Boston Township

Zoning Department

1775 Main St PO Box 123, Peninsula, OH 44264 • (330) 657-2059

APPLICANT GUIDE

Zoning Certificates — All Zoning Districts

Based on the Boston Township Zoning Resolution (Rev. March 5, 2025)

WHICH PROCESS APPLIES TO YOU

Every structure built, moved, enlarged or structurally altered, and every new or changed use of land or buildings, needs a zoning certificate (§902(a)). **Who reviews it depends on your district and your use.** Residential projects that are permitted by right are decided by the Zoning Inspector. **Every application in the business districts — the Business Corridor and the Seasons Road Business corridor — and in the Economic Activity District goes before both the Zoning Commission and the Board of Zoning Appeals**, permitted use or conditional use, large project or small: there is **no Zoning-Inspector-only route in those districts**. Any **conditional use** — in any district — likewise goes before both the Zoning Commission and the Board of Zoning Appeals.

Part 9 lists the documents to submit for each route, as a checklist. Take it to your pre-submission conference and file it with your application.

Your project	Who reviews and decides	Guide
A **permitted use** in the Residential (R) district — single-family home, addition, garage, shed, stable, fence, pool, deck, sign, demolition, roadside stand, Home Occupation Type II	Zoning Inspector (§902.02) — a two-family home or any other business is a conditional use or not permitted (§502)	Parts 1 and 7
Agricultural buildings; **Home Occupation Type I**; a **garage sale**	**No certificate** — but a garage sale needs written notice to the Zoning Inspector at least 7 days before (§105.03, §512, §515)	Part 7

A visitor's **recreational vehicle**, or a **mobile home** lived in while a house is built	RV: Zoning Inspector permit with notarized affidavit; mobile home: Board of Zoning Appeals, up to 2 years (§105.05)	Part 7
In the **Village Residential (V-R)** historic districts: a single-family home, garage, shed, addition, fence, or Home Occupation Type I or II	Zoning Inspector (§601) — **anything else there is a conditional use**, including a two-family home or any shop (§602)	Parts 1 and 6
A business property in a commercial district (B-C or SRB) **sold, leased or taken over** by a new owner or operator, even with no change of use	A **new Certificate of Appropriateness** — bring the previous one; same procedures and inspections as a new use; any conditional use permit conditions still apply (§903(d), §906.02(b))	After a certificate is issued
A **change of use** in the R or V-R district	Zoning Commission site plan review, then the Zoning Inspector (§803.01); in V-R the National Park Service is also offered it for comment (§800.05)	Part 2
Every application in the Business Corridor (B-C) district — permitted or conditional, new, expanded, modified or changed, including a change of use or tenant, signs, lighting, parking and fences (§713)	Site plan review by the Zoning Commission **and** the Board of Zoning Appeals, then the Zoning Inspector (§711.1, §803.01)	Parts 2 and 9
Every application in the **Seasons Road Business (SRB)** district — including a change of use or tenant, signs, lighting, parking and fences (§713)	Site plan review by the Zoning Commission **and** the Board of Zoning Appeals, then the Zoning Inspector — and buildings over 10,000 sq ft or 35 ft are conditional uses (Part 3) (§702A.g–h)	Parts 2, 5 and 9

A **Planned Development** in the SRB district (10+ acres)	Zoning Commission public hearing and recommendation, then a **Board of Township Trustees** public hearing and decision on the Preliminary Plan; Zoning Commission approval of the Final Plan (§709A)	Part 5
Any use within an approved Planned Development	Site plan review, including consistency with the Final Development Plan (§711A.a)	Part 2
Any use in the **Economic Activity District (EAD)** — a tourist-related shop, farm market, home, farm building, garage or fence	Site plan review by the Zoning Commission **and** the Board of Zoning Appeals, then the Zoning Inspector — and churches, schools, government buildings, cemeteries, home occupations and animal boarding are conditional uses (Part 3) (§1502)	Parts 2 and 8
A **conditional use** in any district, or a **similar use**	Zoning Commission recommendation, then a Board of Zoning Appeals public hearing and decision (§800, §906.01)	Part 3
A **variance**, or an **appeal** of the Zoning Inspector's decision	Board of Zoning Appeals public hearing and decision by three or more votes — not the Zoning Commission, in any district. An appeal must be filed within 20 days of the decision (§907, §908)	Part 4

Find your district with the Township's zoning lookup, and your use on the district's lists:

Zoning district	Permitted uses	Conditionally permitted uses	Business district?
Residential (R)	§501	§502	No — see Part 7
Village Residential (V-R)	§601	§602	No — historic districts; see Part 6
Business Corridor (B-C)	§701	§702	Yes — both boards review every use

Seasons Road Business (SRB)	§701A	§702A	Yes — both boards review every use; see Part 5
Economic Activity District (EAD)	§1501	§1502	No — but both boards review every use; see Part 8

In every case

- The Zoning Inspector notifies the Board of Zoning Appeals of your application (§902.01).
- Where a board must act, the certificate is issued only on that board's **written order** — the Board of Zoning Appeals for a conditional use, variance or appeal; both boards for a Business Corridor, Seasons Road Business or Economic Activity District site plan; the Zoning Commission for any other site plan (§902(b), §803.01).
- If your use is not on either list for your district, ask the Zoning Inspector to refer it to the Board of Zoning Appeals for a **similar-use determination** before you apply (§906.01(a)(8)).
- No action is taken until all fees, charges and expenses are paid in full (§904).

Part 1 — Permitted uses reviewed by the Zoning Inspector

For residential projects permitted by right, and any other project the Inspector confirms needs no board review.

Step 1 — Confirm the use is permitted in your district.

Check that your use is on the district's **permitted** list (table above). If it is on the conditionally permitted list, see Part 3. If it is a change of use, see Part 2.

This Part does not apply in the business districts. If the property is in the **Business Corridor (B-C)** or the **Seasons Road Business (SRB)** district — or in the **Economic Activity District** — the Zoning Inspector cannot decide your application alone, however small it is. A permitted use goes through site plan review by both boards under **Part 2**; a conditional use goes through **Part 3**, which is also both boards.

If the property does not meet today's rules (§106). A lawful use that existed before the Resolution may continue, but may not be enlarged or spread to more land, and ends if discontinued for more than **two years**. A nonconforming building destroyed by more than half its replacement cost may be rebuilt only in conformity; if half or less, a permit for the repairs must be applied for and issued **within one year**, and the repairs may not add or increase any nonconformity. In a residential district, a lot of record served by public sewer and water may hold a single home if it has at least 20,000 sq ft and the home meets the setbacks.

Every use, in every district, must also meet the **environmental performance standards** for noise, vibration, glare, air and water pollutants, hazardous materials and electrical disturbance (§108).

Step 2 — Gather your required materials (§902.01).

- a. Applicant name, address, and phone number
- b. Legal description of the property
- c. Address of the building site
- d. Existing use
- e. Proposed use(s)
- f. Zoning district boundaries and designation
- g. **Plans drawn to scale — 3 full-size, 5 half-size and a digital copy** (the Township submission standard for every application, in place of “in duplicate”) — showing the lot's actual dimensions and shape; the size and location of existing buildings; the location and dimensions of the proposed building or alteration; and the required yard and building setback lines
- h. Building height
- i. Number of dwelling units

Step 3 — Obtain sewage/health approval if applicable.

