

**ZONING RESOLUTION**  
**OF**  
**COVENTRY TOWNSHIP**  
**SUMMIT COUNTY, OHIO**

<b>Effective:</b>	<b>November 14, 1957</b>
<b>Amended:</b>	<b>March 22, 1961</b>
<b>Amended:</b>	<b>June 12, 1967</b>
<b>Amended:</b>	<b>December 27, 1968</b>
<b>Amended:</b>	<b>August 24, 1970</b>
<b>Amended:</b>	<b>August 29, 1977</b>
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<b>Amended:</b>	<b>July 28, 1988</b>
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<b>Amended:</b>	<b>June 9, 1991</b>
<b>Amended:</b>	<b>September 29, 1991</b>
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# ARTICLE 1.00

## DEFINITIONS

### SECTION 1.01

The following words or terms used herein, unless the context clearly indicates otherwise, are defined as follows:

**ACCESSORY BUILDING OR USE:** A subordinate building for use customarily incidental to and located on the same lot occupied by the main building and use.

**ADVERTISING SIGN:** A sign which directs attention to a business, commodity purpose, service, or thing conducted, offered, or sold within the building or structure or upon the premises whereon such sign is erected, placed, appears, or elsewhere.

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "**SPECIFIED SEXUAL ACTIVITIES**" or "**SPECIFIED ANATOMICAL AREAS.**"

**ADULT BOOKSTORE or ADULT VIDEO STORE:** A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following :

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides, or other visual representations which depict or describe "**SPECIFIED SEXUAL ACTIVITIES**" or "**SPECIFIED ANATOMICAL AREAS**", or
- B. Instruments, devices, or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with "**SPECIFIED SEXUAL ACTIVITIES.**"

**ADULT CABARET:** A night club, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a **STATE OF NUDITY**, or
- B. Live performances which are characterized by the exposure of "**SPECIFIED ANATOMICAL AREAS**" or "**SPECIFIED SEXUAL ACTIVITIES.**"

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**ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form or consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "**SPECIFIED SEXUAL ACTIVITIES**" or "**SPECIFIED ANATOMICAL AREAS.**"

**ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "**SPECIFIED SEXUAL ACTIVITIES**" or "**SPECIFIED ANATOMICAL AREAS.**"

**AGRICULTURE:** The use of land for cultivation or tillage, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry. A use shall be classified as agriculture only if it is the principal use of the premises. It shall not include the feeding of garbage or offal to animals.

**AMUSEMENT ARCADE:** A structure or portion of a structure in which five or more pinball machines, video-games, or other similar player-operated amusement devices are maintained.

**APARTMENT:** A household unit of one or more connected rooms containing culinary facilities and arranged, designed and intended to be used for residence purposes.

**APARTMENT HOUSE:** A building or portion thereof, arranged, designed and intended to contain more than three apartments independent of each other.

**BASEMENT:** A story, partly underground, having not more than one-half its height below grade.

**BLOCK:** All that part of one side of a street which is between two intersecting streets or between an intersecting street and railroad or waterway.

**BUILDING:** A structure designed or intended for the enclosure, shelter, or protection of persons or property.

**BUILDING LINE:** A line established by the Zoning Resolution of Coventry Township.

**BUSINESS SIGN:** A sign which directs attention to any permitted use conducted on the premises.

**CHURCH:** A building designed, intended, and used primarily as a meeting place for a religious congregation that gathers in common membership for regular divine worship and religious observances.

**COLLOCATION:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**CONDITIONAL ZONING CERTIFICATE:** A written permit issued by the Board of Zoning Appeals for the use of land or structure (or building) upon a finding by the Board that such use is permitted in the district in which such land or building is located and that the conduct of the use

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meets, beyond any reasonable doubt, the general and specific requirements.

**DECK**: A horizontal platform with floor raised one foot or more above the average ground level beneath it, not to be enclosed or covered by walls or roof.

**DWELLING**: A building, or portion thereof, designed for an occupied exclusively for residence purposes.

**DWELLING - SINGLE FAMILY**: A building designed for and occupied as a residence exclusively by a single family.

**DWELLING - TWO FAMILY**: A building designed for and occupied as a residence exclusively by two families living independent of each other.

**FAMILY**: Any number of persons, related by blood, marriage, or adoption, living together on the premises as a single housekeeping unit. Any number of individuals living together on the premises as a single housekeeping unit. This definition specifically excludes a group occupying a boarding house, lodging house, hotel, tourist home, sorority or fraternity house(s).

**FENCE**: A man-made barrier erected to restrict the movement of men or animals across boundaries.

**FRONT YARD**: The front yard, for purposes of this Zoning Resolution only, shall be considered to be the open space between the roadway right-of-way line and any main building on a lot.

**GRADE - ESTABLISHED**: The elevation of a street established by the proper government agency.

**GRADE - NATURAL**: The elevation of the undisturbed natural surface of the ground adjoining a building or structure.

**HEIGHT**: The distance measured from the average finish grade around the perimeter of the structure to the highest point on the roof.

**LAND**: An area of land which is unsubdivided of record.

**LATTICE TOWER**: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**LOT**: A piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied, or intended to be occupied by one or more buildings, structures, or uses, together with such open spaces and access to or frontage on a public street, as required by this resolution.\*

- A. **CORNER LOT**: Any lot having frontage on two streets at their intersection.
- B. **INTERIOR LOT**: Any lot other than a through or corner lot.

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C. **THROUGH LOT**: An interior lot having a frontage on two streets not at their intersection.

**LOT AREA**: The total area within the lots lines of a lot, excluding any street rights or way.\*

**LOT DEPTH**: The mean distance from the front lot line to the rear lot line measured in the general direction of the side lot lines.

### **LOT LINES**:

A. **FRONT LOT LINE**: The street right-of-way.

B. **REAR LOT LINE**: The lot line most nearly parallel with the front lot line.

C. **SIDE LOT LINE**: Any lot lines not deemed a front or rear lot line.

**MONOPOLE\***: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**MULTIPLE FAMILY DWELLING**: A building or portion thereof, arranged, designed, and intended to contain three apartments independent of each other.

**NON-CONFORMING USE**: A use which does not comply with the regulations of the district in which it is situated. This term refers to the manner in which a building, structure, premises, or property is used.

**NUDE MODEL STUDIO**: Any place where a person who appears in a "STATE OF NUDITY" or displays "SPECIFIED ANATOMICAL AREAS" is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

### **NUDITY or a STATE OF NUDITY**:

A. The appearance of a human bare buttock, anus, genitals, or areola of the female breast, or

B. A state of dress which fails to cover opaquely a human buttock, anus, or genitals, or areola of the female breast.

**PATIO**: A horizontal platform with floor raised less than one foot above the average ground level beneath it, and not requiring retaining structures over one foot in height. A patio is not required to meet setback requirements.

**PORTABLE SIGN**: A free standing sign not permanently anchored or secured to either a building or the ground, such as but not limited to "A" frame, "T" shaped or inverted "T" shape sign structures, and truck, trailer, or vehicle mounted signs.

**RESTAURANT**: A use providing preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, and fast foot take-out (i.e.pizza).

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**RESTAURANT: DRIVE-IN:** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT: DRIVE THRU:** A use providing preparation and retail sale of food and beverages, as defined under "Restaurant" with the added provision of 1 or more drive thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

**RESTAURANT: OUTDOOR TABLE SERVICE:** As an accessory to a restaurant, means an outdoor service area at which patrons are seated at tables for service of food and drinks.

**ROADSIDE STAND:** A removable structure used solely by the occupants of the premises on which it is erected, for the sale of seasonable agricultural products produced on the premises.

**SALVAGE, SCRAP OR JUNK YARD:** The use of more than fifty (50) square feet of land, building, or structure on any parcel or a fraction of a parcel of land or any assembly of more than one parcel of land wherein the fee is in one owner, whether for private or commercial purpose, where waste, discarded, or salvaged materials such as scrap or waste metals, used building materials, used lumber, used glass, discarded automobiles, paper, rags, rubber in any shape or form, cordage, barrels, or any other materials of like character are bought, sold, stored, exchanged, whether for profit or not, baled, packed, sorted, disassembled, dismantled, or handled and which shall not exceed five (5) feet in height.

**SATELLITE TELEVISION ANTENNA:** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. "**SEXUALLY ORIENTED BUSINESS**" does not include a "**NUDE MODEL STUDIO.**"

**SIGN:** Any card, cloth, paper, metal, painted surface, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising of professional purposes on the ground or any tree, bush, rock, post, fence, building, structure, or anything whatsoever. The term placed as used in this definition shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise affixing or making visible in any manner whatsoever.

**SPECIFIED ANATOMICAL AREAS:** Human genitals.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

C. Masturbation, actual or simulated.

**STABLE**: A building or structure designed and intended to be used for housing not more than two members of the horse family, together with equipment incidental thereto, for the private use of the occupant of the premises.

**STREET LINE**: The dividing line between a street right of way and an adjacent parcel of land or lot.

**STRUCTURAL ALTERATION**: Any change in the supporting members of a building or structure, or any increase in the area of cubical content thereof.

**STRUCTURE**: A manner of building, constructing, construction, or organizing something built or constructed, as a building, fence, wall, etc. The arrangement or interrelation of all the parts of whole, manner of organization or construction. Something composed of parts.

**TELECOMMUNICATIONS**: The technology that enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**TEMPORARY SIGN**: A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special events, political candidates or public issues to be voted upon at an official election, or on a temporary basis.

