

**BOSTON TOWNSHIP TRUSTEES  
PUBLIC HEARING ON PROPOSED ZONING RESOLUTION CHANGES INITIATED  
BY THE ZONING COMMISSION PER ORC 519.12**

**January 25, 2012**

The Public Hearing on proposed Zoning Resolution changes initiated by the Zoning Commission was opened by Trustee Chair Amy Anderson at 6:00 p.m. The public hearing was advertised according to ORC and announced on the Township website, together with the proposed changes.

In attendance were: Amy Anderson, Trustee Chair, Trustees Jerry Ritch and Randy Bergdorf, Fiscal Officer Joanne Noragon, Legal Counsel Ed Pullekens, Zoning Commission members Lida Flowers Brandt, Raymond Hatch, Marty Griffith; Zoning Inspector Larry Sulzer, Assistant Zoning Inspector Doug Mayer and Township resident John Petrovitch.

The Boston Township Zoning Bylaw Amendments revised and approved by the Boston Township Zoning Commission, reviewed at their Public Hearing of December 13, 2011, and reviewed by the Summit County Planning Commission were presented to the Trustees for their Public Hearing.

The Trustees reviewed the overview of the proposed changes submitted by the Zoning Commission:

**Preamble**

On December 27 2011 the Boston Township Zoning Commission forward to the Boston Township Trustees recommendations and documents relating to certain proposed amendments to the Boston Township Zoning Resolution. Upon receipt of the recommendations and documents from the Zoning Commission, by letter dated December 27, 2011, the Trustees set the date of January 25, 2012, at 6:00 PM for the public hearing on the proposed amendments as required by the Ohio revised Code. Further, the Township Board of Trustees ordered that notice of the hearing be published in the Cleveland Plain Dealer, a newspaper of general circulation in the township. Said notice of hearing was published in the Cleveland Plain Dealer on January 9, 2012.

**For purposes of a general background:**

Over the last few years, the Boston Township Zoning Commission has been reviewing the Boston Township Zoning Resolution. The last major review and amendment to the Zoning Resolution was in September 1996.

The purpose of the review was to address various issues to update the zoning resolution.

At the start of the review process, the Zoning Commission had the Zoning Resolution reviewed by Kenneth L. Crandall, AICP, and Planning Consultant. Mr. Crandall submitted proposed Amendments to the Zoning Resolution on December 15, 2007. The recommendations of Mr. Crandall provided the initial basis of the review.

After review, the Zoning Commission passed a resolution to adopt changes in the current Boston Township Zoning Resolution. The changes were then forwarded to the Summit County Planning Commission for review. The Summit County Planning Commission at a meeting held on September 22, 2011 reviewed the proposed changes and on September 23, 2011 issued its recommendations of the proposed changes. In summary, the Planning Commission stated that “....After proper review and due consideration, the Summit County Planning Commission recommended approval with comments of that the proposed text amendments,

Item #3, File 09-2011-03 Z (proposed text amendments in chapter 7, Business Corridor District Regulations to add more permitted and conditionally permitted uses and revise Sections 701-705; 707-708; 710 and 711.)

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Item #4, File 09-2011004 Z, (proposed text amendments in Chapter 8 Conditional Zoning Certificates to add more permitted and conditionally permitted uses, and revise Sections 701-705; 707-708; 710 and 711.)

Item #5, File 09-2011 05 Z (proposed text amendments in Chapter 9 Administration and Enforcement Procedures to revise Section 906; 907 and 908.)

and

Item #7, File 09-2011-07-Z (proposed text amendment in Chapter 12 Sign Regulations in General Section 1201.)”

Again, the proposed text amendments were APPROVED by the Summit County Planning Commission with due consideration to Staff comments.

The Summit County Planning Commission disapproved proposed amendments to Chapter 11 Off-Street Parking and Loading in Section 1101-Off-Street Parking and Design Standards. The Zoning Commission decided to take proposed parking changes under further review, and the same are not part of the current Amendments to be considered at tonight’s hearing.

After review and consideration of the Summit County Planning Commission’s recommendations, the Zoning Commission on November 8, moved to amend the applicable zoning resolutions. On November 9, 2011 the Zoning Commission the notified the Summit County Planning Commission that the matter would be set for a public hearing on Tuesday, December 13, 2011.

On November 28, 2011 a legal notice of the public hearing for review of the proposed Text Amendments to the Boston Township Zoning resolution by the Boston Township Zoning Commission was published in the Plain Dealer.

The public hearing by the Planning Commission was held on Tuesday December 13, 2011, after which the Planning Commission recommended the approval of the zoning amendments. As previously stated, the Planning Commission forwarded its recommendation of approval to the Trustees on December 27, 2011.

Tonight’s public meeting is to consider the Text Amendments to the Boston Township Zoning Resolution and presented and approved by the Zoning Commission.

1. The meeting is subject to the Ohio Open Meeting Act-the Ohio Sunshine Law. All comments of the public, discussion and deliberation of the Township Trustees will occur in open session. Comments from the public will be taken with discussion and comments from the Township Board of Trustees. (Executive Sessions or closed-door sessions will NOT be permitted.)
2. Upon the Conclusion of the public hearing and within 20 (twenty) days, the Township Board of Trustees shall either adopt or deny the recommendations of the Township Zoning Commission. The Township Board of Trustees may also choose to some (limited) modification of the proposed amendment.
3. The vote of the Township Board of Trustees to adopt, deny, or modify the Zoning Commission’s recommendations requires only a “majority” vote.
4. The proposed amendments, if adopted by the Township Board of Trustees, shall become effective in 30 (thirty) days after the date of its adoption, unless a referendum petition is filed with the Township Board of Trustees to submit the issue of the proposed amendment to the electors of the township, by placing it on the ballot for the next primary or general election.

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5. Any referendum petition must be:
- a. Signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the most recent general election at which a governor was elected.
  - b. Requesting the Township Board of Trustees to submit the amendments to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least 75 days after the petition is filed.
  - c. Each part of this petition shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents (ORC 519.12(H)).
6. Within 5 (five) working days after the amendment's effective date, the Township Board of Trustees shall file the amendment in the offices of the County Recorder and the County Planning Commission.

The text amendments and procedural matters were discussed among those in attendance.

Trustee Anderson concluded the discussion at 6:30 pm.

After review and discussion of the request, and recommendation of the Zoning Commission to adopt the text amendments as presented, with all conditions of the law being met, **Motion** by Bergdorf, seconded by Ritch, to accept the text amendments as presented and reviewed. All voting yes. Motion Passed. [2012-0125PH-01].

The new text amendments to the Boston Township Zoning Resolution shall become effective in thirty (30) days unless an elector petition for a referendum petition. A copy of the approved text amendments are attached hereto and incorporated herein.

