

## **142 - BOARD OF ZONING APPEALS/CONDITIONAL USE PERMITS**

### **142.1 ORGANIZATION AND PROCEDURE:**

**142.1.1 MEMBERSHIP:** There is hereby created a Township Board of Zoning Appeals of five (5) members and two (2) alternates, who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years, beginning January 1<sup>st</sup>, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member will expire each year. The term of the alternates shall be one (1) year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. Compensation may be changed by the Township Trustees but not more than once in each calendar year.

**142.1.2 HEARINGS, RULES, ETC.:** The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a President, Vice-President, and Secretary. The Board shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Resolution.

The Board shall hear the intervention of any owner or property adjacent to, in the rear of, across the street from a lot as to which the granting of any zoning permit is pending or has been granted, and shall also hear any other parties in interest.

**142.1.3** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Trustees and shall be a public record.

**142.1.4 WITNESSES, OATHS, ETC.:** The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

**142.1.5** A hearing by the Board of Appeals which requires investigation, inspection, legal advertisement, postage and other expenses shall require a fee as established by the Township Trustees. Such fee shall be paid in full before any action is taken on the appeal.

### **142.2 APPEALS:**

**142.2.1** Appeals may be taken to and before the Board of Zoning Appeals by any person aggrieved, or by any officer, department or Board of the Township. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

**142.2.2** All written materials, text, drawings, maps or any other information which the applicant or the Board of Zoning Appeals considers pertinent to an Appeal or Conditional Use Request shall be received by the Zoning Inspector no later than thirty (30) calendar days prior to the hearing date as established by the Board at their annual organizational meeting. Failure to produce such information by the date specified may result in a continuance of the hearing until such information is received.

**142.2.3** 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 appeal shall have been filed with it that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

**142.2.4** The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give at least ten (10) days notice thereof to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before date of such hearing, and decide the appeal within a reasonable time after it is submitted. The number of days notice shall conform to the latest revisions of the Ohio Revised Code.

**142.3 POWERS AND DUTIES:** The Board of Zoning Appeals shall have the following powers and it shall be its duty:

**142.3.1** To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution or any amendments thereto.

**142.3.2** In hearing and deciding appeals, the Board shall have the power to GRANT AN EXCEPTION in the following instances:

142.3.2.1 Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

142.3.2.2 Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of the fair market value where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly. Permitted also under Section 137.5.

142.3.2.3 Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.

142.3.2.4 Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling and in conformance with the special parking provision of Section 127.3.

**142.3.3** The Board shall have the authority to grant the following VARIATIONS:

142.3.3.1 Permit a variation in yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.

142.3.3.2 Authorize upon appeal whenever a property owner can show that a strict application of the terms of this Resolution relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship - such variations of the strict application of the terms of this Resolution as are in harmony with its general purpose and intent; but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable or unusual hardship or difficulty so great as to warrant a variation from the zoning plan as established by this Resolution, and at the same time, the surrounding property will be properly protected.

**142.3.4** In considering all appeals and all proposed exceptions to this Resolution, the Board shall before making any exceptions or variations from the Resolution in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonable increase the congestion in public streets, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of Madison Township.

**142.3.5** It will be the duty of each member to have knowledge of the parcel in question, including location and particular difficulties of the parcel, prior to the Board of Zoning Appeal hearing date.

**142.3.6 POWERS AND DUTIES OF ALTERNATES:**

142.3.6.1 In the absence of a member, an alternate shall have the same powers and duties listed in 142.3.

142.3.6.2 If an alternate starts a case, he shall be required to finish the case. If the case is continued to the next meeting, the alternate is required to continue the case and not be replaced by the regular member.

## **142.4 CONDITIONAL USE AND CONDITIONAL USE PERMITS:**

**142.4.1** A conditional use is a specific use of land, buildings, or other structures that is not normally allowed within a zoning district, but which may be permitted by the Board of Zoning Appeals, subject to conditions established by the Board in accordance with the authority granted to them by this resolution and under Section 519.14 of the Ohio Revised Code.

**142.4.2** A Conditional Use Permit is a transferable permit granted by the Board of Zoning Appeals and issued by the Zoning Inspector for the use of land, buildings, and other structures not otherwise permitted in a zoning district under conditions and stipulations set forth in this Zoning Resolution. If ownership of land or business changes, the new owner must attend a BZA Public Meeting to acknowledge ownership and agree to the current conditions of the CUP.

142.4.2.1 In its consideration of an application for a conditional use permit, the Board of Appeals shall be governed by the rules of procedure prescribed in Sections 142.1 and 142.2 of this Resolution.

142.4.2.2 Before authorization of any conditional use, a public hearing shall be held in the relation thereto before the Board of Zoning Appeals, notice and publication of the time and place for which shall conform to the procedure prescribed in Sections 142.1 and 142.2.

142.4.2.3 Upon the approval of a Conditional Use by the Board of Zoning Appeals all newly proposed residential or commercial developments, their site plans and structures will require a "Site Development Plan Review" be filed with the Zoning Inspector in conformance with Section 126. Once a "Site Development Plan Review" is approved by the Zoning Commission, the Township Zoning Inspector can then issue the appropriate Zoning Certificates. Residential developments approved as a Conditional Use PUD that fall under subdivision regulations adopted by Lake County under ORC 711.10 are exempt from filing a site plan.

**142.4.3 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT:** An application for a conditional use permit shall be filed with the Board of Zoning Appeals by the owner (s) of the property for which such conditional use is proposed. The application fee for a conditional use permit will be established by the Township Trustees. At a minimum, the application shall contain the following:

142.4.3.1 Name, address, and telephone number of the applicant (s).

142.4.3.2 Name, address and telephone number of all persons or entities having any ownership interest in the property.

142.4.3.3 Written approval and consent of all such owners, including but not limited to, all individuals in joint ownership, all individuals in a partnership, and a corporate resolution for a corporation.

