tree, shrub, or vine shall be pruned in an appropriate manner, in accordance with accepted, standard practice. Plant Maintenance Standards to be followed are ANSI A-300-1995.
- H. All trenches and shrub beds shall be edged and cultivated to the lines shown on the drawing. The areas around isolated plants shall be edged and cultivated to the full diameter of the pit. Sod that has been removed and stacked shall be used to trim the edges of all excavated areas to the neat lines of the plant pit saucers, the edges of shrub areas, hedge trenches and vine pockets.
- I. After cultivation, all plant materials shall be mulched with a two to three inch layer of bark, peat moss, or another approved material over the entire area of the bed or saucer. Mulch material shall not contact base or stem of plant material.

Section 710.12 Tree Preservation and Care During Construction

- A. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site.
- B. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged.
- C. A mature tree, tree mass or woodland shall be considered to remain only if it meets all

of the following criteria:

1. The outermost branches of the tree(s) are at least five feet from any proposed buildings, structures, paving, parking or utilities (overhead or underground)
 2. The outermost branches of the tree (s) are at least five feet from any proposed changes in grade or drainage such as excavations, mounding or impoundments.
 3. The tree(s) are clear of any proposed sight triangles, and do not by their location or apparent health, pose any undue threat to the health, safety and welfare of the community.
- D. Mature trees, tree masses, or woodlands that do not fit the above criteria shall be designated "To Be Removed" on landscaping plans. These trees will be removed in the field during construction process.
- E. It shall be incumbent on the applicant to prove that vegetation removal is minimized by showing that no alternative layouts are possible, and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands.
- F. All tree save areas shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the dripline on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete. The barrier shall be shown on the landscape plan.
- G. Transplanting Existing Plant Material: Specimen trees or individual trees moved from woodlands or tree masses designated "To Be Removed" may be transplanted with a tree spade from one area of the site to another conforming to requirements of this section.
- H. The following practices are considered harmful in a tree save area: grading or trenching, placing backfill near trees, driving or parking equipment in save areas, and dumping of trash, storage of construction materials and supplies, oil or paint in close proximity to tagged trees.
- I. Trees to be saved should be selected prior to siting the building and paving. Factors to consider include: existing and proposed grading, age, condition and type of tree, location of site improvements and utility connections.
- J. Grading should be done in a manner to avoid destruction and damage to trees and tree stands. Grading must take existing drainage patterns into consideration and the disruption of those patterns minimized.

Section 711 Performance Standards and Nuisances

Section 711.01 Nuisances/Prohibited Uses

A. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions and requirements prescribed, may be hazardous, noxious or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matters or water carried wastes, or which will interfere with adjacent landowners enjoyment of the use of their lands. Section 711.02 Performance Standards shall be the basis for determining violations and nuisances.

At a minimum, the occupation or use of any land or building in any district shall be in violation of this resolution if it is determined that there is a violation of or noncompliance with of any of the performance standards of Section 711.02.

B. Prior to the issuance of a Zoning Certificate, the zoning inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

C. The following uses are deemed especially dangerous or objectionable as to be a nuisance and are therefore specifically prohibited in Randolph Township:

1. Storage, sale or manufacture of fireworks or any other explosive.
2. Dumping, storing, burying, reducing, disposing or burning of garbage, refuse/waste, scrap metal, old tires, rubbish or dead animals, except as otherwise specifically permitted in these regulations. The only exception for disposing of dead animals is for owners of animals who have obtained certification from Ohio State University Extension for the composting of their dead animals.
3. Use of any vehicle as a dwelling unit.
4. Keeping of wild and dangerous animals.
5. Junk motor vehicles, junk yards, auto graveyards or places for the collection of scrap metal, tires, paper, rags, glass or junk for sale, salvage or storage purposes, except as specifically permitted in these regulations.
6. Uses which pollute streams or groundwater.
7. Class I and II composting facilities as per OAC 3745-27 (Ohio EPA solid Waste Composting Regulations).

Section 711.02 Performance Standards

This Resolution permits specific uses in specific districts. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards:

A. Fire and Explosive Hazards

Storage and/or use of flammable or explosive materials shall only be permitted in structures having incombustible exterior walls or fireproof storage. All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and suppression equipment as defined by the Randolph Township Fire Dept. requirements, and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup of Flash Point	Gallons
Over 187oF	400,000
105oF	200,000
Below 105oF	100,000

B. Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises or lot boundaries that are dangerous or adversely affect the use of neighboring premises.

C. Noise

No use shall emit noise which, when measured at the nearest residential district boundary, exceeds the average noise volume generated by vehicular traffic on the nearest residential street. In addition, no use shall emit intermittent or shrill noises that are perceptible at the nearest residential district. No activity shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound meter and associated octave band filter:

Industrial District	
Octave Band Frequency (Decibels)	Sound Level
0-75	79
75-150	74
150-300	66
300-600	59
600-1200	53
1200-2400	47
2400-4800	41
above 4800	39

Other Districts

No activity in any other district shall produce a sound level outside its premises that exceeds the following:

Other Districts	
Octave Band Frequency (Decibels)	Sound Level
0-75	72
75-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness

Sirens, whistles, and bells that are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Resolution.

