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**PROPOSED DRAFT**

**5/9/23, rev 10/6/23**

**WITH EDITS TO EXISTING TEXT NOTED**

*Incorporates recommended revisions from the Medina County Planning Commission and the Medina County Prosecutor agreed to by the Granger Township Zoning Commission (highlighted in yellow)*

**ARTICLE I: TITLE, AUTHORIZATION, PURPOSE, INTERPRETATION**

**Comparison of Existing and Proposed Outline**

Existing	Proposed
<b>TITLE, AUTHORIZATION, PURPOSE</b>	<b>TITLE, AUTHORIZATION, PURPOSE, <u>INTERPRETATION</u></b>
101 Title	101 Title
102 Authorization	102 Authorization
103 General Purpose	103 General Purpose
	<u>104 Interpretation and Application</u>
	<u>105 References &amp; Rules of Word Usage</u>
	<u>106 Validity and Separability</u>

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**ARTICLE I: TITLE, AUTHORIZATION, PURPOSE, INTERPRETATION**

101 Title	104 Interpretation and Application
102 Authorization	105 References & Rules of Word Usage
103 General Purpose	106 Validity and Separability

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**101 Title**

This Resolution shall be known as the Granger Township Revised Zoning Resolution (the “Resolution”) for Granger Township, Medina County, Ohio (the “Township”), hereafter referred to as “Resolution”.

A. The Resolution is adopted as of June 9, 1977 [~~insert date of adoption of initial Resolution~~] and as subsequently amended together with the Zoning Map. Any other Zoning Resolutions of the Township are hereby superseded and amended to read as set forth in this Resolution.

B. Any amendments to the Resolution shall become effective from and after the date of their approval and adoption, as provided by law.

**102 Authorization**

This Resolution is established by the authority vested in the Granger Township Board of Trustees (“Board of Trustees”) in accordance with Ohio Revised Code (“ORC”) Sections 519.01 – 519.99. The authority for establishing “The Granger Township Revised Zoning Resolution” is derived from Sections 519.01 to 519.99 inclusive, of the Ohio Revised Code.

**103 General Purpose**

In order to ~~To promote and protect~~ In the interest of the public health, safety, convenience, comfort, prosperity, morals, and general welfare of the residents of the unincorporated area of Granger Township, Medina County, Ohio, and to conserve and protect property and property values, and to provide for the maintenance of the rural character of Granger Township, and to manage orderly growth and development in the said Township, the Board of Trustees has found it necessary and advisable to adopt the Resolution these zoning regulations as a comprehensive plan of zoning, which will regulate the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot area that may be occupied, building setback lines, size of yards and other open spaces, density of population, the uses of buildings and other structures and the uses of land for trade, industry, residence, recreation, or other purposes; and for such purposes to divide the unincorporated area of the Granger Township into zoning districts and to provide for the administration and enforcement of such regulations.

All regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts and zones, except as otherwise permitted by ORC Section 519.021, which states provides that within a planned-unit development, the Zoning Resolution, where applicable, need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety, morals, and the other purposes of this ORC Section 519.021.

#### **104 Interpretation and Application**

- A. In their interpretation and application, the provisions of this Resolution, and any amendments thereto, shall be held to be the minimum requirements, unless otherwise clearly specified. They shall be held to be such minimum requirements for the purpose of promoting the public health, safety, convenience, comfort, prosperity, or general welfare of the residents of the Township.
- B. No provision of this Resolution shall repeal, abrogate, annul, amend, modify, impair or interfere with existing deed or plat restrictions, restrictive covenants, easements, ~~or~~ agreements between parties relating to the use of property, ~~rules, or permits.~~
- C. When this Resolution imposes more restrictive requirements upon the use of land or a building than imposed by regulations of the State of Ohio, other Township ordinances, the provisions of this Resolution shall govern. Conversely, other regulations shall govern where they are more restrictive in nature than this Resolution.
- D. Where a section of the Resolution is found to be incompatible or inconsistent with another section of the Resolution, the more restrictive language or requirement shall be the applicable regulation.

#### **105 References & Rules of Word Usage**

- A. The following rules of word usage apply to the text of this Resolution:
1. The particular shall control the general.
  2. The words “shall” and “must” are always indicative of the mandatory and never the discretionary.
  3. The words “may” and “should” are always indicative of the permissive.
  4. Any use of a pronoun shall be construed as gender neutral by referring to no specific gender and inclusive of all.
  5. Any reference to a section shall refer to that specific section within the Resolution, unless otherwise explicitly stated.
  6. Where any regulation of this Resolution involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either...or”, the conjunction shall be interpreted as follows:
    - a. “And” means that all connected items, conditions, provisions, or events shall apply;
    - b. “Or” means that the connected items, conditions, provisions, or events may apply singularly or in any combination; and
    - c. “Either...or” means that the connected items, conditions, provision, or events shall apply singularly, but not in combination.

7. The word “includes” shall not limit a term to the specified examples, but rather is intended to extend its meaning to all other instances or circumstances of like kind or character.
8. Any specified length of time ~~herein~~ shall be measured in calendar days, unless specifically stated otherwise, of which the time period shall commence on the day in which the Resolution indicates a length of time is to begin running.
9. A “building” or “structure” includes any part thereof, unless the context of the Resolution clearly indicates otherwise.
10. Any word not defined in this Article, Article X, or elsewhere in the Resolution shall have the definition as set forth in the ORC. If the word is not defined in the Resolution or ORC, it shall have the plain meaning as set forth in an appropriate dictionary or relevant everyday context.

#### 106 Validity and Separability

- A. If any court of competent jurisdiction invalidates any provision of this Resolution, or amendments thereto, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.
- A. If any court of competent jurisdiction invalidates the application of any provision of this Resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- B. If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

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**ARTICLE II: GENERAL PROVISIONS**

**Comparison of Existing Outline and Proposed Outline**

<b>Existing</b>	<b>Proposed</b>
2.1 Establishment Of Zoning Districts	201 Establishment Of Zoning Districts
2.2 Zoning Districts Map	202 Zoning Districts Map
2.3 Regulations Applicable to All Districts or Zones	<u>203 Compliance Required</u>
2.4 Wireless Telecommunications Facilities and/or Towers	204 Regulations Applicable To All Districts <del>or</del> <u>Zones</u>
2.5 Medicinal Marijuana	<u>205 General Regulation of Lots</u>
2.6 Junk Motor Vehicles	<u>206 General Regulation of Buildings, and Structures and Construction</u>
	<u>207 Accessory Uses and Structures</u>
	208 Wireless Telecommunications Facilities and/or Towers
	<u>209 Outdoor Display/Sales and Outdoor Storage In Commercial and Industrial Districts</u>
	<u>210 Agritourism</u>
	<u>211 Temporary Uses and Buildings</u>

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**ARTICLE II: GENERAL PROVISIONS**

- |   |  |
|---|--|
| 201 Establishment Of Zoning Districts   | 208 Wireless Telecommunications Facilities and/or Towers                             |
| 202 Zoning Districts Map  | 209 Outdoor Display/Sales and Outdoor Storage In Commercial and Industrial Districts |
| 203 Compliance Required   | 210 Agritourism  |
| 204 Regulations Applicable To All Districts   | 211 Temporary Uses and Buildings   |
| 205 General Regulation of Lots  |  |
| 206 General Regulation of Buildings, <del>and</del> Structures, <u>and Construction</u> |  |
| 207 Accessory Uses and Structures   |  |

**201 2.1 Establishment of Zoning Districts.**

The unincorporated territory of Granger Township, Medina County, Ohio, is hereby divided into zoning districts as follows:

- R-1 Residential District
- R-2 Residential District
- C-1 Local-Commercial District
- C-2 General Commercial District
- C-3 Highway Interchange Commercial District
- I-1 Industrial District
- PDD Planned Development District

**202 2.2 Zoning Districts Map.**

The zoning districts and their boundary lines are indicated upon a map entitled “Zoning Districts Map of Granger Township, Medina County, Ohio”, which original map, together with all notations, references, amendments and changes is maintained in the office of the Township Clerk. A copy is attached and made a part of this book for reference.