**Motion** by Bergdorf, seconded by Ritch to adjourn. All voting yes. Meeting duly adjourned. [2012-0125PH-02]

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
FISCAL OFFICER

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**January 25, 2012**

Boston Township

Zoning Bylaw Amendments

Approved by  
Boston Township Trustees  
January 25, 2012

Text Amendments to:

Chapter 7 - Business Corridor District Regulations to add more permitted and conditionally permitted uses and revise Sections 701-705, 707-708, 710 and 711.

Chapter 8 - Conditional Zoning Certificates to add conditions for certain uses, and proposing revisions in Sections 800, 802 and 803.

Chapter 9 - Administration and Enforcement Procedures to revise Sections 906, 907 and 908.

Chapter 12 - Sign Regulations in General Provisions Section 1201.

CHAPTER 7

BUSINESS CORRIDOR DISTRICT REGULATIONS

700 PURPOSE

It is the purpose of the Business Corridor District to accommodate office, professional, personal services and limited retail uses while providing a buffer for the residential areas from high traffic routes, and to enhance the financial stability of Boston Township.

701 PERMITTED USES

- 1). Banks, Financial Institutions
- 2). Medical or dental clinics, offices or laboratories
- 3). General or Professional Offices
- 4). Educational Facilities
- 5). Neighborhood-oriented personal services such as barber shops, beauty salons, dry cleaning and/or laundry establishment; shoe repair, dressmaking, tailoring, photo copying establishments, travel agent; repair of household appliances, and other uses deemed similar by the Zoning Commission.
- 6). Neighborhood oriented businesses such as drug stores, meat markets, bakeries, convenience stores, hardware stores, and other uses deemed similar by the Zoning Commission.
- 7). Retail businesses including clothing, jewelry, florist, garden center, general merchandise and other uses deemed similar by the Zoning Commission.
- 8). Religious institution, club, lodge
- 9). Library, museum
- 10). Public buildings
- 11). Restaurants - Table Service: A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.

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**702     CONDITIONALLY PERMITTED USES**

- 1).     Institutions for convalescent care subject to Section 802 (2)
- 2).     Automotive filling stations subject to Section 802 (3)
- 3).     Automotive and recreational vehicle sales and services subject to Section 802 (4)
- 4).     Bed and breakfast establishments subject to Section 802 (7)
- 5).     Hotels and motels
- 6).     Restaurants - Carry-Out: A retail service establishment whose principal business is the sale of foods, frozen desserts or beverages in ready to consume individual servings for carry-out, and/ or drive through service.
- 7).     Distributor's warehouses and sales offices subject to Section 802 (5)
- 8).     Light Industrial uses - such as the assembly and packing of components and products subject to Section 802 (6)
- 9).     Commercial Recreation - is land or facilities operated as a business and shall include, bicycle rental, ski or roller blade rental, pay to play athletic fields, golf courses, bowling alleys, roller skating/ ice skating rinks or swimming pools.
- 10).    Sexually oriented businesses as defined in Article II and subject to the conditions of Section 802(9)(a)(b)(c)(d) (e) (f) (g) and (h)
- 11).    Nurseries and garden supplies subject to Section 802 (10)
- 12).    Tool and equipment rental subject to Section 802(12)
- 13).    Adult or child day care center - refer to Section 802 (13)

**703     LOT REQUIREMENTS**

The minimum lot area shall be not less than one acre unless the County Health Department determines a larger area is required for the proposed use.

- 1).     Minimum Lot Area: As required by County Health Department, unless it has public water and sewer.
- 2).     Minimum Lot Width: 150 feet
- 3).     Minimum Lot Frontage: 150 feet except for 75 feet on cul-de-sac

**704     DESIGN STANDARDS**

- 1).     Maximum Building Coverage shall be not more than 25% of the lot area.
- 2).     Minimum landscaped area shall not be less than 30 percent of the lot area

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**YARD REQUIREMENTS**

|                                    |                      | SIDE     |             |                                    |          |              |
|------------------------------------|----------------------|----------|-------------|------------------------------------|----------|--------------|
|                                    | FRONT                | YARD     |             |                                    | REAR     |              |
| Building or Use                    |                      | ADJOINS  |             |                                    | ADJOINS  |              |
|                                    | Distance from R.O.W. | Res. Use | Non-Res Use | 2 <sup>nd</sup> street from R.O.W. | Res. Use | Non-Res. Use |
| Any Permitted Main Building or Use | 50                   | 50       | 20          | 50                                 | 50       | 50           |
| Conditional Uses:                  |                      |          |             |                                    |          |              |
| Buildings                          | 50                   | 50       | 20          | 50                                 | 50       | 50           |
| Outdoor Display                    | 30                   | 50       | 10          | 50                                 | 50       | 20           |
| Outdoor Storage                    | Not Permitted        | 50       | 20          | 50                                 | 50       | 20           |
| Accessory Building                 | 50                   | 50       | 20          | 50                                 | 50       | 20           |
| Parking Area                       | 30                   | 50       | 10          | 30                                 | 50       | 20           |
| Loading Area                       | Not Permitted        | 50       | 20          | 50                                 | 50       | 30           |

- 1). Minimum Front Yard Depth: 50 feet. Except for access drives, the front thirty (30) feet of the required front yard (s) shall be fully landscaped and planted with vegetative materials. On all corner lots or other parcels having frontage on two or more streets, the required front yard depth and landscaping shall be provided on all areas adjoining each street.
- 2). Minimum Side Yard: 20 feet.
- 3). Minimum Rear Yard: 50 feet minimum. An accessory building shall only be located in the rear yard. On corner lots or other parcels having frontage on two or more streets, the rear yard shall be on the side of the lot located behind the front yard, which is located on the major highway, or behind the front yard which has the most frontage on a highway. On corner lots having equal or nearly equal frontage on two major highways or on no major highways, but on two or more township roads, the rear yard may be designated by the lot owner to be opposite either one of the front yards.

**706 YARDS ADJOINING RESIDENTIALLY ZONED LAND**

All side and rear yards adjoining residentially-zoned land shall be a minimum of fifty (50) feet in width, shall not be utilized for any business, parking, or storage purpose, shall be landscaped with vision-obscuring and screening trees and other plant materials.

**707 HEIGHT REGULATIONS**

- 1). The maximum height of a permitted main building shall not exceed 35 feet. Appurtenant features such as chimneys, sky lights, domes, elevator penthouses or similar feature which are an integral part of the building may be constructed above the height limit but in no case shall such feature exceed ten feet above the maximum height of 35 feet.
- 2). Accessory buildings shall not exceed 15 feet in height.