D. Vibration

No activity in any district shall emit vibrations that are discernable without the aid of instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles/second)	Displacement (inches)	
	Outside the Premises	Outside the District
0-10	.0020	.0004
10-20	.0010	.0002
20-30	.0006	.0001
30-40	.0004	.0001
40-50	.0003	.0001
50 and over	.0002	.0001

E. Heat and Glare

No activity or use shall emit heat or glare that is visible or measurable outside of its premises except activities that may emit direct or sky reflected glare which shall not be visible outside the district. All operations producing intense glare or heat shall be conducted within a

completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

F. Odors

No use shall emit noxious odorous gas or matter that is discernable on any adjoining lot or property.

G. Air Pollution

No use shall emit smoke, fly ash, dust, particulates, vapors, mists, gases or other substances in quantities or in a manner that exceed established state or federal standards or that is harmful or potentially harmful to human health, to animals, to vegetation or to other property, or which can cause excessive soiling. Dust and other types of pollution borne by the wind from such sources as storage areas, yards, or roads within the lot boundaries shall be kept to a minimum by appropriate landscaping, fencing, or other acceptable means.

No use shall emit smoke for longer than eight (8) minutes in any hour that is a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines.
(60% opacity)

H. Storage and Waste Disposal

1. Solid waste, including empty packaging crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.
2. No flammable gases or solids, combustible or flammable liquids, or explosives shall be stored in bulk above ground, except for fuel tanks for agricultural uses, heating devices or appliances.
3. No materials or wastes shall be deposited upon a lot in such form or manner that natural causes or forces may transfer them off the lot.
4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

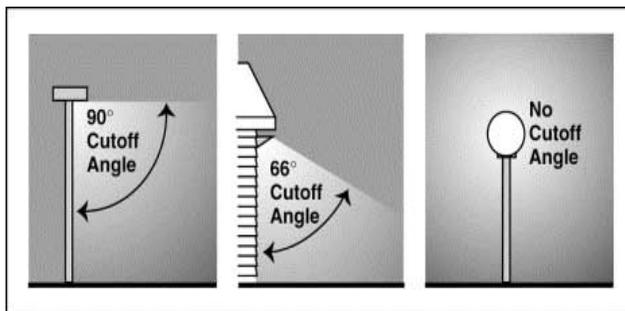
I. Lighting

No exterior lighting used for parking lots, signage, recreational facilities, product displays, or security shall be permitted to spill over on to operators of motor vehicles, pedestrians and uses of land in the vicinity of the light source. These requirements shall not apply to lighting placed in a public right of way for public safety.

1. *Type*

Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required to facilitate compliance with this section.

Cutoff refers to lighting which cuts off light rays from extending beyond desired angles.



2. *Orientation/Light Trespass*

Exterior lighting fixtures (except street lights) shall be oriented so that the lighting element or transparent shield does not throw rays onto neighboring properties. Light rays shall not be directed into street right of ways (except for direct safety purposes such as to illuminate intersections or signage) or upwards into the atmosphere.

3. *Minimum Lighting Standards*

- a. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles, exclusive of approved anti-vandal lighting. These lights shall be equipped with automatic timing devices. This standard shall not apply to properties in agricultural and single family residential districts (A-1, R-1).
- b. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- c. Other upward directed architectural, landscape and decorative lighting, direct light emissions, shall not be visible above the roofline.
- d. Recreational and sports facility lighting shall comply with IES (Illuminating Engineering Society) recommendations and be shielded whenever possible.
- e. Externally illuminated building identification or other signs shall use shielded light fixtures mounted on top of the sign or upward directing light fixtures only if the light does extend beyond the sign.
- f. Foundations supporting lighting poles not installed 4 feet behind the curb, shall not be less than 24 inches above the ground.
- g. The design and installation of outdoor lighting on the site of a subdivision or development requiring plan review under this Resolution shall be constructed so as to conform to the standards specified herein.
- h. All lighting shall be designed to prevent misdirected or excessive artificial light and

to maximize energy efficiency.

4. *Intensity of Illumination:*

- a. The intensity of illumination, measured at the property line, shall not exceed:
0.1 footcandles on residentially zoned property, or
0.5 footcandles on business or industrial zoned property in a vertical plane.
- b. Street lighting: Average IES illuminance recommendations shall not be exceeded. IES average to minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.
- c. Outdoor Parking Facilities (See Appendix for listing of illuminance levels for outdoor activities):

Illuminance requirements shall be determined by the type of uses and illuminance levels indicated below. Average illuminance shall not be exceeded. Minimum illuminance shall not be less.

1. Examples of levels of activity for types of parking uses:

High Activity Levels: Sports facilities, auto dealerships

Normal: All other than high levels of activity shall be considered normal.

2. The maintained horizon illuminance (after depreciation) for each parking lot level of activity:

Level of Activity	General Parking and Pedestrian Traffic Footcandles	
	Average	Minimum
HIGH	3.6	0.9
NORMAL	2.4	0.6

- d. Illuminance at the level of an illuminated American Flag shall not exceed 5.0 footcandles.
 - e. All other illuminance uses shall not exceed IES recommendations.
 - f. Maximum to minimum illuminance ratios shall not exceed 15:1
5. Light fixtures shall not be permitted within required buffer yards
6. Flashing, flickering, and other distracting lighting which may distract motorists or cyclists is prohibited.
7. Lighting which creates or becomes a public nuisance is not permitted.