**A. Interpretation of District Boundaries.**

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

1. **Where Boundaries Approximately Follow Streets, Alleys, or Highways.**  
Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
2. **Where Boundaries Parallel Street Right-of-way Lines, Alley Lines or Highway Right-of-way Lines.**  
Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

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**3. Where Boundaries Approximately Follow or Parallel State Route 18 (Akron-Medina Rd.).**

Boundaries which follow or parallel State Route 18 shall be measured from the Granger/Sharon Township line.

**B. Vacation of Public Ways.**

Whenever any street or public way is vacated in manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the centerline of such vacations, and all areas included in the vacation shall thereafter be subject to all regulations of the extended districts.

**203 Compliance Required.**

**A. Compliance with Applicable Standards.**

No land or structure shall be used, and no building or structure shall be located, erected, constructed, reconstructed, enlarged, moved, or structurally altered, except in conformity with all the regulations herein specified as being applicable to such land or structure.

**B. Zoning Permit Required.**

It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning permit is issued by the Zoning Inspector in accordance with this Resolution. Such zoning permit shall state that such building, premises or part thereof, and the proposed use thereof, is in conformity with the provisions of this Zoning Resolution.

**C. Nonconforming Uses.**

Existing uses, lots, buildings, and structures that lawfully existed at the time they were established, but do not comply with this Resolution will be subject to the ~~nonconforming uses~~ provisions of Article VI: Nonconforming Uses.

**D. Public Utility and Railroad Exemption.**

Public utilities and railroads, as defined by the ORC, shall be exempt from the provisions of this Zoning Resolution.

**204 2.3 Regulations Applicable to All Districts. ~~or Zones~~**

~~**A. All new structures, decks and additions to existing buildings shall require a zoning permit. (See Sec. 203)**~~

**A. Permitted Uses.**

1. No land or structure shall be used or occupied, and no activity conducted, unless such use, occupation, or activity is specifically listed as a permitted use or conditionally permitted use in the district in which the use, occupation or activity is proposed, or where permitted, has been determined to be a similar use.
2. Any use that is not listed as a permitted use or conditionally permitted use in a district or determined to be a similar use, is considered to be incompatible with the purpose of the zoning district and with the list of uses permitted within the zoning district, and is prohibited.

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3. If the Zoning Inspector determines that a submitted application includes a use that is not listed as a permitted use or conditionally permitted, or determined to be a similar use, in the district in which it is proposed, the Zoning Inspector shall deny the application for a zoning permit.
4. Uses Preempted By State Statute. Notwithstanding any provision of this Article to the contrary, uses that are required to be permitted in any zoning district by state statute law shall be permitted in accordance with state law whether or not the use is specifically identified in this Zoning Resolution.
5. Approvals issued in accordance with these regulations do not relieve the property owner of responsibility for obtaining all necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning permit is issued. If requirements vary, the most restrictive requirement shall prevail.

**B. Prohibited Uses.**

1.205 Medical marijuana cultivators, processors and dispensaries are prohibited from being located in all zoning districts of Granger Township. *(Moved from Section 2.5 per County Prosecutor's comment.)*

**CB. Uses Determined to be Nuisance.** *(Renumbered and renamed to distinguish from B above)*

In addition to Section 201A, the following Prohibited uses shall be deemed to constitute a nuisance and are prohibited from being established shall not be permitted in any district. Prohibited uses shall include but are not limited to the following:

1. Metallic powder works.
2. Wholesale or retail sales, manufacture or storage of explosives, gunpowder or fireworks. in all areas except I-1.
3. Marijuana cultivators, processors and dispensaries, regardless of the intended use of the product.
3. ~~Above ground storage and/or distribution of refined petroleum products exceeding 750-gal. in capacity.~~
34. Chemical plant.
45. Crematory.
56. Distilling of bones, fat, glue or gelatin manufacturing.
67. Slaughter houses.
78. Manufacture of fertilizer, concrete, cement, or asphalt, and grinding or pulverization of concrete, cement, asphalt, or other paving materials.
89. Dumping, storing, burning, reducing, disposing of or burning garbage, refuse, scrap, metal, rubbish, offal or dead animals, except such as results from the normal use of the premises.
940. Junk yards, and the outdoor storage of junk motor vehicles, automobile graveyards, used machinery storage lots, and used car storage, or the outdoor storage places for the collection of scrap metal, paper, rags, glass, or junk for sale, salvage or storage purposes. As defined by ORC §505.173(E), "junk motor vehicle" means a motor vehicle that meets all the following criteria: (1) is three (3) model years old, or older; (2)



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is apparently inoperable; and (3) is extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.  
*(Moved from Section 206.)*

- ~~101.~~ Outdoor theaters, commercial amusement parks, and outdoor concert venues, s, shows and musical entertainment held out of doors regardless if admission is charged.
- ~~112.~~ Gun clubs with purposes of trap shooting, skeet shooting, rifle ranges, pistol ranges or trap ranges.
- ~~123.~~ Automotive speed tracks, go-carts, drag race strips, motorcycle or motorbike raceways.
- ~~134.~~ Wild animal menagerie and the keeping of dangerous wild animals, including private ownership of dangerous wild animals, and/or non-native animal species as defined by the Ohio Department of Natural Resources.
- ~~15. Concerts, shows and musical entertainment held out of doors for which admission is charged. (Combined with #11)~~
- ~~15. Electronic gambling, including computerized sweepstakes devices.~~
- ~~145.~~ Short-term property rental, including hourly, daily, or weekly rental of any property, or any multiple thereof less than thirty (30) days.

**DC. Accessory Uses.**

No accessory use, including an accessory building or structure shall be established on a lot until a principal use or building has first been established on the lot in conformance with all applicable provisions of this Zoning Resolution.

**D. Performance Standards Governing Commercial and Industrial Uses.**

All uses shall comply with the following performance standards.