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**708 SIGNAGE**

- 1) Accessory signs shall be permitted in Chapter 12 SIGN REGULATIONS and in the following regulations:
- 2) All signage shall be attached directly to a building facade or wall or shall be ground mounted. Building signs shall not exceed one square foot in area for each foot of building frontage, but in no case shall exceed 50 square feet. For buildings having access from a second street an additional 40 per cent of the building sign area may be permitted on the building façade on the second street.
- 3) No pole signs shall be permitted
- 4) All signage shall be no closer to public right-of-way than 10 feet and shall not exceed 6 feet in height as measured from existing grade to the top of the sign. Ground-mounted signs shall be consistent with the materials, colors and style of the building, and the use of brick or stone sign bases shall be encouraged. The maximum size of a ground-mounted sign shall not exceed 50 square feet. The maximum size of a ground sign and supporting structure shall not exceed 75 square feet in area.
- 5) Ground-mounted signs shall be appropriately integrated within the overall site landscaping and the use of foundation plantings around ground signs shall be encouraged.
- 6) For integrated developments such as retail centers and multiple buildings on the same parcel, a graphic system shall be used that is uniform in size, shape and color for various tenant signage.
- 7) Window signs not exceeding 40 percent of the total glass area of the ground floor area may be permitted.

**709 TRAFFIC ACCESS/ CURB CUT REQUIREMENTS**

The purpose of this section is to maintain acceptable and safe traffic operating conditions by the location and design of access points. This encourages the uninterrupted flow of traffic and avoids vehicular and pedestrian conflicts.

Curb cut locations. For purposes of this section, all curb cut spacing shall be measured from the central line of the curb cut.

- 1). A minimum distance of 100 feet shall be maintained between curb cuts between businesses.
- 2). The minimum distance from a new curb cut to a main intersection shall be no less than 200 feet. Demonstrated allowance for stacking and maneuvering space shall be shown.
- 3). Adjacent land owners are strongly encouraged to establish common driveways through cross-easement agreements, whenever possible.

**710 LANDSCAPING REQUIREMENTS**

Landscaping shall be used to screen parking areas from adjacent properties to the sides and rear of the property.

Large, unbroken parking areas shall be avoided. Traffic, or directional islands in combination with trees and plantings shall be used to divide large parking areas into smaller segments.

When fences or walls are used, they should be constructed of wood, iron, decorative aluminum, stone/brick, or decorative block. Chain link fences, concrete block, fiberglass or plywood walls shall not be permitted in the front yard. Retaining walls shall be stone, decorative wall systems, brick or pressure treated wood.

Waste receptacles shall be screened on all sides by a six foot high solid fence/ wall.  
Add new subsection 711; renumber 711 Site Plan Review and Conformance to 712

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**711 LIGHTING REQUIREMENTS**

**711.01 Definitions**

For the purpose of this section, the following definitions shall apply.

- (a) Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (b) Full-shielded or full cut-off type fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
- (c) Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
- (d) Illuminance. The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandle.
- (e) Light trespass. Light (emitted by a lighting fixture) that falls outside the boundaries of the property on which the fixture is installed, where it is neither wanted or needed.
- (f) Recessed ceiling fixture. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- (g) Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane.

**711.02 General Requirements**

(a) Light Trespass. The maximum level of light trespass at a property line shall be 0.5 foot-candles. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as to not shine on to any adjacent property or building or to cause glare on to any public street. All site lighting should point inward.

**(b) Measurement**

- (1) Light levels shall be measured in footcandles with a direct reading, portable light meter.
- (2) Measurement shall be taken at the property line along a horizontal lane at a height of three and one-half (3.5) feet above the ground.

**711.03 Exceptions**

The following shall be exempt from above regulations:

- (a) Decorative outdoor lighting fixture with bulbs of less than 25 watts, installed seasonally.
- (b) Temporary construction or emergency lighting provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency requiring such lighting.

**712 SITE PLAN REVIEW AND CONFORMANCE**

712.1 Prior to the issuance of a zoning certificate for any permitted or conditionally permitted use listed in this Chapter, a site plan shall be prepared, submitted for review, and acted upon, all as specified in Chapter 8.

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CHAPTER 8

CONDITIONAL ZONING CERTIFICATES

800 PURPOSE

To provide for issuance of Conditional Zoning Certificates where conditionally permitted uses are provided for in this Resolution.

800.1 The Board of Zoning Appeals may authorize, upon application, conditional uses as delineated in Sections 800 through 807. Such conditional use requests shall conform to the procedures and requirements of Section 800 through 807 inclusively.

800.2 Application for a Conditional Use Permit

An application for a conditional use permit shall be filed with the Zoning Inspector by at least one owner or owner's agent for which such conditional use is proposed. The application shall be signed by the owner or applicant attesting to the accuracy of all information supplied by the application provided, however, that the Zoning Inspector may waive certain submission requirements where it is determined that it is not applicable:

At a minimum, the application shall contain the following information:

- 1). Name, address and phone number of applicant;
- 2). Legal description of property;
- 3). Description of existing use;
- 4). Zoning district;
- 5). Description of proposed conditional use;
- 6). A site plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution (see Section 803.05 Contents of Site Plan).
- 7). A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district;
- 8). Applicant shall supply the Zoning Inspector the names of property owners within 500 feet of the subject property as shown on the current record of the Summit County Auditor. Names shall be printed on gummed address labels.
- 9). Each application shall be accompanied by the payment of a fee as indicated by these regulations, said fees are non-refundable.

800.3 Review by Zoning Commission

The Zoning Inspector must submit the application to the Zoning Commission and to the Board of Zoning Appeals at the same time for their review. The Zoning Commission will act as the technical review committee for the Board of Zoning Appeals regarding site plan reviews. The Zoning Commission will submit their written recommendations to the Board of Zoning Appeals within forty-five (45) days of the first meeting of the Zoning Commission following the submission of such application. For a more timely review, it is advised that the applicant submit a complete application to the Zoning Inspector two weeks prior to the next Zoning Commission meeting.

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**800.4 Hearing**

Within forty-five (45) days after receiving the recommendations of the Zoning Commission, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the community, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing. Also, notification to adjacent property owners shall be mailed by the Zoning Inspector, by first class mail, at least ten days before the day of the hearing.

**800.5 Special Provisions for the Village Residential Districts**

The National Park Service will be afforded the opportunity to review and comment on all conditionally permitted use and site plan review applications, if such applications are located within the Village Residential Zoning Districts. This is for the purpose of better coordinating historic preservation related reviews. Both of the Village Residential Zoning Districts are Historic Districts. These Districts are comprised of the (1) Boston Mills Historic District and (2) the Everett Historic District (see Appendix).

**800.6 Action by Board of Zoning Appeals**

Only upon conclusion of the public hearing procedures relative to a specific application may the Board of Zoning Appeals grant a conditional zoning certificate. Within thirty (30) days after the public hearing required in Section 800.4, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the conditional use application. If approved, the applicant shall sign the conditional zoning certificate, thereby acknowledging the conditions and requirements specified thereon. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this zoning code.

**800.7 Reapplication**

No application for a conditional zoning certificate, which has been denied wholly or in part by the Board of Zoning Appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

**800.8 Termination**

All conditional zoning certificates shall become void at the expiration of one (1) year after the date of issuance, unless the use, building, or development, as provided for in the certificate, is initiated and completed through the final stages or other work equivalent to fifteen (15) percent of the total cost of the proposed project.