If your project involves sanitary sewage disposal, provide evidence that the responsible Health Authority has approved the proposed facilities. A zoning certificate **cannot** be issued without it (§902(c)). The Resolution says *the responsible* Health Authority, and which agency that is depends on the system, not on who usually handles septic:

- **Summit County Public Health** — a household system serving one, two or three dwellings, and a **small flow on-site system** serving a non-household building, where the design flow is **1,000 gallons per day or less** and no discharge permit is required (ORC Chapter 3718; OAC 3701-29).
- **Ohio EPA** — a system with a design flow of **more than 1,000 gallons per day**, and any system that **discharges to waters of the State**. Summit County Public Health refers these to the State. Ohio EPA issues a **permit to install** (OAC 3745-42; ORC Chapter 6111) and, where there is a discharge, an **NPDES permit** (ORC 6111.03).
- **The sanitary sewer authority** — where the use connects to a public sewer instead, its written approval of the connection.

A **commercial building on its own system** is the common case for the State route. Ohio EPA review runs considerably longer than a county approval, and §902.02's thirty days start from your complete application and fee without waiting for it — so start the approval before you file, not after.

Step 4 — File with the Zoning Clerk, with the fee, before starting work.

Submit the completed application and the fee from the Township's adopted fee schedule to the Township Zoning Clerk **prior to beginning construction** (§902.01, §904). No action is taken until every fee is paid. **If work begins before you apply, a penalty of 50% of the permit fee is added**, and building or using property without a permit is a misdemeanor punishable by a fine of up to $500 for each day it continues (§905, §905.03).

Step 5 — Zoning Inspector review (up to 30 days).

After receiving your complete application **and fees**, the Zoning Inspector has a reasonable time — **not to exceed thirty (30) days** — to check your application, property and plans, and issues or refuses the certificate. A refusal states the reasons in writing (§902.02). You may appeal a refusal to the Board of Zoning Appeals **within twenty (20) days** (§907.01, Part 4). A permit issued contrary to the Resolution, or on false information in the application, may be revoked (§905.02).

Step 5a — State highway notification (only if applicable).

If any part of the land is **within 300 feet of the centerline** of a certified new highway or highway improvement, or **within 500 feet of the intersection** of an existing public road with that centerline, the Inspector must notify the Ohio Director of Transportation and **cannot issue the certificate for 120 days** from the date that notice is received (§902.03). This applies in every district and to every process in this guide.

Then see **After a certificate is issued** at the end of this guide.

Part 2 — Business districts and changes of use: site plan review

In the **Business Corridor (B-C)** district, **no zoning certificate may be issued for any permitted or conditionally permitted use** — nor for a use being developed, expanded, modified or changed — until a site plan has been submitted, reviewed and approved (§711.1, §803.01). The Township applies the same to **every application in the Seasons Road Business (SRB)** district and in the **Economic Activity District (EAD)**. It also applies to a **change of use in a Residential district** (§803.01) and to any use within an SRB Planned Development (§711A). Fences in business districts may be built only in conformance with an approved site plan (§713).

Who reviews the site plan. In the **Business Corridor, Seasons Road Business and Economic Activity** districts — including uses inside an SRB Planned Development — site plans are submitted to **both the Zoning Commission and the Board of Zoning Appeals** for their review and approval (§803.01): the Commission reviews first, as the Board's technical review committee, and the Board then acts (Steps 5 and 6). For a **change of use in a Residential district**, the Zoning Commission is the reviewing body (§803.02, §803.03); in a **Village Residential** district the site plan is also offered to the **National Park Service** for review and comment (§800.05). If your use is a **conditional use**, the site plan is reviewed as part of the conditional use application in Part 3.

Business Corridor and Seasons Road Business — every application, both boards

There is no Zoning-Inspector-only route in the B-C or SRB district. **Every** application goes to the **Zoning Commission** and then to the **Board of Zoning Appeals** before a zoning certificate can issue (§711.1, §803.01) — permitted use or conditional use, new construction or work on an existing site, and however small the job. That includes:

- a new building, an addition, or a structural alteration;
- a **new or changed use** of land or a building — including a new tenant taking over an existing space for a different use — and any use being developed, expanded, modified or redeveloped (§711.1, §803.01);
- **parking, loading and driveway** work, and new curb cuts (§708, §1107);
- **fences**, which may be built only in conformance with an approved site plan (§713, §706A.e);
- **signs**, outdoor **lighting**, outdoor **storage or display**, trash enclosures and changes to approved landscaping (§709, §710, Chapter 12);
- accessory buildings, and demolition where a certificate is required for it;
- any use inside an approved SRB Planned Development, which is also checked against the Final Development Plan (§711A.a).

The **only** matters the Board of Zoning Appeals hears without the Zoning Commission are a **variance** and an **appeal** of the Zoning Inspector's decision (Part 4) — and where the project also needs a certificate, its site plan still goes through both boards. A **change to an already approved site plan** is not a fresh variance: the Board of Zoning Appeals approves the revised plans (§807). **Part 9** lists the documents to file.

Step 1 — Meet with the Zoning Commission and Zoning Inspector first (encouraged).

Before submitting, the Township encourages a **pre-submission conference**. It settles the full scope of information your application must include and can arrange an on-site evaluation with you present (§803.04).

Step 2 — Prepare the site plan and supporting plans (§803.05).

Submit **3 full-size and 5 half-size copies plus a digital copy** of (the Township submission standard, in place of §803.05’s twenty copies):

- the completed application form, and the names and addresses of all property owners **within 500 feet**, from the current Summit County Auditor records;
- the non-refundable application fee;

- a site plan drawn at a scale of **not less than 1 inch = 20 feet**, bearing the **seal of an Ohio-licensed engineer, landscape architect or surveyor**, showing: total area; existing zoning of the property and adjacent properties; rights-of-way and easements; existing and proposed topography at 2-foot intervals and drainage; water courses, floodplains and wetlands; significant natural features; all existing and proposed buildings with uses, dimensions, heights, floor area and stories, with front, side and rear elevations; curb cuts, drives, parking and loading (with number of spaces, surfacing, drainage and lighting); streets; sidewalks and paths; walls, fences and buffer yards; existing trees over 9 inches in diameter and proposed landscaping; signs; outdoor lighting with a foot-candle diagram at the property lines; the storm water management plan; trash screening; water, fire hydrants, storm and sanitary sewer and all other utilities; and existing buildings, drives, streams and natural features on adjacent properties to 300 feet;
- in the business districts, a **landscape plan** (§709) and a **photometric (lighting) plan** (§710).

Landscape and lighting plans in the business districts (§709, §710).

Landscape plan. Required with any site plan review, and for any new building, an addition or parking expansion of more than 25%, or a new loading facility. It covers the whole lot. Key requirements: a **30-foot landscape strip** along every frontage, with a shade or flowering tree and five shrubs per 35 feet; landscaping along building sides facing a street; parking lots of **20 or more spaces** with islands of at least 10% of the lot, each with a shade tree, and a perimeter tree every 30 feet; next to a residential district, a **6-foot opaque wood fence** (or mound or wall) at least 20 feet from the district line with evergreens on the residential side; dumpsters screened on all sides; at least **30% native plants**, no invasive species, and species diversity. Approved landscaping goes in **within 120 days** of completing the building or parking, is maintained for as long as the use remains, and dead or missing plants are replaced within 60 days.

Lighting plan. Shows every existing and proposed outdoor light with fixture details, heights, hours of use, and foot-candle levels across the site and 30 feet onto neighboring properties. Light trespass at a property line may not exceed **0.5 foot-candles**; fully shielded fixtures may be up to 18 feet high, and unshielded decorative fixtures only within 30 feet of the building and up to 12 feet (§710.02).

Step 3 — File with the Zoning Inspector at least two weeks before a Commission meeting.

File the complete application and fee with the Zoning Inspector. For timely review, file **at least two (2) weeks before the next Zoning Commission meeting** (§803.01). The Inspector's 30-day review period does not apply while site plan review is pending (§902.02). Health Authority sewage approval is still required (§902(c)).