- ~~1. Fire Hazards. Flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, as determined by the Granger Township Fire Chief.~~
- ~~2. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.~~
- ~~3. 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 boundary.~~
- ~~4. Heat, Glare, Vibrations, Odors. No use shall generate heat, glare, or vibrations or emit malodorous gas or matter that is perceptible without the aid of instruments at any point beyond the lot occupied by the use.~~
- ~~5. Air Pollution. No use shall emit fly ash, dust, vapors, or other substances that are harmful to health, animals, vegetation, or other property or which can cause excessive soiling.~~
- ~~6. All solid waste, such as but not limited to garbage, refuse, scrap metal, rubbish, offal, or dead animals, shall be placed in suitable containers and disposed of on a regular basis. Such waste shall not be allowed to accumulate in the open.~~

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## **205 C. General Regulation of Lots.**

### **A. Required Lot Area to be Maintained.**

A parcel of land may be subdivided into two (2) or more parcels provided all lots resulting from such division conform to the lot area, width, and depth requirements of the district in which such land is located. A lot of record which conformed to the provisions of this Zoning Resolution and which was owned separately from adjoining lots on the effective date of this Resolution, or an amendment adopted thereafter, which affected its conformity shall not be reduced in any manner that would increase its nonconforming situation.

### **B.1 Required ~~Lots~~, Yards, and Open Space Unaffected by Change in Ownership or Otherwise.**

1. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.
2. In the event a parcel of land is located in two (2) or more zoning districts and divided by a zoning district boundary line, the parcel shall, for the purposes of this Zoning Resolution, be considered as two (2) or more zoning lots. Each zoning lot shall be subject to the requirements of the district in which it is located. No space which, for the purpose of a building or use, has been counted or calculated as part of a side yard, rear yard, front yard, other open space, parking area, or other accessory use or facility required by this Resolution, may be counted or calculated to satisfy the requirements for or be accessory to a building or use located on the portion of the parcel that is in a different zoning district.

### **C2. Projections into Yard Areas.**

Every part of a required yard shall be open to the sky unobstructed, except ~~for~~ as otherwise provided in this section:

1. Accessory uses, buildings in a rear yard, and structures when this Zoning Resolution that are specifically permits such ted in this Zoning Resolution to be located in a required yard;
2. Off-street parking except for parking of automobiles as regulated by Article III herein, except for the
3. The ordinary projections of skylight, sills, belt-courses, cornices and ornamental features projecting not to exceed twelve (12) inches, and
4. except for fences constructed in compliance with Section 207.A.203.D.4. of this Resolution.

### **D3. Corner Lots.**

1a. Required Yards Facing Streets. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

~~b. Driveway access on corner lots must be limited to subdivision streets. (Moved to Section 206)~~

2e. Visibility at Corner Lots. No structure, sign, landscape element, or other obstruction to view shall exceed in excess of two (2) feet in height when located shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street right-of-way

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lines. An exception to this regulation shall be for, ~~except that~~ shade trees where the branches, ~~which~~ are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers, ~~are permitted~~.

**~~4. Outdoor Storage and Business Activities~~**

~~Storage of materials, equipment, and supplies and displays of merchandise shall take place within a completely enclosed building except as otherwise provided in this Resolution. (Moved to Section 206 and expanded)~~

**E5. Lot Area Exceptions for Certain Existing Substandard Lots.**

Any lot or parcel of land of record at the time of the adoption of amendment No. 18, June 9, 1977, and where no adjoining land was under the same ownership on said date, ~~shall may~~ be permitted to be used as a building site, provided that the dwelling principal building and its accessory uses comply with all other regulations of this Zoning Resolution, except the lot area and lot width regulations of the district in which the lot is located, unless a variance is granted by the Board of Zoning Appeals. even when of less area or width than that now required by the regulations for the district in which located.

**206 D. General Regulation of Buildings, Structures and Construction.**

**A1. Permitted Height Exemptions.**

**~~a. Except as specifically stated in other parts of this Resolution~~**

No building, ~~structure, or part of a building or structure~~ shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building or structure is located or as otherwise regulated in this Resolution, except as specifically authorized below: except that

1. Unenclosed roof-mounted mechanical equipment and roof structures for the housing of mechanical equipment, elevators, or ornamental architectural features may extend up to fifteen (15) feet above the roof's highest point.

a. The total area of such roof structures shall not exceed such structure have a total area greater than twenty-five percent (25%) of the roof area of the building.

b. In the case of unenclosed roof-mounted equipment, such equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.

c. Only structures that are incidental to the main use of the building shall be permitted.

d. For the purpose of this section, mechanical equipment and roof structures includes, but is not limited to, utility boxes, telecommunication devices, cables, conduits, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks, or similar structures.

~~...penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks, or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty five (25) percent of the roof area~~

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~~of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building except that radio and television aerials may be erected to any height.~~

2. ~~Freestanding amateur radio antennas private communication aerial/mast~~ (such as CB antennae) or radio towers may be erected in a side or rear yard to a height not to exceed fifty (50) feet, provided the aerial is set back a distance from the side or rear property line equal in length to the height of the antennae. ~~The setback of an antennae from any existing buildings of an adjacent property shall be greater than the height of the proposed antennae.~~

~~3b. Public or semipublic buildings~~ Place of worship elements, such as steeples, bell towers, and similar features, When permitted in a district, may be erected to a height not to exceed thirty five (35) feet, except that churches and temples may be erected to a height not to exceed seventy-five (75) feet, provided if the principal building on which the structure is erected is set back from each lot line at least one (1) additional foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located, and the height of the structure is approved by the Fire Chief.

**B. Principal Building Per Lot.** Unless specifically regulated otherwise, more than one principal building may be located on a nonresidential lot provided such buildings comply with all requirements of the Zoning Resolution applicable to the use and district. The minimum separation between principal buildings shall be twenty-five (25) feet.

**C. Building Setback from Oil Well.** No principal or accessory building shall be constructed within twenty-five (25) feet of a capped oil well.

**D. Access.**

**1. Residential Districts.**

a. **Driveway access on corner lots.** Driveway access to a corner subplot in a residential subdivision shall be limited to a residential subdivision street. *(Moved from existing Section 2.3C.3.b.)*

b. **Driveways.**

1) Each lot shall be permitted one continuous driveway with not more than two curb cuts. A second driveway may be permitted as a conditional use.

2) DA driveways shall serve not more than one (1) principal building and be located on the same property as the principal building that it serves, except as otherwise noted permitted in this Resolution C-1 and I-1 districts.

3) All driveways shall have a minimum width of twelve (12) feet and shall comply with the minimum side yard width requirement including turnaround and apron, unless otherwise permitted in this Resolution. (Moved from existing Section 2.3D.9)

c. **Boulevard Islands.** No boulevard islands shall be permitted within a residential subdivision street. *(Moved from existing Section 2.3D.10)*

**2. Commercial Industrial Districts.**

No commercial or industrial access may be maintained across R-1 or R-2 zoning. *(Moved from existing Section 2.3D.11)*

~~**2. Temporary Buildings**~~ *(Moved to new Section 211C.)*

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~~Temporary buildings for use incidental to construction work may be erected in any of the zone districts herein established; however, such temporary building or buildings shall be completely removed upon the completion or abandonment of the construction work.~~

~~Outdoor Advertising Signs~~ Outdoor advertising signs shall be erected subject to the provisions of Article IV. *(Replaced by Section 404 in updated Article IV)*

**207 Accessory Buildings and Structures.**

**A3. Fences, Walls, and Hedges.**

Fences, walls, or hedges may be permitted along all lot lines. Any fence, wall, or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous.