142.4.3.4 Legal description of property and the name of the owner (s) of record.

142.4.3.5 Description of existing use.

142.4.3.6 Zoning district.

142.4.3.7 Description of proposed conditional use.

142.4.3.8 If the request includes or requires physical changes to the site or building(s), a plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access, and on-site traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require.

142.4.3.9 A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.

**142.4.4 CRITERIA APPLICABLE TO CONDITIONAL USES:** In addition to the requirements for specific conditional uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use against the following criteria:

142.4.4.1 Development features, including new or existing buildings, open space use, ingress and egress for vehicles, safety equipment, pedestrians, site drainage, utilities, pavement typical sections for streets, drives, and service roads, lighting, and the overall general impact of these features on the adjacent properties and public facilities.

142.4.4.2 Where the proposed use will have vehicular approaches to the property which are so designed as to create a hazard to pedestrians or vehicular traffic, except as approved by the Board of Zoning Appeals.

142.4.4.3 Economic impact on existing public facilities and services.

142.4.4.4 Any use that will generate noise levels in excess of the maximum of the sound pressure levels as outlined in the following chart:

**MAXIMUM PERMITTED SOUND PRESSURE LEVEL**

| Octave Band Sound<br>(Cycles per Second) | Pressure Level<br>(In Scales A Decibels) |
|--|--|
| 20-75                                    | 79                                       |
| 75-150                                   | 74                                       |
| 150-300                                  | 66                                       |
| 300-600                                  | 59                                       |
| 600-1,200                                | 53                                       |
| 1,200-2,400                              | 47                                       |

|             |    |
|-------------|----|
| 2,400-4,800 | 41 |
| Above 4,800 | 39 |

All noise levels to be measured from the closest surrounding residence or business which might be affected by adverse noise conditions.

142.4.4.5 OTHER REQUIREMENTS: In addition to the requirements contained in this section, any proposed conditional use shall otherwise comply with all the regulations set forth in this resolution for the district in which such regulations conflict with the requirements of this section, the more restrictive requirements shall apply.

**142.4.5 CONDITIONAL USE PERMITS - SPECIFIC REQUIREMENTS:**

**142.4.5.1 AMUSEMENT PARKS - (Repealed by the Trustees on 2/23/16)**

**142.4.5.2 COMMUNICATION AND BROADCASTING TOWER OR STATION, OTHER THAN A TELECOMMUNICATION TOWER AS DEFINED IN SECTION 124, IN DISTRICTS OTHER THAN M-1, LIGHT INDUSTRIAL TELECOMMUNICATION TOWERS ARE DEFINED AND REGULATED IN SECTION 124.**

142.4.5.2.1 All signs used in conjunction with or to advertise the tower structure shall conform to the sign regulations of Section 128, however, sign size shall be based on the amount of leased property width used in conjunction with the tower, tower structure, or accessory uses, not the amount of entire property frontage.

142.4.5.2.2 All towers shall be placed so as not to create a safety hazard to surrounding properties and/or structures. A debris fall area shall be required for each tower proposed. The debris fall area shall be an area under lease/ownership of the tower applicant so as to contain the tower structure and all components of the tower structure on site should it fall.

142.4.5.2.3 All towers, tower structures and accessory uses of the tower and their structures shall be located at least forty (40) feet from all property boundary lines and street right-of-way lines. Towers, tower structures and accessory use locations shall be indicated on an appropriately scaled site plan. An estimated debris fall area shall be indicated on the site map for each structure proposed.

142.4.5.2.4 All towers, tower structures, and accessory uses, shall be placed and maintained in conformance with all local, state and federal requirements/acts of legislation not specified herein.

142.4.5.2.5 A fence being a minimum of 6 feet in height shall be required to surround the perimeter of the property or the portion of the property contracted for use, on which the towers, tower structures, and any accessory uses of the towers are located.

142.4.5.2.6 As part of the written application and supporting documentation and information, the applicant shall submit each proposed light fixture including its location on site and its foot candle intensity and a summary of any possible impact on adjacent neighbors.

142.4.5.2.7 Approved zoning certificates issued for the construction of towers, tower structures, and accessory uses can be revoked and declared invalid if violations are found and not remedied within thirty (30) days of the dated written notification of violation.

### **142.4.5.3 LANDMARKS OR SYMBOLIC STRUCTURES**

142.4.5.3.1 Yard and set back requirements shall not be reduced below a ten (10) foot minimum.

142.4.5.3.2 No structure or planting shall be placed in such a way as to obstruct the vision or movement of vehicles or pedestrian traffic.

142.4.5.3.3 The developer or owner shall provide for the maintenance of the landmark or symbolic structure or its removal if it becomes a hazard or non-repairable.

### **142.4.5.4 MULTIPLE DWELLING USE FOR SENIOR CITIZEN RESIDENTS ONLY**

142.4.5.4.1 Shall be located within a B-2 or B-3 District.

142.4.5.4.2 Must have a minimum five (5) acre site requirement with no more than fifteen (15) units per acre.

142.4.5.4.3 The following shall be the minimum floor area requirements:

Efficiency - 415 sq. ft. One bedroom - 540 sq. ft. Two bedroom - 800 sq. ft.

142.4.5.4.4 All buildings and structures shall be located at least twenty five (25) feet from each property line and fifty (50) feet from street right-of-way lines, with a minimum frontage requirement of eighty five (85) feet.

142.4.5.4.5 All signs shall conform to the sign regulations of Section 128.

142.4.5.4.6 The height of the building or buildings shall not exceed two and one half (2 ½) stories or thirty-five (35) feet. Fifty (50) feet of unobstructed area shall be required between buildings.

142.4.5.4.7 One (1) off-street parking space per unit shall be provided within seventy-five (75) feet of the designated unit entrance, each parking square shall contain not less than two hundred (200) square feet in area exclusive of access drives and walks.

142.4.5.4.8 Senior Citizen Developments provide a range of unit configurations. At least one (1), but no more than fifty percent (50%) of the total units in a Senior Citizen Complex shall include two (2) bedroom units.