Step 4 — Neighbor notice.

The Zoning Commission notifies owners of property within **500 feet** of the proposed development and the date of the site plan review, **at least ten (10) days before the meeting** (§803.02).

Step 5 — Zoning Commission review and decision (30 days, extendable).

The Zoning Commission reviews the site plan against the Site Plan Review Guidelines (§804) and **acts within thirty (30) days of its first meeting** following submission: **approve, approve with modifications, or disapprove**. A majority of members present may extend that period by up to **sixty (60) more days** (§803.03). For a site plan in a business district or the Economic Activity District, the Commission's action goes to the Board of Zoning Appeals as its technical review (§803.01, §803.02). The Township may refer the plan to the County or Regional Planning Commission, the County Engineer or a consultant, and the cost of expert advice or special studies is borne by the applicant (§803.01, §805).

Step 6 — Board of Zoning Appeals review and approval (business districts and EAD).

After the Zoning Commission has acted, the **Board of Zoning Appeals** reviews the site plan against the same guidelines (§804) and may authorize issuance of the zoning certificate on finding it consistent with the Resolution (§803.01, §805). The Board may seek expert advice or special studies at the applicant's cost (§805). The Resolution sets no separate deadline for this step — ask the Zoning Inspector for the Board's meeting date.

Step 7 — Performance guarantee (if required).

A performance bond or other financial guarantee equal to the required improvements (landscaping, drainage, parking, roads, driveways) may be required, for up to two (2) years (§803.01, §806).

Step 8 — Certificate issued by the Zoning Inspector.

On the written approval of the site plan — by **both boards** in the Business Corridor, Seasons Road Business and Economic Activity districts, or by the Zoning Commission otherwise — the Zoning Inspector issues the zoning certificate (§902(b), §803.01). **All development must conform to the approved site plan.** Any change to an approved site plan requires the Board of Zoning Appeals' approval of revised plans (§806, §807). The building or premises may not be occupied until all site plan improvements are complete (§806).

Part 3 — Conditional uses: Zoning Commission and Board of Zoning Appeals

A use on your district's **conditionally permitted** list (§502, §602, §702, §702A, §1502) needs a **Conditional Zoning Permit** from the Board of Zoning Appeals before a zoning certificate can issue. The Zoning Commission reviews the site plan as the Board's technical review committee (§800.01, §800.03). Allow roughly **three to four months** from filing to decision.

Step 1 — Pre-submission conference (encouraged) and site plan.

Meet with the Zoning Commission and Inspector first (§803.04), and prepare the site plan and supporting plans described in **Part 2, Step 2** (§800.02(f), §803.05). Check the special requirements for your use in §802.

Step 2 — File the conditional use application with the Zoning Inspector (§800.02).

- applicant name, address and phone, signed by the owner or owner's agent attesting to its accuracy;
- legal description, existing use, zoning district, and a description of the proposed conditional use;
- the site plan;
- a **narrative statement** on the effects on adjoining property — noise, odor, fumes — and compatibility with adjacent properties and the district;
- the names of property owners **within 500 feet**, and of contiguous and directly-across-the-street property beyond it, from the Summit County Auditor's records, **printed on gummed address labels**;
- the non-refundable fee.

The Zoning Inspector may waive items that do not apply to your application (§800.02). File **at least two weeks before the next Zoning Commission meeting** (§800.03). If your use is not on any district's list, ask the Zoning Inspector about a **similar-use determination** first: the Board of Zoning Appeals decides whether it is similar to a listed use and, if so, can grant the conditional use permit (§906.01(a)(8)).

What the boards decide on (§801, §804).

Both boards must find **adequate evidence** that the use at your location: (a) is in fact a conditional use listed for the district; (b) will be designed, built, operated and maintained in harmony with the character of the area, without changing its essential character; (c) will not be hazardous or disturbing to neighboring uses; (d) will be adequately served by roads, police and fire protection, drainage, refuse disposal, water, sewer and schools, or you can provide them; (e) will not create excessive public costs or harm the community's economic welfare; (f) will not be detrimental through excessive traffic, noise, smoke, fumes or odors; and (g) will have vehicle access that does not interfere with traffic on surrounding roads (§801). Your narrative statement should address each. Site plans are also reviewed against the §804 guidelines — preserving the natural landscape, drainage and detention, emergency access, screening of loading, storage, trash and parking, lighting deflected from neighbors, scale with buildings within 300 feet, and underground utilities.

Step 3 — Zoning Commission recommendation (within 45 days).

The Inspector sends the application to the Zoning Commission and the Board of Zoning Appeals at the same time. The Commission notifies owners within 500 feet at least ten days before its review and sends its **written recommendation to the Board within forty-five (45) days** of its first meeting after submission (§800.03, §803.02). In a **Village Residential** district the application is also sent to the **National Park Service** for review and comment, to coordinate historic preservation review (§800.05).

Step 4 — Board of Zoning Appeals public hearing (within 45 days).

Within **forty-five (45) days** of receiving the Commission's recommendation, the Board holds a **public hearing**, with notice published in a newspaper of general circulation and mailed by the Zoning Inspector **at least ten (10) days** beforehand to every owner **within 500 feet**, and every contiguous property and property directly across the street even where beyond 500 feet (§800.04). The Board may seek expert advice or special studies; their cost is **borne by the applicant**, who is told of it early and may be asked to place the funds in escrow with the Trustees (§805).

Step 5 — Board decision (within 30 days) and conditional zoning permit.

Within **thirty (30) days** after the hearing the Board **approves, approves with supplementary conditions, or disapproves**. Conditions may regulate, among other things, **setbacks, screening and buffers, parking, landscaping, hours of operation, access and traffic, glare, vibration, odors, dust, smoke and noise** (§801). If approved, you **sign the conditional zoning permit**, acknowledging its conditions; breaching any condition automatically voids it and is a zoning violation (§800.06). The Zoning Inspector then issues the zoning certificate on the Board's written order (§902(b)). Everything built must conform to the approved site plan, the premises may not be used until the site improvements are complete, and a **performance bond** of up to two years may be required (§806).

- A denied application may not be resubmitted for **one year**, except on newly discovered evidence or changed conditions (§800.07).
- The conditional zoning permit is **void after one year** unless the use is initiated and work equal to **15%** of the project cost is completed (§800.08).
- A **one-year extension** may be requested from the Board **at least fifteen (15) days before** the permit expires, on the same conditions. **Any change to the conditions needs a new application and public hearing** (§800.09).
- The Board's decision may be appealed to the **Summit County Court of Common Pleas** under Ohio Revised Code Chapter 2506, within thirty days of the decision.

Part 4 — Variances and appeals: Board of Zoning Appeals

A **variance** asks the Board of Zoning Appeals to relax a requirement of the Resolution for your property. An **appeal** asks the Board to reverse or change a decision the Zoning Inspector made. Both are decided by the **Board of Zoning Appeals alone**, after a public hearing, in every district — the Zoning Commission has no part in them. Both follow the same notice and hearing rules (§907, §908.01(b)).

Variance: decide which kind you need (§908.02).

An **area variance** relaxes a dimensional requirement — frontage, setback, height, lot size or coverage. You must show **practical difficulty**; the Board weighs ten factors, including whether your lot has special conditions not shared by others in the district, whether the variance is substantial and the minimum needed, whether the neighborhood's character would change or neighbors suffer, whether you created the difficulty or bought knowing of the restriction, and whether another solution exists (§908.02(b)). A **use variance** allows a use the district does not permit and is much harder: every one of seven conditions must be met, including that the hardship is unique to the property, was not created by you, and that **no other economically viable permitted use** exists (§908.02(c)). **The burden of proof is yours.**

Variance: file with the Zoning Inspector (§908.01(a)).

