

## ARTICLE 4 - GENERAL REQUIREMENTS

### 4.00 Application

The general resolutions as set forth in this Article shall apply to all Districts. Where a requirement in this Article differs from the requirements found within a specific zoning district, the more restrictive requirement shall prevail.

### 4.01 Agriculture

Except as noted below, nothing in this Resolution shall prohibit or otherwise regulate the use of land for agricultural purpose, or prohibit or otherwise regulate the construction of buildings or structures for agricultural purpose.

#### (A) Dwellings

Dwellings anywhere in Eaton Township are not herein defined as agricultural structures and are subject to all zoning requirements contained in this Resolution.

#### (B) Agricultural Activity in Platted Subdivisions or Subdivided Areas.

Pursuant to ORC 519.21, this Resolution regulates agriculture activity, agriculturally-related buildings or structures, and dairying and animal and poultry husbandry on lots less than five acres within any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

#### (C) Farm Markets

Pursuant to ORC 519.21, the use of any land for a farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year is permitted anywhere in Eaton Township. However, in all cases, farm market structures must meet other requirements as may be specified with regard to size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress.

### 4.02 Corner Lots

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

### 4.03 Sidewalks

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

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

#### 4.04 **Mailbox Placement**

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

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

#### 4.05 **General Yard Requirements**

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

**(A) Yard for Single Building**

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

**(B) Clear View of Intersection Streets**

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

**4.06 Utility Trailers and Shipping Containers**

Utility trailers and shipping containers may not be used as accessory buildings in any district.

**4.07 Handicapped Ramps**

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

**4.08 Alterations of Grade**

A Change of Elevation Permit is required for anyone desiring to change the grade of his or her property. The property owner shall be responsible for obtaining the permit. Permits may also be required from other governmental agencies.

**4.09 Exceptions to Height Limits**

Height limits in all zoning districts apply to all structures except; church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyers, flagpoles, radio and/or TV towers, masts, satellite dishes, wind turbines, solar panels and aerials. Apart from the aforementioned structures, no other structure may exceed the height limits specified in a given zoning district, unless a variance is granted by the Board of Zoning Appeals.

**4.10 Principal Buildings – Residential**

In all Residential Districts, no more than one (1) principal building shall be permitted on any lot.

**4.11 Temporary Buildings**

Temporary buildings are subject to the following limitations of use:

**(A) Recreational Use.**

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

**(B) Emergency Use.**

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

**4.12 Lorain County – Related Regulatory Measures**

**(A) Health Board Approval**

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

**(B) Airport Hazard Zones**

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

**(C) Flood Plain Zones**

Lorain County is a “participating community in the National Flood Insurance Program and administers floodplain development regulations. Whenever a structure is proposed to be constructed in the regulatory flood plain the issuance of a flood plain development permit is required before a Township Zoning Permit may be issued.

**(D) Residential Building Code**

Eaton Township is a participating township with respect to building codes of the Ohio Building Officials Association (OBOA) One, Two and Three Family Dwelling Code, International Plumbing Code, National Electric Code, and The Lorain County Board of Health Plumbing Code.

**(E) Storm Water Pollution Prevention Plans (SWPPP’s)**

In accordance with a Memorandum of Agreement dated March 15, 2011) between the Lorain Soil and Water Conservation District and Eaton Township (or subsequent amendments thereto), the Lorain Soil and Water Conservation District shall review all applications for commercial, industrial and residential developments on sites greater than one acre. Evidence of SWPPP approval from the Lorain Soil and Water Conservation District is required before a Township Zoning Permit may be issued.

**4.13 Conflicts with Lorain County Subdivision Regulations**

Where a minimum requirement within the Lorain County Subdivision Regulations is found to be in conflict with a minimum requirement provided within the Eaton Township Zoning Resolution, both regulations are applicable and the stricter of the two shall be the controlling requirement.

#### 4.14 **General Performance Standards**

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

##### **(A) Fire Hazards**

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

##### **(B) Radioactivity or Electrical Disturbance**

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

##### **(C) Noise**

Noise which is objectionable or considered a nuisance as defined by the Ohio Environmental Protection Agency and/or Federal Environmental Protection Agency and/or as determined by the Zoning Inspector due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

##### **(D) Vibration**

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

##### **(E) Smoke**

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

##### **(F) Odors**

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

##### **(G) Air Pollution**

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

##### **(H) Glare**

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

##### **(I) Erosion**

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

**(J) Water Pollution**

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

**(K) Disabled Vehicles**

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

**(L) Unlicensed Motor Vehicles**

No more than one (1) vehicle that is not currently licensed, or is unfit to operate on highways in the manner prescribed by the state of Ohio Motor Vehicle Code, may be stored outside of a garage, or other fully enclosed structure. Utility vehicles used for racecar transport, motorcycles, livestock, cargo, etc. must display an Ohio Plate and be registered to the property owner or lessee.