**USE**: The purpose for which a building, structure, or premises may be lawfully occupied.

**USABLE SATELLITE SIGNAL**: A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

**WIRELESS TELECOMMUNICATIONS ANTENNA**: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING**: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**WIRELESS TELECOMMUNICATIONS FACILITY**: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**WIRELESS TELECOMMUNICATIONS TOWER**: A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, guyed and lattice construction steel structures.

## ARTICLE 1

**YARD**: Any space on a lot or lands open and unobstructed from the ground upward to the sky.

- A. **FRONT YARD**: An open unoccupied space on the same lot with a building, between the front line of the building or any projection thereof, except steps, and the front lot line.
- B. **REAR YARD**: An open unoccupied space on the same lot with a building, between the rear line of the main building or any projection thereof, except steps, and the rear lot line. On corner lots the rear yard shall be construed as parallel to the street upon which such lot has its least dimension. On any lot the rear yard shall be that portion of the lot directly opposite the front yard.
- C. **SIDE YARD**: An open unoccupied space on the same lot with a building, between the side of any building, structure, or part thereof, and the side of the lot extending from the front yard to the rear yard.

\*Amended: December 12, 2009

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COVENTRY TOWNSHIP,  
SUMMIT COUNTY, OHIO**

**ARTICLE 2.00**

**GENERAL PROVISIONS**

**SECTION 2.01 PURPOSE**

Pursuant to Sections 519.02, et seq. Revised Code of Ohio, for the purpose of promoting the public health, safety, morals, and general welfare, this comprehensive plan for the improvement and development of the unincorporated territory of Coventry Township, Summit County, Ohio, is hereby established to regulate the use of buildings, structures, lots, and lands; the type, location, height, bulk, number of stories, and size of buildings and structures; the percentage of land area occupancy; setback building lines, size of yards and other open spaces; creating Use Districts for such purposes, providing for Zoning Certificates, and providing penalties for violations thereof.

**SECTION 2.02 NAME**

This Resolution shall be known as "**THE ZONING RESOLUTION OF COVENTRY TOWNSHIP.**"

**SECTION 2.03 USE DISTRICTS**

To accomplish the purpose set forth in Section 2.01, all the unincorporated territory of Coventry Township is hereby divided into the following Use Districts:

- A. "R-1" Residence District
- B. "R-2" Residence District
- C. "R-3" Residence District
- D. "B-1" Business Office District
- E. "B-2" Business Mercantile District - Limited Local Business District
- F. "B-3" Business Highway Service District - General/Regional Business District
- G. "PDD" Planned Development District
- H. "C" Commercial Industrial District
- I. "ORC" Open Space, Recreation & Conservation District
- J. "LSD" Large Scale Residential Commercial Development District

**SECTION 2.04 MASTER MAP AND BOUNDARY LINES**

## ARTICLE 2

The respective boundary lines of each such Use District are hereby established to be those as are shown upon the Master District Map of the unincorporated territory of Coventry Township, which District Map, together with all notations and other pertinent matters shown thereon, is, by this reference, declared to be a part of this Resolution the same as if such were fully incorporated herein.

**NOTE: MAP ERRORS SOMETIMES OCCUR, THE ZONING DEPARTMENT WILL VERIFY IF QUESTIONS ARISE.**

### **SECTION 2.05 PROHIBITIONS**

No building or structure shall be located, erected, constructed, reconstructed, enlarged, maintained, or used, nor shall any lot or land be used, except in full compliance with the provisions hereof for the Use District in which such is situated.

*Uses which are omitted from these regulations, not being specifically permitted shall be considered prohibited until, by amendment, such uses are written into these regulations.\**

All additions to existing buildings whose setbacks do not meet current requirements must be constructed to conformance with current zoning requirements.

### **SECTION 2.06 AMENDMENTS (O.R.C. Section 519.12)**

An amendment may be initiated by:

- A. Application of property owner with affected area.
- B. Adoption of motion by Zoning Commission.
- C. Resolution of Township Trustees.

\*Effective: 6/9/02

## **ARTICLE 3.00**

### **ZONING AND CONDITIONAL ZONING CERTIFICATES**

#### **SECTION 3.01 ZONING CERTIFICATES**

For the purpose of enforcing the regulations herein provided, there is hereby established a system of Zoning Certificates.

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building, structure, or portion thereof or change the use of any lot or land, without first making application for and obtaining a Zoning Certificate and paying the fee applicable therefore.

#### **SECTION 3.02 ZONING INSPECTOR - DUTIES**

There is hereby established the position of Zoning Inspector and such assistant Zoning Inspectors as the Board of Trustees may, from time to time, designate.

It shall be the duty of the Zoning Inspector, or any such assistant, to issue Zoning Certificates, receive the fee applicable therefore, and to enforce the provisions of this Resolution.

#### **SECTION 3.03 COMPLIANCE**

- A. No Zoning Certificate shall be issued unless the proposed building, structure, use of lots or lands, and the plans therefore, fully comply with the provisions of this Resolution.
- B. No Zoning Certificate shall be issued for business, commercial, industrial, or multi-family projects without evidence that:
  - 1. The grading plan, drainage plans, and provisions for future maintenance of the public drainage facilities have been reviewed by the Summit County Engineer. The design of the project shall provide for the following:
    - a. Acceptance of the upstream drainage.
    - b. Provisions for the development of upstream properties.
    - c. Storm water management so that the adverse effects on abutting and downstream properties are minimized.
    - d. The maintenance of the surface waters in their natural drainage courses where the water enters and leaves the project site.
    - e. Any drainage easements necessary to the project.

## ARTICLE 3

The costs for the review and inspection by the Summit County Engineer's office shall be borne by the developer.

2. If a County-owned sanitary sewage collection system will be utilized for disposal of sanitary sewage, the facilities have been reviewed and are in compliance with the Summit County Department of Environmental Services standards and specifications. The costs for the review and inspection by the Department of Environmental Services shall be borne by the developer.
3. The proposed site plan has been reviewed by the Summit County Department of Planning and Economic Development and shall show that a proper relationship does exist between thoroughfares, service roads, driveways, parking areas, and access to adjacent land to encourage pedestrian and vehicular traffic safety and to minimize adverse effects upon adjacent development.
4. An erosion, sediment control and water management plan shall be developed and it shall be reviewed by the Summit Soil and Water Conservation District to include as needed:
  - a. Temporary or permanent sediment retention basins.
  - b. Temporary diversions.
  - c. Surface water management.
  - d. Seedings in conjunction with the seasons needing protection.
  - e. Sub-surface water management.
  - f. Retention of unstable soil as open lands.
5. After review by the Coventry Fire Department and finding that the site and building plans provide for the following:
  - a. The ability of the department to provide life safety and fire fighting services by providing for the proper access and flow of equipment, location of hydrants, access to structures.
  - b. The proper location of refuse collection and storage areas and other exterior storage facilities, which may constitute a potential hazard.
  - c. The location and maintenance of areas of refuge for building occupants.

### **SECTION 3.04 APPLICATION FOR ZONING CERTIFICATE**

All applications for Zoning Certificates shall be made on the proper form furnished or approved by the Zoning Inspector.

Such application shall clearly indicate the exact location of the lot or land involved, any and all buildings or structures presently existing or proposed, including any accessory structures including dumpster enclosures, and all other dimensions and pertinent data as may be required by the Zoning Inspector. It shall include or be accompanied by a plot plan showing all pertinent dimensions: the proposed location, erection, construction, reconstruction, enlargement, or structural alteration

## ARTICLE 3

intended therefore, and such additional pertinent information as the Zoning Inspector may deem necessary for the issuance of a Zoning Certificate.\*

Whenever such application for a Zoning Certificate indicates that ingress and egress by a driveway to any lot or land from a street or roadway is contemplated, a Driveway Pipe/Road Opening Permit must be secured from the Zoning Inspector or Summit County Engineer as applicable.\*

A complete landscaping plat with buffer provisions must be approved by the Zoning Inspector before issuance of a Zoning Certificate for all uses except single family residences.\*

Whenever such application for a Zoning Certificate is made, if central water and sewer are available the applicant will provide evidence that the lot or building will be tied in to such facilities or if such centralized facilities are not available that the lot or building must meet the well and septic requirements of the Summit County Health Department.\*

Any application for a zoning certificate involving more than one lot or parcel of land, proof of the combination of these parcels into one legal description must be submitted. No zoning permit will be issued for any structure built across lot lines.

If there is no evidence of a recent land survey, the Zoning Inspector may require proof be provided of a land survey with monumentation placed by a Registered Surveyor before granting a zoning permit for new construction.\*

### **SECTION 3.05 ISSUANCE OF ZONING CERTIFICATE**

Within five (5) days after receipt of any application for a Zoning Certificate, unless the subject matter requires reasonable additional time, the Zoning Inspector shall either issue to the applicant a Zoning Certificate, as applied for, or reject such application, stating in writing his reasons for such rejection, and notify the applicant of his right to appeal.

Before issuance of a Zoning Certificate, the Zoning Inspector may require applicant therefore to install in a proper location and clearly visible, all necessary lot line and building stakes upon the lot or lands involved.

Before a Zoning Certificate can be issued, a Health Certificate, where applicable, must be obtained from the Summit County Health Department.

Any construction and/or use permitted by the issuance of a Zoning Permit by the Coventry Township Zoning Inspector must be commenced within six (6) months of the date of issuance of said Zoning Certificate, "otherwise the certificate shall expire and be null and void and a new certificate shall be required upon proper application." All structures shall be completed within one (1) year from the date of issuance of the Zoning Certificate.