**800.9 Conditional Zoning Certificate Extension**

At least fifteen (15) days prior to the expiration of the conditional zoning certificate, application may be made to the Board of Zoning Appeals for a one(1) year extension of the certificate with the same requirements and conditions which were part of the original certificate. Any change in the requirements and conditions requires a new application, public hearing, and full compliance with all requirements and procedures.

**801 GENERAL STANDARDS FOR CONDITIONAL USES**

The Board of Zoning Appeals and the Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of all the following standards and shall find adequate evidence showing the use at the proposed location;

- 1). Is in fact a conditional use as established in this Zoning Resolution and appears on the official schedule of district regulations for the zoning district involved;

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- 2). Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- 3). Will not be hazardous or disturbing to existing or future neighboring uses;
- 4). Will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 5). Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 6). Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and
- 7). Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

In granting any conditional use permit, the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public welfare and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to the regulation of:

- (1) Setbacks
- (2) Screening and buffers
- (3) Parking
- (4) Landscaping and vegetation
- (5) Hours of operation
- (6) Access and traffic
- (7) Glare
- (8) Vibration
- (9) Odors
- (10) Dust
- (11) Smoke
- (12) Noise

**802 SPECIAL REQUIREMENTS FOR CONDITIONAL USES**

In addition to the requirements of this Chapter, the following conditional uses shall meet additional requirements.

- 1). Home Occupations shall be subject to the following special requirements:
  - a). The occupation shall be conducted only by members of the family living in the dwelling and no one from outside the family shall be employed.

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- b). for sales, service, or production shall occupy no more than thirty-five (35%) of the total floor area of the dwelling.
  - c). The occupation shall not generate a significantly greater volume of traffic than would normally be expected in a residential area and all parking shall be in the resident's driveway.
  - d). There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of such home occupation.
  - e). No home occupation, or any aspect thereof, including the storage of materials and supplies, shall be conducted in any accessory building.
  - f). Said home occupation shall be clearly incidental and subordinate to the use of the property for residential purposes.
  - g). There shall be no outside storage of any kind related to the home occupational use.
- 2.) Institutions for Convalescent Care shall be subject to the following special requirements:
- a). All structures and activity areas shall be located at least one hundred (100) feet from all property and street right-of- way lines.
  - b). Off street parking shall be provided as specified in Chapter 11, for all uses except that nursing homes and homes for the aged shall have a minimum of one (1) parking space for every three (3) dwelling units, apartments, or bedrooms. All parking lots and access drives shall be hard surfaced with either concrete or asphalt paving.
  - c). To assure adequate access for fire and other emergency vehicles, all access drives shall be at least twenty (20) feet wide, all building entrances shall be directly accessible to emergency vehicles, and all elevations or faces of the buildings containing the windows, doors, or balconies of the dwelling units, apartments, or bedrooms shall be directly accessible to fire trucks, ladder, or other rescue equipment.
  - d). Such institutions must demonstrate that they have all the appropriate state and local licenses.
- 3). Automotive Filling Stations shall be subject to the following special requirements:
- a). All service, maintenance, and repair activities, except those required to be performed at fuel pumps, shall be carried on inside a building; all repair work performed on vehicles and all storage beyond 24 hours of vehicles awaiting or having completed repairs shall be done within an enclosed building or service area completely enclosed by vision-obscuring fences or walls at least six (6) feet in height.
  - b). No more than two (2) driveway approaches shall be permitted from any thoroughfare and said approaches shall not exceed thirty (30) feet in width at the property line.
  - c). Except for driveway approaches, at least six (6) inch high curb shall be installed and maintained along all parking and service areas facing all street right-of-way lines.
  - d). The parking and storage of all tow trucks, service trucks, and rental trailers, trucks, and other equipment shall be inside an enclosed building or vision-obscuring fences or walls at least six (6) feet in height.
  - e). All service, parking and other paved areas, except access drives, shall be located at least thirty (30) feet from all street right-of-way lines and ten (10) feet from all property lines.
  - f). All enclosed parking, service, and storage areas having walls, fences, or other enclosures exceeding three (3) feet in height shall be located no closer to the street right-of-way lines and property lines than the required minimum front, side, and rear yards of this district.

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- g). No lighting shall constitute a nuisance for adjacent property owners and/or tenants and shall in no way impair safe movement of vehicles on any street or highway; no lighting shall shine directly on adjacent properties.
- 4). Automobile and recreational vehicle sales and service facilities shall be subject to the following special requirements:
- a). All service, maintenance and repair activities shall be performed inside an enclosed building or service area completely enclosed by a vision-obscuring fence or wall at least eight (8) feet in height.
- b). All outdoor display areas for vehicles and equipment being offered for sale shall be located at least thirty (30) feet from all major highway right-of-way lines and shall be located at least a minimum distance equal to the required front, side, and rear yards from all other property lines and township road right-of-way lines.
- c). All parts, damaged vehicles and equipment, and all vehicles and equipment under or waiting for service and/or repair shall be stored in enclosed buildings or areas completely enclosed by a vision-obscuring fence or wall at least eight(8) feet in height.
- d). All obsolete or junk vehicles and equipment and all scrap, junk parts, waste oils and other waste materials shall be disposed of off site.
- 5). Distributor's warehouses and sales offices shall be subject to the following special requirements;
- a). Sales offices shall be primarily business offices with the total area devoted to display, including both the objects displayed and the floor space set aside for the persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of the sales office building or other buildings included in the business.
- b). All storage of materials, parts, or completed products shall be stored inside an enclosed building or visions-obscuring fence or walls at least eight (8) feet in height or higher if necessary to equal the height of the material stored.
- 6). Light industrial uses shall be subject to the following special requirements:
- a). All manufacturing, fabrication, assembly and packaging activities shall be carried out within an enclosed building, and no noise, electromagnetic interference, odor or other nuisance shall be observable outside said enclosed building.
- b). All storage of materials, parts, or completed products shall be stored inside an enclosed building.
- 7). Bed and breakfast establishments shall be subject to the following special requirements:
- a). Fire escapes shall be provided as approved by the local Fire District Authority.
- b). Fire exit instructions shall be posted in each sleeping room.
- c). All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- d). The facility shall be operated so that guests reside at the home for not longer than one continuous week.
- 8). Non- Commercial Recreation Uses shall be subject to the following special requirement:
- a). All permitted structures, playing fields and other facilities within the residential districts shall not be less than one hundred and fifty (150) feet from all other residentially zoned properties.

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(9). Sexually Oriented Businesses uses as defined in this Resolution may be located only in accordance with the following restrictions:

(a) Such business shall only be located in the Business Corridor Zoning District within Boston Township.

(b) No such business shall be located on any parcel within five hundred feet (500') of any residentially zoned district within Boston Township.

(c) No such business shall be located on any parcel within one thousand feet (1,000') of any public library, private or public elementary or secondary school, public park, or church.

(d) No such business shall be located on any parcel within one thousand feet (1,000') of any other sexually oriented business.

(e) Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

(f) The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(g) No person shall establish, or operate, or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section.

(h) Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

10). Nursery and garden supplies

(a) Plant materials may be displayed not less than 30 feet from the street right-of-way.