**142.4.5.5 MOTOR VEHICLE SALVAGE FACILITY - SIC 5015 & 5093 AND DEAD AUTO STORAGE - SIC 4226**

142.4.5.5.1 Shall be defined as any site, location, or premise on which are kept two (2) or more unlicensed and/or inoperable motor vehicles, whether or not retained for commercial purposes; any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. This section does not include garbage dumps and sanitary landfills.

142.4.5.5.2 Shall be located only within an M-1 District.

142.4.5.5.3 Shall be located no closer than one thousand (1,000) feet from a federal, state or county highway.

142.4.5.5.4 Shall be located no closer than one thousand (1,000) feet from a township road, and one hundred (100) feet from all adjacent property lines. There shall be no egress or ingress on to a township road for any salvage facility.

142.4.5.5.5 Shall be so located that the view thereof from a road, highway, or adjacent property line is obscured by a natural year round green screen and a fence not less than six (6) feet.

142.4.5.5.6 The minimum total land area permitted for junk yards, including all setback requirements, is twenty (20) acres.

142.4.5.5.7 There shall be no storage of vehicles or materials outside of fence.

142.4.5.5.8 Motor vehicle salvage facilities shall conform to all state regulations under Revised Code Section 4737.01 4737.00 inclusive.



**142.4.5.6 PUBLIC FACILITY AREAS:**

142.4.5.6.1 The following listed uses may be permitted conditional uses in all districts, other than M-1:

|   | <u>SIC Codes</u> |
|---|------------------|
| Churches  | 866X             |
| Museums & Art Galleries   | 8412             |
| Arboretums, Botanical, & Zoological Gardnes   | 8422             |
| Educational Services  | 82XX             |
| Places for Public Assembly  |                  |
| Community Buildings   |                  |
| Cemeteries & Mausoleums   |                  |
| Group Homes   | 8361             |
| Rooming & Boarding Houses, within existing structures<br>built prior to January 1st, 1996 | 7021             |

142.4.5.6.2 Parking requirements, see Section 127

142.4.5.6.3 All signs shall conform to the regulations of the district in which they are located and all applicable requirements of Section 128.

142.4.5.6.4 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.6.5 Noise levels shall not exceed the decibel levels as set forth in Section 142.4.4.7.

142.4.5.6.6 The area or parcel of land for a permitted public facility shall not be less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

142.4.5.6.7 **SIDE AND REAR YARD SETBACK REGULATIONS:** The side and rear yards for each public facility building shall not be less than the criteria set forth in the following schedule when adjacent to any residential property lines:

|                            | <u>SIDE YARDS</u> | <u>REAR YARDS</u> |
|----------------------------|-------------------|-------------------|
| Churches                   | 50                | 50                |
| Museums & Art<br>Galleries | 50                | 50                |
| Education Services         | 50                | 50                |

|  |    |    |
|--|----|----|
| Places of Public Assembly                  | 50 | 50 |
| Community Buildings                        | 50 | 50 |
| Arboretums, Botanical & Zoological Gardens | 50 | 50 |

**142.4.5.7 PLANNED UNIT DEVELOPMENT AREA**

142.4.5.7.1 PURPOSE: It is desirable that an amendment to the Zoning Resolution be established which will permit the application of modern planning techniques in the development of residential areas providing a variety of housing types along with suitable and appropriate limited commercial development.

This zoning amendment is designed to promote high standards of external appearance of buildings and grounds; to preserve and extend the charm and beauty existent in and inherent to the semi-rural, residential character of Madison Township; to promote the economic and social advantages resulting from an orderly planned use of large parcels of land while protecting and retaining the present favorable environmental balance.

142.4.5.7.2 PLANNED UNIT DEVELOPMENT AREA: A preplanned community within Madison Township containing various housing and compatible commercial uses, as permitted within this Zoning Resolution, constructed according to a predetermined and approved plan, and providing for the clustering of housing to preserve common open space for scenic beauty and recreation for the use of all residents and owners in the Planned Unit Development. Land must be kept as a complete development and cannot be subdivided. Maintenance of land will be the responsibility of the owner.

142.4.5.7.2.1 Upon Review and Approval of a Planned Unit Development Area by the Board of Zoning Appeals, final site plan approval must be granted by the Zoning Commission, per Section 126 and in conformance with Section 141.5.4, and the requirements of Section 142.4.2.3 of this Zoning Resolution

**142.4.5.7.3 PUD SITE REQUIREMENTS:**

142.4.5.7.3.1 Land can be owned, leased or controlled by either a single person, corporation, private or a group of individuals.

142.4.5.7.3.2 Shall be located only within an R-1, R-2, R-3, R-4, or P-1 District.

142.4.5.7.3.3 Must have a minimum fifteen (15) acre site requirement with no more than fifteen (15) units per acre for senior citizen

developments and nine (9) units per acre for any other development. Single family detached dwelling units shall have a density not to exceed three (3) dwellings per acre.

142.4.5.7.3.4 The following shall be the minimum floor area requirements for multi-family developments:

142.4.5.7.3.5 SENIOR CITIZEN DEVELOPMENT:

|                           |                               |
|---------------------------|-------------------------------|
| Efficiency - 425 sq. ft.  | One bedroom - 600 sq. ft.     |
| Two bedroom - 800 sq. ft. | Three bedroom - 1,000 sq. ft. |

142.4.5.7.3.6 OTHER DEVELOPMENTS:

|                                   |                           |
|-----------------------------------|---------------------------|
| Efficiency - 600 sq. ft.          | One bedroom - 750 sq. ft. |
| Two bedroom or more - 900 sq. ft. |                           |

142.4.5.7.3.7 Floor area requirements do not include hallways, entrance ways, laundry areas, or other space used jointly for the occupants.