### **SECTION 3.06 GENERAL REQUIREMENTS OF CONDITIONAL ZONING CERTIFICATES**

All lands and structures:

- A. Must be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;
- B. Must be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- C. Must not be detrimental to property in the immediate vicinity or to the community as a whole;
- D. Must not be hazardous or disturbing to existing or future neighboring uses;
- E. Must be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Must be in compliance with the subdivision regulations, the Board of Health standards, and the Building Code;
- G. Must have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads;
- H. Must comply with any specific conditions prescribed by the Township Board of Zoning Appeals at the time of issuance of the certificate.

**SECTION 3.07 APPLICATION FOR CONDITIONAL ZONING CERTIFICATES**

Applications for Conditional Zoning Certificates shall made be to the Zoning Inspector who will submit the request to the Board of Zoning Appeals. Applications shall be made on a form provided for that purpose, and be accompanied by a fee designated by the Coventry Township Trustees, and by at least eight (8) copies of a plot plan showing all pertinent information as specified in Sections 3.03 and 3.06 of this Resolution.

Said applications must contain a plot plan, a building plan and parking facilities. These plans are to include, but are not limited to, the legal description of the property, type of building or structure, proposed use or uses, location of abutting streets, location of existing or proposed buildings or structures, and any other specific information deemed essential for determination by the Board of Zoning Appeals for issuance of a Conditional Zoning Certificate.

**SECTION 3.08 SITE PLAN REVIEW FOR CONDITIONAL ZONING CERTIFICATES**

At the public hearing provided herein, the Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Resolution.

The Board of Zoning Appeals may submit any and all proposals and site plans to any individuals and

agencies it deems necessary for recommendations, and shall consider all recommendations received in writing within thirty days. In addition, the Board of Zoning Appeals may commission studies or surveys or seek expert opinions as it deems necessary to make a proper decision, and the expense of such studies, surveys or opinions must be borne by the applicant.

**SECTION 3.09 EXPIRATION OF CONDITIONAL USE PERMIT**

A Conditional Permit shall be issued for a maximum period of two (2) years.

A Conditional Permit shall become void at the expiration of one (1) year after the date of issuance unless the proposed project is started and work is continuing at a reasonable rate. Said responsible rate shall be established by the Coventry Township Board of Trustees. The Conditional Zoning Certificate shall also become void if the property, project or development changes ownership in any way, shape or form.

The Board of Zoning Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individuals' property rights, and for insuring that the intent and objectives of this Resolution shall be observed.

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

\*Amended January 11, 2004

\*\*Amended January 9, 2005

## **ARTICLE 4.00**

### **FEES FOR ZONING AND CONDITIONAL ZONING CERTIFICATES**

#### **SECTION 4.01 FEES**

Concurrent with the issuance of any Zoning Certificate or Conditional Zoning Certificate authorized by the Township Board of Zoning Appeals, the Zoning Inspector shall collect from the applicant the applicable fee therefore.

See Township Zoning Inspector for current fee schedules as set by the Coventry Township Board of Trustees.

## **ARTICLE 5.00**

### **TOWNSHIP BOARD OF ZONING APPEALS**

#### **SECTION 5.01 ESTABLISHMENT - COMPOSITION - ETC.**

A Township Board of Zoning Appeals is hereby established, provided by Section 519.13, Revised Code of Ohio, which board shall be composed, have personnel, qualifications, terms of membership, receive the compensation and allowances, authority to employ assistants, as provided by the Laws of the State of Ohio and Resolutions adopted by the Coventry Board of Trustees.

#### **SECTION 5.02 POWERS**

The Township Board of Zoning Appeals shall have power:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution.
- B. To authorize upon appeal, in specific cases, such variance from the terms of this Resolution as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship and so that the spirit of this Resolution shall be observed and substantial justice done.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or Zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

- C. To grant Conditional Zoning Certificates for the use of land, buildings, or structures where such certificates for specific uses are provided for in this Resolution.
- D. To reverse or affirm, wholly or partly, or to modify, any order, requirement, decision, or determination appealed from, and to make such order, requirement, decision, or determination as ought to be made, and to such end shall have all the powers of the officer from whom the appeal is taken.
- E. To permit the alteration or construction of a building or structure beyond the building line where such will not be detrimental or tend substantially to alter the character of the existing neighborhood.
- F. To permit the extension, not to exceed twenty-five (25) feet, of a building or structure into a more restricted Use District in any case where the boundary line of a District divides a lot or lands owned by the same person.

- G. To determine, upon written application made therefore, into which Use District any use, not specifically provided for in this Resolution, may or will be permitted.

**SECTION 5.03 APPEALS/APPLICATION FOR CONDITIONAL ZONING CERTIFICATES**

Any person adversely affected by any order, requirement, decision, or determination, made by the Zoning Inspector, or his assistants, may appeal to the Township Board of Zoning Appeals. Also, any person applying for a Conditional Zoning Certificate shall apply to the Board of Zoning Appeals.

**SECTION 5.04 APPEALS/APPLICATION PROCEDURE FOR CONDITIONAL ZONING CERTIFICATE**

An appeal shall be taken:

- A. By filing with the Secretary of the Board within twenty (20) days from the receipt of such adverse order, requirement, decision or determination, a written NOTICE OF APPEAL, specifying the grounds and reasons for such appeal.
- B. Said Secretary shall forthwith notify the Zoning Official from whom such appeal is taken and he thereupon shall, within twenty-four hours, transmit to said Secretary all documents, data, etc., pertaining to the subject matter, which shall constitute the record upon which the action appealed from was taken.
- C. The Board shall hold a public hearing thereon and shall give at least ten (10) days public notice by one publication in a newspaper of general circulation in the county of the date, time, place and subject matter thereof.
- D. The Board shall give at least ten (10) days notice, in writing, to the parties in interest, and the zoning official of the date, time and place of such hearing.
- E. At such public hearing any person in interest may appear in person or by attorney.
- F. The Board shall decide any such appeal/application within a reasonable time after it is submitted.
- G. Testimony heard at an Appeals Board Public Hearing must be given under oath.
- H. All applications shall proceed in accordance with Articles 5.04 (C), 5.04 (D), 5.04 (E), 5.04 (F) and 5.04 (G) herein. Applications for Conditional Zoning Certificates must be submitted and approved in accordance with Article 3.00, Sections 3.06 and 3.07 of this Zoning Resolution and all other applicable articles and sections of this Zoning Resolution.
- I. Seven (7) days prior to a hearing of a Zoning Board for use change, a "Notice of Proposed Zoning Change" sign shall be placed by the Coventry Zoning Inspector upon the site in question. Failure of the applicant to maintain this sign until date of hearing may result in a one month delay of hearing.

## **ARTICLE 6.00**

### **R-1 RESIDENCE DISTRICT REGULATIONS**

#### **SECTION 6.01 PERMITTED USES**

In an "R-1" Residence District, no building, structure, lot, or land shall be used except for the following purposes.

##### **A. PERMITTED USES**

1. Single family dwelling.
2. Accessory buildings or structures customarily incidental to the foregoing permitted use, including private boat house and dock facilities, roadside stands, and private garages.

##### **B. CONDITIONALLY PERMITTED USES**

(Uses which may be permitted by issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals that said Board finds that the proposed conditional use is listed in the conditional uses in the district and that the conduct of the use meets beyond any reasonable doubt, both the general and specific requirements thereto.)

1. Public owned and operated facilities such as, but not limited to, fire stations, township halls, community center buildings or areas, libraries, museums, parks, recreation, or conservation areas.
2. Public or parochial schools.
3. Churches and comparable buildings for religious worship, instruction, or devotion, but excluding tents temporarily erected for such purposes.
4. Golf courses or country clubs, but excluding miniature golf courses or practice driving ranges operated for business purposes.
5. Accessory buildings or structures customarily incidental to any of the foregoing conditionally permitted uses, including accommodations for personnel employed on the premises, private boat house and dock facilities, home occupation, and roadside stands.
6. Residential and non-residential alcohol, drug and related mental health treatment facilities and associated uses.

#### **SECTION 6.02 HEIGHT REGULATIONS**

No main building or structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height. No accessory building or structure shall exceed one (1) story or fifteen (15) feet in height, whichever is less. (Same as Sections 7.02 and 8.02).

**SECTION 6.03 AREA REGULATIONS**

A. FRONT YARD

There shall be a front yard having a minimum depth of sixty (60) feet measured from the street right-of-way line to the building line.

B. FRONT YARD IN BUILT-UP BLOCKS

There shall be a front yard having a minimum depth of sixty (60) feet measured from the street right of way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case the minimum setback shall be the average of those existing structures, provided, however the front setback established by this criteria shall in no event be less than twenty (20) feet.\*

C. SIDE YARDS

There shall be provided a side yard on each side of a building or structure having a minimum width of fifteen (15) feet between the lot line and any structures.

D. SIDE YARDS - CORNER LOT

Corner lots shall maintain the required front setback on both abutting streets. (Same as Paragraph D, Section 7.03 and 8.03).

E. REAR YARD

There shall be provided a rear yard having a minimum depth of forty-five (45) feet to the building line.

F. MINIMUM AREA OF LOT OR PARCEL OF LAND

The minimum number of square feet of area of each lot or parcel of land shall be thirty thousand (30,000) square feet, unless the lot or parcel of land in question is a lot or parcel of land of record and meets all other zoning requirements of the Zoning Resolution of Coventry Township.

G. MINIMUM WIDTH AT BUILDING LINE

The minimum width which each lot or parcel of land must have at the building line is one hundred (100) feet, unless it is a lot or parcel of land of record and meets all other zoning requirements of the Zoning Resolution of Coventry Township.