**4. Accessory Buildings**

**Ba. Commercial and Industrial Accessory Buildings (C-1, C-2, C-3 and I-1 Districts).**

1. An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Resolution applicable to the principal building.
2. Accessory buildings which are not a part of the main building shall not be located closer than twenty-five (25) feet from the main building and shall be located no less than fifteen (15) feet behind the front line of the main building.
3. Accessory buildings shall not be located closer to lot lines than the minimum requirements of the district in which they are located.
4. An accessory building or buildings shall not occupy more than thirty percent (30%) of the rear yard.
5. Accessory buildings shall be limited to thirty (30) feet in height.

**Cb. Residential Accessory Buildings (R-1 and R-2 Districts).**

- 1.) Accessory buildings in the R-1 and R-2 districts shall require a zoning permit and shall conform to the following maximum square footage limitations:~~in size to the following table:~~
  - a. For lots of less than two (2) acres, the total square footage of all accessory buildings shall not exceed two percent (2%) of the lot area.
  - b. For lots of two (2) acres or greater, the total square footage of all accessory buildings shall not exceed two point three percent (2.3%) of the lot area or five thousand (5,000) square feet, whichever is less.
  - c. For lots exceeding five (5) acres, the Board of Zoning Appeals may grant a conditional use permit allowing the total area of all accessory buildings to exceed five thousand (5,000) square feet, based on the location of the buildings, setback from adjacent properties and existing or proposed screening.
  - d. In no case shall the total area of accessory buildings and structures occupy an area greater than ten percent (10%) of the rear yard area in which they are located. as measured within the setback lines. *(Moved from b.5)a) below)*

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<del>Permitted Square Footage to Accessory Building, rounded to the nearest whole number</del>		
<del>Acreage</del>	<del>Lot Square Footage</del>	<del>Permitted Sq. Feet</del>
<del>2 Acres</del>	<del>87,120</del>	<del>1,800</del>
<del>2.5 Acres</del>	<del>108,900</del>	<del>2,500</del>
<del>3.0 Acres</del>	<del>130,680</del>	<del>3,000</del>
<del>3.5 Acres</del>	<del>152,460</del>	<del>3,500</del>
<del>4.0 Acres</del>	<del>174,240</del>	<del>4,000</del>
<del>4.5 Acres</del>	<del>196,020</del>	<del>4,500</del>
<del>5.0 Acres or greater</del>	<del>217,800</del>	<del>5,000</del>
<del>For Accessory Buildings greater than 5,000 square feet, a Conditional Zoning Permit is required.</del>		

- 2.) An accessory building attached to a principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Resolution applicable to the principal building.
- 3.) Accessory buildings which are not attached to the principal building shall comply with the following:
  - a. Shall not be located closer than twenty-five (25) feet ~~to from~~ the principal building;
  - b. ~~and S~~shall be located in a rear yard, or a side, no less than fifteen (15) feet behind the front line of the principal building; ~~and~~
  - c. Shall comply with the minimum side and rear setback requirements for principal buildings for the zoning district in which they are located; and. (Moved from existing #5 below)
  - d.4) ~~— Accessory buildings S~~shall ~~not~~ be located no closer than one hundred (100) feet from any principal building on an adjacent lot~~neighbor's adjacent principal buildings~~. The measurements ~~should~~ shall be taken from the closest points of each building. ~~Accessory buildings shall not be located closer to lot lines than the minimum requirements of the zoning district in which they are located.~~
- 4.5) Accessory buildings shall not exceed thirty (30) feet in height above the average finished grade of the accessory building. the following limitations:
  - a) ~~In no case shall an accessory building/structure occupy an area greater than ten (10) percent of the rear yard area, as measured within the setback lines. (Moved to C.1.d. above)~~
  - b) ~~Accessory buildings must adhere to the setback and height regulations the zoning district where it is located. (Moved to C.3.d. above)~~
- 6) ~~Accessory buildings shall be limited to thirty (30) feet in height. (Moved to C.4. above)~~

**D7. Accessory Structures and Uses in Residential Districts.**

- 1. Any accessory structure or use that is not regulated in this section and does not otherwise require a zoning permit shall comply with the building setback and height restrictions specified for accessory buildings in Section 207.C.
- 2a. A pPrivate swimming pools, accessory to a residence, shall be located on a lot in compliance with the following: ; exclusive of portable swimming pools with a diameter

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~~of less than twelve (12) feet, or with an area of less than one hundred (100) square feet, shall be located behind the setback line of the principal building on the lot. Private pools must comply with the following conditions and requirements.~~

a. For the purposes of these regulations, a swimming pool (“pool”) shall be defined as a self-contained body of water at least twenty-four (24) inches deep, eight (8) feet in diameter or having an area of at least sixty-four (64) square feet, and used or intended to be used for recreational purposes. This shall include any pool, spa, hot tub or other similar structure that contains water and meets these standards. It may be above or below ground level.

~~b.1)~~ The pool ~~shall be is~~-intended and is to be used for the enjoyment of the occupants of the principal use of the property on which it is located and not for commercial use.

~~c.2)~~ The pool shall be located on the lot in compliance with the following:

~~1)~~ It shall be located in a side or rear yard ~~It may not be located no~~ closer than thirty (30) feet to the rear lot line and fifteen (15) feet to the side lot line.

~~2)~~ It shall be located no less than fifteen (15) feet behind the front line of the principal building.

~~d.3)~~ The swimming pool, or the entire property on which it is located, shall be walled or fenced to control access by children or other individuals, from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.

~~1)(i)~~ Fences shall be constructed so that no more than three (3) inches of open space exists between the bottom of the fencing material and the ground and shall have not more than a four (4) inch opening in any dimension except for doors or gates.

~~2)(ii)~~ Above-Ground Pool Exception: Above-ground pools having sidewalls of four (4) feet or more in height from the finish grade, shall be required to have fencing and gates only where access to the pool may be had.

~~3)(iii)~~ If a hot tub or similar structure is designed with a secure cover that meets the manufacturer’s child proofing regulation, such hot tub or similar structure shall be exempt from the fencing required by this section.

~~3b.~~ Private tennis courts shall be located in a side or rear yard behind the setback line of the principal building on the lot, and shall not be located closer than thirty (30) feet to the rear and fifteen (15) feet to the side lot lines.

~~4e.~~ All athletic fields shall be located in a side or rear yard behind the setback line of the principal building on the lot and shall meet the minimum rear and side yard requirements for principal buildings. All activities on the athletic field ~~shall must~~ be for private use only, unless the athletic field is an accessory use to a conditionally permitted public or semi-public use, and such use has been authorized as part of the conditional use permit.

~~5.~~ The provisions of Section 207.D.2. through Section 207.D.4. notwithstanding, the Board of Zoning Appeals may authorize the issuance of a Conditional Zoning Certificate

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allowing for the location of an accessory structure in a front yard when, based on the conditions of the lot, locating the structure in the front yard provides equal or greater protection to adjacent residences than if the accessory structure were located in a side or rear yard, and the setback exceeds the minimum required setback from the street right-of-way for the district in which the lot is located.

#### **E6. Ponds and Lakes.**

1a. Public or private ponds or lakes containing over one and one-half (1-1/2) feet of water depth shall be considered as structures for the purpose of permits. No pond/lake shall be constructed such that its surface area or embankments are located on more than one (1) lot. All structures and/or embankments associated with a pond/lake shall be located at least twenty-five (25) feet from all property lines, easements, and any road right-of-way. In no case shall a pond/lake be located closer than twenty-five (25) feet to a principal building. For purposes of setback and yard requirements, the point of measurement for the pond/lake (other than structures) shall be the design high water line, as depicted on the submitted plans, or the base of any embankment where it reaches the normal grade line.