**4.15 Prohibited Uses**

- (A) Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, tires, rubbish, offal or demolition materials. "Demolition materials" includes materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials. The term shall not include fly ash of any kind or any items categorized as solid wastes or as substances inimical to public health by the Ohio or Federal EPA. Demolition items such as brick concrete, asphalt and stone may be utilized for fill for driveways or to elevate land depressions provided that the plans for such fill are first submitted to and approved by the Zoning Inspector and provided further, that the dumping, storing or disposing of such materials is not in conjunction with a commercial business.
- (B) Junkyards, wrecking yards, or places for the collection of scrap vehicles, scrap machinery, scrap metals, paper, rags, glass, white goods, or junk for salvage or storing purposes, or for dismantling used vehicles.
- (C) Dumping, storing, burying, reducing, disposition of or burning of solid waste or hazardous waste. "Solid waste" means such materials as are described in the Ohio Revised Code, Section 3734.01 (E) or in such statute as it may hereafter be amended. "Hazardous waste" means such materials as are described in the Ohio Revised Code, Section 3734.01 (J) or in such statute as it may hereafter be amended.

**4.16 Wind Energy Systems**

Wind energy systems, which supply on-site energy needs and provide excess power to the electric utility grid, are permitted anywhere in Eaton Township subject to the following requirements:

- (A) **Setbacks:** Wind energy systems may not be located closer to the road right-of-way than the principal structure. Further, no part of the wind turbine energy system structure, including guy wires and anchors, may extend closer than twenty (20) feet to any property line. Additionally, all wind turbine energy system structures must be setback from all property lines a distance equal to the height of the tower above grade, plus the length of one blade.
- (B) **Noise:** Wind energy systems shall not produce noise levels that exceed 60 dBA, as measured at the property boundary of the installation site during normal operation.
- (C) A small wind energy system must comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (D) The owner of a small wind turbine or other wind-powered generator must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- (E) Small wind turbine or other wind-powered generators must be on a freestanding tower or other approved reinforced structure. The use of additional supports including guy wires is subject to all other regulations provided within this Resolution.
- (F) Residential, commercial or industrial roof top and or combination units (utility lights with generators etc.) may be approved so long as no aspect of the maximum tower height is exceeded as stated above.
- (G) Small wind turbine and other wind-powered generator towers shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the structure.
- (H) All tower support bases shall be made of reinforced concrete. Any other proposed construction method shall meet all federal or state requirements for wind tower base construction.
- (I) Abandoned small wind turbines and other wind-powered generators shall be dismantled within six months. Units taken out of service for indefinite but temporary reasons shall provide the township with proof of proper and effective maintenance. Units without proper maintenance shall be considered abandon by the township.
- (J) The small wind turbine and other wind-powered generator shall either be the stock color from the manufacturer or painted with an approved non-reflective, unobtrusive color that blends in with the surrounding environment.
- (K) Prior to the installation of a small wind turbine and other wind-powered generator, a zoning permit must be obtained. The applicant shall provide a detailed drawing of the site along with manufacturer information stating the size, shape and character of the proposed small wind turbine and other wind-powered generator. Information shall include generator kilowatt information, unit decibel criteria, tower height and construction specifications, shadow flicker potential, utility notification, fencing information, clear fall zone, lighting plans and landscaping/buffering plans, plus any other information deemed necessary by the township.

#### 4.17 **Swimming Pools**

No swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

- (A) **Exclusive Private Use** - The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
- (B) **Distance Requirements** - The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than ten (10) feet to any property line. All pumping, filtration equipment leading up to a pool shall also be at least ten (10) feet from any property lines.
- (C) **Lighting** - Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- (D) **Permit Required** - No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector. Wading pools under 30 inches in depth will not require a permit.
- (E) Pools not in Seasonal Operation must be covered or removed.

- 4.18 **Riparian Setbacks** - In addition to specific yard setbacks established in each Zoning District, all buildings and all impervious surfaces (such as paved parking lots, paved walkways, paved areas for outside storage or any other hard manmade surfaces that does not allow rain water to naturally soak into the ground), must be setback no less than 25 feet from the bank of any drainage ditch or the other waterway recognized by the Lorain County Engineer's Office. In the areas within a FEMA flood zone, the FEMA flood plain zone resolution takes precedent over the riparian setbacks (refer to Article 10). Areas within this riparian setback must be left pervious with natural vegetation and/or maintained grass.