8. Accent lighting and low voltage lighting (12 volts or less) is exempt from these requirements.

9. *Nonconforming lighting*

All lighting fixtures approved prior to the adoption of this Resolution shall be treated as and regulated as legal nonconforming uses.

J. Water Quality Protection

No activity shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, temperature, or obnoxiousness that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable deposits of debris, oil, scum, color, odor, taste, or unsightliness or be harmful to human, animal plant, or aquatic life.

In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth by the Ohio or Federal EPA, Ohio Revised Code or other applicable accepted standards.

Section 712 Home Based Businesses-Tier 1

For other home based businesses and their requirements, see Chapter 6, Section 601 O., specific conditions for Home Based Businesses.

A. Permitted Home Based Businesses-Tier 1

1. Home Offices
2. Telecommuting
3. Other Home Based Businesses which have no customer or client visits, on premise employees, do not involve use of any accessory buildings, nor any commercial vehicle storage.

B. Prohibited Home Based Businesses

1. Retail sales of goods not made on the premises
2. Any uses that require client visits, on premise employees, storage of commercial vehicles, use of accessory structures for the business.

C. Operating Standards

1. The use shall be conducted entirely within a residential dwelling unit.
2. The Home Based Business shall not occupy more than 25% of the gross floor area of the residential dwelling unit.

3. There shall be no outdoor storage of materials connected with the Home Based Business.
4. The only exterior indication of the home based business shall be one (1) sign in conformance with Chapter 9.
5. Performance standards of Section 711.02 shall be adhered to.

Section 713 Foundations for Residential Buildings

A residential building shall have a complete perimeter foundation, installed to a depth below frost line, and such building must be at least one story above ground level.

Section 714 Home Based Composting

The following provisions pertain to home based composting:

- A. Home based composting will be allowed provided that such use is incidental to the residence and is not an activity conducted as, or part of, a business.
- B. Materials collected for composting must originate on, and be composted on, the same lot as the residence for which the use serves.
- C. The composting site shall be kept and maintained in a neat and orderly condition as to minimize clutter and odors and not create a rodent problem.
- D. The composting site shall be at least one hundred (100) feet from the nearest adjacent residence.
- E. No off-site composting materials may be brought in.
- F. There shall be no sales of compost materials.

Section 720 Site Planning and Design Guidelines

Section 720.01 Purpose

The purposes of this section are to:

- A. Insure that all elements required in this section are present in a site plan and that their design, location and relationship to one another, to the site and to adjacent properties are appropriate to achieve the intent of this section.
- B. To aid in maintaining a sense of the physical aspects of the township center environment. Pertinent to the physical appearance is the design of the site, buildings, structures, planting, signs, street hardware, and other objects that are observed by the public. These standards are not intended to restrict innovation or variety or to dictate a particular architectural style, but rather to assist in focusing on design principles which can produce creative solutions that will

result in a satisfactory and complimentary visual appearance within the township, preserve property values, and promote the public health, safety and welfare.

- C. To aid in maintaining a sense of the physical aspects of rural areas and rural character of the township. Pertinent to the physical appearance is the design of the site, buildings, structures, plantings, signage and other features observed by the public.
- D. To retain remaining examples of physical design and construction in the township that reflects its heritage, history, culture and architecture, while encouraging revitalization and infill development of the township center.

Section 720.02 Site Plan Review

Plan Review shall be conducted by the Zoning Inspector for Permitted Uses, by the Board of Zoning Appeals for Conditionally Permitted Uses and the Zoning Commission for all Planned Unit Developments as specified in this Resolution. (See Sections 400.01 and 525)

Design Guidelines of Section 720.03 are applicable unless otherwise noted.

Section 720.03 Design Guidelines and Standards

The following guidelines are to be used by the reviewing authority in conjunction with the other chapters of this zoning resolution and other adopted plans to give general and specific guidance to the shape and appearance of development within the Township. These guidelines and standards are to be used by those involved in site planning and design to guide the project and the site review process and to serve as the reviewing authority's guidelines for appropriate community design.

A. Relationship to Adopted Plans and Policies

1. The site plan shall conform to and reflect all Randolph Township plans and policies; all land use plans; and other adopted plans or policies related to the development of Randolph Township.
2. The site plan shall conform to all Federal, State, Regional, and County adopted rules, regulations, plans and/or policies that relate to the development and redevelopment of Randolph Township.
3. The site plan shall conform to the statement of intent for the zoning district in which it is located.

B. Objectives of the Design Criteria

The quality of the township will be maintained by respecting the historic patterns and scale of development, building profiles, site elements and the natural setting. These standards therefore encourage development of new construction and renovation to take into account the surrounding buildings, streets and landscapes and rural/small town character. Preservation of historic as well as rural landscapes, buildings and natural features is the first objective for development. Maintenance of historic structures, site elements and natural features shall be

incorporated into projects. Alteration and/or demolition of historic structures shall occur only after careful evaluation of other alternatives.