2b. Ponds/lakes shall meet standards and specifications of the Medina County Soil and Water Conservation District and ORC Chapter 1521 ~~of the Ohio Revised Code~~. Lakes/ponds used for domestic water supply shall also meet the requirements of Chapter 2 of the Medina County Sanitary Code.

3e. Upon making application for a zoning permit, the applicant is required to submit to the Zoning Inspector, a copy of the proposed pond/lake plans which have been reviewed and stamped by the Medina County Soil and Water Conservation District, and by the Medina County Health Department, if applicable in the case of ponds/lakes for domestic water supply.

4d. The Zoning Inspector shall inspect ponds and lakes during their construction and shall require that all construction conforms to the approved plans. A fee shall accompany the application for a zoning permit for a pond/lake. Fees are determined by resolution of the Granger Township Trustees.

#### **F7. Fire Ponds in Residential Subdivisions.**

~~a.~~ All major subdivisions shall construct a ~~have~~ fire pond(s) with dry hydrant systems and minimum capacity as established by Granger Township Fire Department. Design standards must be obtained from the Granger Township Fire Department in regards to dry hydrant systems. The dry hydrant will be maintained by the Granger Township Fire Department. All fire ponds shall be located on a minimum three (3) ~~0~~ acre lot. All fire ponds shall require a \$20,000 two (2) year cash bond or letter of credit.

1b. The fire pond(s) shall be owned by a homeowners association or other entity with adequate funding. ~~approved by the Township.~~ Ownership of said pond shall be established at time of approval of the subdivision.

2e. In the event construction of a fire pond is not feasible, an alternate water source must be established, i.e., cistern, city water, etc.



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- 3d. The Township has no liability exposure in regard to the pond other than to see that the dry hydrant is properly installed and maintained.

**G8. Antenna and Satellite Dish Standards.**

- 1. Satellite dishes of one (1) meter in diameter or less, with fixed mounting at ground level or directly attached to a building shall be exempt from these regulations and shall not require a zoning permit. To the maximum extent possible, the dish should be located in the side or rear yard.
- 2. Satellite dishes that exceed one (1) meter in diameter shall only be permitted in a nonresidential zoning district if approved as a conditional use. Such dish shall only be permitted in a rear yard.

**b.—Purpose**

~~It is the purpose of this Section to regulate the location and construction of dish-type satellite signal receiving antennas within the Township in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety, considerations associated with wind loads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.~~

**e.—Zoning Certificate Required**

- ~~1) A description of the type of earth station proposed;~~
- ~~2) A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;~~
- ~~3) Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;~~
- ~~4) Details of the method of assembly and construction of the proposed earth station;~~
- ~~5) A fee as required in Section 702.C.6.~~

**d.—General Requirements for Large Dishes**

~~1) Dishes Larger than 78 Inches~~

~~Satellite dish antennas larger than seventy-eight (78) inches in diameter shall be permitted in all districts provided such dish structures comply with the following criteria:~~

~~2) Location in Yards~~

- ~~a) A Zoning Certificate is required when installing, moving, or substantially constructing or reconstructing such a dish antenna.~~
- ~~b) Installation shall be in compliance with the manufacturer’s specifications at a minimum.~~
- ~~c) In R-1 and R-2 Districts, dish antennas must be permanently installed on the ground and shall not exceed twelve (12) feet in diameter.~~
- ~~d) In C-1, C-2-C-3 and I-1 Districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than ten (10) feet above the maximum building height of the zoning district or more than one-third (1/3) the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least eighteen (18) feet and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or~~

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~~parking deck, only if such location is at the rear or side of the building and all other requirements are met.~~

- ~~e) A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided above.~~
- ~~f) If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off white, pastel beige, gray, or pastel gray green. The paint must have a dull (non glossy) finish and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.~~
- ~~g) No dish antenna shall be installed in any public right of way or in any drainage or utility easement.~~
- ~~h) Dishes may not contain advertising or otherwise be used as signs.~~

~~3) Yard Requirements~~

- ~~a) Dish antennas shall comply with the same minimum side yard requirements as the District in which it is located, except on corner lots. On the side abutting the street, the minimum side yard shall be the same as the minimum front yard requirement~~
- ~~b) Dish antennas shall comply with the same minimum rear yard requirements for accessory buildings as the district in which it is located.~~
- ~~c) In all cases no dish antenna shall be located within fifteen (15) feet of any street right of way.~~

~~4) Maximum Height Requirements~~

- ~~a) In R 1 and R 2 Districts, the maximum height of dish antennas shall be fifteen (15) feet.~~
- ~~b) In C 1, C 2, C 3 and I 1 Districts, the maximum height of dish antennas installed on the ground shall be twenty (20) feet. Dish antennas mounted on the roof of a building shall not project higher than ten (10) feet above the maximum building height of the district or more than one third (1/3) the actual building height above the roof, whichever is less.~~

~~5) Buffering Requirements~~

- ~~a) In R 1 and R 2 Districts dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings, so that view of the lower one half (1/2) of the dish area is restricted from all public streets and six (6) feet above ground level of abutting residential property. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.~~
- ~~b) In C 1, C 2, C 3 and I 1 Districts, dish antennas must be screened from view from abutting R 1 and R 2 Districts and residential streets. The screening requirements as to materials and height shall be the same as in Section 203.D.9.e.5).a) above.~~

~~e. General Requirements for Small Dishes~~

- ~~1) Dishes thirty nine (39) inches in diameter or less, for residential purposes, with fixed mounting at ground level or directly attached to a dwelling shall be exempt from these regulations.~~
- ~~2) Dishes less than seventy eight (78) inches in diameter shall be permitted in R 1 and R 2 Districts provided such dish structures comply with the following criteria which are hereby established to protect the health and safety of residents and motorists, by providing for safe installations of dish structures which do not constitute hazards to persons or properties, which do not obstruct vehicular sight lines, and which are~~

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~~consistent with and preserve the established aesthetic character of the Township:~~

- ~~a) All free standing installations shall be located in compliance with the minimum yard requirements for the district in which such installations are located. Each free standing installation shall have an adequate base as determined by the Zoning Inspector.~~
- ~~b) All wiring from a free standing dish to the buildings which it serves shall be installed underground to minimize the safety hazards associated with exposed wiring.~~
- ~~c) Any dish mounted on the roof or attached to the wall of any structure shall be designed and constructed so as not to create undue loading or stress on building components and in a manner acceptable to the Zoning Inspector.~~
- ~~d) In order to minimize wind loading, roof installations shall be accomplished so that the top of the satellite dish does not extend above the ridge line of the roof.~~
- ~~e) Each dish shall, to the extent possible, be harmonious in color with the building structure to which it is attached.~~

~~**9. Driveways.** A driveway shall serve not more than one (1) principal building and be located on the same property as the principal building that it serves, except as noted in C-1 and I-1 districts. All driveways shall have a minimum width of twelve (12) feet and shall meet the minimum side yard width requirement including turnaround and apron. (Moved to Section 206C.1.b)~~

~~**10. Boulevard Islands.** No boulevard islands shall be permitted. (Moved to Section 206C.1.b)~~

~~**11. Commercial Industrial Access.** No commercial or industrial access may be maintained across R-1 or R-2 zoning. (Moved to Section 206C.2.)~~

**H13. Outdoor Wood Fire Boilers (“OWB”).**

**1a. Purpose.** It is the purpose of this Section to regulate the location and construction of OWBs within the Township in order to protect the public health, safety, and welfare of the residents.