H. MINIMUM FLOOR SPACE

Every one (1) story SINGLE FAMILY dwelling shall have a minimum floor space of not less than one thousand square feet.

Every one and one-half (1-1/2) story SINGLE FAMILY dwelling shall have a minimum first floor space of not less than eight hundred fifty (850) square feet.

In computing the required minimum floor space, the area of breezeways, garages and other similar accessory buildings shall be excluded.

## ARTICLE 6.00

Every type of dwelling constructed on a slab, or without a basement, shall have a minimum first floor space of at least two hundred (200) square feet in addition to the foregoing minimum floor space noted in H.

All attached or detached garages incidental to the occupancy of the main building must be for private use only. The combined area of all such garages cannot exceed seven hundred sixty-eight (768) square feet.

### I. ACCESSORY BUILDINGS

The construction of any accessory building or buildings, except private garages, as defined in Article 1.01, which exceeds two hundred (200) square feet in area is subject to prior approval by the Township Board of Appeals and subject to issuance of the proper Zoning Certificate and Conditional Zoning Certificate. The combined area of any existing accessory building or buildings, except private garages, shall be included in the computation of the two hundred (200) square feet area requirement and limitations of this Section.

Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings which are not part of the main building shall not occupy more than thirty percent of the required rear yard. No accessory buildings, except private garages, can be used for parking, storage, or keeping of any motor vehicle including but not limited to cars, trucks, motor homes, etc.

The accessory building area of two hundred (200) square feet may be added to the floor space of a garage, provided no other accessory building is present, and the parcel of land is one acre or more.

\*Amended January 11, 2004

## **ARTICLE 7.00**

### **R-2 RESIDENCE DISTRICT REGULATIONS**

#### **SECTION 7.01 PERMITTED USES**

In an "R-2" Residence District, no building, structure, lot, or land shall be used except for the following purposes.

**A. PERMITTED USES**

1. Any use permitted under Section 6.01 (A) of the "R-1" Residence District Regulations.
2. Two family dwelling and accessory uses as provided in Section 6.01 (A).

**B. CONDITIONALLY PERMITTED USES**

1. Any conditionally permitted use under Section 6.01 (B) except those uses conditionally permitted under Section 6.01 (B.4.).

#### **SECTION 7.02 HEIGHT REGULATIONS**

No main building or structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height. No accessory building or structure shall exceed one (1) story, or fifteen (15) feet in height, whichever is less. (Same as Sections 6.02 and 8.02).

#### **SECTION 7.03 AREA REGULATIONS**

**A. FRONT YARD**

There shall be a front yard having a minimum depth of forty (40) feet measured from the street right-of-way line to the building line.

**B. FRONT YARD IN BUILT-UP BLOCKS**

There shall be a front yard having a minimum depth of forty (40) feet measured from the street right of way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case the minimum setback shall be the average of those existing structures, provided, however the front setback established by this criteria shall in no event be less than twenty (20) feet.\*

C. SIDE YARDS

There shall be provided a side yard on each side of a building or structure having a minimum width of ten (10) feet between the lot line and any structures.

D. SIDE YARDS - CORNER LOT

Corner lots shall maintain the required front setback on both abutting streets. (Same as Paragraph D, Section 6.03 and 8.03).

E. REAR YARD

There shall be provided a rear yard having a minimum depth of forty (40) feet to the building line.

F. MINIMUM AREA

The minimum number of square feet of area of each lot or parcel of land shall be twenty thousand (20,000) square feet, provided that any lot or lots of record less than twenty thousand (20,000) square feet may be used for single family dwelling; and provided further that any lot of record that has a minimum of fifteen thousand (15,000) square feet may be used for single family or two-family dwelling.

G. MINIMUM WIDTH AT BUILDING LINE

The minimum width which each lot or parcel of land must have at the building line is ninety (90) feet, unless it is a lot or parcel of land of record and meets all other zoning requirements of the Zoning Resolution of Coventry Township.

H. MINIMUM FLOOR SPACE

Every one (1) story SINGLE FAMILY dwelling shall have a minimum floor space of not less than eight hundred fifty (850) square feet.

Every one (1) story DUPLEX or two (2) FAMILY dwelling shall have a minimum floor space of not less than eight hundred fifty (850) square feet for each living unit.

Every one and one-half (1-1/2) story SINGLE FAMILY dwelling shall have a minimum first floor space of not less than seven hundred fifty (750) square feet.

Every one and one-half (1-1/2) story DUPLEX or two (2) FAMILY dwelling shall have a first floor space of not less than seven hundred fifty (750) square feet for each living unit.

Every two (2) story SINGLE FAMILY dwelling shall have minimum first floor space of not less than six hundred fifty (650) square feet.

Every two (2) story DUPLEX or two (2) FAMILY dwelling shall have a minimum first floor space of not less than six hundred fifty (650) square feet.

In computing the required minimum floor space, the area of breezeways, garages and other similar accessory buildings shall be excluded.

Every type of dwelling constructed on a slab, or without a basement, shall have a minimum floor space of at least two hundred (200) square feet in addition to the foregoing minimum floor space noted in H.

All attached or detached garages incidental to the occupancy of the main building must be

for private use only. The combined area of all such garages for a two (2) unit dwelling cannot exceed one thousand two hundred (1,200) square feet.

I. ACCESSORY BUILDINGS

The construction of any accessory building or buildings, except private garages, as defined in Article 1.01, which exceeds two hundred (200) square feet in area is subject to prior approval by the Township Board of Zoning Appeals and subject to issuance of the proper Zoning Certificate and Conditional Zoning Certificate. The combined area of any existing accessory building or buildings, except private garages, shall be included in the computation of the two hundred (200) square feet area requirement and limitations of this Section.

Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings which are not part of the main building shall not occupy more than thirty (30) percent of the required rear yard. No accessory buildings, except private garages, can be used for parking, storage, or keeping of any motor vehicle including, but not limited to cars, trucks, motor homes, etc.

The accessory building area of two hundred (200) square feet may be added to the floor space of a garage, provided no other accessory building is present, and the parcel of land is one (1) acre or more.

\*Amended January 11, 2004

## **ARTICLE 8.00**

### **"R-3" RESIDENCE DISTRICT REGULATIONS**

#### **SECTION 8.01 PERMITTED USES**

In an "R-3" Residence District, no building, structure, lot or land shall be used except for the following purposes:

A. **PERMITTED USES**

1. All of the uses permitted by Section 7.01 (A).

B. **CONDITIONALLY PERMITTED USES**

- A. Apartment, apartment house, or multiple family dwellings, but only in compliance with the provisions hereinafter provided by Article 9.00 of this resolution.
- B. Cemeteries including mausoleums, containing a minimum of twenty acres of land, provided that, in addition to the general requirements for a Conditional Zoning Certificate, the location of any cemetery, including a mausoleum, must be approved by the Board of Zoning Appeals.
- C. All of the conditionally permitted uses enumerated in Section 7.01 (B.1.)

#### **SECTION 8.02 HEIGHT REGULATIONS**

No main building or structure shall exceed two and one-half (2-1/2) stories, or thirty (30) feet in height. No accessory building or structure shall exceed one (1) story, or fifteen (15) feet in height, whichever is less. (Same as Sections 6.02 and 7.02).

#### **SECTION 8.03 AREA REGULATIONS**

A. **FRONT YARD**

There shall be a front yard having a minimum depth of thirty (30) feet measured from the street right-of-way line to the building line.

B. **FRONT YARD IN BUILT-UP BLOCKS**

There shall be a front yard having a minimum depth of thirty (30) feet measured from the street right of way line to the building line, except on properties where immediately adjoining lots on either side of the subject have existing structures that are located at a setback less than the minimum set forth above. In that case the minimum setback shall be the average of those existing structures, provided, however the front setback established by this criteria shall in no event be less than twenty (20) feet.\*

C. SIDE YARDS

There shall be provided a side yard on each side of a building or structure having a minimum width of eight (8) feet between the lot line and any structures.

D. SIDE YARDS - CORNER LOT

Corner lots shall maintain the required front setback on both abutting streets. (Same as Paragraph D, Sections 6.03 and 7.03).

E. REAR YARD

There shall be provided a rear yard having a minimum depth of twenty-five (25) feet to the building line.

F. MINIMUM AREA

The minimum number of square feet of area of each lot or parcel of land shall be twelve thousand (12,000) square feet, provided that any lot or lots of record less than twelve thousand (12,000) square feet may be used for single family dwelling; and provided further that the lot, lots, or parcel of land upon which an apartment, apartment house, or multiple-family dwelling is built must contain a minimum area of one (1) acre and be developed at a rate of not more than six (6) units per acre.

G. MINIMUM WIDTH AT BUILDING LINE

The minimum width which each lot or parcel of land must have at the building line is seventy (70) feet, unless it is a lot or parcel of land of record and meets all other zoning requirements of the Zoning Resolution of Coventry Township.

H. MINIMUM FLOOR SPACE

Same as enumerated in Section 7.03, Paragraph H. (Same requirements as "R-2" Residence District).

I. ACCESSORY BUILDINGS

The construction of any accessory building or buildings, except private garages, as defined in Article 1.01, which exceeds two hundred (200) square feet in area is subject to prior approval by the Township Board of Zoning Appeals and subject to issuance of the proper Zoning Certificate and Conditional Zoning Certificate. The combined area of any existing accessory building or buildings, except private garages, shall be included in the computation of the two hundred (200) square feet area requirement and limitations of this Section.

Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear or side lot lines and may be no closer than ten (10) feet to the main building. An accessory building or buildings which are not part of the main building shall not occupy more than thirty (30) percent of the required rear yard. No accessory buildings, except private garages, can be used for parking, storage, or keeping of any motor vehicle including but not limited to cars, trucks, motor homes, etc.