Removal or disruption of historic, traditional or significant uses, structures, building and landscape or architectural elements shall be minimized to the maximum extent possible and as is practical whether these exist on the site or on adjacent properties.

C. Open Space and Historic and Rural Landscape Preservation

1. Objective

The basic objective of these standards is to create a high quality environment for all residents and visitors to the township by conserving and integrating natural and historic features into development.

2. Open Space/Agriculture Conservation

The Township has a significant amount of land in agriculture and open space that is part of its heritage, contributes to the scenic beauty, and to the quality of life of the township. The center of the township is bounded by open, rural landscapes that contribute to the character of the Township as a special place. The township desires to have all development respect these spaces to the extent possible.

a. Topography

The natural topographic and landscape features of the site should be preserved in their natural state as much as is practical by minimizing tree and soil removal.

1. Grade changes shall be in keeping with the general appearance of neighboring developed areas unless they have not respected the original grades.
2. The orientation of individual building sites shall be such to maintain maximum natural topography, soil and vegetation.
3. Topography, tree cover and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as elements to be changed to accommodate development.

b. Linkages

All open space should provide functional and visual connections (landscaped and usable) to natural and landscaped public and private open space in the Township. Properties adjoining steep slopes and flood plains are particularly important in this regard. To the extent feasible, development should be careful not to block public views of the natural landscape and open spaces in the Township.

c. Historic Site Features

An important part of the history of the Township is the remaining site features that provide reminders of the Township's heritage. Where feasible, it is the hope of the Township that these features be maintained and integrated into development. Examples re those listed below:

1. Walls from historic buildings, barns, and retaining walls can be incorporated into new development. Where it is necessary to move walls, consider reusing existing materials.
2. Fences, hedgerows and trees are a part of the character of the Township landscape. Retain where possible. Research historic photos for landscape elements that might be replicated in new development.

D. Street Design Standards

1. *Objective*

The design of new streets should be of a similar character to the historical fabric and predominant rural and small town character of the Township, particularly important in the Growth Center.³ While some design standards are covered in the Portage County Subdivision Regulations, there are some general design standards appropriate for the Township to evaluate development/redevelopment. In the Growth Center, rectilinear blocks with possible consideration of alleys provide opportunities to maintain a pedestrian scale and accessible streetscape. Placing parking to the rear and (if necessary, the side) of structures and accessing it off alleys makes for a functional approach that respects the small town character of the Township.

Streets outside of the Growth Center should be designed to respect the natural features of the site and area and provide for connections of neighborhoods.

2. *Streets, Pedestrian and Bikeways*

Streets, sidewalks and bikeways should be designed according to the following standards:

- a. Alignments should be scaled to the neighborhood size and patterned after the character of any existing streets.
- b. Roads shall be designed to discourage excessive speeds and pavement areas should be minimized through efficient design.
- c. Streets should terminate on other streets.
- d. Streets should be designed to:

³ Township Growth Center designated in the Township Land Use Plan.

1. Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.
 2. Minimize alteration of natural site features.
 3. Maintain/secure the view to prominent natural vistas.
 4. Minimize area devoted to motor vehicle travel.
 5. Promote pedestrian and bicycle movement so that it is more convenient and pleasant to walk or bike short distances than to drive.
- e. Within the Growth Center, secondary collector and local access streets are to be designed to accommodate pedestrians, bicycles, and vehicular movement and parking; foreground and entryway into private residences; civic and commercial buildings; and social space. These roads and streets should be designed with:
1. A zone of moving vehicles;
 2. A buffer area of street trees, parked cars and plantings;
 3. A pedestrian movement and meeting zone.
- f. Within the Growth Center, provide on street parking on at least one side of all new streets, with a total parallel parking lane of 10 feet in width or diagonal parking (45 degrees) of 16 feet.
- g. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees, to minimize cut and fill of property, and to preserve and enhance views and vistas on or off the subject site.
- h. Opportunities to create special public amenities at street corners or mid block locations are encouraged such as planters, seating, etc. Additional street definition should be sought by emphasizing block corners and by designing streets to terminate on a significant feature such as a view of a church spire, or some other significant view, or feature.
- i. Within the Growth Center, visual and physical linkages to existing development in the Center are strongly encouraged.
- j. Within the Growth Center, pedestrian enhancements shall occur by developing street furnishings which include shade trees spaced at 20 feet, lamp post light fixtures, seating, bicycle racks, trash cans and other amenities. These amenities shall be suitable for the proposed application.
- k. For new development, especially residential, walkways and bikepaths, lands shall be provided to link residential uses with other sites/amenities such as recreation, schools, churches, commercial uses, scenic roads, and the Growth Center. Other new development must incorporate pedestrian and bike needs and connections into site development plans.

1. Outdoor lighting is encouraged along all major pedestrian walkways, especially in the Growth Center area. Exterior lighting should be part of and enhance the architectural design and site features, and should light those areas of pedestrian traffic without creating glare and detracting from the building and site appearance. All lighting must comply with lighting standards of Section 711.

E. Additional Rural Site Design Standards

Additional/complimentary design standards for the rural residential district (R-1) are found in Section 545.04.