142.4.5.7.3.8 Efficiency units shall comprise no more than twenty percent (20%) of the units in any development.

142.4.5.7.3.9 All buildings and structures shall be located at least twenty-five (25) feet from each property line with a front yard set back of fifty (50) feet.

142.4.5.7.3.10 Must have a minimum property frontage requirement of eighty-five (85) feet.

142.4.5.7.3.11 All signs shall conform to the sign regulations of Section 128.1.1 thru 128.1.9, excluding Section 128.1.8.

142.4.5.7.3.12 The height of the buildings shall not exceed two and one half (2 1/2) stories or thirty-five (35) feet.

142.4.5.7.3.13 One off-street parking space per unit shall be provided within seventy-five (75) feet of the designated unit entrance; each parking square shall contain not less than two hundred (200) square feet in area exclusive of access drives and walks. A second parking space per unit shall be required somewhere in the development.

142.4.5.7.3.14 A site to be used for P.U.D. area shall be serviced by central sanitary sewer and water.

142.4.5.7.3.15 Senior citizen developments must have a minimum of ten (10) percent open area.

142.4.5.7.3.16 In any other development ten percent (10%) of land must be preserved for recreation. To be counted in this ten percent (10%), an area must contain a minimum of ten thousand (10,000) square feet with an average dimension of not less than one hundred (100) feet and no dimension less than fifty (50) feet.

The above recreation area shall not be allowed include unusable land - land not beneficial to residential use due to location or character such as swamps, drainage ditches, ravines, dense woods, and swales, and utility strips when their presence renders land unusable for residential use. Also included in above, will be parking areas, driveways, streets, etc.

142.4.5.7.4 PERMITTED USES: Within a P.U.D. area, the following uses are permitted subject to the area, size, density, and other provisions set forth in the resolution:

142.4.5.7.4.1 Single family dwelling (Must meet floor area requirements for zoning district in which the P.U.D. is located.)

142.4.5.7.4.2 Two family dwelling.

142.4.5.7.4.3 Multiple dwelling.

142.4.5.7.4.4 Nursing or convalescent home

142.4.5.7.4.5 Hospital

142.4.5.7.5 A conditional use may be granted for commercial uses ONLY WITHIN THE COMMON AREAS OF SENIOR CITIZEN P.U.D. DEVELOPMENTS. These commercial uses shall conform to the same regulations as commercial uses in B-1 and B-2 Districts.

142.4.5.7.5.1 No external signs for businesses shall be permitted.

142.4.5.7.5.2 The Commercial uses allowed in the common areas of the P.U.D. shall not exceed eight percent (8%) of the gross acreage of the P.U.D.

142.4.5.7.5.3 The following commercial uses for senior citizen P.U.D.s shall not be permitted to have any frontage on a public or dedicated roadway. The purpose of the following uses are to benefit the residents living within the P.U.D. complex:

|              |                    |                  |
|--------------|--------------------|------------------|
| Antique Shop | Art Gallery        | Art Supply Store |
| Bank         | Barber/Beauty Shop | Boutique         |

|                            |                         |                                   |
|----------------------------|-------------------------|-----------------------------------|
| Card & Book Store          | Convenience Food Stores | Dining Facilities                 |
| Drug Stores                | Dry Cleaners            | Exercise & Physical Therapy Rooms |
| Florist                    | Garden Shop             | Gift Shop                         |
| Gourmet Shop               | Ice Cream Parlor        | Libraries                         |
| Medical Equipment Supplies | Medical Offices         | Pharmacy or Health Food Store     |
| Shoe Store                 | Sports Shop             | Walking Paths                     |

142.4.5.7.5.4 Off street parking for commercial uses in a P.U.D. shall conform to the off street parking requirements of Section 127.

**142.4.5.8 ANIMAL GROOMING:** Animal Grooming Service shall be conditionally permitted in P-1 Professional Districts and B-1 Neighborhood Business Districts and comply with the following:

142.4.5.8.1 There shall be no outside runs associated with the grooming service.

142.4.5.8.2 There is no boarding of animals. This shall include day care of animals.

142.4.5.8.3 Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

**142.4.5.9 CHILD DAY CARE CENTER:** A child day care center shall be permitted in a P-1 Professional, B-2 Regional Business, and B-3 Wholesale and Trade Commercial Districts, for seven (7) or more children, when granted a Conditional Use Permit as provided in Section 142 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties.

142.4.5.9.1 General Requirements:

142.4.5.9.1.1 The proposed child day care center shall secure a license to operate in accordance with Chapter 5104 of the Ohio Revised Code. Evidence of such license shall be presented to the Board of Zoning Appeals.

142.4.5.9.2 Safety/Inspections:

142.4.5.9.2.1 Child Day Care Centers shall comply with the requirements of the Council of American Building Officials (CABO)

Code, the National Fire Prevention Association (NFPA) Code and all other applicable safety codes.

142.4.5.9.2.2 For the purpose of safety, the Madison Fire District shall conduct an inspection prior to the initial operation of the child day care center and semiannually thereafter, or as deemed necessary by the Madison Fire District Chief. All child day care centers may also be subject to inspection by the State Fire Marshall's Office.

142.4.5.9.2.3 Where applicable, a food service license shall be obtained.

142.4.5.9.2.4 Owners shall display proof of such licenses, inspection and compliance in a conspicuous place.

142.4.5.9.2.5 A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous places within the child day care center.

142.4.5.9.3 Signs: All signs shall conform to the requirements of Sections 128 of this Zoning Resolution.

142.4.5.9.4 Parking shall comply with the requirements of 127 of the Zoning Resolution, as applicable.

142.4.5.9.5 The location and design of the facility shall provide for the protection of the children from the traffic, noise, and other hazards of the area and/or the arterial street location.

142.4.5.9.6 The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property.

142.4.5.9.7 All outdoor activity areas shall be adequately enclosed by a fence at a height approved by the Board of Zoning Appeals. An entry gate shall be securely fastened. Such fences shall comply with all other applicable fence requirements set forth in Section 133 of this Zoning Resolution.