## **ARTICLE 8.00**

The accessory building area of two hundred (200) square feet may be added to the floor space of a garage, provided no other accessory building is present, and the parcel of land is one (1) acre or more.

\*Amended January 11, 2004

## **ARTICLE 9.00**

### **SPECIFIC PROVISIONS APPLICABLE TO APARTMENTS, APARTMENT HOUSES OR MULTIPLE FAMILY DWELLINGS**

#### **SECTION 9.01      CONDITIONAL ZONING CERTIFICATE REQUIRED**

No apartment or apartment house or multiple family dwelling shall be erected, nor shall any building be altered or converted, to contain an apartment or apartments, except in compliance with and pursuant to a Conditional Zoning Certificate issued by the Township Board of Zoning Appeals.

Before the Board issues a Conditional Zoning Certificate, said Board must approve the plot plan, the location and site for such use, and the location of the required off-street parking facilities and means of access thereto. Central sewer and water are required. Curbing, sidewalks, and decorative lighting are required along the street right-of-way.

#### **SECTION 9.02      HEIGHT REGULATIONS**

No apartment house shall exceed three (3) stories in height.

#### **SECTION 9.03      AREA REGULATIONS**

A.    **FRONT YARD**

There shall be a front yard having a minimum depth of sixty (60) feet measured from the street right-of-way line to the building line, to be neatly landscaped and maintained. There shall be no parking in front or within the required front setback.

B.    **SIDE YARDS**

There shall be provided a side yard on each side of an apartment house having a minimum width of fifteen (15) feet.

C.    **SIDE YARDS - CORNER LOT**

Corner lots shall maintain the required front set back on both abutting streets. (Same as Paragraph D, Sections 6.03 and 7.03)

D.    **REAR YARD**

There shall be provided a rear yard having a minimum depth of forty (40) feet.

**E. CONSTRUCTION AND SUITE SEPARATION**

All apartment houses arranged to accommodate three (3) or more family units living side by side, shall be of fireproof and soundproof construction with each suite separated from adjacent suites by an unpierced fireproof and soundproof wall extending from the lower-most floor to the roof. No more than fifty (50) percent of any wall of a habitable room shall be below grade, nor shall any portion of a window furnishing light or air to any room used for living or sleeping purposes be placed below grade.

**F. MINIMUM LIVING AREA REQUIREMENTS**

Minimum living space per family shall not be less than nine hundred (900) square feet.

**G. ACCESS**

Every apartment house shall have direct access upon and to a public street.

**H. ACCESSORY BUILDINGS**

Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard. Attached or unattached garages shall be no more than 500 square feet of floor space per unit.

**SECTION 9.04 - PARKING FACILITIES**

- A. Off street and outside the public right-of-way, parking space with means of access thereto, shall be provided for at least two (2) non-commercial passenger motor vehicles for each family unit or suite, including custodial suite, if any, one of which may be the garage.
- B. Each such parking space shall be at least two hundred (200) square feet in area, exclusive of access thereto, and paved with blacktop or concrete, and with adequate drainage for surface water.
- C. All parking facilities shall be situated behind the building line. No part of any required side yard or rear yard within twenty (20) feet of the main building shall be used for storage or parking of motor vehicles.

**SECTION 9.05 MULTIPLE FAMILY DWELLINGS**

All provisions hereinbefore set forth shall be applicable, insofar as practicable, to a group of multiple family dwellings. Each main building of a multiple family group development shall face a public street or an open unoccupied space having at least a dimension of forty (40) feet. The least dimension from each main building in the group to any other main building shall not be less than thirty (30) feet.

**SECTION 9.06 COVENANT RUNNING WITH THE LAND**

Before a Conditional Zoning Certificate is issued for the construction of a multiple family group development where two (2) or more apartment buildings are to be grouped on one (1) parcel of land,

## ARTICLE 9.00

the owner of such parcel of land shall be bound by a covenant running with the land, approved by the Prosecuting Attorney of Summit County, that so long as any such apartment buildings, or part thereof, is upon such parcel of land, such parcel on which such group is erected shall remain in one (1) parcel, and shall not thereafter be subdivided without the approval of the Township Board of Zoning Appeals.

### **SECTION 9.07      CONVERSION OF DWELLING TO MORE THAN ONE UNIT**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and ordinances (resolutions), and any applicable state or federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for a new structure in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances (resolutions).

## **ARTICLE 10.00**

### **"B-1" BUSINESS OFFICE DISTRICT**

#### **SECTION 10.01**

In a Business Office District, no building, structure, lot, or land shall be used except for the following purposes:

##### **A. PERMITTED USES**

1. Administrative or executive offices similar to and including those pertaining to the management of office operation or the direction of enterprises but not including merchandising or sales service.
2. Professional offices - such as those pertaining to the practice of the professions and arts including architecture, dentistry, engineering, law, real estate, insurance, medicine, but not including the sale of drugs or prescriptions except as incidental to the principal use and where there is no external evidence of such incidental use.

##### **B. CONDITIONALLY PERMITTED USES**

1. Banks, churches, mortuaries, clubs, lodges, fraternal organizations.
2. Hospitals, clinics, sanitariums, nursing homes.
3. Philanthropic institutions, theaters.

#### **SECTION 10.02 HEIGHT REGULATIONS**

No building or structure shall exceed three (3) stories, or forty (40) feet in height, except with the approval of the Township Board of Zoning Appeals.

#### **SECTION 10.03 AREA REGULATIONS**

##### **A. FRONT YARD**

There shall be a front yard having a minimum depth of fifty (50) feet if on a County or State maintained roadway and a minimum depth of thirty (30) feet for any other roads, from the street right-of-way line.

No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.

**B. SIDE YARDS**

There shall be provided a side yard having a minimum width of ten (10) feet, or twenty (20) feet if adjacent to residentially zoned property. On the side of corner lots or lands nearest the street, there shall be provided a side yard having the same width as the required front yard depth on such street.

**C. REAR YARD**

There shall be provided a rear yard having a minimum depth of twenty (20) feet.

**D. MINIMUM AREA OF LOT OR PARCEL OF LAND**

The minimum square footage of each lot or parcel of land shall be no less than one half acre (21,780 square feet) provided centralized sanitary sewer is available and one acre (43,560 square feet) if centralized sewer is not available.\*

**SECTION 10.04    PARKING FACILITIES**

See Article 18.00

\*Amended January 11, 2004

## ARTICLE 11.00

### "B-2" LIMITED/LOCAL BUSINESS DISTRICT

#### SECTION 11.01

This district is established to provide for single or planned and integrated groupings of stores which will retail convenience goods and provide personal and professional service for a neighborhood area. No buildings, structures, lots, or parcels of land shall be used except for the following purposes:

#### A. PERMITTED USES

1. All uses permitted and conditionally permitted in "B-1" Office Business District.
2. Limited retail businesses which supply merchandise on the premises to include drugs, dry goods, clothing, notions, gifts, hardware, baked goods, florists, athletic goods.
3. Personal services including dry cleaning and laundry shops, barber shops and beauty shops, shoe repair, tailor and dressmaker, repair shops for watches, radios, and televisions, photo studios, photostatic and blueprinting.
4. Limited food sales of convenience store variety and or local grocery store, bakeries, delicatessen, and meat market, drive thru beverage stores.
5. Residential occupancy in conjunction with a limited business, where business occupies less than fifty (50) percent of structure.
6. Boat sales, minor service of boat and marine engines, and rentals.

#### B. CONDITIONAL USES

1. Restaurants catering to all age groups conditions.
  - a. The use must comply with Article 3.06.
  - b. No music or public address system shall be amplified to be heard on surrounding property.\*\*
  - c. Parking must comply with Article 18.00.
  - d. Outside dining must comply with Section 23.20.\*\*
  - e. Security and supervision shall be provided as required by the Board of Zoning Appeals.

- C. All existing business uses and lands zoned for business use under the Coventry Zoning Resolution prior to August 23, 1970 are classified in this district.

**SECTION 11.02 HEIGHT REGULATIONS**

No building or structure shall exceed three (3) stories, or forty (40) feet in height, except with the approval of the Township Board of Zoning Appeals.

**SECTION 11.03 AREA REGULATIONS**

A. **FRONT YARD**

There shall be a front yard having a minimum depth of fifty (50) feet if on a County or State maintained roadway and a minimum depth of forty (40) feet for any other roads, from the street right-of-way line.

No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.

B. **SIDE YARDS**

There shall be provided a side yard having a minimum width of ten (10) feet, or twenty (20) feet if adjacent to residentially zoned property. On the side of corner lots or lands nearest the street, there shall be provided a side yard having the same width as the required front yard depth on such street.

C. **REAR YARD**

There shall be provided a rear yard having a minimum depth of twenty (20) feet.

D. **MINIMUM AREA OF LOT OR PARCEL OF LAND**

The minimum square footage of each lot or parcel of land shall be no less than one half acre (21,780 square feet) provided centralized sanitary sewer is available and one acre (43,560 square feet) if centralized sewer is not available.\*

**SECTION 11.04 PARKING FACILITIES**

See Article 18.00.

\*Amended January 11, 2004

\*\*Amended May 12, 2007

## ARTICLE 12.00

### "B-3" GENERAL/REGIONAL BUSINESS DISTRICT

#### SECTION 12.01

This district is established to provide for principal shopping areas of community and/or regional importance to the multipurpose consumer, where concentrations of various shopping facilities, services, and amusement/recreational uses may be found in quantity. This district includes activities, which because of their nature, such as a tendency to encourage traffic congestion, parking problems, storage problems, or other special problems, are best distinguished from local areas. Their location is desired on major thoroughfares.