F. Site Design Standards

The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate landscaping, safe pedestrian movement, and limited parking areas.

a. Parking

1. Parking areas should be screened from public view.
2. Decorative elements, building wall extensions, fences, berms, landscaping and other innovative means to screen parking areas from the public view are encouraged.
3. Rear yard parking is preferred to front yard parking. Where indicated by the zoning resolution, parking should occur in rear or side yards. Shared parking in neighboring lots and other access means are outlined in the Parking requirements of this Resolution.
4. Off street parking areas and garages shall not be located at the visual termination of streets and shall not be the principal use of corner lots. They should be designed to have a low visibility in the area.

b. Landscaping and Treatment of Yards

1. Walks, parking spaces, terraces and other paved areas should provide an inviting, safe, stable and comfortable environment and appearance for walking.
2. Plant material selected for interest of structure, texture, color and growth is encouraged. Plants that are hardy, indigenous, and complimentary to the site design should be selected.
3. Service yards, dumpsters, mechanical equipment, utility hardware and/or other unsightly places or items should be screened from the view of the public. Screening should be natural or created from trees, fences, and/or other landscaping, and should be harmonious with the building and surrounding environment. Screenings shall be equally effective year around.
4. In areas where general planting will not prosper, other materials such as fences, walls, and use of surfaces of wood, brick, stone, gravel and cobbles should be combined to create a durable landscaping effect.
5. Newly installed utility services, and service revisions necessitated by exterior alterations should be underground but not under pavement unless a means of service access is provided which allows maintenance without disturbing the pavement.

G. Building Design Standards

The following standards are relevant to all districts except the R-1 and A-1 Districts. Architectural style of structures is not restricted, but new construction and renovation throughout the township should be compatible with surrounding properties in terms of characteristics such as height, massing, roof shapes, and window proportions. Especially when new construction is adjacent to existing historic buildings, building height and exterior materials shall be compatible with and complimentary to those of adjacent properties. The following standards are criteria for evaluating how well a building fits in the Township.

1. *Historic Structures*

For purposes of these standards, those buildings constructed prior to 1940 are considered to be of critical importance to the character of the community. Where feasible, these buildings should have their facades restored and be adapted to new uses.

- Restoration means maintaining original elements and only replacing original elements of the building when they are too deteriorated to restore. Use the Secretary of Interior's Guidelines for Rehabilitation of buildings, especially if tax credits are to be pursued. Assistance for rehabilitation can be acquired from the Ohio Preservation Office.
- If a building cannot be restored/renovated/adapted for a new use, the developer shall provide evidence from a qualified design professional as to the infeasibility of such restoration. The Township, at its discretion will hire its own consultants to verify such evaluation.

2. *Design Elements* (see 3-13 below)

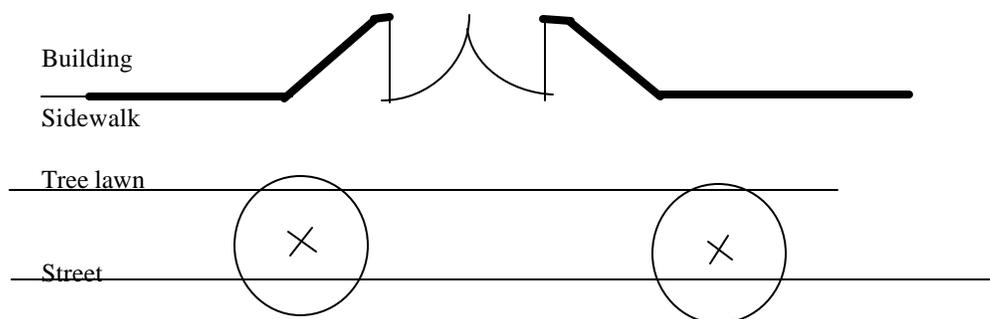
The following design elements shall be considered in the design and renovation of all buildings:

- **Building Footprint**
- **Height and scale**
- **Massing**
- **Rhythm and Proportion**
- **Roof Shapes and Pitches**
- **Cornices and Eaves**
- **Windows**
- **Architectural Projections**
- **Storefronts and Transoms**
- **Awnings**
- **Materials and Colors**

3. *Building Footprint*

The building footprint is the way the building addresses the street or sidewalk.

- In the Town Center, the building should abut the sidewalk with a recessed area for an entry to provide protection from inclement weather, or have a minimal setback with tree lawn in front of the building entry.
- Overhangs and awnings that provide weather protection and visual interest may be used in lieu of building recesses where appropriate.



4. *Height and Scale*

The height and scale of each building should be related to and compatible with its site and to the use, scale, and architecture of buildings in the vicinity that have a functional or visual relationship to the proposed building(s).

In the Town Center, buildings that are a minimum of two stories are encouraged, with:

- Retail on first floor
- Second floors should be office or residential
- Matching the cornice line, floor levels, window lines and other elements of a building creates a harmonious streetscape.

5. *Building Massing*

Building massing has to do with the over-all arrangement of volumes as they address the street.

- It is generally desirable for the building to be composed of either one primary form that is carved into or added upon to give the building some

distinction.