File on the Board's form with: your name, address and phone; **proof of ownership, legal interest or written authority**; a description of the property; the variance requested; a **written narrative** addressing the §908.02 factors; **site plans, floor plans, elevations** and other drawings at a reasonable scale showing why the variance is needed; the fee from the Township fee schedule; and anything else the Zoning Inspector requires. The Board may ask for more. No action is taken until the fee is paid (§904).

Appeal: file a notice of appeal within 20 days (§907, §907.01).

Anyone adversely affected by a decision of the Zoning Inspector or another administrative officer on a zoning matter — a refused or revoked permit, an order, a determination — may appeal, including a Township officer, board or department. File a **written notice of appeal stating the grounds and reasons** with the secretary of the Board of Zoning Appeals **within twenty (20) calendar days** of the decision, with the fee. The Zoning Inspector sends the Board the record of the decision within 72 hours. An appeal **stays** whatever the decision set in motion, unless the Inspector certifies that a stay would cause imminent peril to life or property; then only a court restraining order can stop it (§907.03).

Both: notice and public hearing (§907.02).

The Board's secretary sets the hearing and notifies you. At least **ten (10) days before** the hearing, the Board mails notice to every owner within **500 feet** of the property and publishes notice in a newspaper of general circulation. At the hearing any person in interest may appear in person or by attorney. The Board may recess to a date it announces without sending new notice. The appellant — other than the Township — **posts security for the cost of the hearing**.

Both: decision (§907.04, §907.05, §908.03, §908.04).

The Board decides by a **favorable vote of three or more members**, without unreasonable delay — the Resolution sets no number of days. On an **appeal** it may reverse, affirm or modify the decision, wholly or in part, with all the powers of the officer appealed from, and may direct that a permit issue. On a **variance** it may approve, approve with conditions and safeguards, or deny, and **states its reasons in writing** either way. The secretary notifies you in writing. Any interested party may ask in writing, **within ten (10) days** of the decision, for findings and conclusions of fact, which the Board issues within fifteen days (§908.05).

Both: after the decision (§908.04, §908.06, §908.07).

A granted variance is **non-assignable** and **expires one year** from the decision unless actual construction has begun under it. It can be modified only by the Board, and an expired variance is renewed only by a new application. A denied variance need not be reconsidered in the same or a substantially similar form for **one year** unless conditions have substantially changed. The Board's decision is final within the Township; any interested party, including the Township, may appeal to the **Summit County Court of Common Pleas** under Ohio Revised Code Chapter 2506, within thirty days of the decision. Asking for findings of fact does not extend that time. Once a variance is granted or an appeal succeeds, the Zoning Inspector issues the zoning certificate (§902(b)).

Changing an approved site plan (§807).

A departure from a site plan the boards have approved is not a separate variance application: the Board of Zoning Appeals must approve revised plans and specifications submitted under Chapter 8.

Part 5 — Seasons Road Business (SRB) District and Planned Developments

The Seasons Road Business District, at the Seasons Road / State Route 8 interchange, is meant for larger, high-value development and is the only district where a **Planned Development** may be approved (§700A, §707A). Its rules change the route an application takes in ways that are easy to miss: size and height can turn a permitted use into a conditional use.

What is permitted outright (§701A).

Banks and financial institutions; medical or dental clinics, offices or laboratories; hospitals; general or professional offices; table-service restaurants; media production; communication towers and antennae; theaters. **Personal services, retail sales and business services are permitted only in a building with at least 10,000 square feet of ground floor area, or in a Planned Development** (§701A.f).

What makes it a conditional use — Zoning Commission and Board of Zoning Appeals (§702A, Part 3).

- day care centers; drive-through facilities; outdoor storage or display; carry-out or drive-through restaurants; filling stations without vehicle servicing; hotels and motels; similar uses;
- **a building or buildings on one lot totaling more than 10,000 square feet** — unless approved in a Planned Development (§702A.g). A retail, service or business-service use in its required 10,000 sq ft building should expect this step outside a Planned Development;
- **a building over 35 feet or three stories** — unless approved in a Planned Development (§702A.h). The Board of Zoning Appeals must find, on information from the Fire Department and other safety officials, that the building meets safety standards, and each front, side and rear setback increases by 20 feet for every 10 feet (or part) above 35 feet (§704A);
- an internally illuminated sign (§1202).

Standards every SRB project must meet.

- Lot: at least 1 acre, 150 feet of width and frontage, 250 feet of depth; Business Corridor yard and setback requirements (§703A, §705) — unless approved otherwise in a Planned Development.

- Traffic access and curb cuts (§708) and business-district driveways (§1107); landscaping (§709); lighting, with a **photometric plan submitted with the application** (§710); Business Corridor sign rules (§705A, Chapter 12) (§706A).
- Noise-generating equipment such as HVAC units placed to keep noise from nearby homes (§706A.d).
- **Fences only in conformance with an approved site plan** — follow Part 2 (§706A.e, §713).

Which route your SRB project takes.

If your project is…	Follow
a permitted use, with buildings totaling 10,000 sq ft or less and 35 feet or lower, or a fence	Part 2 — site plan review by the Zoning Commission and the Board of Zoning Appeals, with a photometric plan
a change of use or tenant, a sign, outdoor lighting, parking or driveway work, or outdoor storage or display	Part 2 — site plan review by the Zoning Commission and the Board of Zoning Appeals
a conditional use, or buildings over 10,000 sq ft or 35 feet outside a Planned Development	Part 3 — Zoning Commission and Board of Zoning Appeals
a Planned Development	the Planned Development steps below
any use inside an approved Planned Development	Part 2 — site plan review, consistent with the Final Development Plan (§711A.a)
a variance, or an appeal of the Zoning Inspector's decision	Part 4 — Board of Zoning Appeals alone; the certificate's site plan still goes to both boards

No SRB application ends with the Zoning Inspector alone. Whichever row you are on, the Zoning Commission and the Board of Zoning Appeals both act before a zoning certificate issues. **Part 9** lists the documents to file.

PLANNED DEVELOPMENT (§707A–§711A)

A Planned Development lets owners propose a unified plan with flexible layouts, lot, yard, height, parking and sign standards not otherwise allowed in the SRB district. It is approved by the **Board of Township Trustees** on the Zoning Commission's recommendation, in two stages — a Preliminary Development Plan and a Final Development Plan — before any building's zoning certificate.

Step 1 — Confirm the land qualifies (§707A.b, §708A).

- entirely within the SRB district; at least **10 contiguous acres**, not counting existing public rights-of-way; at least **300 continuous feet of frontage** on an existing improved public road; not divided by existing public roads;
- in single ownership, or applied for jointly by all owners, with firm evidence of **unified control** of the whole area at the time of application;
- public water and public sanitary sewer with enough capacity, and a plan to finance any off-site improvements; roads and subdivision improvements to Summit County requirements. Uses are those of §701A and §702A.

Step 2 — Pre-application conference (encouraged) (§709A.a.1).

Meet the Zoning Inspector, and confer with the agencies likely to review the project: the Summit County Health Department, County Highway Engineer, Director of Planning Services and County Sanitary Engineer.

Step 3 — Apply for Preliminary Development Plan approval to the Zoning Commission (§709A.a.2).