#### A. PERMITTED USES

1. All uses permitted and conditionally permitted in "B-2" Local Business District.
2. Motels.
3. Bowling lanes, theaters, billiard halls, and public entertainment, recreation.\*\*\*\*
4. Restaurants and drive-in restaurants.
5. Auto washes.
6. Supermarkets offering a wide variety of food, dry goods, clothing, etc.
7. Retailing with accessory outside storage of items offered for retail sales.\*\*
8. Car sales, leasing and rental lots, and subject to the following conditions:.\*
  - a. All vehicle parking areas shall be of an impervious surface;
  - b. A twenty (20) foot landscaped buffer shall be maintained around the full perimeter of the property; vehicles shall not be displayed or stored in these areas.
9. Light automotive repair such as brakes, mufflers and oil changes, painting, where all business is conducted inside of building.
10. Sale of home furnishings and appliances.
11. Boat and major marine engine repair may be permitted so long as all boat storage and or repair is conducted inside a building or buildings on the premises.\*\*
12. Gas stations.

#### B. CONDITIONAL USES\*\*\*

1. Outside dining per Section 23.20.

**SECTION 12.02 HEIGHT REGULATIONS**

No building or structure shall exceed three (3) stories, or forty (40) feet in height, except with the approval of the Township Board of Zoning Appeals.

**SECTION 12.03 AREA REGULATIONS**

A. **FRONT YARD**

There shall be a front yard having a minimum depth of fifty (50) feet from the street right-of-way line.

No part of a building, including awning, canopy, or sign shall extend or be placed between the building line and the street right-of-way line unless authorized by the Township Board of Zoning Appeals.

B. **SIDE YARDS**

There shall be provided a side yard having a minimum width of ten (10) feet, or twenty (20) feet if adjacent to residentially zoned property. On the side of corner lots or lands nearest the street, there shall be provided a side yard having the same width as the required front yard depth on such street.

C. **REAR YARD**

There shall be provided a rear yard having a minimum depth of twenty (20) feet.

D. **MINIMUM AREA OF LOT OR PARCEL OF LAND**

The minimum square footage of each lot or parcel land shall be no less than one half acre (21,780 square feet) provided centralized sanitary sewer is available and one acre (43,560 square feet) if centralized sewer is not available.\*

**SECTION 12.04 PARKING FACILITIES**

See Article 18.00.

\*Amended January 11, 2004

\*\*Amended January 9, 2005

\*\*\*Amended May 12, 2007

\*\*\*\*Amended November 12, 2009

## **ARTICLE 13.00**

### **PDD PLANNED DEVELOPMENT DISTRICT**

#### **SECTION 13.01 PURPOSE**

The PDD Planned Development District is established to accommodate in a unified development, creative and imaginative planned community design and to permit those innovations in the technology of land development that are in the best interest of Coventry Township. It is the intent of these regulations to:

- A. Provide maximum opportunity for orderly large-scale developments which benefit the community as a whole by offering a greater choice of living environments;
- B. Provide greater flexibility in the spacing of lots and building:
  - 1. separation of pedestrian and vehicular circulation;
  - 2. provisions of readily accessible recreation areas and green spaces;
  - 3. conservation of the natural amenities of landscape;
  - 4. creation of functional and interesting residential areas; and,
- C. Permit suitable associated commercial development consistent with the demand created by the planned residential development and compatible with the existing and proposed use of lands adjacent to the planned development.

#### **SECTION 13.02 PERMITTED USES**

In a PDD Planned Development District, land and structures may be used or occupied, or structures may be erected, constructed, enlarged, moved, or structurally altered only for a principal use specified, or an accessory use to a permitted principal use as regulated herein.

#### **SECTION 13.03 PRINCIPAL USES**

The categories of principal uses permitted in the PDD Planned Development District are as follows:

- A. Single-family dwellings;
- B. Two-family dwellings;
- C. Three-family dwellings;
- D. Multiple-family dwellings including townhouses, garden apartments, and midrise apartment buildings;
- E. Commercial establishments limited to uses as permitted and regulated in the B-1 and B-2 Business Districts.

**SECTION 13.04 ACCESSORY USES**

Accessory uses and structures clearly incidental and subordinate to a permitted principal use are permitted and may include the following:

- A. Private garages and off-street parking;
- B. Signs;
- C. Recreation uses including facilities for sale of associated equipment food and refreshments. The following uses are not permitted: horse racing, skeet shooting, rifle range and go-cart activity.

**SECTION 13.05 GENERAL AREA AND DEVELOPMENTAL STANDARDS FOR A PLANNED DEVELOPMENT**

The gross area of a tract of land proposed to be developed in a PDD shall be a minimum of fifteen (15) acres. All land within the development shall be contiguous and shall not be divided into segment by any limited access highway, railroad rights-of-way, or any tract of land (other than streets or rights-of-way for pipelines or electric transmission lines) not owned by the developers of the planned development.

**SECTION 13.06 MINIMUM AREA DEVOTED TO OPEN SPACE**

At least twenty (20) percent of the total acres in a proposed development shall be devoted to public and/or private open space for recreational facilities exclusive of parking areas, and fragments between buildings, between buildings and parking areas, minimum yards between property lines and buildings or parking areas and area included on individually subdivided single family lots, such open space, including recreational facilities proposed to be constructed on space, shall be clearly shown on the general plan.

The required amount of open space land reserved under a planned unit development shall be dedicated to a homeowners association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses. Public utility and similar easements and right-of-ways are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

**SECTION 13.07 MAXIMUM AREA PERMITTED FOR COMMERCIAL USES**

The amount of land devoted to permitted commercial uses shall not exceed twenty (20) percent of the total acres in a proposed development and shall meet all of the requirements specified in B-1 and B-2 Business Districts.

**SECTION 13.08      MAXIMUM DENSITY OF RESIDENTIAL DEVELOPMENT**

The maximum density of residential development shall be eight (8) dwelling units per acre, provided that on any single acre within the PDD district, the density shall not exceed twenty-five (25) units. Land used for commercial facilities shall be excluded from the total acreage of the development for the purpose of computing the maximum number of dwelling units to be permitted.

**SECTION 13.09      MAXIMUM HEIGHT**

Permitted buildings and structures shall comply with the following maximum height limitations.

- A. Single-family, two-family and three-family dwellings and town houses shall not exceed thirty-five (35) feet in height.
- B. Apartment buildings shall not exceed forty-five (45) feet in height.
- C. Accessory structures shall not exceed fifteen (15) feet in height or one (1) story, unless otherwise specified.

**SECTION 13.10      REGULATIONS FOR SINGLE FAMILY DWELLINGS ON  
INDIVIDUALLY SUBDIVIDED LOTS**

The minimum area and yard requirements of an individually subdivided lot which may be used for purposes of a single-family dwelling shall comply with all of the following requirements.

- A. The minimum lot size shall be 10,000 square feet with the average of single-family lot sizes not less than 13,600 square feet.
- B. The minimum front yard depth shall be forty (40) feet.
- C. The minimum side yard depth shall be five (5) feet for either side yard with the sum of both side yards not less than twenty (20) feet.
- D. The minimum rear yard depth shall be forty (40) feet, except for an accessory building detached from the main structure.

**SECTION 13.11      BUILDING ARRANGEMENT AND SPACING FOR DWELLINGS  
NOT ON INDIVIDUALLY SUBDIVIDED LOTS**

In order to assure that a Planned Development preserves the site's natural features, and maintains individual privacy, all dwellings not located on individually subdivided lots shall comply with the following standards.

- A. The minimum setback line for such dwellings shall be forty (40) feet from existing or planned public right-of-way lines.
- B. Dwellings shall be separated from any side or rear line no less than twenty-five (25) feet plus one (1) foot of additional setback for each one and one-half (1-1/2) foot of wall length greater than thirty-five (35) feet.
- C. The minimum separation between buildings shall be thirty (30) feet, except that:

- 1. When one or both buildings exceed thirty (30) feet in height, the minimum separation shall be equal to the height of the taller building.
  - 2. When any two adjacent walls exceed fifty (50) feet in length these two walls shall be further separated by an additional one foot spacing for each foot of wall length over fifty (50) feet, up to one hundred (100) feet.
- D. The arrangement of units within each building and between buildings shall maximize the privacy of each unit by providing screening walls and private yards where appropriate.

**SECTION 13.12 DWELLING UNIT FLOOR AREA REQUIREMENTS**

The minimum area of a dwelling unit shall not be less than specified. For the purpose of determining the minimum floor area, porches, steps, terraces, breezeways, attached or built-in garages, or other attached structures not intended for human occupancy shall be excluded.

**MINIMUM FLOOR AREA REQUIREMENTS**

<b><u>TYPE OF DWELLING</u></b>	<b><u>MINIMUM FLOOR AREA</u></b>
<b><u>Single-Family Dwelling</u></b>	
- One story	900 square feet
- One and one-half to two stories	750 square feet-the 1st floor
<b><u>Two-Family Dwellings</u></b>	
- Each unit	800 square feet
- Total for dwelling	1,800 square feet
<b><u>Three-Family Dwellings</u></b>	
- Each unit	700 square feet
- Total for Dwelling	2,400 square feet
<b><u>Multiple-Family Dwellings</u></b>	
- Efficiency suites (may comprise 25% of total units)	500 square feet
- One-bedroom dwelling unit	650 square feet
- Two-bedroom dwelling unit	800 square feet
- Three-bedroom dwelling unit	950 square feet
- Dwelling units with four or more bedrooms	1,100 square feet <i>plus</i> 150 square feet for every bedroom over four

**SECTION 13.13 COMMON OWNERSHIP**

Before a Zoning Permit is issued for the construction of units where two or more dwellings are to be clustered on one parcel of land, the owner of such parcel shall be bound by a covenant running with the land, approved by the Township's legal counsel, that so long as any such dwellings are upon such parcel of land such parcel on which such group is erected shall remain on one parcel. Should division of ownership be made, it shall be grounds for the revocation of the Zoning Permit since the permit was issued based upon the concept of the development and considered as a single entity.