- Another approach is to create a composition of distinct forms and connect them through common elements such as bands of material, window rhythm, etc. This is especially important when you have large buildings such as industrial structures.
- Using office spaces, loading areas, entrances, etc. to break up large facades is quite effective.
- Small areas can receive distinctive treatments in color, canopies, awnings, columns and the like to break down the over bearing nature of the building.

6. *Rhythm and Proportion*

New structures should relate to the patterns of structures on the street where such structures exist within 500 feet.

- Buildings should be broken in “blocks” emulating traditional storefront spaces with pilasters, columns or other elements dividing the facade.
- Buildings should be designed to be visually stable, with base, middle and tops of the structure articulated in the materials and forms employed.
- Use of a proportional system for the design of the building that relates to neighboring structures where appropriate is strongly encouraged. Elements of the building, (windows, doors, transoms, special items, cornices, pilasters, etc) should work within the proportioning system.

7. *Roof Shapes and Pitches*

- Roofs on new construction should match neighboring structures as to pitch and general proportion.
- Additions should have roofs compatible with those of the main building.
- Every effort should be made to maintain historic eaves and roofs.

8. *Cornices and Eaves*

- Should match or compliment adjacent buildings of similar number stories where possible.
- Creation of detailed eaves and coping adds visual interest to the skyline and is encouraged.

9. Windows

Windows are functional as well as aesthetic components of the structure.

- Approximate size, orientation and spacing of windows should match or compliment that of buildings within 500 feet
- First floor front facades for non-residential uses should have 30% or more windows. Upper floors should have at least 25% windows
- Recessed windows are encouraged on the first level.

10. Storefronts and Transom Windows (Commercial Uses)

- Creating bulkheads for storefront windows composed of paneled wood, tile, masonry, metal, and other complementary materials and elements add a pleasing scale and texture for pedestrians.
- Likewise, transom windows composed of smaller panes or signs (see Awnings and Signs below) also help to break up the scale of the building and allow natural light to penetrate deeper into the building.

11. Awnings

- Awnings add visual interest, color, sun control and weather protection. Awnings are a secondary element of a building and should be integrated into the façade in a balanced way. An awning can be used over an entry to give detail to a nondescript building. Be careful to balance it with other design elements of the façade such as windows, signs, details, lights, etc.
- Awnings should break at pilasters and other natural breaks in the architecture of the facade. Building owners should be encouraged to implement an integrated approach to awnings for a building and should not put awnings on only one storefront of a multi-tenant building.
- Awning colors should be related to the color scheme to the whole facade, including window and door trim, storefront, cornice and other elements.
- Drops of awnings may be used for signs but will be counted towards the over all sign area for the building.

12. Materials and Colors

- New materials used in building are not regulated except that they respect the scale, massing and proportion of the existing structures.

- Using materials and colors that are complimentary with surrounding buildings and character of the neighborhood are encouraged. Use of natural materials, especially in the Township Center is encouraged.
- Materials used in renovation and restoration should be compatible with the original structure and in keeping with Federal and state Rehabilitation Standards

H. Sign Design Standards

1. All signs should be of a complementary scale and proportion to the building, site and streetscape.
2. For building signs the following guidelines apply:
 - a. On historic structures, signs shall be designed as an integral architectural element of the building, placed to fit into the places traditionally set aside for such elements. Traditionally, the primary signs of buildings are placed on the face of buildings above first story windows in either special sign bands or in transoms. Signs for upper story uses are encouraged to be in windows, on first floor projection signs and on directories adjacent to building entrances.
 - b. Graphic elements shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
 - c. The colors, materials and lighting of every sign should be restrained and harmonious with the dominant or accent colors.
 - d. These signs should be composed of two distinct types: identity and informational.
 1. Identity signs shall contain only the name and logo of the business. This should be the primary sign on the building. If corporate logos and colors are used, they should fit within a sign panel that relates to the over-all architecture. Typically these signs are at or above the transom level. Wall/Transom Signs should have their panel designed to integrate with building in terms of materials, shape and color. Use of transom areas as background for individually applied letters or coordinated panel signs is encouraged. Multiple tenants in a structure are encouraged to develop a similar format for sign, understanding that businesses have logos and proprietary design to accommodate.

Projecting signs as described in the zoning resolution are also appropriate. Projecting signs should respect the design elements of the building as to detail, color, scale and mass.

2. Informational signs convey goods, products and services and other related information about the tenant, such as phone numbers, hours of business. This information should be of a third level of importance and be located in or on windows or as a directory that is found at eye level
3. Site signs should relate to the street in a historically or site sensitive fashion.

Ground mounted signs are encouraged and preferable to pole signs. These signs should be designed to complement the architecture of the surrounding buildings. Such signs should be set back from the sidewalk/property line at least 5' feet.



Ground Sign Example

4. Multi-tenant and industrial/commercial park signs should have a distinctive character that relates to the materials of the development and the surrounding architecture.

Section 725 Conversion of Dwelling Units

Section 725.01 General Requirements

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The minimum lot area and yard requirements for the zoning district can still be met.
- B. The minimum floor area per dwelling unit meets the requirements for dwelling units for the district it is located in.
- C. The conversion is in compliance with all other relevant codes and regulations.
- D. The district within which the residence is located allows for an increase in density.