142.4.5.9.8 When child day care centers are conditionally permitted as an accessory use, the building setback and lot requirements for the main or principal permitted use of the property shall prevail, but remain in compliance with all other applicable requirements of this Section.

**142.4.5.10 CIVIC, SOCIAL, and FRATERNAL ORGANIZATIONS:** Shall be conditionally permitted in B-1 Neighborhood Business Districts and B-3 Wholesale and Trade Commercial Districts, and comply with the following:

142.4.5.10.1 Clubs, lodges, and other social meeting places shall have direct ingress and egress from a US or State Highway or a County Road as shown on the Lake County Engineer's Map.

142.4.5.10.2 The setback shall be doubled when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.10.3 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

**142.4.5.11 COMMERCIAL INDOOR RECREATION:** Shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.11.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.11.2 If located at the corner of two collectors or arterial roads, then there shall be one egress/ingress located on each road unless the road connects to residential uses.

142.4.5.11.3 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

**142.4.5.12 DRIVE-THRU FACILITIES:** Drive-thru lanes and all pertinent structures associated with a drive-thru facility including, but not limited, to ATMs, speakers, windows, transaction sites, pneumatic tubes, lighting, cameras and overhangs shall be conditionally permitted in B-1 Neighborhood Business Districts, B-2 Regional Business Districts, B-3 Wholesale and Trade Commercial Districts, and M-1 Light Manufacturing Districts and comply with the following:

142.4.5.12.1 Shall only be permitted as accessory use for the main uses of buildings and land as specified within the particular zoning classification or district.

142.4.5.12.2 All pertinent structures shall conform to all building setbacks as provided in the particular zoning classification or district in which it is to be located.

142.4.5.12.3 Unless specified elsewhere, a minimum of ten (10) waiting spaces shall be provided. If there is more than one transaction site, then a minimum of five (5) waiting spaces per transaction site shall be provided.

142.4.5.12.4 Automatic car wash facilities shall provide a minimum of ten (10) waiting spaces, five (5) spaces if there are two stalls or three (3) spaces if there are three or more automatic car wash stalls.

142.4.5.12.5 Self-serve car wash facilities shall provide a minimum of three (3) waiting spaces per stall.

142.4.5.12.6 Drive-thru facilities shall comply with the parking setback requirements set forth in Section 25. When such use abuts a residential district, landscaping and screening shall be provided in compliance with Section 26.

142.4.5.12.7 Any lighting provided for a drive-thru facility shall comply with the lighting requirements set forth in these regulations.

142.4.5.12.8 Any speakers provided for a drive-thru facility should be set at a volume so as not to disturb abutting properties.

142.4.5.12.9 Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.

142.4.5.12.10 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses and on road traffic, and to ensure compatibility with normal vehicular activity in the district.

142.4.5.12.11 Access drives shall be two hundred (200) feet from an intersection; one access drive per street frontage shall be permitted; and interconnecting circulation aisles between parcels shall be provided when practicable.

142.4.5.12.12 Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

142.4.5.12.13 Stacking areas for drive-through facilities shall not be the sole or primary site egress route.

142.4.5.12.14 Stacking areas shall not utilize parking or aisles required for access to parking.

**142.4.5.13 HOSPITAL:** Hospitals shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.13.1 Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street.

142.4.5.13.2 Access drives shall be located no less than 100 feet from an intersection.



142.4.5.13.3 Accessory uses, such as a pharmacy, gift shop, cafeteria and similar customarily-related uses shall be allowed when conducted and entered from within the principal building.

**142.4.5.14 HOTEL/MOTEL:** Hotel/Motels shall be conditionally permitted in B-1 Neighborhood Business Districts and comply with the following:

142.4.5.14.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.14.2 If located at the corner of two roads that are classified as either a collector or an arterial road, then there shall be one egress/ingress located on each road unless the road connects to residential uses.

142.4.5.14.3 If the building is substantially altered, then use will need to apply for a conditional use.

**142.4.5.15 LANDSCAPING SERVICES:** Landscaping Services shall be conditionally permitted in B-2 Regional Business Districts and comply with the following:

142.4.5.15.1 All equipment stored outdoors must be on hard surfaces and these will be considered parking areas and follow the regulations in the parking section.

142.4.5.15.2 Areas devoted to storage of bulk landscape materials shall comply with building setback requirements and not located in areas intended for parking, traffic circulation or pedestrian access.

142.4.5.15.3 All chemicals stored on site shall be stored in accordance with standards and a list of all chemicals stored on the site shall be given to the Fire Department.

**142.4.5.16 LIVERY, AUTO:** Livery shall be conditionally permitted in B-2 Regional Business Districts and comply with the following:

142.4.5.16.1 Vehicle areas shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

142.4.5.16.2 The outdoor overnight parking shall be in a parking lot.

142.4.5.16.3 Additional screening may be required by the Board of Zoning Appeals, if necessary, to adequately screen from adjoining districts or public streets.

142.4.5.16.4 No maintenance or repair of vehicles shall be performed on site. Vehicles may be cleaned on site.

**142.4.5.17 MOTOR VEHICLE SALES (NEW), INCLUDING RECREATIONAL, HEAVY EQUIPMENT, MOTORCYCLE AND ATV SALES:** Motor vehicle dealers (new), including recreational and motorcycle dealers shall be conditionally permitted in the B-2 Regional Business Districts and B-3 Wholesale and Trade Commercial Districts and comply with the following:

142.4.5.17.1 The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section 127.

142.4.5.17.2 All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.

142.4.5.17.3 The sale of pre-owned or used motor vehicles, including the display, offering for sale and dealing of pre-owned or used vehicles shall only be permitted as an accessory use to a new motor vehicle dealer, and such sale at retail, display, offering for sale and dealing of pre-owned or used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of the new motor vehicle dealer.