**SECTION 13.14 PUBLIC IMPROVEMENT REQUIREMENTS**

- A. Central sewer and water shall be provided for all units within the planned development.
- B. Underground utilities including telephone, cable television and electrical systems, are required within the limits of all planned developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

**SECTION 13.15 ADOPTION OF A COMPREHENSIVE DEVELOPMENT PLAN**

The Zoning Commission shall adopt a Comprehensive Development Plan (CDP) upon the application of the owner(s) of the acreage of the district. Such CDP shall be adopted at any regular or special meeting, but only upon review and recommendation of Summit County Planning and publication of a notice of the consideration of same in a newspaper of general circulation in the Township and upon written notice being provided by regular mail to each owner of record within the district, at its tax address, at least fifteen (15) days prior to the meeting at which the plan is to be considered, and shall include the following:

- A. Boundaries of the district.
- B. Thoroughfare plans for the proposed collector streets and abutting highways.
- C. Allocation of residential uses by specifying the number of dwelling units permitted within an area, and of nonresidential uses by using the commercial district designations or appropriate specific identification, such that no owner be permitted at the time of adoption of the Planned Development District.
- D. Identification of all easements and right-of-ways necessary to the extension of public and private utilities.

**SECTION 13.16 APPLICATION FOR ADOPTION FOR A CDP**

An application for adoption of a CDP shall identify the applicants by name, and in the case of an application by the owner(s)/developers of the property within the district, shall identify the gross acreage owned by each and shall contain the signatures of each owner(s) whose acreage constitutes all or part of the majority of the gross acreage, and further shall include the following:

- A. Identification of each property; its area and ownership.
- B. Topography mapped at intervals of not less than ten (10) feet.
- C. Existing easements and right-of-ways.
- D. Identification of all natural features including existing water courses.
- E. Soil types and conditions.

**SECTION 13.17      CHANGES TO THE GENERAL PLAN**

No change in or deviation from the approved general plan (CDP) shall be made without the prior review and recommendation by the Zoning Commission and approval of the Board of Trustees.

# ARTICLE 14.00

## "C" COMMERCIAL - INDUSTRIAL DISTRICT REGULATIONS

### SECTION 14.01

In a Commercial-Industrial District, no building, structure, lot, or land shall be used except to provide for certain commercial and industrial uses engaged in the storage, distribution and handling of large quantities of goods and materials, and the fabrication, manufacture and repair of goods of such nature that no objectionable by-products such as odors, smoke, dust, refuse, electromagnetic interferences, noise, etc. are noticeable, and when all work activities and storage are conducted indoors. (No outdoor manufacturing, assembly or storage is permitted.)

#### A. RESTRICTIONS AND REQUIREMENTS:

##### General Requirements:

1. Central sewer and water.
2. All utilities including telephone, electric, cable television, etc. are required to be underground.
3. All streets shall conform to the width restrictions of Summit County, and shall be of asphalt or concrete surface. Curbing and street lighting along all streets are required. All streets, driveways and parking areas shall consist of concrete or asphalt paving. All street lighting shall be attractive as well as useful.\*(deleted sidewalk requirement 6/9/02)
4. At least thirty percent (30%) of all land must be used for open or "green" space. All open space must be landscaped and well-maintained, and may be used for parks and recreational uses such as pools, tennis courts, and athletic fields. Roadways and parking areas may not be used in calculating the amount of land dedicated to open space. The percentage of required open space may be reduced by developing and dedicating some of the land for use by the general public on a one-to-one basis, but the area required to be dedicated to open space may not be less than twenty percent (20%).

Example #1:	Land To Be Developed-	100 acres
	Required Open Space-	30 acres
Example #2:	Land To Be Developed-	100 acres
	Land dedicated for community use (Youth athletic fields, developed walking trails, tennis courts, etc.-)	5 acres*
	(*This reduces the overall open space requirement by an equal amount.)	
	Required Open Space-	20 acres

5. LOT SIZE

Land may be subdivided into parcels of no less than one and one-half acres, and expanded in one-half acre increments.

6. STRUCTURES

No more than forty-five percent (45%) of the area of each building site may be covered with buildings or other structures.

7. SITE COVERAGE

No more than seventy percent (70%) of the area of each building site may be covered with buildings, structures, street right-of-way paved areas, off street loading area, driveways, walkways parking areas and other paved areas, and the remaining area shall be devoted to open space, except as otherwise permitted under General Requirements.

8. HEIGHT OF BUILDINGS

No building shall exceed forty-five (45) feet in height.

a. SETBACKS

1. Front: Sixty (60) feet (as measured from the street right-of-way)
2. Rear: Twenty-five (25) feet (as measured from the rear property line)
3. Sides: Twenty-five (25) feet

b. PARKING AREAS

All designated parking areas or driveways must be separated from property lines or street right of way line by a minimum 20 foot landscaped buffer strip.\*

B. BUILDING DESIGN AND CONSTRUCTION MATERIALS

1. The design of all buildings shall respect the physical and natural qualities of its site and adjacent buildings.
2. The massing and proportion of all buildings shall be designed to provide visual continuity. The scale of adjacent buildings and landscaping shall be coordinated so as to result in consistent appearance.
3. All buildings shall be constructed of high-quality, permanent materials and shall be designed to be durable and easily maintained. All buildings shall have exterior walls constructed of attractive materials which present inoffensive, predominantly warm, earthtone color and appearance. Specifically prohibited shall be the following: Light-colored metals such as mill finished aluminum or stainless steel, light reflective materials, galvanized sheet metal, and plywood siding.

C. CONDITIONALLY PERMITTED USES

1. Well drilling.

## ARTICLE 14.00

2. Excavation, extraction, removal or stripping of topsoil, subsoil, gravel, sand, etc., from lands (see Article 22.00).
3. Sexually oriented businesses.
  - a. A sexually oriented business may be located and shall be permitted only in accordance with the following restrictions:
    1. No such business shall be located on any parcel within five hundred (500) feet of any residential dwelling or any residentially zoned district within Coventry Township or any neighboring political subdivision.
    2. No such business shall be located on any parcel within one thousand (1,000) feet of any public library, private or public elementary or secondary school, day care center, preschool, public park, recreation area or church.
    3. No such business shall be located on any parcel within one thousand (1,000) feet of another sexually oriented business.
    4. Such businesses shall only be located in a Commercial-Industrial zoned district within Coventry Township.
    5. Must comply with all conditions of Article 3.06 General Conditions of Conditional Zoning.
    6. That the proposed use shall not enlarge or encourage the development of a blighting influence.
    7. That the establishment of an additional regulated use in the area shall not be contrary to any program of neighborhood conservation or rehabilitation.
    8. Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property;
    9. No adult cabaret or theater shall be established in the same building with another adult cabaret or adult bookstore or adult motion-picture theater.
    10. Adult cabarets, adult bookstores, and adult motion-picture theaters shall only operate during hours reasonably designated by the Commission.
    11. Businesses authorized under this section shall have entrances to the establishment shielded in such a way that individuals outside the business building will not be able to see the entertainment area inside the building. Additionally, said shielding shall not consist of curtain alone shall not obstruct any exit sign or panic hardware for any exit, nor shall the shielding be constructed in such a way as to block any exit. All shielding shall be approved by the Coventry Fire

Department.

12. All entertainment shall be conducted on a stage, or upon an open floor in an area such as a dance floor. While entertainment is being conducted, the entertainment area shall be separated from the areas occupied by customers or patrons.
  - b. For the purposes of subdivision (A), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
  - c. For the purposes of subdivision (A), the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.
  - d. No person shall establish, operate or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
4. All permitted and conditionally permitted uses set forth in Article 12.00 shall be conditionally permitted in the “C” – Commercial Industrial District, subject to the following terms and conditions and all other conditional zoning requirements:\*\*
  - a. Any such use shall be conditionally permitted only in existing C-1 structures as of the date of this amendment.
  - b. Such structures must be adjacent to an existing “B-3” General/Regional Business District.
  - c. Such use shall comply with the sign requirements for the “C” Commercial Industrial District.
  - d. Such use shall meet the parking requirements for a “B-3” General Regional/Business District.
5. Arcades and/or amusement establishments.

\*Revised: 6/9/02

\*\*Revised: December 12, 2009

## **ARTICLE 15.00\*\***

### **OPEN SPACE, RECREATION, AND CONSERVATION DISTRICT**

The purpose of this district is to preserve land and water areas as open space, to protect the natural environment containing distinctive areas of vegetation, wildlife habitat, natural panoramas, unusual land forms, water bodies, water courses. This district may be used to provide for perpetual recreation land uses and to preserve historic land areas.

#### **SECTION 15.01 TERMS APPLICABLE TO ORC DISTRICT**

- A. OPEN SPACE: Land or water not occupied by buildings, parking lots or other structures.
- B. RECREATION: Land or water developed and/or used for recreational activities.
- C. CONSERVATION: Land for water areas set aside for the preservation, protection and maintenance of the natural environment.
- D. IMPERVIOUS SURFACES: Surfaces that do not absorb precipitation.