Section 730 Temporary Buildings and Uses

Section 730.01 Temporary/Replacement Housing

The following regulations apply to temporary and replacement housing in Randolph Township:

A. Repair/Reconstruction

Where a building, used for residential purposes, is destroyed or rendered unfit for human habitation due to fire, flood, lightning, windstorm, or other acts of nature, condemnation by a governmental body or due to unintentional catastrophe; temporary, factory built housing shall be permitted for a period not to exceed one year while repairing, rebuilding or replacing the damaged dwelling provided the following requirements are met:

1. The Zoning Inspector shall take into consideration, the County Board of Health, Building Department, and Fire Department recommendations in determining whether a dwelling is unfit for habitation due to disaster or unintentional catastrophic causes.
2. Sanitary sewage disposal for temporary housing shall be approved by the County Board of Health or Water Resources Department where central sewer is available. Proof of approval by the proper authority shall be submitted to the Zoning Inspector.
3. All temporary housing shall have adequate running water supply, sanitary facilities and approved⁴ electrical system inside the temporary dwelling.
4. A permit for temporary housing shall be issued for a term of up to one year. Applicants must submit a work schedule for permanent dwelling rehabilitation or reconstruction within 90 days of permit issuance. Upon satisfactory proof of work in progress, the permit may be renewed by the Zoning Inspector for an additional time period if necessary, but in no case, shall the permit for the temporary housing use exceed a period of two (2) years.
5. The permit for a temporary dwelling shall be separate from and have no bearing on any other permits or structures that may be required to conform to this Zoning Resolution.
6. The temporary dwelling shall be removed within 30 days after the damaged dwelling is fit for habitation or within 30 days of the permit for the temporary dwelling expiring, whichever shall come first.
7. The location of the temporary dwelling shall be located to the rear of the existing dwelling when possible, but may encroach into the rear yard setback area by not more than 50% of the rear yard area if necessary to achieve that objective. Side yard setbacks shall be observed to the maximum extent possible.
8. A Temporary dwelling shall be exempt from the minimum square footage requirements.

B. Replacement/New Construction

A Zoning Certificate for residential construction may be issued for a second dwelling on approved lots, if a new dwelling will replace the existing dwelling upon completion of construction. The existing dwelling will be considered as a temporary dwelling upon

⁴ Approved by County Building Department

issuance of the zoning certificate for the new dwelling and the applicant will be required to raze or remove the original dwelling within one year of the date of issuance of the zoning certificate for the new dwelling unit, unless otherwise permitted in the zoning district in which it is located or the lot on which the original dwelling is located is subdivided from the new dwelling.

Section 730.02 Other Temporary Buildings and Uses

- A. Temporary buildings, construction trailers, equipment and material used in conjunction with construction work only, may be permitted in any district during the period of construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Such temporary buildings or trailers shall not be used for habitation. An estimated construction schedule shall be submitted to the zoning inspector with application for a zoning certificate.
- B. Real estate sales offices, which contain no living accommodations, shall be permitted within any district for any new subdivision for a period of up to one (1) year. Two extensions of up to 6 months each may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots in the subdivision, or the expiration of the zoning certificate, whichever occurs first.
- C. Temporary sales and services provided may be permitted within parking areas in any commercial district. Such sales and services are limited to local vendors and special event fundraising for local or regional nonprofits, educational, or other institutional purposes. Transient vendors are not included in this category and are not permitted. A zoning certificate valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve-month period to any individual or organization. The application for a temporary zoning certificate shall be accompanied by written permission of the property owner(s) or lessee and shall be prominently displayed at the site. The Zoning Inspector shall not issue a certificate for such a temporary use if he/she determines that it encroaches upon more than 50% of the required parking area.
- D. *Garage/ Yard/ Barn Sales*

These temporary uses and activities may be conducted under the following conditions:

1. No person or persons may conduct sales of household or other goods, new or used, at any location in the residential zones of the Township for more than nine (9) consecutive days or two (2) consecutive weekends.
2. Such sales may be held no more than twice in any twelve-month period and the time between the last day of one sale and the first day of the next may not be less than eight full weeks.
3. Sales held by combined households will be considered one sale and the above restrictions

will apply to all participants jointly or separately regardless of a change of location within the residential zones of the township.

4. Signage must comply with Chapter 9 of this Resolution.

Section 740 Agricultural Uses

Unless otherwise specified in this Resolution, the following regulations shall govern agriculture in:

- A. Platted subdivisions
- B. Areas with 15 or more contiguous lots on one side of a public dedicated road, approved as subdivisions exempt from platting under Ohio Revised Code, Section 711.131 and Portage County Subdivision Regulations
- C. Areas with 15 or more lots where some are contiguous to one another on one side of a dedicated public road, and the balance are contiguous to one another and across the street of the same dedicated public road and which have been approved as subdivisions exempt from platting under Ohio Revised Code, Section 711.131, and Portage County Subdivision Regulations
- D. Farm markets in any district (Also see A-1 District)