**142.4.5.18 MOTOR VEHICLE SALES (PRE-OWNED), INCLUDING RECREATIONAL, HEAVY EQUIPMENT, MOTORCYCLE AND ATV SALES:** Motor vehicle dealers (pre-owned), including recreational and motorcycle dealers shall be conditionally permitted in the B-2, B-3, and M-1 Zoning Districts and comply with the following:

142.4.5.18.1 The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section 127.

142.4.5.18.2 All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.

**142.4.5.19 OUTSIDE DINING:** Outside Dining shall be conditionally permitted in B-1, Neighborhood Business District and B-2, Regional Business Zoning Districts and comply with the following:

142.4.5.19.1 All outdoor dining areas shall be contiguous to the principal building.

142.4.5.19.2 No outdoor dining areas shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.

142.4.5.19.3 No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Section 128.

142.4.5.19.4 The outdoor seating area shall be used in conjunction with, and under the same management and exclusive control of, the restaurant located on the same property.

142.4.5.19.5 The outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.

142.4.5.19.6 The outdoor seating area shall not interfere with the public right-of-way.

142.4.5.19.7 The proposed use shall not generate excessive noise beyond the premises. Speakers used in connection with outside dining areas should be set at a volume so as not to disturb abutting properties. In order to minimize any effects of the above, the Board of Zoning Appeals may impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district.

142.4.5.19.8 Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses.

**142.4.5.20 RESIDENTIAL CARE FACILITY, NURSING HOME, HOME FOR THE AGING, OR HOSPICE CARE FACILITY:** (as defined in the Ohio Revised Code) shall be permitted in B-1 Neighborhood Business Districts when granted as a Conditional Use and subject to the following conditions:

142.4.5.20.1 Land Requirements: Facility shall be located on a parcel of land of at least 3 acres in area and having at least 100 feet of frontage on the right-of-way sideline of a dedicated road.

142.4.5.20.2 Total Gross Floor Area: A facility shall thirty percent (30%) of the total lot area.

142.4.5.20.3 Setbacks from Public Right-of-Way: No building or portion of a building shall be located closer than Fifty (50) feet.

142.4.5.20.4 Setbacks from Adjoining Property Lines: No building or portion of a building shall be located closer than thirty (30) feet from an adjoining property line, except when abutting any residential district, in which case no building shall be closer than fifty (50) feet to an abutting property line.

142.4.5.20.5 Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.

142.4.5.20.6 All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.

142.4.5.20.7 All refuse areas shall be enclosed.

142.4.5.20.8 All signs shall conform to the zoning requirements for the district in which they are located in accordance with Section 128 of this Resolution.

142.4.5.20.9 Parking:

142.4.5.20.9.1 Parking Setbacks:

142.4.5.20.9.1.1 No parking area shall be located closer than ten (10) feet to an abutting side property line and twenty-five (25) feet from the rear property line, except when abutting any residential district in which case no parking area shall be closer than fifty (50) feet to an abutting property line.

142.4.5.20.9.1.2 No parking area shall be closer than twenty-five (25) feet to any public road right-of-way sideline.

142.4.5.20.9.2 Parking spaces shall be provided in accordance with Section 127 of this Resolution.

142.4.5.20.9.3 Parking areas shall also be screened from abutting properties in accordance with the applicable Landscaping and Screening Requirements set forth in Section 127 of this Resolution.

142.4.5.20.9.4 Parking areas shall be in accordance with Section 127 of this Resolution unless specifically addressed in this Section.

142.4.5.20.10 No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.

142.4.5.20.11 If not specifically addressed in this Section, all buildings shall conform in all others ways to the requirements of the zoning district in which they are located.

142.4.5.20.12 Landscaping and Buffering: A residential care facility, nursing home, home for the aging, or hospice care facility shall provide landscaping in accordance with the Landscaping and Screening Requirements set forth in Section 126 of the Zoning Resolution.

142.4.5.20.13 Safety/Inspection:

142.4.5.20.13.1 A Residential Care Facility, Nursing Home, Home for the Aging or Hospice Care Facility shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes.

142.4.5.20.13.2 Inspection, for the purpose of fire safety, shall be conducted by the Madison Fire District prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one (1) time per year thereafter.

142.4.5.20.13.3 Owners shall display proof of such inspection and compliance in a conspicuous place.

142.4.5.20.13.4 Facilities for emotionally disturbed, alcohol or chemically dependent individuals/adults are prohibited.

**142.4.5.21 RESTAURANT, COUNTER:** Restaurant, counter shall be conditionally permitted in the B-1, Neighborhood Business, Zoning District and comply with the following:

142.4.5.21.1 All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.

142.4.5.21.2 The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the development will have minimal impact on traffic in adjacent residential districts.

**142.4.5.22 STUDIO FOR INSTRUCTION:** A Studio for Instruction shall be conditionally permitted in P-1, Professional Districts and B-1, Neighborhood Business Districts and comply with the following:

142.4.5.22.1 The setback shall be double when adjacent to residential uses. Buffering shall be installed equal to the amount of space required by the regular setback.

142.4.5.22.2 If located at the corner of two roads that are classified as either a collector or an arterial road egress/ingress located on each road unless the road connects to residential uses.

142.4.5.22.3 The studio shall be required to show that they can provide additional parking for open houses or student shows.

**142.4.5.23 VETERINARY SERVICE:** Veterinary Service shall be conditionally permitted in B-1, General Business Districts and B-2, Regional Business District in compliance with the following:

142.4.5.23.1 There shall be no outside runs associated with the veterinary office.

142.4.5.23.2 The boarding of animals shall be restricted to inside, short-term, overnight lodging only as necessary for animals receiving medical attention.

142.4.5.23.3 Odor and noise shall be controlled to ensure that animals do not create a nuisance.

142.4.5.23.4 No animals shall be buried on the premises and there shall be no cremation of animals on site.

**142.4.5.24 BED AND BREAKFAST:** A Bed and Breakfast shall be a private owner-occupied dwelling and shall be conditionally permitted in A-1 Agricultural Districts, A-R Agricultural Residential Districts, R-1 Suburban Residence Districts, R-2 Single Family Districts, and S-1 Green Area Districts and comply with the following:

142.4.5.24.1 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a Site Inspection prior to the issuance of the CUP.