The owner, authorized representative or option holder submits a **letter of request** with:

- a **Preliminary Development Plan**: applicant and plan-preparer contact details; legal description; north arrow, scale and title block; location map; boundary survey; buildings within 200 feet; abutting streets and right-of-way widths; topography at 2-foot intervals; natural features; a preliminary utility and drainage concept; proposed uses and their general locations; and a conceptual layout of streets, access points, common areas, use areas, parking and easements. The Commission may require a **traffic impact study**;
- a **project narrative**: how the development meets the Resolution; all present owners; acreage by use, number and type of buildings, minimum lot sizes; the development schedule and phases; and intended covenants and agreements;
- every **deviation** from the district's requirements you are asking for, in writing (§711A.d);
- the **$1,500 Planned Development review fee** and a **$500 deposit** toward professional review, with further deposits if the Township's planning, legal or engineering review costs more (§709A.a.2.iii).

Step 4 — Zoning Commission completeness review, notice and public hearing (§709A.a.3).

At its next regular meeting the Commission checks the application is complete and sets a **public hearing**. Notice is mailed to the owners and to owners of property contiguous to and directly across the street **at least 20 days** before, and published in a newspaper **at least 15 days** before. The Commission may refer the plan to the Fire Chief, County Highway Engineer, County Sanitary Engineer and County Planning, and sends it to the **Board of Zoning Appeals for comment**.

Step 5 — Zoning Commission recommendation (within 90 days of the hearing).

The Commission recommends to the Board of Township Trustees that the Preliminary Plan be approved, approved with supplementary conditions, or not approved, **within 90 days after its hearing** — later only if the applicant agrees (§709A.a.3.iv).

Step 6 — Board of Township Trustees public hearing and decision (within 60 days).

Within **60 days** of the recommendation the Trustees hold a public hearing, with the same notice, and approve, approve with supplementary conditions, or disapprove the Preliminary Plan, including any requested deviations (§709A.a.4, §711A.d). Approval **authorizes a Final Development Plan only — not construction**. Breaching a condition is a zoning violation. Disapproval ends the application unless the Trustees authorize an amended plan.

Step 7 — Submit the Final Development Plan (within 24 months) (§709A.b.1–2).

File within **24 months** of the Trustees' approval, or the preliminary approval expires; the Zoning Commission may grant up to **three one-year extensions** on a written request showing good-faith progress. The owner or authorized representative files a letter, the fee, and a Final Development Plan substantially consistent with the Preliminary Plan — locations of all uses and infrastructure, a subdivision plan or survey of lots, rights-of-way and easements, a grading plan and a storm water facilities plan — with a narrative covering covenants and deed restrictions, who maintains common areas, every deviation from zoning requirements, buildings and phases, developer-built improvements, the schedule, and coordination with subdivision approvals. A **performance guarantee** for public and common improvements is required, and a **development agreement** may be. Incomplete applications are not accepted. Phases may be approved one at a time.

Step 8 — Zoning Commission decision on the Final Plan (§709A.b.3, §710A).

At its next regular meeting after a complete application, the Commission approves, approves with supplementary conditions, or does not approve the Final Plan under the §710A review standards; it is approved if it conforms to the Preliminary Plan. Approval authorizes the development to proceed, subject to all regulations, conditions and agreements.

Step 9 — Build, and get a certificate for each use (§711A).

- **Each building or use** needs a zoning certificate after **site plan review** confirming consistency with the Final Plan — follow Part 2 (§711A.a).
- Construction — site clearing, rough grading, and sanitary sewer, storm water and water main installation — must commence within **24 months**. One extension of up to 24 months may be requested in writing from the Zoning Commission **before** the deadline; otherwise the Final Plan becomes void and the Trustees may revoke the approval (§711A.b).
- **Changes**: notify the Zoning Commission. Minor changes — floor area up to 5% more (or any reduction), relocating a building within setbacks, parking changes within 5% that keep access points, or changes an agency requires — the Commission may approve. Anything else is an amendment reviewed like a Final Plan, and a substantial departure from the Preliminary Plan goes back through the Preliminary Plan process (§711A.c).
- Contiguous land of at least 2 acres may later apply to join a Planned Development under construction (§711A.e).

Part 6 — Village Residential (V-R) historic districts

The Village Residential district keeps the village character of **Boston Mills** and **Everett**, both historic districts beside the Cuyahoga Valley National Park: mainly single-family homes, with a limited mix of recreational, tourist and village uses (§600, §800.05). Its use list is short, so most things other than a house need a conditional use permit, and the **National Park Service** is offered every conditional use and site plan application for comment.

What is permitted outright (§601).

Single-family dwellings, with private garages, storage sheds and parking areas, **Home Occupation Type I** (no certificate needed) and **Type II** (with a zoning certificate) under §512. These follow Part 1.

What is a conditional use — Zoning Commission, Board of Zoning Appeals and the National Park Service (§602, Part 3).

- churches; National Park Service educational facilities; publicly owned and operated buildings or properties;
- bed and breakfast establishments (§802.g); **two-family dwellings**;
- **small tourist-related shops** such as art, bike, sport or antique shops, in a building of **no more than 2,500 square feet**;
- **mixed uses** combining residential with other permitted or conditional uses, with **no more than two dwellings** per structure.

Any other use is not allowed in the district except as a similar use (§906.01(a)(8)). A **change of use** goes through Zoning Commission site plan review (Part 2).

National Park Service review (§800.05).

For every **conditional use** and **site plan review** application in the district, the Township gives the National Park Service the opportunity to review and comment, to coordinate historic preservation review. Allow for its comments when you plan the timing of Parts 2 and 3; a pre-submission conference (§803.04) is a good time to ask what the Park Service will look for.

Standards every V-R project must meet.

Lot (§603)	Area as approved by the Summit County Health Department; at least 40 ft of width and 40 ft of frontage; no more than 40% lot coverage
Yards (§604)	Front 20 ft (corner lots on both streets); side 10 ft; rear 30 ft
Height (§605)	35 ft for a principal building; 18 ft for an accessory building; public or semi-public buildings and schools up to 60 ft, and churches up to 75 ft, with 1 ft more setback from each lot line per foot above the limit
Dwelling size (§606)	One story: at least 1,000 sq ft at the foundation. More than one story: at least 800 sq ft of ground-floor living area and 1,200 sq ft in total (excluding basements, porches, garages and similar)
Lower level (§607)	A lower level more than half above grade may be living space if it has two means of entry and exit
Fences (§610, §513)	Up to 3 ft in a front yard and 6 ft elsewhere, in residential styles; finished side out; 20 ft corner sight triangle
Accessory buildings (§611, §514)	Rear yard only, 10 ft from side and rear lot lines, 20 ft from the house, up to 1,280 sq ft, no more than two per lot

Signs, parking, driveways	Chapter 12 (§608); Chapter 11 (§609); §1106

Which route your V-R project takes.

If your project is…	Follow
a single-family home, garage, shed, addition, fence, deck or pool, or Home Occupation Type II, within the standards above	Part 1 — Zoning Inspector
a change of use	Part 2 — Zoning Commission site plan review, offered to the National Park Service
a two-family home, church, bed and breakfast, public building, tourist shop or mixed use	Part 3 — Zoning Commission and Board of Zoning Appeals, offered to the National Park Service
a building over the height limit, or short of a yard, lot or size requirement	Part 4 — variance

Part 7 — Residential (R) district

Most of the township is zoned Residential: large lots, one home per two acres without central water and sewer, to keep its rural character and protect wells and septic systems (§500). Single-family homes and farming are allowed outright; nearly everything else needs a conditional use permit, and some common projects need no certificate at all.

What is permitted outright (§501) — Part 1.

- **single-family dwellings**;
- accessory buildings and uses not used for business: private garages and stables, storage sheds, pools, above-ground decks and fencing;
- **roadside stands** selling only agricultural products grown on the premises, with one unlit sign, at least 30 feet from any side lot line and set back so parking creates no traffic hazard;
- **Home Occupation Type II**, with a zoning certificate (below);
- agriculture, greenhouses and agricultural buildings — which need no certificate (below).