Section 740.01 Agricultural Uses-General

- A. The raising of fruits, vegetables, plants, or nursery stock for personal use and sales of such produce raised on the premises shall be permitted on any size lot, provided that no public health nuisance is created.
- B. Buildings and structures (for farm markets-see item D.) incidental to the use of land for agricultural purposes on lots of one to five acres shall comply with the following:
 1. All buildings and structures shall comply with the building setbacks for the district in which it is located except for animal shelters as specified in subsection.
 2. *Building Size/Height*: Buildings and Structures combined shall not cover more than 50% of the lot, nor exceed 40 feet in height.
- C. *Animals and Animal Shelters*
 1. On lots of one acre or less in size:
 - a. Dairying is not permitted.
 - b. Apiculture is not permitted.
 - c. Animal and poultry husbandry is not permitted except for household pets or as part of a 4-H or similar educational/program and provided that no health or safety nuisance is created.
 2. Buildings and structures on lots of greater than one acre and less than 5 acres:

- a. All buildings and structures shall comply with the building setbacks for the district it is located in.
- b. All buildings and structures shall not cover more than 50% of the lot area nor be more than 40 feet in height.
- c. Shelters for animals must be at least 100 feet from a water well.
- d. Animal shelters and enclosures must be maintained and well drained away from the building or area and animals to prevent ponding of water, insect breeding areas, and health hazards for animals and humans. The premises and shelters shall conform to the sanitary code of the Portage County Health District.

3. Animals

- a. Medium to large animals such as horses, donkeys, llamas, sheep, goats, cattle and swine, etc., shall be maintained in a fenced area. Animals shall not run freely outside of the owners property.
- b. The amount of land available for grazing of large animals shall meet or exceed the units per acre standards of the OSU Extension Service.

D. Farm Markets

1. Farm Market Structures shall comply with the side yard setbacks of the District they are located in.
2. There shall be one (1) farm market or roadside stand allowed for each farm, which shall be located on the same property as the farm owner or operator.
3. The farm market shall be located at least 30 feet from the road right of way.
4. Adequate ingress and egress and parking facilities must be provided to prevent cars from parking in the road area and to allow cars to turn around without creating a safety hazard or blocking oncoming traffic.
5. Construction materials of the farm market structure shall be of materials that would compliment the principal building if it is located within 500 feet of the principal building.
6. Farm market structures shall be maintained so as not to cause a hazard.
7. Signs shall conform to Chapter 9.

Section 745 Habitable Structures and Fires-Distance from Oil and Gas Wells

A. Location of Habitable Structures

No habitable structure, place of assembly, education, entertainment, lodging, trade, or occupancy by the public shall be constructed within two hundred (200) feet of any existing gas/oil well, separator unit or tanks, including capped wells. A capped well is an unplugged or unsealed well which may be made productive again.

No habitable structure shall be constructed within twenty five (25) feet of a plugged well.

B. Distance of Fires from Wells and Tanks

No open fires shall be permitted within two hundred (200) feet of any gas or oil well or storage tank.

Section 746 Ponds or Lake Construction

Public or private ponds or lakes containing over one and one-half (1 1/2) feet of water depth shall conform to all required yard and set back lines. A Zoning Certificate shall be required before construction is started. In no case shall a pond or lake be located closer than ten (10) feet from a building. Ponds or lakes shall meet standards and specifications of the Natural Resource Conservation Service. The applicant shall submit two copies of the proposed pond and or lake(s) plan to the Portage County Soil and Water Conservation District for the department's review and approval. When applying for a Zoning Certificate, the applicant must include one copy of the approved plan and review comments from the Portage County Soil and Water Conservation District.

Section 747 Minimum Living Floor Area Per Dwelling Unit

The minimum living floor area shall be:

1. Single family one-story dwelling with full basement: 1,040 square feet on the first or main floor.
2. Single family one story dwelling without full basement: 1,248 square feet on the first or main floor.
3. Single family split or multi-level dwelling consisting of two or more levels of living area: 1,040 square feet on the main floor plus an additional 200 square feet for each additional level of living space.
4. Single family two stories with full basement: 720 square feet for each floor, except if one floor has less than 720 square feet, the total of the two floors shall be no less than 1,500 square feet.
5. Single family two stories without full basement: 800 square feet each floor, except if any one floor has less than eight hundred square feet the total of the two floors be no less than 1,620 square feet.
6. Two-family dwelling unit, one story or split level: 769 square feet per dwelling unit.
7. Two-family dwelling unit two story: 864 square feet per dwelling unit, and 864 square feet on the first or main floor.
8. Multi-family dwelling units:
 - a. One (1) bedroom unit, single story: 600 square feet.
 - b. Two (2) bedroom unit, single story: 825 square feet.
 - c. Two (2) bedroom unit, two story: 875 square feet.
 - d. Three (3) bedroom unit, two story: 1,200 square feet.
 - e. Four (4) bedroom unit, two story: 1,525 square feet.

Section 748 Principal Building

No more than one principal building shall be permitted on any lot unless otherwise permitted by these regulations and every building shall be located on a lot having required frontage on a public or private street.

Section 749 Driveway Materials

No slag or mine waste materials will be permitted to be used for driveway material unless it has been properly treated to eliminate the potential for sulfuric acid leachate.