(b) Landscape supplies and garden equipment may be stored outside but shall be not less than 50 feet from a street right-of-way and shall be screened from public view by a fence or wall not more than eight feet in height.

11). Commercial Recreations

(a) All activities shall be conducted within enclosed buildings.

(b) Accessory uses including sales and servicing of equipment and supplies associated with the proposed activity and sale, serving, and consumption of food and beverage may be permitted.

12). Tool and Equipment Rental

(a) Outdoor display or storage of tools and equipment may be permitted as provided in Section 705 provided that outdoor storage of equipment shall be screened from public view by a fence or wall not more than eight feet in height.

(b) Outdoor display of tools and equipment shall not be permitted in a required front yard.

13). Adult or Child Day Care Center

Facilities shall not provide for overnight stay but shall provide for day care only.

803 SITE PLAN REQUIREMENTS, REVIEW AND CONFORMANCE

803.01 Site plans required

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All permitted and conditionally permitted uses in the Business Corridor District, or change of use proposed to be developed, expanded, modified or otherwise established in the Business Corridor District or Residential Districts, or conditionally permitted uses in the Residential Districts shall be permitted and zoning certificate issued only after site plans and performance guarantees, as specified herein, have been submitted to the Boston Township Zoning Board of Appeals and the Zoning Commission for their review and approval. The Board Of Appeals and Zoning Commission may refer any or all site plans and proposals to the County or Regional Planning Commission, County Engineer's Office, Consultant, and/or any Planning advisory or other committee of the Township for the review and recommendations prior to acting on said plans and proposals.

For a more timely review, it is advised that the applicant submit a complete application to the Zoning Inspector two weeks prior to the next Zoning Commission meeting.

**803.02 Review by the Board of Zoning Appeals and Zoning Commission**

The Zoning Inspector shall submit each proposed development, if it is a conditionally permitted use, to both the Board of Zoning Appeals and the Zoning Commission at the same time. The Zoning Commission will act as the technical review committee for the Board of Zoning Appeals regarding site plan reviews. The Zoning Commission will submit their written recommendations to the Board of Zoning Appeals within forty-five (45) days of the first meeting of the Zoning Commission following the submission of such application. For conditional use applications, the Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after receiving the recommendations of the Zoning Commission, (also refer to Sections 800.4 and 800.6).

The Zoning Commission shall notify owners of property within 500 feet of subject property of the proposed development and the date at which the site plan will be reviewed by the Zoning Commission. Property owners shall be notified not less than 10 days prior to the meeting.

If the proposal does not fall into the category of a conditionally permitted use but still requires site plan review, the Zoning Inspector shall submit the site plan to only the Zoning Commission for their review.

**803.03 Action by Zoning Commission for Site Plan Review**

For site plan reviews not associated with conditionally permitted use applications, the Zoning Commission will act as the reviewing body as follows:

Upon submission of the complete application for site plan review to the Zoning Inspector, the application shall be transmitted to the Zoning Commission where they shall review the site plan pursuant to Section 804 Site Plan Review Guidelines

The Zoning Commission shall act upon all site plans within thirty (30) days of the first meeting of the Zoning Commission following the submission of such application. The Zoning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty (30) day period, a majority of the members of the Zoning Commission present at a meeting thereof may vote to extend the said period of time not to exceed an additional sixty (60) days.

**803.04 Pre-Submission Conference**

Prior to the submission of the Site Plan to the Zoning Inspector, it is encouraged that the applicant meet with the Zoning Commission. In order to promote the orderly and appropriate development of the community through the preparation of site plans and developments consistent with the goals and objectives of the Township, the Zoning Commission and Zoning Inspector may encourage informal discussions by and with the applicant prior to formal submission of the site plan and application for a zoning or conditional zoning certificate. At that time, arrangements can be made for an on site evaluation by the Zoning Commission and Zoning Inspector with the applicant present, if possible. One of the purposes of the pre-submission conference will be to establish the total scope of information that will be required for the applicant to submit along with the application.

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803.05 Contents of Site Plan

The applicant shall submit fourteen (14) copies of the following site plan contents and forms:

- 1). A completed application form;

The applicant shall provide the names and addresses of all property owners within 500 feet as they appear on the current records of the Auditor of Summit County.

- 2.) Each application shall be accompanied by the payment of a fee as indicated by these regulations; said fees are non-refundable;
- 3). The site plan shall be drawn at a scale not less than one (1) inch equals twenty (20) feet;
- 4). The site plan showing the total area in the development;
- 5). The existing zoning of the property in question and adjacent properties;
- 6). All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
- 7). Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
- 8). Location; and elevations of existing water courses and water bodies, including floodplains and wetlands;
- 9). Identification of any significant site amenities or unique natural features;
- 10). The finished grade of the development shown by not less than two (2) foot intervals.
- 11). The locations of all existing and proposed buildings, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories. Architectural information should be included to give a clear understanding of the proposal, including front, side and rear elevation renderings;
- 12). Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities;
- 13). Location of all existing and proposed streets, highways and alleys;
- 14). Location, size and characteristics of all loading and unloading areas;
- 15.) Location and design of all sidewalks, walkways, bicycle paths and areas for public use;
- 16). Location of all walls, fences, and buffer yards;
- 17). The design and location of all existing vegetation including all trees in excess of a diameter of nine inches at five feet above grade, proposed landscaped areas, names and where applicable the size of the proposed plant materials.
- 18). The location, size and height of all proposed signs to be placed on the property.
- 19). The location, height, design and specifications of all proposed outdoor lighting with a lighting diagram indicating foot candle readings at the property lines.
- 20). The proposed storm water management plan
- 21). Location, size and specifications for screening of all trash receptacles and other solid waste facilities;

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- 22). Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean out locations, connection points and treatment systems;
- 23). Location of all other utilities on site;
- 24). Seal of the registered engineer, landscape architect or surveyor licensed to practice in the State of Ohio who prepared the site plan; and
- 25). The following information should also be shown on all adjacent properties to a distance of three hundred (300) feet from the site, existing buildings, parking areas, street access drives, streams, storm sewers, and significant natural features.

**804 SITE PLAN REVIEW GUIDELINES**

The following principles shall guide the exercise of site plan review by the Zoning Commission and Board of Zoning Appeals:

- 1). The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- 2). Special attention shall be given to proper site drainage so that removal of stormwaters will not adversely affect neighboring properties. Stormwater runoff from the development should be handled through detention and retention facilities.
- 3). Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams and public streets, and to minimize the possibility of erosion. Grading plans may be required to be reviewed by the County Engineer or other registered engineer, with any costs borne by the developer.
- 4). All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- 5). There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- 6). All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials.
- 7). Screening of parking areas from surrounding properties shall be provided through landscaping and /or ornamental walls or fences to promote harmony with adjacent development and lands.
- 8.) Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- 9). Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
- 10). Open spaces should be linked together.
- 11). Natural separation should be preserved or created on the site by careful planning of the streets and clustering of the buildings using natural features and open spaces for separation.
- 12). Short loop streets, cul-de-sacs and residential streets should be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- 13). Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should be located as near as possible to be accessible to the structure.