**2b. Zoning Permit Required.**

- ~~a.1)~~ A description of the type of OWB proposed, including verification of compliance with current EPA standards;
- ~~b.2)~~ A plot plan of the lot, premises, or parcel of land showing the location of the proposed OWB;
- ~~c.3)~~ Plans depicting the specifications and elevations of the proposed location, prevailing wind direction, and adjacent residences;
- ~~d.4)~~ Details of the method of assembly and construction of the proposed OWB; and
- ~~e.5)~~ A completed zoning permit application and permitA fee, as required in Section 7012.C.6.

**3.e. General Requirements for OWBs.**

~~1) Location~~

- ~~a.)~~ An OWB must be a dual stage OWB placed in the rear or side yard, no closer than

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300 feet from any residence not served by the OWB, and not closer than 50 feet to the side or rear property line.

- b.) Fuel Used. Owners shall ~~only~~ use listed fuels or starters recommended by the manufacturer of ~~your the~~ unit, and shall n-~~Never~~ use the following items as fuel: trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, wood pallets and cardboard.
- c.) Placement. It is recommended that the unit be located with due consideration to the prevailing wind direction.
- d.) OWB stack or chimney height must be the manufacturer's recommended minimum height not to exceed twenty-five (25) feet from the ground.

## 208204 Wireless Telecommunications Facilities and/or Towers.

### A. Purpose.

1. The purpose of this Section is to provide regulations for the installation, maintenance, and removal of wireless telecommunication facilities within Granger Township, Medina County, Ohio and to provide telecommunications providers with adequate and reasonably equivalent opportunities to provide telecommunications services within the Township and surrounding communities. It is the intent of these regulations to:
  2. Protect the health and safety of Township residents by minimizing any potentially adverse health and/or safety impacts;
  3. Minimize adverse visual impacts on adjacent properties;
  4. Protect property values within the Township;
  5. Ensure to the greatest extent possible that wireless telecommunications facilities are compatible with surrounding land uses; and
  6. Promote co-location as a means of maximizing the use of existing and proposed towers and minimizing the need for separate wireless telecommunication facilities.

### B. Applicability.

#### 1. Permit Required.

Except in accordance with ~~Ohio Revised Code Section~~ ORC Section 519.211 and the provisions of this Section ~~2082.4 of this Zoning Resolution~~, no person shall, in an area zoned R-1 Residential District or R-2 Residential District, locate, erect, construct, reconstruct, change, alter, use or enlarge any wireless telecommunication tower.

Whenever a notice has been received or an objection has been lodged, in the manner prescribed in ~~Ohio Revised Code Section~~ ORC Section 519.211, regarding a wireless telecommunication tower in an area zoned R-1 Residential District or R-2 Residential District, the Board of Zoning Appeals, shall, upon proper application and hearing as set forth in Article V of this Zoning Resolution, have the power to issue at its discretion a Conditional Zoning Certificate allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such wireless telecommunication

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tower if it finds that the applicant has satisfied all of the applicable requirements of Article V and Section ~~208-204~~ hereof.

## 2. Exceptions.

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

**aA. Wireless telecommunication facilities** located in areas zoned C-1 Local Commercial District, C-2 General Commercial District, C-3 Highway Interchange Commercial District, and I-1 Industrial District are exempt from these provisions to the extent provided in ~~ORC Ohio Revised Code~~ Section 519.211 and no Conditional Zoning Certificate or Zoning Certificate shall be required for such facilities where such exemption applies.

**bB. The addition of a new wireless telecommunication antenna to an existing tower** in any R-1 Residential District or R-2 Residential District where such installation does not involve any increase or extension of the original height of the structure on which it is mounted shall not require a Conditional Zoning Certificate. ~~but may directly apply for and obtain a Zoning Certificate for such installation from the Zoning Inspector.~~

**cC. Wireless telecommunication towers** located in areas zoned R-1 Residential District or R-2 Residential District where, within such time period as is stipulated in ~~ORC Ohio Revised Code~~ Section 519.211 ~~(FB)(14)(a)~~, ~~neither a contiguous property owner nor a property owner directly across a street or roadway from the property on which the tower is proposed to be constructed~~ gives written notice to the Township Trustees requesting that the wireless telecommunications facility be subjected to the provisions of this Zoning Resolution, nor a member of the Township Trustees makes an objection to the proposed location of the wireless telecommunications facility.

## C. Application Requirements.

Requests for a Conditional Zoning Certificate to install a wireless telecommunication facility in an area zoned R-1 Residential District or R-2 Residential District shall be filed through the Zoning Inspector to the Board of Zoning Appeals in conformance with the provisions of Article V of this Zoning Resolution. In addition to the application requirements set forth in Section 501.A., the following additional requirements shall apply to all applications for wireless telecommunication facilities:

### 1. Description and Technical Necessity.

- a. The application shall include a detailed description of the wireless telecommunications tower or facility's capacity including the number and types of antenna that it can accommodate.
- b. The applicant shall demonstrate that the telecommunications tower or facility must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower or facility and this proposed site is technically necessary.

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- c. Documentation shall be provided that certifies the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

**24. Analysis of Co-location Alternatives. The applicant shall submit evidence that:**

- a. No existing wireless telecommunications towers are located within the above- listed radius of the site;
- b. Existing wireless telecommunications towers are not of sufficient height to meet the applicant's- engineering requirements;
- c. Existing wireless telecommunications towers do not have sufficient structural strength to support applicant's -proposed antenna and related equipment;
- d. Co-location would result in radio frequency interference with other existing equipment on the wireless telecommunications tower which cannot be reasonably prevented;
- e. Evidence that the owner of the existing wireless telecommunications tower will not to enter into a co-location arrangement; or
- f. Existing wireless telecommunications towers do not provide an acceptable location or requisite coverage for the applicant's -communication network.

**32. Analysis of New Tower Site Alternatives.**

Unless the application is for co-location, the application shall submit certification, supported by evidence, indicating that the proposed new site for a wireless telecommunications tower is an essential location. The applicant's- certification shall include a listing of potential sites, a description of each potential site (including ground elevations) and a discussion of the ability or inability of the site to host a telecommunications tower.

**43. Analysis of Visual Impact.**

The applicant shall submit a pictorial representation, such as a silhouette drawing, photograph, etc. of the proposed wireless telecommunications tower from a point two hundred (200) feet from the facility in each of the four compass directions showing the relationship of the tower against the massing of surrounding structures, trees, and other intervening visual masses.

**54. Co-location Agreement.**

The proposed owner/operator of the tower shall submit an agreement to allow, under commercially reasonable terms, co-location until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms for two (2) additional providers unrelated to the owner/operator. Agreement to this provision must also be included in the applicant's lease with the property owner, if different from the owner/operator of the tower.