What needs no certificate.

- **Agriculture** and buildings incidental to it, under Ohio Revised Code §519.21. A house on a farm still needs a certificate, and farm buildings must still meet setbacks where they would be a traffic hazard (§105.03).
- **Home Occupation Type I**: office or “knowledge” work, or making small goods, by the people who live in the home, with no employees, customers or outdoor storage on site and nothing in an accessory building (§512).
- **Garage and yard sales**: no certificate or fee, but give the Zoning Inspector **written notice at least 7 days before** on the Township's form. No more than two sales a year at one address, three days each, daylight only, five signs removed within 12 hours (§515).

Home Occupation Type II — zoning certificate (§512).

The home must be the owner-operator's principal residence and the business clearly secondary to living there. A Type II certificate describes the business within these limits: **one non-resident employee** on site; no more than **35% of the home's habitable floor area** (including any accessory building used); customers, clients or patients **by appointment, 7 a.m.–7 p.m., no more than two at a time**; deliveries by single-rear-axle trucks or smaller in the same hours; parking on site for everyone; outdoor storage in the **rear yard, up to 400 sq ft, screened by solid fencing**; and no more than **one trailer and one single-axle truck or van**. No outside display, and no noise, glare, fumes or odor at the property line. A landscaper or contractor with equipment on site, outdoor storage, noisy work, use of an accessory building, and in-person services such as counseling, hair styling, tutoring or tax preparation are **never Type I** (§512.c). Type III is allowed only in the Business Corridor.

What is a conditional use — Zoning Commission and Board of Zoning Appeals (§502, Part 3).

- churches and other places of worship, Sunday school buildings, parish houses and parochial schools; public elementary and high schools;
- publicly owned buildings and properties such as township halls, community centers, fire stations, parks, playgrounds and conservation areas;
- cemeteries other than township or joint cemeteries — a new cemetery needs **at least 20 acres** and a location approved by the Board of Zoning Appeals;
- National Park Service educational facilities; non-commercial recreation (§802.h); bed and breakfasts (§802.g); **two-family dwellings**; **boarding kennels**.

Other businesses are not allowed in the district. A **change of use** goes through Zoning Commission site plan review (Part 2).

Standards every R project must meet.

Lot (§500, §503)	At least **2 acres** (one dwelling per 2 acres without central water and sewer); 100 ft of width and frontage (60 ft on a cul-de-sac); no more than **10%** lot coverage
Yards (§504)	Front 50 ft (corner lots on both streets); side 15 ft; rear 50 ft
Height (§505)	35 ft principal building; 18 ft accessory building; public or semi-public buildings and schools to 60 ft, churches to 75 ft, with 1 ft more setback from each lot line per foot above the limit
Dwelling size (§506)	One story: at least **1,200 sq ft** at the foundation. More than one story: at least 800 sq ft of ground-floor living area and **1,400 sq ft** in total (excluding basements, porches, garages and similar)
Lower level and yards (§507)	A lower level more than half above grade may be living space with two means of entry and exit. Required yards stay open to the sky except bay windows, sills, cornices and ornaments projecting up to 12 inches; open decks and porches may not encroach on setbacks
Non-residential uses (§508, §509)	At least 30 ft from any residential lot line, screened at least 5 ft high (3 ft in a front yard) by a wall, fence, dense plantings or berm
Fences (§513)	Up to 3 ft in a front yard and 6 ft elsewhere, residential styles, finished side out; 20 ft corner sight triangle
Accessory buildings (§514)	Only with a principal building; rear yard only, detached, 10 ft from side and rear lot lines, 20 ft from the house, up to 1,280 sq ft, no more than two per lot
Signs, parking, driveways	Chapter 12 (§510); Chapter 11 (§511); §1106

Temporary housing (§105.05).

Mobile homes and vehicles may not be lived in on any lot, with two exceptions. A **visitor's recreational vehicle** needs a permit from the Zoning Inspector, with a signed and notarized affidavit, **before it is moved onto the property** — no more than twice and 20 days in total in 12 months, at an owner-occupied home. A **mobile home lived in while a permanent house is built** may be allowed by the Board of Zoning Appeals, after notice to parties of interest and adjacent owners, for up to **2 years** once the house's zoning certificate is issued; it must be removed when the house is ready.

Apply for an RV permit online on the Township website (Zoning → RV Permit): download the affidavit there, have it notarized, and upload it with the application. The same page shows the application's status.

Garage sales (§515).

No certificate or fee, but the Zoning Inspector must be given written notice **at least 7 days before** the sale — **give it online** on the Township website (Zoning → Garage Sale Notice). No more than **two sales** at one address in a calendar year, each up to **three consecutive days**, in daylight hours; no fireworks, hazardous materials, firearms or ammunition; up to five signs, none in the right-of-way or on public signs or utility poles, removed within 12 hours; the property cleared afterward. In the B-C and SRB districts only the occupants of a lawful dwelling on the site may hold one (§714).

Which route your R project takes.

If your project is…	Follow
a farm building, Home Occupation Type I, or a garage sale	No certificate (garage sale: 7 days' written notice)
a single-family home, addition, garage, shed, stable, pool, deck, fence, sign, demolition or roadside stand within the standards above, or Home Occupation Type II	Part 1 — Zoning Inspector
a change of use	Part 2 — Zoning Commission site plan review
a two-family home, church, school, public building, cemetery, bed and breakfast, kennel or non-commercial recreation	Part 3 — Zoning Commission and Board of Zoning Appeals
a building over the height limit, or short of a lot, yard, coverage or size requirement	Part 4 — variance
a visitor's RV, or a mobile home during construction	RV: Zoning Inspector permit; mobile home: Board of Zoning Appeals

Part 8 — Economic Activity District (EAD)

The Economic Activity District covers land concentrated in public and non-profit uses — national and county park land, the scout camp, the ski area — and the private properties

among them. It exists to keep the uses there compatible with each other and with the neighboring districts (§1500). The Township sends **every application in the district before both the Zoning Commission and the Board of Zoning Appeals** for site plan review (Part 2), as it does in the business districts.

What is permitted (§1501) — Part 2 site plan review.

- **art shops, bike and sport shops, antique shops** and similar **tourist-related establishments**;
- **agriculture**, greenhouses and agricultural buildings;
- **farm markets** where at least half the income comes from produce grown on farms the operator owns or runs — either a **roadside stand** of up to 100 sq ft, at least 10 ft from the right-of-way and 30 ft from side lot lines, removed from the front yard after the season; or a **permanent building** of up to 500 sq ft meeting the district's yards. Either needs parking for at least two customer vehicles, off the right-of-way, with safe access;
- accessory buildings and uses: private garages and stables, storage sheds, pools, above-ground decks and fencing;
- **one single-family home** on the same parcel as a permitted use — never more than one dwelling unit per parcel (§1501.02).

Conditional uses (§1502) — Part 3.

Churches and places of worship; **public or private schools**; **government buildings and properties** — township halls, community buildings, fire and EMS facilities, parks, playgrounds, conservation areas, and administrative, maintenance, visitor-service and educational facilities; **cemeteries**; **home occupations** of any type; and **boarding facilities** for dogs, horses or other animals. Each may share its parcel with one single-family home (§1502.07). Unlike the Residential district, a **home occupation here is always a conditional use**.

A use on neither list needs the Board of Zoning Appeals' **similar-use determination** before you apply (§906.01(a)(8); the township follows this section rather than §1507).

Standards (§1503–§1506).