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- 14). Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
- 15). Parking lots and garages should be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there should be a sharing of curb cuts of more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
- 16). Drive through establishments such as banks should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations.
- 17). Parking and loading provisions shall meet the requirements of Chapter 11, Off-Street Parking and Loading.
- 18). All utilities on site shall be located underground.
- 19). Compliance with Environmental Performance Standards per Chapter 4. Section 408.

**805 SITE PLAN REVIEW**

The Boston Township Zoning Board of Appeals and Zoning Commission may authorize the issuance of a zoning or conditional zoning certificate upon finding site plans consistent with the purposes and objectives of this Zoning Resolution, consistent with any specific requirements and specifications included for the approval of a conditionally permitted use, and consistent with the requirements of this Resolution. Prior to authorizing the issuance of zoning certificates, the Board of Appeals may seek expert advice or cause special studies to be made for input to its review of any plans or proposals submitted. Likewise, the applicant may be requested to volunteer to provide additional information or re-study all or part of the proposal, or to have additional studies done. The costs of securing expert advice or studies shall be borne by the applicant, and the applicant shall be notified of the cost early on in the review process. Funds for such advice or studies shall be placed in an escrow account with the Township Board of Trustees upon the request of the Zoning Board of Appeals.

The Board of Zoning Appeals may employ a consultant having expertise in planning, development, architecture, engineering, or other land planning and design professions, to assist the Township in the administration of these regulations. Such assistance may include preliminary discussions with the applicant prior to the submission of a site plan, the review of site plans and the preparation of recommendations for consideration by the Township's officials, the review of performance and compliance during construction, and the review of the completed project prior to the issuance of an occupancy permit or the release of performance guarantees.

**806 CONFORMANCE WITH APPROVED SITE PLANS**

All aspects of the development shall conform to the approved site plan. It shall be a violation of this Resolution for any building or premises to be occupied or used prior to conformance with all applicable requirements of this Resolution and completion of all specifications of this Section including required landscaping, drainage, parking area, road, and driveway improvements according to the approved site plan. The provision of financial guarantees [performance bonds] to the Township Trustees in an amount equal to said required improvements may be required by the Board of Appeals. Said guarantees shall be for a period not to exceed two (2) years and shall provide for the complete construction of the improvements within that period.

**807 VARIANCES PROCEDURES**

Variances from the provisions and specifications of an approved site plan shall be made only upon the approval by the Zoning Board of Appeals of revised plans and specifications submitted under the provisions of this Chapter.

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CHAPTER 9

ADMINISTRATION AND ENFORCEMENT PROCEDURES

Enforcement, Fees, and Penalties

900 PURPOSE

This article stipulates the procedures necessary to obtain permits and certificates required by this Resolution, and sets forth the penalties for any violations to this Resolution.

901 ZONING INSPECTOR

For the purpose of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Inspector. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

901.1 Duties

The Zoning Inspector shall keep accurate records of all applications for zoning certificates and action taken thereon. The Zoning Inspector shall investigate alleged violations of the Resolution, and take the necessary legal action to bring about proper enforcement of this Resolution.

902 ZONING PERMITS

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Appeals deciding an appeal, variance, or conditional use, or from the Zoning Commission approving a site plan or as provided by this Resolution.

902.1 Application for a Zoning Permit

Application for a Zoning Permit, including permits for Temporary Uses, shall be made to the Township Zoning Clerk prior to beginning construction. At a minimum, the application shall contain the following information, be accompanied by all required fees, and be sent to the Zoning Inspector who will notify the Appeals Board.

- 1). Name, address, and phone number of applicant;
- 2). Legal description of property;
- 3). Address of building site;
- 4). Existing use;
- 5). Proposed use(s);
- 6). Zoning district boundaries and designation;
- 7). Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the location and dimensions of the proposed building(s) or alteration; and required yard and building setback lines;
- 8). Building height;
- 9). Number of dwelling units.

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**902.2 Approval of Zoning Permit**

The Zoning Inspector shall be allowed a reasonable time, not to exceed thirty (30) days after the receipt of the application and fees (unless there is a need for conditional approval and/or site plan review) to check permit applications, property and plans before issuing or refusing to issue a Zoning Permit. The Zoning Inspector shall issue or refuse a permit on official forms approved by the Township Trustees. In all cases of refusal to issue a permit, the Zoning Inspector shall clearly state the reason or reasons for refusal.

**902.3 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a certified (journalized) new highway or highway improvement or within 500 feet from the intersection of an existing public road with said centerline, the Zoning Inspector shall notify the Director of Transportation by registered or certified mail. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received.

If the Director of Transportation notifies the Zoning Inspector that he intends to proceed with the acquisition of the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director provides notice that acquisition at that time is not in the public interest or at the expiration of the 120-day period or any extension, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

**902.4 Inspection of Property**

The permit holder shall notify the Zoning Inspector within five (5) days after construction has started. Within five (5) days from the receipt of such notification, the Zoning Inspector shall visit the building site and determine if construction is proceeding in conformance with the zoning permit.

**902.5 Expiration of Zoning Permits**

Zoning permits shall be effective for six (6) months and shall not be invalidated by a change in zoning during that period.

A permit shall expire at the end of six(6) months unless the footer or other base for the structure has been completed in compliance with the plans presented when the zoning permit was issued.

If, after the footer or base has been completed but construction has been stopped for more than six (6) months, the permit is automatically canceled and a new permit shall be required before construction can proceed.

**903 CERTIFICATE OF OCCUPANCY**

It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof, until a Certificate of Occupancy shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. A Certificate of Occupancy shall be required:

- 1). Before occupancy of new residential dwellings;
- 2). Before occupancy of any existing or new locations for the purpose of operating a business, except home occupations;
- 3). When a full or partial change from one type of use to another occurs (such as residential to commercial);
- 4). When any property in a commercial district changes from one owner/operator to another. In such case, the new owner/operator shall bring the previous Certificate of Occupancy to the Zoning Inspector and shall be subject to the same procedures and inspections as for a new building or use.
- 5). When a full or partial change from one commercial use to another occurs.

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**903.1 Occupancy Permits**

No new, remodeled, or expanded building shall be occupied until a Boston Township Occupancy Permit has been applied for and received. Application for an occupancy permit shall be made to the Boston Township Zoning Inspector by the zoning certificate holder at such time as all work specified on the Zoning Certificate and any associated plans and specifications have been completed.

**904 APPLICATIONS AND FEES**

Application forms shall be available in the office of the Zoning Inspector and all completed applications accompanied by the required fee shall be submitted to the Zoning Clerk.

The township shall, by resolution, establish a schedule of fees, charges, and expenses related to site plan review, conditional zoning certificates, zoning permits, certificates of occupancy, appeals, variances, amendments and other matters pertaining to the administration and enforcement of this Zoning Resolution. The schedule of fees shall be posted in a public location and be available from the Zoning Inspector and may be altered or amended only by the Township Trustees.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**905 VIOLATIONS AND PENALTIES**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto and no other use, arrangement or construction. Any other use, arrangement or construction, or failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Resolution.