**65. Abandonment and Removal Agreement.**

The owner or operator of the wireless telecommunication facility shall submit an agreement to notify the Township Zoning Inspector within thirty (30) days of

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permanently ceasing operation of a permitted facility and to remove a non- functioning facility within six (6) months of ceasing its use. All costs associated with demolition and/or removal of the tower and associated equipment and buildings shall be borne by the most recent tower operator of record unless such costs are the contractual or legal responsibility of another party. If the owner fails to remove a tower in the time provided in this section, the said agreement shall authorize the Zoning Inspector to cause the demolition and removal of the tower and recover the costs of demolition and removal from the applicant and/or property owner. The owner or operator of the wireless telecommunication facility shall provide for a cash or surety bond at the minimum rate of \$100.00 per vertical foot from the natural grade at assure funds are available for the demolition and the removal of the tower if it should become necessary.

#### **D. Standards for Wireless Telecommunications Facilities.**

The following criteria shall apply to wireless telecommunications facilities permitted under the terms of this Section:

##### **1. Design.**

Wireless telecommunications facilities shall be designed in accordance with the following standards:

- a. Where feasible, all towers shall be of a self-supporting monopole design, as opposed to a lattice or guy wire design.
- b. Except as required by the Federal Aviation Administration (FAA), antennas and towers shall not be illuminated and lighting fixtures or signs shall not be attached to any antenna or tower. Lighting for security purposes shall be permitted only with the prior approval of the Board of Zoning Appeals.
- c. Security fencing eight (8) feet ~~(8')~~ in height shall surround the wireless telecommunication tower and equipment. A metal sign of no greater than four (4) square feet ~~(4')~~ shall be posted on the fence showing the names of companies with facilities at the site and their respective twenty-four (24) hour emergency telephone numbers.
- d. In the event a separate access road is necessary, it shall be constructed of suitable width and road materials as determined by the Board of Zoning Appeals to allow Emergency vehicles year-round access to the area and to prevent mud deposits on public roads.
- e. All disturbed areas are to be fine-graded, seeded and mulched upon completion of construction.
- f. All utility lines servicing the wireless telecommunications equipment shall be run underground.
- g. Towers and sites shall be so designed so as to permit co-location by at least two (2) additional providers of telecommunications services.

##### **2. Lot Area and Setbacks.**

- a. The minimum lot area for installation of a wireless telecommunications facility shall

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be five (5) acres.

- b. The minimum distance from any tower and related wireless telecommunications equipment to any property boundary line shall be two hundred (200) feet ~~(200')~~ as measured from the security fence enclosing the wireless telecommunications facilities.
- c. The maximum height of any wireless telecommunication tower shall not exceed two hundred (200) feet ~~(200')~~ as measured from the average ground level at the base of the tower. No equipment building, equipment platform, ice bridge, or other associated equipment facilities shall exceed fifteen (15) feet ~~(15')~~ in height from building grade.
- d. Wireless telecommunications facilities shall be considered a principal permitted building and/or use and shall not be located on the same parcel as another principal permitted building and/or use.
- e. The minimum separation between wireless telecommunications towers shall be one thousand (1,000) feet. ~~(1,000')~~
- f. No wireless telecommunications tower shall be located less than five hundred (500) feet ~~(500')~~ from an existing residential dwelling.
- g. No residential dwelling shall be located less than three hundred (300) feet ~~(300')~~ from an existing wireless telecommunications tower.

~~2.5 — Medicinal Marijuana (Moved to new Section 204.B.1.)~~

~~Medical marijuana cultivators, processors and dispensaries are prohibited from being located in all zoning districts of Granger Township.~~

~~2.6 — Junk Motor Vehicles~~

~~The township has the authority to regulate junk motor vehicles as defined in and in accordance with ORC 505.173(E)(1),(2) and (3) as follows:~~

~~(Moved to Section 204.C.10.)~~

~~E. “junk motor vehicle” means a motor vehicle that meets all of the following criteria:~~

- ~~(1) Three model years old, or older;~~
- ~~(2) Apparently inoperable;~~
- ~~(3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.~~

**209 Outdoor Display/Sales and Outdoor Storage in Commercial and Industrial Districts.**

**A. Applicability.**

1. Purpose. The purpose of this Section is to provide regulations for the outdoor display of items for retail sale and the outdoor storage of goods, materials, and equipment in order to ensure the outdoor areas are compatible with the surrounding area and to protect the visual quality and character of the Township.

2. These regulations do not apply to outdoor vehicle sales areas approved by the Board of



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Zoning Appeals for conditionally permitted sale, service and repair of vehicles, machinery and equipment.

## **B. Outdoor Display/Sales Area.**

The outdoor display of items for sale shall be a permitted accessory use when the outdoor display area and merchandise are accessory to a permitted principal use and meet the following requirements.

### **1. Limitations on Items Displayed Outdoors for Sale. Only retail merchandise that meet the following requirements shall be displayed outdoors.**

- a. The merchandise shall be representative of merchandise that is available for purchase inside the principal building on the lot, which shall be occupied by a permitted retail use that is open to the general public;
- b. Shall be limited to single items packaged for individual sale, and be of a size that a customer can pick up and carry by hand into the building for purchase;
- c. Shall be removed from the shipping/packaging materials in which the merchandise was delivered to the site; and
- d. Shall not include the outdoor display of large items and bulk materials. Larger items, including bulk items, displayed for sale shall comply with the regulations for Outdoor Storage and Bulk Sales of Goods and Materials in Section 209.C.

### **2. Limitations on Sales Transactions.**

- a. All outdoor sales transactions shall be conducted indoors in the principal retail building by the owner or employee of the principal retail business.
- b. The sale of retail items displayed outdoors shall be conducted only during normal business hours of the principal retail business. Outdoor displays and sales shall be prohibited when the principal building is vacant.

### **3. Location and Setbacks.**

- a. When located in a front yard, the total area of the accessory outdoor display shall not exceed two hundred (200) square feet, and shall be located in compliance with the parking setbacks and within thirty (30) feet of the building front.
- b. When located in a side yard, the total area of the accessory outdoor display shall not exceed fifteen percent (15%) of the ground floor area of the principal retail business on the lot.
- c. The Board of Zoning Appeals may grant a conditional use permit to allow the accessory outdoor display in a side yard to not exceed twenty-five percent (25)% of the ground floor area of the principal retail business when the ground floor area of the principal retail business is four thousand (4,000) square feet or less.

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- d. An outdoor display area located in a side yard shall comply with the required side yard setback for the zone in which the business is located.
- e. The outdoor display area shall not be located in an area intended for vehicular traffic, pedestrian circulation, or parking as identified on the approved site development plan:
- f. The location of the outdoor display area shall not interfere with or obstruct vehicular or pedestrian traffic. A minimum of five (5) feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

#### 4. General Requirements.

- a. An outdoor display area shall be clearly shown on the site development plan, and shall be approved as part of a zoning review pursuant to Section 701.F.
- b. Outdoor display/sales areas shall be maintained in good order and appearance.

#### C. Outdoor Storage and Bulk Sales.

Outdoor storage and bulk sale activities that are a permitted accessory use to permitted principal use shall comply with the following requirements.