Lot (§1503)	At least **2 acres**, 100 ft wide with 100 ft of frontage; buildings may cover no more than **10%** of the lot
Yards (§1504)	**50 ft** front (on both streets for a corner lot), **15 ft** side, **50 ft** rear
Next to residential land (§1505)	Non-residential buildings and uses — including business, parking, display and storage — at least **100 ft** from any lot in a residential district, screened at least 5 ft high (no more than 3 ft in a front yard) by a masonry wall, solid decorative fence, dense planting or landscaped berm
Height (§1506)	**35 ft** for a principal building — with no extra height for public buildings, schools or churches; **18 ft** for an accessory building, or up to 35 ft where it meets the 100 ft setback of §1505
Signs, parking	Chapter 12; Chapter 11

Which route your EAD project takes.

If your project is…	Follow
a tourist-related shop, farm market or roadside stand, farm building, single-family home, garage, shed, pool, deck or fence	Part 2 — Zoning Commission and Board of Zoning Appeals site plan review
a church, school, government building or park facility, cemetery, home occupation or animal boarding facility	Part 3 — conditional use, Zoning Commission and Board of Zoning Appeals
a use on neither list	Similar-use determination by the Board of Zoning Appeals first (§906.01(a)(8))
a building over the height limit, a second dwelling on the parcel, or short of a lot, yard, coverage or setback requirement	Part 4 — variance

Part 9 — Checklist of documents to submit

Tick each item before you file. The Zoning Inspector may waive an item that plainly does not apply to your project (§800.02), and either board may ask for more (§805, §908.01). **Nothing is acted on until every fee, charge and expense is paid in full (§904)**, and an incomplete application is not accepted.

A — Every application, in every district (§902.01, §902(c), §904)

- [ ] Completed zoning certificate application form, signed by the owner or the owner's authorized agent
- [ ] Applicant's name, mailing address and telephone number
- [ ] Legal description of the property, and the Summit County parcel number
- [ ] Street address of the building site
- [ ] Statement of the **existing use** and each **proposed use**
- [ ] Zoning district and the district boundaries affecting the lot
- [ ] **Plans drawn to scale: 3 full-size, 5 half-size and a digital copy** (Township submission standard) — actual lot dimensions and shape; size and location of existing buildings; location and dimensions of the proposed building or alteration; required yard and building setback lines
- [ ] Building height, and the number of dwelling units
- [ ] Evidence that the **Health Authority has approved** the sanitary sewage disposal facilities — the certificate cannot issue without it (§902(c)). The agency is **Summit County Public Health** at 1,000 gallons per day or less, and **Ohio EPA** above that or wherever the system discharges to waters of the State (Part 1, Step 3)
- [ ] The **non-refundable fee** from the Township fee schedule (§904)
- [ ] Contractor and utility contacts, if the Zoning Inspector asks for them

B — Site plan review: Business Corridor, Seasons Road Business, Economic Activity District, and any change of use (Part 2; §803.05)

File **3 full-size and 5 half-size paper copies plus one digital copy** of everything in this section (Township submission standard, in place of §803.05's twenty copies), at least **two weeks before** a Zoning Commission meeting (§803.01, §803.05).

- [ ] Everything in Section A
- [ ] Names and addresses of **all property owners within 500 feet**, from the current Summit County Auditor records — on **gummed address labels** where the Zoning Inspector asks
- [ ] **Site plan at not less than 1 inch = 20 feet**, bearing the **seal of an Ohio-licensed engineer, landscape architect or surveyor**, showing:
  - [ ] total area of the site, and existing zoning here and on adjacent land
  - [ ] all rights-of-way and easements
  - [ ] topography at **2-foot contour intervals**, and drainage
  - [ ] water courses, floodplains and wetlands, and significant natural features
  - [ ] every existing and proposed building, with use, dimensions, height, floor area, number of stories and **elevations**

- [ ] curb cuts, drives, parking and loading areas; streets; sidewalks and paths
- [ ] walls, fences and buffer yards
- [ ] existing trees over **9 inches** in diameter, and proposed landscaping
- [ ] signs
- [ ] outdoor lighting, with a **foot-candle diagram at the property lines**
- [ ] the **storm water management plan**
- [ ] trash and dumpster screening
- [ ] water lines, hydrants, storm and sanitary sewers and other utilities
- [ ] adjacent properties' buildings, drives, streams and natural features to **300 feet**

- [ ] **Landscape plan** covering the whole lot (§709) — business districts, and required for any new building, an addition or parking expansion of more than 25%, or a new loading facility
- [ ] **Photometric (lighting) plan** (§710) — business districts; in the **SRB district it must be submitted with the application** (§706A.c)
- [ ] Traffic, drainage or other expert studies the boards request — **at your cost**, and the Board of Zoning Appeals may ask that the funds be placed in escrow with the Trustees first (§805)
- [ ] **Performance guarantee** for the required improvements, where one is required — up to two years (§806)

C — Conditional use, in any district (Part 3; §800.02) — in addition to Sections A and B

- [ ] Conditional use application **signed by the owner** or the owner's agent
- [ ] Legal description, existing use, zoning district and proposed use
- [ ] The **site plan** and supporting plans from Section B
- [ ] **Written narrative** on the use's effect on adjoining property — noise, odor, fumes, glare, traffic and hours — and its compatibility with the area, addressing each of the seven standards in §801(a)–(g)
- [ ] Owners **within 500 feet**, plus contiguous and directly-across-the-street owners beyond it, on **gummed address labels** (§800.02(h), §800.04)
- [ ] Anything the **special requirements for your use** in §802 call for
- [ ] The non-refundable conditional use fee
- [ ] **Village Residential only:** a copy for the **National Park Service**, which is offered the application for comment (§800.05)
- [ ] **SRB buildings over 35 feet or three stories:** Fire Department and safety officials' information for the Board's safety finding (§704A)

- [ ] Where the use is on no district list: the Board of Zoning Appeals' **similar-use determination** first (§906.01(a)(8))

D — Variance (Part 4; §908.01(a))

- [ ] Application on the **Board of Zoning Appeals' form**
- [ ] Your name, address and telephone number
- [ ] **Proof of ownership, legal interest, or written authority** to act for the owner
- [ ] Description of the property
- [ ] A statement of the **variance requested** — the section of the Resolution and what relief you ask for
- [ ] **Written narrative** addressing the §908.02 factors: practical difficulty for an **area** variance, or all seven conditions for a **use** variance. **The burden of proof is yours**
- [ ] **Site plans, floor plans, elevations** and other drawings at a reasonable scale showing why the variance is needed
- [ ] The fee from the Township fee schedule, and anything else the Zoning Inspector requires

E — Appeal of the Zoning Inspector's decision (Part 4; §907.01)

- [ ] **Written notice of appeal stating the grounds and reasons**, filed with the secretary of the Board of Zoning Appeals **within twenty (20) calendar days** of the decision
- [ ] A copy of the decision, order or determination appealed from
- [ ] The fee, and **security for the cost of the hearing** (§907.02)

F — Planned Development in the SRB district (Part 5; §709A)

Preliminary Development Plan (§709A.a.2)

- [ ] Letter of request to the Zoning Commission
- [ ] Evidence the land qualifies: entirely in the SRB district, **10+ contiguous acres**, **300+ feet of frontage** on an improved public road, not divided by public roads, single ownership or joint application with firm evidence of **unified control**, and public water and sewer capacity (§707A.b, §708A)
- [ ] Preliminary Plan: contacts; legal description; north arrow, scale and title block; location map; boundary survey; buildings within 200 feet; abutting streets and rights-of-way; **2-foot topography**; natural features; utility and drainage concept; proposed uses and locations; conceptual layout of streets, access, common areas, use areas, parking and easements
- [ ] **Traffic impact study**, where required
- [ ] Project narrative: compliance, owners, acreage by use, buildings, lot sizes, schedule and phases, covenants