**905.1 Complaints Regarding Violations**

Whenever a violation of this Resolution occurs or is alleged to have occurred, the Zoning Inspector shall immediately investigate it, and make recommendations to the Zoning Board of Appeals.

**Zoning Permit Revocation**

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this resolution or based upon false information or misrepresentation in the application.

**905.3 Penalties and Fines**

Any person, firm or corporation violating any provisions of this Zoning Resolution or supplements or amendments thereto shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense. Where construction is begun prior to the application for a required Zoning Permit, there shall be assessed a penalty of 50% of the Zoning Permit Fee in addition to the regular fee.

**906 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS**

**906.01 POWERS AND DUTIES**

The Board of Zoning Appeals is authorized to act as provided in the Ohio Revised Code and shall have all the powers and duties prescribed by law and the Boston Township Zoning Resolution.

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(a) For the purpose of this Zoning Resolution, the Board of Appeals shall have the following powers and duties.

- 1). To hear and decide appeals. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action made by the Zoning Inspector, or by and administrative officer on matters relating to this Zoning Resolution for relief from any order, requirement, decision of determination, including the refusal, granting or revocation of permits, and then t decide appeals by either reversing, affirming wholly or in part or modifying such order, requirement, decision or determination.
- 2). To authorize variances from the terms of this Zoning Resolution when practical difficulties or unnecessary hardship, depending on the type of variance sought, result through the strict and literal interpretation and enforcement of the provision hereof, the Board of Zoning Appeals shall have authority to grant upon such conditions as it may determine, such variances from the provision of this Zoning Resolution as may be in harmony with its general purpose and intent, so that the spirit of the Zoning Resolution shall be observed, public safety and welfare secured and substantial justice done.
- 3). To grant Conditional Zoning Certificates for the use of land, building, and other structures if such certificates for specific uses are provided for in this Zoning Resolution.
- 4). To retain the services of technical experts and such other persons as may be required to perform its duties.
- 5). To hear and decide all matters specifically referred to it for decision such as district boundary lines and other sections of the Zoning Resolution.
- 6). To adopt rules and regulations provided they are not in conflict with this Zoning Resolution for the holding of meetings for the transaction and disposition of its business and the exercise of its powers.
- 7). To compel and require the attendance of witnesses by power of subpoena, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

**906.02 MEETINGS, HEARINGS, RECORDS**

- 1). Meetings and Hearings

The Board may schedule regular monthly meetings or meetings as called by the Chairman. Special meetings can be arranged at the call of the Chairman.

- 2). Record of decisions. The board is authorized to engage the services of a court reporter, and shall provide a report of all its proceedings, setting forth its decision, the vote of each member participating therein and the absence of a member or his failure to vote. Any permit authorized or issued pursuant to any decision of the Board shall have incorporated therein any special conditions prescribed by the Board and a statement that the permit is subject to revocation for failure to comply with any of the conditions so prescribed.

**907 APPEALS AND PUBLIC HEARINGS**

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, by any officer, board, or department of the Township to be adversely affected by any decision or action of the Zoning Inspector or by any administrative officer deciding matters relating to this Zoning Resolution.

**907.01 Initiation of Appeal**

A notice of appeal shall be filed with the secretary of the Board of Zoning Appeals within twenty calendar days after the date of any adverse order, requirement, decision, or determination and shall be accompanied by payment of the required fee as set forth in the Zoning Fee Schedule adopted by the Township Trustees. Such written notice of appeal shall specify therein the grounds and reasons for the appeals. Upon the filing of any such appeal, the secretary shall

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forthwith notify the Zoning Inspectors of the action so appealed. Within seventy-two (72) hours, the Zoning Inspector shall transmit to the secretary all data pertaining to the subject matter upon which the action so appealed was taken.

**907.02 Public Hearing by the Board**

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall place the request upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail, addressed to the parties making the scheduled hearing. All notices shall be sent to addresses given in the application; otherwise to the addresses given in the last assessment roll. Not less than ten days prior to the date set for such hearing or appeal, written notice of such hearing shall be caused by the Board to be given by first class mail to any person, firm, or corporation owning premises located within 500 feet of the property line of the property which such appeal or application related. Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the City at least ten days before the date of said public hearing. The board may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney. The appellant, except the Township shall post security for cost of all action required for the hearing of the appeal.

**907.03 Stay of Proceedings**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by a court having lawful jurisdiction.

**907.04 Decision of the Board**

Within its powers, the Board of Zoning Appeals may, by a favorable vote of three or more members, reverse or affirm, wholly or in part, or modify to be done, and to that end shall have all the powers of the officers from whom the appeals is taken, and it may direct the issuance of a certificate. The Board shall render a decision on the appeal without unreasonable delay.

**907.05 Notification of the Board's Decision**

The secretary of the Board shall notify the appellant in writing of the decision of the Board. The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member thereon, and shall keep records of its official actions.

**908 VARIANCES**

**908.01** The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution and will not be contrary to the public interest according to the following procedures:

1). **Application Requirements.** An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms promulgated and provided by the Board, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:

- (a) Name, address and phone number of the applicant(s);
- (b) Proof of Ownership, legal interest or written authority;
- (c) Description of property or portion thereof;
- (d) Description or nature of variance requested;
- (e) Narrative statements establishing and substantiating the justification of the variance pursuant to subsection (b) below;
- (f) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;

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(g) Payment of the application fee as set forth in the Zoning Schedule Fee as adopted by the Township Trustees and is available online.

(h) Any other documents deemed necessary by the Zoning Inspector.

The Board of Zoning Appeals may request that the applicant supply additional information that the board deems necessary to adequately review and evaluate the request for a variance.

2). Review by the Board. According to the procedures established for appeals in Chapter 907 the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence it demonstrated that the literal enforcement of this Resolution will result in practical difficulty or unnecessary hardship, depending upon the type of variance sought.

**908.02 REQUIRED FINDINGS FOR A VARIANCE**

(a) When considering a request for a variance the Board shall be subject to powers and limitation of powers set forth in the Ohio Revised Code and further subject to the required findings set forth in subparagraph (b) or subparagraph (c) depending on the type of variance sought. The applicant for a variance shall have the burden of proof in these proceedings.

(b) No variance to the provision or requirements of the Zoning Resolution pertaining to area zoning requirements such as frontage, setback and height shall be granted by the Board unless the Board has determined that a practical difficulty exists or will result from a literal enforcement of the Zoning Resolution. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or set back variance, has proved practical difficulty include:

(1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment if the variance is granted;

(5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

(6) Whether special conditions or circumstances exists as a result of actions of the owner;

(7) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

(8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

(9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

10) Whether the property owner purchased the property with knowledge of the zoning restrictions.