142.4.5.24.2 Site Plans and Floor Plans must be stamped by an Ohio licensed surveyor and/or architect.

142.4.5.24.3 Must obtain Permits/Approvals from all other agencies and associations claiming jurisdiction, including registering with the Lake County Hotel/Motel Tax Department.

142.4.5.24.4 The minimum square footage requirement for a single family dwelling is 1,500 square feet.

142.4.5.24.5 The total number of guests does not exceed sixteen (16).

142.4.5.24.6 The total number of guest bedrooms does not exceed six (6).

142.4.5.24.7 The minimum guest room size is one hundred and twenty (120) square feet.

142.4.5.24.8 Bathroom(s) Requirements: One (1) full bathroom, (containing a sink, toilet, and a shower or bathtub), for the owner and one (1) full bathroom for every two (2) guest rooms.

142.4.5.24.9 There shall be one (1) working smoke detector in each guest room and two (2) means of egress directly to the exterior.

142.4.5.24.10 Parking Requirements: One (1) parking space per guest room, plus two (2) owner parking spaces, plus one (1) parking space for every employee on maximum shift. On-Street parking is not permitted and all parking spaces shall be located as to not create a negative impact on adjacent properties.

142.4.5.24.11 Sign Requirements: A sign shall be Non-Illuminated, and a maximum of three (3) square foot in size and shall conform to the requirements in Section 128 - Signs.

142.4.5.24.12 The length of stay must be NO LONGER than thirteen (13) consecutive days, and NO MORE than forty-five (45) days per calendar year.

**142.4.5.25 SHOOTING RANGE:** A Shooting Range may be permitted as a Conditional Use under specific conditions only in A-1 Agricultural, A-R Agricultural-Residential and S-1 (Recreational) Green Area Zoning Districts that are located south of U.S. RT. 20 (North Ridge Rd.). Shooting Ranges can only be an accessory use in conjunction with a Club, Not for Profit, as defined in Section 101.

142.4.5.25.1 A property used for a Shooting Range must have a minimum of 20 acres.

142.4.5.25.2 A Shooting Range must be located a minimum of 100 feet from all property lines. No fully automatic weapons will be permitted. No ammunition fifty (50) caliber or greater, tracer, armor piercing or steel core will be permitted at the Shooting Range at any time. No exploding targets will be permitted.

142.4.5.25.3 A Shooting Range must comply with all National Rifle Association (NRA) Operational Rules & Standards as well as with all state and local firearms laws.

142.4.5.25.4 A Shooting Range must be in compliance with Ohio Revised Code sections 1533.84 and 1533.85.

142.4.5.25.5 The hours of operation for a Shooting Range may be from 8a.m. to 10p.m.

142.4.5.25.6 Only club members or their guest can use a Shooting Range. The Shooting Range will not be for use of the general public or for a pre-established fee.

142.4.5.25.7 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.25.8 Earthen mounds and backstops built around the Shooting Range must comply with all requirements of the National Rifle Association Operational Rules & Standards.

142.4.5.25.9 Off-Street parking shall be in accordance with the requirements of Section 127.5.3.

**142.4.5.26 ADULT DAY CARE CENTER:** An Adult Day Care Center shall be permitted as a Conditional Use in the P-1 Professional, and B-2 Regional Business Districts, for seven (7) or more adults, when granted a Conditional Use Permit as provided in Section 142 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties and comply with the following:

142.4.5.26.1 Hours of operation must be within the parameters of seven (7) days a week and between the hours of 6:00am and 8:00pm

**142.4.5.27 HISTORICAL VENUE:** Shall be conditionally permitted in any district within the Township, except M-1, M-3 or R-5, and must comply with the following:

142.4.5.27.1 To be considered a Historical Venue, a historical building or parcel of land must have historical significance, and be recognized by one or more of the following: the National Register of Historic Places, registered with Ohio History Connection (formerly the Ohio Historical Society), with an "Ohio Historical Marker," registered with the Lake County History Center as "Lake County Heritage Home," or recognized by the Madison Historical Society as having historical significance in Madison Township, and being more than sixty-five (65) years old.

142.4.5.27.2 A Historical Venue shall be permitted to engage in providing various activities for the general public, including but not limited to, banquet facilities, community/meeting rooms, fund raisers, charitable events, public & private tours, souvenir shop, television or movie productions, and displays or exhibitions of objects of historical, cultural and/or educational value.

142.4.5.27.3 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.27.4 A Historical Venue must obtain permits/approvals from all appropriate governmental agencies with regulatory jurisdiction, including, but not limited to, Madison Fire District, Lake County Building Department, Lake County General Health District, and/or Ohio EPA. **All permits and approvals must be obtained prior to the Board of Zoning Appeals final approval of a Conditional Use for a Historical Venue.**



142.4.5.27.5 Special requirements and conditions may also be established by the Board of Zoning Appeals to avoid a potential adverse impact on surrounding properties.

142.4.5.27.6 The area or parcel of land for a permitted Historical Venue shall not be less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and to maintain the character of the neighborhood.

142.4.5.27.7 Signage for a Historical Venue shall not be lighted internally, and cannot exceed thirty-two (32) square feet in area, nor be more than ten (10) feet in height.

142.4.5.27.8 Parking shall comply with the Off- Street Parking requirements of Section 127 of the Zoning Resolution, as applicable to the intended uses.