- [ ] Every requested **deviation, in writing** (§711A.d)
- [ ] **$1,500 review fee** and a **$500 deposit** toward professional review, topped up as needed

Final Development Plan — within 24 months (§709A.b.1–2)

- [ ] Letter of request and the fee
- [ ] Final Plan substantially consistent with the approved Preliminary Plan: locations of all uses and infrastructure, subdivision plan or survey, **grading plan**, **storm water facilities plan**
- [ ] Narrative: covenants and deed restrictions, common-area maintenance, deviations, buildings and phases, developer-built improvements, schedule, and coordination with subdivision approvals
- [ ] **Performance guarantee** — and a **development agreement** where the Township requires one
- [ ] A **site plan for each building or use** under Section B before its certificate, showing consistency with the Final Plan (§711A.a)

G — After approval, before and after the certificate

- [ ] **Signed conditional zoning permit**, where a conditional use was approved — breaching a condition voids it automatically (§800.06)
- [ ] Performance guarantee lodged, where one was required (§806)
- [ ] **Notice to the Zoning Inspector when construction starts**, and the footer/foundation inspection (§902.04)
- [ ] Request for the **one-time extension** before the six-month certificate expires, if needed (§902.05)
- [ ] **Certificate of Appropriateness** (occupancy permit) application before the property is used — and in a business district, only after every site plan improvement is complete (§903, §903.01, §806)
- [ ] Revised plans to the **Board of Zoning Appeals** for any departure from the approved site plan (§807)
- [ ] When a business property is **sold, leased or taken over**: the new owner or operator brings the previous Certificate of Appropriateness and applies for a new one (§903(d))

AFTER A CERTIFICATE IS ISSUED

Six-month life, and a one-time extension (§902.05).

A zoning certificate is **effective for six (6) months** and is not invalidated by a change in zoning during that period. It expires at six months unless the footer or other base for the structure is complete per the approved plans, and expires if construction stops for six months after that. The Zoning Inspector may approve a **one-time, six-month extension** requested **before** expiration, if the extension fee is **paid within fifteen (15) days** of the request. (Conditional zoning permits have their own one-year terms — Part 3.)

Notify the Inspector when construction starts (§902.04).

Notify the Zoning Inspector **within five (5) days** after construction begins. The Inspector visits the site within five days of your notice to confirm the work conforms to the certificate.

Certificate of Appropriateness before using the property (§903).

No building or premises may be used or occupied until the Zoning Inspector issues a **Certificate of Appropriateness** (occupancy permit), upon final inspection. One is required before occupying new residential dwellings; before occupying any location to operate a business (except home occupations); for a full or partial change from one type of use to another; when commercial-district property changes owner or operator (bring the previous Certificate of Appropriateness); and for a full or partial change from one commercial use to another. Apply once all work on the certificate and plans is complete (§903.01) — for a site plan, including all required landscaping, drainage, parking, road and driveway improvements (§806).

New owner or operator of a business property (§903(d)).

When property in a commercial district (B-C or SRB) changes from one owner or operator to another — a sale, a new lease, or a new business taking over the premises — the **new owner or operator needs a new Certificate of Appropriateness** before operating, even if the use does not change. Bring the **previous Certificate of Appropriateness** to the Zoning Inspector; the application goes through **the same procedures and inspections as a new building or use**. The previous holder's certificate does not carry over to the new operator.

- **Same use:** the Zoning Inspector inspects and issues the new certificate.
- **Different use, or a full or partial change from one commercial use to another:** this is also a change of use (§903(c), §903(e)) — in the B-C, SRB and EAD districts it goes through site plan review by both boards (Part 2).
- **Conditional use:** the conditions the Board of Zoning Appeals attached to the conditional zoning permit — hours, screening, parking, noise and the like — bind the new operator, and the permit is subject to revocation for failure to comply (§906.02(b)). Changing any condition, or starting a different conditional use, needs a new application and public hearing (§800.09; Part 3). A sale does not restart the one-year term of a permit whose use has not yet begun (§800.08).
- **Nonconforming use:** a use that predates the Resolution may continue under the new owner but may not be enlarged, and if it is discontinued or abandoned for more than two years, any later use must conform (§106.03).

QUICK REFERENCE — SECTION CITATIONS

Topic	Section
Certificate required for any structure or use change	**§902(a)**
Issued on a board's written order where a board acts	**§902(b)**
Health Authority sewage approval	**§902(c)**
Application contents; Inspector notifies the BZA	**§902.01**
30-day Inspector review (not during site plan or conditional review)	**§902.02**
ODOT notification / 120-day hold	**§902.03**
Construction start notice & inspection	**§902.04**

Six-month certificate; one-time extension	**§902.05**
Certificate of Appropriateness (occupancy permit)	**§903, §903.01**
New owner or operator of business property: new certificate, previous one brought in	**§903(d)**
Nonconforming uses: no enlargement; lost after two years' discontinuance	**§106.03**
Fees paid before any action	**§904**
B-C: site plan before any certificate	**§711.1**
Site plans required; who reviews; neighbor notice	**§803.01–§803.02**
Zoning Commission action on site plans (30 + 60 days)	**§803.03**
Pre-submission conference	**§803.04**
Site plan contents (3 full-size + 5 half-size + digital, Township standard)	**§803.05**
Review guidelines; expert costs; conformance & guarantees	**§804–§806**
Landscape plan; lighting plan; business-district fences	**§709, §710, §713**
SRB permitted and conditional uses; 10,000 sq ft and 35 ft triggers	**§701A, §702A, §704A**
SRB lot, yard and design standards	**§703A, §705A, §706A**
Planned Development: qualifying land; requirements	**§707A, §708A**
Planned Development: Preliminary Plan (Commission, then Trustees); Final Plan (Commission)	**§709A**
Planned Development: review standards; site plans, construction, changes	**§710A, §711A**
Conditional use application, review, hearing, decision, term	**§800.02–§800.09**
Conditional use standards both boards apply; conditions the Board may impose	**§801**
Special requirements for conditional uses	**§802**
Similar-use determination	**§906.01(a)(8)**

Appeals: who may appeal; 20-day notice of appeal; stay of proceedings; decision	**§907, §907.01–§907.05**
Variances: application; area and use variance findings; conditions; decision	**§908.01–§908.04**
Findings of fact on request; variance expiry and renewal; appeal to court	**§908.05–§908.07**
Changes to an approved site plan	**§807**
Permitted uses by district	**§501, §601, §701, §701A, §1501**
Conditionally permitted uses by district	**§502, §602, §702, §702A, §1502**
Village Residential: National Park Service review of conditional uses and site plans	**§800.05**
Village Residential: lot, yard, height, dwelling size, lower level	**§603–§607**
Residential fences; accessory buildings	**§513, §514**
Residential: lot, yard, height, dwelling size; non-residential setback and screening	**§500, §503–§509**
Home occupations (Types I, II, III)	**§512**
Garage sales (written notice, no certificate)	**§515**
Agriculture exempt; recreational vehicles and temporary mobile homes	**§105.03, §105.05**
Economic Activity District: purpose; farm markets; one dwelling per parcel	**§1500, §1501.02, §1501.04, §1502.07**
Economic Activity District: lot, yard, 100 ft residential setback and screening, height	**§1503–§1506**
Similar-use determination by the Board of Zoning Appeals (followed in place of §1507)	**§906.01(a)(8)**

---

*This guide summarizes the zoning certificate, site plan review, conditional use, variance and appeal processes and is provided for applicant convenience. Where this summary and the Boston Township Zoning Resolution differ, the **Resolution governs**. Contact the Boston Township Zoning Inspector before applying, particularly for any project in a business district or the Economic Activity District.*