(c) The Board may authorize a use variance, in specific cases, for the strict application of the zoning Resolution provided that it has considered the factors enumerated in subparagraph (b)

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through (9) above, and further provided that all conditions enumerated in (1) through (7) below have been met;

- (1) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (2) The hardship condition is not created by actions of the applicant;
- (3) The granting of the variance will not adversely affect the rights of adjacent owners;
- (4) The granting of the variance will not adversely affect the public health, safety or general welfare;
- (5) The variance will be consistent with the general spirit and intent of the zoning code;
- (6) The variance sought is the minimum which will afford relief to the applicant; and
- (7) There is no other economically viable use which is permitted in the zoning district.

**908.03 CONDITIONS AND SAFEGUARDS**

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

**908.04 ACTION BY THE BOARD**

The Board shall either approve, approve with supplementary conditions as provided in Section 907.4, or disapprove the request for variance according to the procedures established for appeals in Chapter 907. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible reasonable use of the land, building or structure.

If a variance has been denied by the Board, the Board shall also list the reasons in writing that justify the denial of the variance. The board need not reconsider the same or substantially similar request for a variance if resubmitted within one year after the date of the decision, unless the underlying conditions have substantially changed.

**908.05 FINDINGS AND CONCLUSIONS OF FACT**

Any interested party to an appeal or an application for a variance may make written request that the Board issue findings and conclusions of fact in support of any final decision entered by the Board. Any request for findings and conclusions of fact must be made in writing within ten (10) calendar days of the Board's decision. Upon receipt of a request for findings and conclusions of fact, the Board shall issue such findings and conclusions within fifteen (15) days of such receipt. Nothing herein shall extend the time for the filing of an appeal pursuant to the Ohio Revised Code.

**908.06 TERMS: MODIFICATION AND RENEWAL OF VARIANCE**

Variances shall be non-assignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this section and the Board shall not be bound by its prior decision.

**908.07 APPEALS TO COURT**

Decisions by the Board of Zoning Appeals granting or denying variances shall be final within the Township, except that an appeal therefrom may be taken to the Court of Common Pleas of Summit County, Ohio pursuant to the Ohio Revised Code by any interested party, including the Township and its officials.

**908.08 FEES**

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The fee is as set-forth in approved fee schedule adopted by the Township Trustees and is available on line.

**CHAPTER 12**

**SIGN REGULATIONS**

**1200 PURPOSE**

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Township; to maintain and enhance the natural and manmade environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

- 1). That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the Township, and as such are detrimental to the public health, safety and welfare.
- 2). That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

**1201 GENERAL PROVISIONS**

The following regulations shall apply to all permitted signs in the Township.

1201.1 No sign shall obstruct or interfere with traffic or traffic visibility.

1201.2 No sign shall have animation, moving parts, flashing lights or changing colors, except part of a sign, which by means of changes in copy or moving parts, indicates time or temperature only.

1201.3 No sign shall be permitted as the principal use, unless otherwise permitted by law, on a premises. Signs shall only be permitted as accessory uses.

1201.04 Ground signs shall not exceed six (6) feet in height above existing ground level.

1201.05 Signs on buildings shall be displayed only on the wall or walls facing a public street and shall not project more than two (2) feet from the wall of the building nor extend more than four (4) feet above the top of the building wall nor extend above the top of the building.

1201.06. No part of an allowable sign shall be located less than ten (10) feet from the right-of-way.

1201.07 The following types of signs shall be prohibited:

- 1) Outline lighting of the buildings or roof line.
- 2) Internal illumination of all or part of the roof.
- 3) Permanent signs on accessory structures.
- 4) Merchandise, equipment, product, vehicles or other items not themselves for sale and placed for gaining attention, identification or advertising purposes.
- 5) Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloon, pennants, streamers, spinner, exposed light bulbs and strings of light no permanently mounted to a rigid background or other similar types of devices.

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- 6) Roof signs.
- 7) Billboards, unless otherwise permitted by law.
- 8) All signs not advertising services or goods sold on premise.
- 9) Flags intended for advertising or commercial purposes.
- 10) Electronic reader boards.

**1202 OUTDOOR ADVERTISING SIGN REGULATIONS**

No advertising sign shall be allowed or permitted except on the premises on which the business that is being advertised is located, unless otherwise permitted by law. All signs shall require a zoning certificate before being erected or displayed, constructed, added to or replaced.

1202.1 Roadside stand signs: One sign advertising the sale of agricultural products produced on the premise shall be permitted provided such sign shall not exceed ten (10) square feet in total sign area.

1202.2 Commercial Real Estate Signs: One unlighted sign not to exceed eight (8) square feet in area of advertising space pertaining to the lease, rent, or sale of a lot, building, or premise on which it is located. Such signs shall be removed immediately after said building or property is sold, leased, or rented. The Realtor must notify the Zoning Inspector in writing when the sign is put up and when the sign is removed. One "Open House" sign is permitted and shall be located at the entrance to the property. Such "Open House" sign shall be displayed only during normal business hours.

1202.3 Private Real Estate: One unlighted sign not to exceed six (6) square feet in area of advertising space pertaining to the lease, rent, or sale of a lot, building, or premise on which it is located. Such signs shall be removed immediately after said building or property is sold, leased or rented.

1202.4 Allotment Signs: An allotment or real estate subdivision shall be permitted one (1) sign not to exceed thirty-two (32) square feet of advertising space. Such sign shall be subject to building line restrictions and removed within thirty (30) days after last lot or building is sold or abandoned.

1202.5 Institutional Signs: One announcement sign or bulletin board not to exceed thirty-two (32) square feet of advertising space in area shall be permitted on premises occupied by a public, charitable, or religious institution, or place of general assembly.

1202.6 Signs Advertising Community Events: Any community organizations sponsoring local events may display advertising signs which must be removed within three (3) days after the event or lose privileges of future signs. Such organizations shall not be subject to fee.

1202.7. Recreational Areas of Non-profit Organizations Signs: One (1) sign bearing only the recreation area name and/or the name of the private club, church group, fraternal organization, or service group but not stating the trade name of goods made or sold therein may be placed not closer than thirty (30) feet from the edge of the right-of-way and not to exceed a maximum area of fifty (50) square feet. Subject to fee and permit.

1202.8 In case of a corner recreation area, an additional sign, not to exceed a maximum area of fifty (50) square feet may be placed facing the side street, not closer than thirty (30) feet from the edge of the right-of-way.

**1203 BUSINESS SIGNS**

Business signs shall be limited to those identifying the firm, nature of business, profession, or services, or other permitted uses and to those advertising of goods sold or services rendered on

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the premises. Such signs shall bear the legible street number of the premises. The maximum sign advertising area shall not exceed fifty (50) square feet.

**1204 CERTIFICATES, PERMITS AND FEES**

All signs in above classification shall have such certificates or permits before being constructed, assembled, erected, and/or repaired. No signs may be displayed without permits granted in writing by Zoning Inspector after fees are paid.

1204.01 No sign of any type shall be displayed on the roof of any structure.