**142.4.5.28 SIMILAR USE:** A Similar Use shall be conditionally permitted in any business district and shall require the following:

142.4.5.28.1 An application for a Conditional Use Permit must be submitted in writing and must include a synopsis of the organizational structure of the business entity, including ownership and form of the entity, along with a discussion of all business activities proposed to be conducted on the specified premises. Business activities will include a listing of goods and services to be provided, a delineation between wholesale and/or retail orientation, projected employment statistics, hours of operation, types of equipment and supplies which will be stored and used on the premises, both indoor and outdoor, a discussion of the proposed use's impact upon local traffic, including on-site circulation and parking, a discussion of access for fire and safety forces and an informal discussion of plans for signage. A site plan indicating the general layout of the site including dimensions and measurements should be provided with the written petition.

142.4.5.28.2 Any similar use must ensure that all exterior lighting shall be directed toward the interior of the parcel so as to minimize light emission onto neighboring properties.

142.4.5.28.3 If not specifically addressed in this Section, all buildings and uses shall conform in all other ways to the requirements of the zoning district in which they are located.

142.4.5.28.4 Any Similar Use that is granted a Conditional Use Permit is required to have a Site Development Plan Review by the Zoning Commission.

**142.4.5.29 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES:** Shall be conditionally permitted only in B-2 Regional Business, B-3 Wholesale and Trade Commercial, and M-1 Light Manufacturing Zoning Districts and must comply with the following:

142.4.5.29.1 All applicable requirements of Ohio Revised Code 3796 “Medical Marijuana Control Program” must be adhered to by any Medical Marijuana Cultivator, Processor, or Retail Dispensary licensed and locating in Madison Township.

142.4.5.29.2 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a site inspection prior to the issuance of any CUP for a Medical Marijuana Cultivator, Processor, or Retail Dispensary. The appropriate license issued by the Ohio Department of Commerce and the State Board of Pharmacy must be presented to the Zoning Inspector prior to the CUP Hearing.

142.4.5.29.3 No Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be located any closer than five hundred (500) feet to any of the following facilities: schools, churches, public libraries, public playgrounds, public parks, or public recreations centers. The distance is to be measured parcel to parcel, from the closest boundary line of the proposed parcel for a Medical Marijuana Cultivator, Processor, or Retail Dispensary to the closest boundary line of the parcel that contains a school, church, public library, public playground, public park, or public recreation center.

142.4.5.29.4 A facility engaged in cultivation or processing of Medical Marijuana shall be located no closer than one thousand (1,000) feet to any R-1, R-2, or R-4 residential zoning district.

142.4.5.29.5 A Medical Marijuana Retail Dispensary shall only operate between the hours of 8:00 AM and 9:00 PM, Monday thru Saturday. A one square-foot sign shall be placed on the entry door of the dispensary to state hours of operation.

142.4.5.29.6 A Medical Marijuana Retail Dispensary shall be prohibited from engaging in any other retail use, excluding the sale or delivery of products intended for the administration of Medical Marijuana as identified in Chapter 3796 of the Ohio Revised Code.

142.4.5.29.7 A Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be permitted one free standing business identification sign, with a sign face area not to exceed forty (40) square feet in area. The maximum height of the sign shall not exceed fifteen (15) feet. One sign

mounted to the front face of the building, not exceeding twenty (20) square feet in area shall also be permitted. No merchandise or pictures of the products on the premises of a Medical Marijuana Retail Dispensary shall be displayed on signs, in window areas, or any area where they can be viewed from the sidewalk or street in front of the building. No sign or building shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, symbol, or any other means.

In multi-business or commercial shopping plazas, all signs must be mounted on the same sign support structure. When utilizing a multi-tenant property, the size of the medical marijuana business sign shall not be more than twenty-five percent (25%) of the largest sign and can not exceed forty (40) square feet.

142.4.5.29.8 Window areas of a Medical Marijuana Retail Dispensary shall not be covered or made opaque in any way.

142.4.5.29.9 A Medical Marijuana Cultivator or Processor shall have no visible outdoor storage of equipment used in the cultivation or processing of medical marijuana. All chemicals stored on site shall be stored in accordance with industry standards and a list of all chemicals stored on site shall be given to the Madison Fire District.

142.4.5.29.10 A Medical Marijuana Cultivator Facility must be enclosed around the entire perimeter of the property used for the cultivation of medical marijuana by a chain link fence no less than six (6) feet in height.

142.4.5.29.11 Parking shall comply with the Off-Street Parking requirements in Section 127 of this Zoning Resolution. Parking for a Medical Marijuana Retail Dispensary shall be in compliance with Section 127.5.5, Retail and Service Uses parking requirements. Parking for a Medical Marijuana Cultivator or Processor shall be in compliance with Section 127.5.6, Manufacturing/Warehousing parking requirements.

**142.5 TEMPORARY BUILDINGS:** Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

**142.6 RAILROADS AND UTILITIES:** Except as otherwise provided in division (B) or (C) of the Ohio Revised Code, Section 519.211 the regulations of this Resolution shall not apply to structures of railroads and utilities, whether publicly or privately owned, or to the use of land by any public utility or railroad, for the operation of its business.

**142.7 TRAILERS USED AS STORAGE UNITS:** These regulations were created so as to promote permanent structural growth in the Township; to avoid the extended use of temporary units by established businesses, and to provide a temporary economical relief from expensive storage facilities to promote new business growth in Madison Township.

**142.7.1** Trailers used as storage units shall be permitted only in B-1, B-2, B-3 and M-1 districts.

**142.7.2** A non-renewable permit per business owner may be granted for a period not greater than two (2) years.

**142.7.3** The location of the trailer(s) must comply with the set back regulations of the district.

**142.7.4** Shall be so located that the view thereof from a road, highway or adjacent property line is obscured by buildings, fences, shrubbery or other approved means.

**142.7.5** No more than one (1) trailer shall be placed on any lot.

**142.7.6** Trailers shall be utilized solely for storage and shall not be accessible to the general public.

**142.7.7** A trailer shall be considered a storage unit if any of the following conditions are met:

142.7.7.1 The trailer does not have a current license.

142.7.7.2 The trailer has not been moved off the lot in 30 days.

142.7.7.3 The trailer is visibly inoperable.