##### 1. Applicability.

- a. Any area outside of a building where merchandise, materials, or equipment is stored, and which does not conform to the definition and regulations for an Outdoor Display Area shall be considered and treated as an Outdoor Storage Area.
- b. Any area in which bulk goods, materials, merchandise, or vehicles are stored continuously for more than twenty-four (24) hours outside of a building or structure shall be considered and treated as an Outdoor Storage Area.
- c. Only goods, materials, and products sold or used as part of the principal business shall be permitted to be stored outside.
- d. The outdoor storage of goods, materials, and products shall be prohibited on vacant lots and on lots where the principal building is vacant.

##### 2. General Requirements.

- a. Areas devoted to outdoor storage shall be located in the side and rear yard only in compliance with the location and building setback requirements set forth in the applicable zoning district.
- b. No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.
- c. The area used for outdoor storage shall be paved with asphalt, concrete, or chip and seal, and maintained in good condition and free of dust.

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- d. Stored materials shall be stored only on the paved area and shall be accessible to fire-fighting equipment at all times.
- e. No materials shall be stored in such a manner as to project above the required screen, with the exception of vehicles and mechanical equipment.

### **3. Limitations on materials stored.**

- a. No ~~radioactive, toxic, or~~ hazardous materials shall be stored indoors or outdoors on any lot within Granger Township.
- b. Outdoor storage of raw materials shall comply with the following requirements:
  - 1)- Bulk storage of sand, gravel, salt, mulch, and similar materials shall be permitted only when such material is contained to prevent spreading or leakage, including leakage of leached materials and other extracts resulting from weather exposure.
  - 2)- Storage shall be above ground and not in naturally occurring or artificially created pits or ponds.

## **210 Agritourism.**

### **A. Purpose.**

In the interest of public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied and a Zoning Certificate for Agritourism has been issued by the Township Zoning Inspector.

### **B. General Requirements.**

1. Agritourism operations shall be permitted only on a farm ~~that consists of tracts, lots or parcels totaling not less than that has a minimum of~~ ten (10) acres devoted to agricultural production, or, when less than ten (10) acres, ~~devoted to agricultural production if the land the farm~~ produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production, or as otherwise permitted by ORC Section 901.80(A)(4).
2. As used herein, acreage of the farm for the purposes of the definition shall be the total acreage of the one (1) or more contiguous ~~tracts, lots or~~ -parcels within the Township that are used as the farm on which the agritourism operation is proposed
3. The agritourism operation shall be limited to ~~agriculturally related activities that have an~~ educational, entertainment, historical, cultural, and/or recreational ~~activity, including~~ you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. ~~relationship to the existing agricultural production taking place on the farm.~~
4. The size and setback for any structure, ~~other than a farm market as described in (C)(1) of~~ ORC Section 519.21, used primarily for agritourism activities shall meet the following requirements:
  - a. All structures used primarily for agritourism activities shall comply with the height requirements for the district in which the farm is located, and the permitted

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- exceptions defined in Section 206.A. of this Resolution; and
- b. All structures used primarily for agritourism activities shall comply with the standard minimum front, side, and rear yard setbacks for principal structures for the applicable zoning district in which the activities are located, regardless of the size of such structures.
5. Off-street parking shall be required.
- a. All agritourism operations, regardless of whether an entry fee is charged, shall provide the minimum number of off-street parking spaces required by the Resolution based upon similar uses identified in the off-street requirements correlated to the intensity of the use, such as peak attendance periods, the size of the structure, and/or land area designated for agritourism activities, as depicted in the application.
- b. The off-street parking area(s) shall be located entirely on private property on which the agritourism activities are provided and of sufficient size to accommodate all vehicles related to the agritourism operations. In no case shall vehicles be parked within a public right-of-way.
- c. Off-street parking areas provided to meet the needs of the agritourism operation are not required to be improved, including any requirements governing drainage, parking area base, parking area paving, or other such improvement, however, any area for off-street parking required to meet the needs of the agritourism operation shall be devoted only to off-street parking whenever the agritourism activity(ies) are taking place.
6. The agritourism operator shall provide ingress and egress via access points on a public road approved by the Township, County Engineer, Ohio Department of Transportation, or other applicable entity, depending on which has jurisdiction over the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicles to the satisfaction of the Township Fire Department.

### C. Application for Agritourism Use.

1. No agritourism operation shall be established without first obtaining a Zoning Permit in compliance with Section 701.
2. In addition to the required application for a Zoning Permit in accordance with the provisions of Section 701.C.; the applicant shall submit the following:
- a. A completed Agritourism Use Form;
- b. Details and drawings that document the total acreage of the farm devoted to agricultural production, or, if there are less than ten (10) acres devoted to agricultural production, documentation that the land produces an average yearly gross income amount of at least twenty-five hundred dollars (\$2,500) from agricultural production for the last five (5) years, or for the number of years the property has been in agricultural production if it is less than five (5) years;
- c. A site development plan drawn to scale of the entire acreage of the farm devoted to agricultural production- on which the agritourism operation is proposed, which clearly delineates all areas where agritourism activities are to take place, including:
- 1) Location of existing and proposed building(s) or structure(s) on the farm site and

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existing buildings within one hundred (100) feet of the site;

2) Dimensions indicating the spacing of the building(s) or structure(s);

3) Dimensions indicating the setbacks of the building(s) or structure(s) used primarily for agritourism activities measured from the lot lines;

4) Off-street parking lots and parking areas, noting the total number of parking spaces to be provided for the agritourism use;

5) All points of ingress and egress from the public road(s); and

6) Walkways providing means of travel between building(s) or structure(s) used primarily for agritourism activities;

d. Floor plan of the building(s) or structure(s) to be used primarily for agritourism activities;

e. Use of existing and proposed building(s) or structure(s);

f. A description of the types of agritourism activities to be conducted, including the anticipated attendance, and an explanation of how the proposed agritourism activities have an educational, entertainment, historical, cultural, and/or recreational relationship to the existing agricultural use of the property.

g. An attestation that the farm on which the agritourism operation is proposed conforms to the definition of "Farm" in this Resolution and the agritourism provisions in the ORC Section 901.80(A)(4), or as amended.

## **211 Temporary Uses and Buildings.**

### **A. Garage Sales in Residential Districts.**

1. Temporary sales by residents of used or surplus personal possessions shall be permitted in any residential district.
2. Such temporary sales shall be limited to a maximum of three (3) consecutive days conducted not more than three (3) times within a twelve (12)-month period.
3. The term "garage sale" shall include lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means.

### **B. Temporary Outdoor Retail Sales Associated With Existing Retail Establishment.**

Sidewalk sales/outdoor retail sales associated with existing retail establishment may be permitted on a site in compliance with the following:

1. Temporary outdoor retail sales areas shall not occupy parking spaces required to fulfill the minimum requirements of the principal use as required in Article III~~3~~ of this resolution.
2. No free-standing signage or audio amplification shall be permitted as part of the temporary outdoor retail sales.
3. The property owner or business tenant shall obtain a temporary use permit in accordance with Section 701.

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**C. Temporary Buildings.**

Temporary buildings for use incidental to construction work may be erected in any of the zone districts herein established; however, such temporary building or buildings shall be completely removed upon the completion or abandonment of the construction work. For the purposes of this section, a temporary building is a building having no foundation or permanent attachment to the ground or another structure.