#### **SECTION 15.02 PERMITTED USES**

- A. Agricultural uses and structures necessary thereto.
- B. Public wildlife refuges and game preserves.
- C. Governmentally owned and/or operated land or water areas used for recreation, conservation or educational purposes. Educational purposes are defined as activities relating to public elementary and secondary schools, colleges, and universities.
- D. Parking areas necessary for any of the previous permitted uses and any of the following conditional uses. These parking areas may not be covered with an impervious surface in order to facilitate natural drainage.
- E. Private boat docks as permitted by the Ohio Department of Natural Resources, this use does not require a Zoning Permit.
- F. Single family dwellings on parcels that consist of five (5) acres or more.

#### **SECTION 15.03 CONDITIONALLY PERMITTED USES**

##### **SINGLE FAMILY DWELLING**

This land usage shall be conditionally permitted provided the parcel said dwelling is to be located on contains less than five (5) acres of land and that all requirements of conditional zoning as enumerated in Section 3.06.

**B. GOLF COURSES/RIDING ACADEMIES**

Privately owned and or operated golf courses and riding academies. Excluded are commercial recreational areas, such as but not limited to, drive in theaters, miniature golf facilities, golf driving ranges (unless in conjunction with a golf course), or gun and archery ranges. The golf course and/or riding academy must meet all requirements of conditional zoning as enumerated in Section 3.06 as well as any other pertinent governmental agency requirements.

**C. PRIVATE PRESERVERS**

Private wildlife, conservation or game preserve land or water areas provided all requirements of conditional zoning as enumerated in Section 3.06 as well as any other pertinent Governmental Agency requirements are met.

**D. PRIVATE SCHOOLS AND COLLEGES**

Private schools and colleges provided all requirements of conditional zoning as enumerated in Section 3.06 as well as any other pertinent governmental agency requirements are met.

**E. INCIDENTAL STRUCTURES**

Buildings and accessory structures incidental and necessary to the maintenance and operation of open spaces, conservation and recreational uses, provided all requirements of conditional zoning as enumerated in Section 3.06 as well as any other pertinent governmental agency requirements are met.

**SECTION 15.04 LOT REQUIREMENTS**

- A. Minimum size parcel for structures to be erected shall be ten (10) acres of land, except for single family dwellings which may be erected on a five (5) acre parcel.

**SECTION 15.05 SETBACKS**

- A. Setback requirement for all setbacks shall be seventy-five (75) feet from all property lines.
- B. Within the fifty (50) feet nearest adjoining districts, a screen planting must be provided if there are structures on the property that are visible from the adjoining district.

**SECTION 15.06 HEIGHT REQUIREMENTS**

- A. Building height shall not exceed thirty-five (35) feet.

**SECTION 15.07 NOISE AND LIGHTING**

- A. No activity causing noise or lighting which did not exist before development is permitted.

\*\*Amended July, 14, 2001 - formerly Article 23.00

## **ARTICLE 16.00\*\***

### **LARGE-SCALE RESIDENTIAL COMMERCIAL DEVELOPMENT DISTRICT**

#### **PROVISIONS**

Land zoned “R-3,” “Commercial-Industrial,” and “Business,” or a combination of those zoning designations, and at least twenty-five (25) acres in size, may be designated as a Large-Scale Residential-Commercial Development District through application to the Coventry Township Zoning Department and the submission of a Comprehensive Development Plan, which shall be reviewed the Summit County Planning Commission and approved by the Coventry Zoning Commission.

#### **PURPOSE**

The Large-Scale Residential-Commercial Development District (LSRCDD) is established to accommodate and encourage positive development in a unified, esthetically pleasing manner and in the best interest of Coventry Township. The LSRCDD includes both advantages and restrictions to encourage creative land use. LSRCDDs provide the maximum opportunity for orderly large-scale developments and may include residential, business and commercial uses in a single district, but organized in such a way as to enhance the area being developed as well as the community as a whole.

The fundamental goal in a LSRCDD is the creation of a harmonious development which will preserve and enhance the long-term property values and will provide a positive, pleasant and productive environment in which to live and work. To achieve this goal, a LSRCDD shall be improved with attractive, well-spaced buildings that are properly constructed, easily maintained on well-landscaped sites.

The Large-Scale Residential-Commercial Development District provides an opportunity for creativity and flexibility in providing the following:

1. Separation of pedestrian and vehicular circulation
2. Provision of readily accessible recreation areas and green spaces
3. Conservation of the natural amenities of landscape
4. Creation of functional and interesting residential, business and commercial areas.

#### **USES PERMITTED**

Land contained in a Large-Scale Residential-Commercial Development District may be used as follows:

- A. Single-family dwellings
- B. Condominiums

- C. Assisted-living facilities
- D. Administrative, executive and professional offices
- E. Hospitals and clinics
- F. Light manufacturing, assembly and warehousing when all work activities and storage are conducted indoors. (No outdoor manufacturing, assembly or storage is permitted.)
- G. Some retail establishments, when included as part of an overall Comprehensive Development Plan, and approved by the majority of both the Zoning Commission and Township Board of Trustees.

**REQUIREMENTS**

**General**

- A. Central sewer and water shall be provided for all units in a Planned Development District.
- B. Underground utilities including telephone, electric, cable television, etc. are required.
- C. All streets shall conform to the width restrictions of Summit County, and shall be of asphalt or concrete surface. Curbing, sidewalks and street lighting along all streets are required. All streets, driveways and parking areas shall consist of concrete or asphalt paving. Sidewalks shall be of concrete and/or brick construction. All street lighting shall be attractive as well as useful.
- D. At least twenty-five percent (25%) of all land must be used for open or “green” space. All open space must be landscaped and well-maintained, and may be used for parks and recreational uses such as pools, tennis courts, and athletic fields. Roadways and parking areas may not be used in calculating the amount of land dedicated to open space. The percentage of required open space may be reduced by developing and dedicating some of the land for use by the general public on a one-to-one basis, but the area required to be dedicated to open space may not be less than twenty percent (20%).

Example #1:	Land To Be Developed-	100 acres
	Required Open Space-	30 acres
Example #2:	Land To Be Developed-	100 acres
	Land dedicated for community use (Youth athletic fields, developed walking trails, tennis courts, etc.-)	5 acres*
	(*This reduces the overall open space requirement by an equal amount.)	
	Required Open Space-	20 acres

**PROPERTY USED FOR RESIDENTIAL DEVELOPMENT**

- A. Setbacks
  - 1. Front: Sixty (60) feet, (as measured from the street right-of-way)

## ARTICLE 16.00

2. Rear: Twenty-five (25) feet, (as measured from the rear property line)
3. Sides: A total of twenty-five (25) feet, with no less than ten (10) feet on either side.

### B. Minimum Distance between Buildings

1. Twenty-five (25) feet

### C. Parking Areas

1. All designated parking areas shall be subject to the same setbacks.
2. There shall be a minimum of two parking spaces per unit, one of which may be in a garage.

### D. Density

1. No more than 5.5 units per acre, and no more than 12 units on any one acre.
2. Any acreage consisting of wetlands may not be used in calculating the overall acreage available for development in determining density.

Example:       Acres to be developed: 100  
                  Acres of wetlands contained on property: 20  
                  Acres to be used in calculating maximum density: 80  
                  Maximum number of units permitted: 400

### E. Minimum Lot Size For Single-Family Homes on Individually Subdivided Lots

12,000 square feet, with the overall average single-family home site not less than 15,000 square feet

### F. Minimum Floor Area Requirement

1,200 square feet per unit.

### G. Height Restrictions

No main building or structure may exceed two and one-half stories or thirty (30) feet in height. No garage or accessory building may exceed fifteen (15) feet in height.

## **PROPERTY USED FOR COMMERCIAL DEVELOPMENT**

### A. Lot Size

Each parcel of land shall consist of a minimum of one and one-half acres, and may be expanded in one-half acre increments.

### B. Structures

No more than forty-five percent (45%) of the area of each building site may be covered with buildings or other structures.

### C. Site Coverage

No more than seventy percent (70%) of the area of each building site may be covered with buildings, structures, street right-of-way paved areas, off street loading area, driveways, walkways parking areas and other paved areas, and the remaining area shall be devoted to open space, except as otherwise permitted under General Requirements.

D. Height of Buildings

No building shall exceed forty-five (45) feet in height.

E. Setbacks

1. Front: Sixty (60) feet (as measured from the street right-of-way)
2. Rear: Twenty-five (25) feet (as measured from the rear property line)
3. Sides: Twenty-five (25) feet

F. Parking Areas

All designated parking areas shall be subject to the same setbacks as listed above. Parking in street or driveways is expressly prohibited.

**BUILDING DESIGN AND CONSTRUCTION MATERIALS**

- A. The design of all buildings shall respect the physical and natural qualities of its site and adjacent buildings.
- B. The massing and proportion of all buildings shall be designed to provide visual continuity. The scale of adjacent buildings and landscaping shall be coordinated so as to result in consistent appearance.
- C. All buildings shall be constructed of high-quality, permanent materials and shall be designed to be durable and easily maintained. All buildings shall have exterior walls constructed of attractive materials which present inoffensive, predominantly warm, earthtone color and appearance. Specifically prohibited shall be the following: Light-colored metals such as mill finished aluminum or stainless steel, light reflective materials, galvanized sheet metal, and plywood siding.

**DUAL USAGE**

Developments consisting of both Residential and Commercial uses shall be planned in such a way as to enhance the entire area, and not to be detrimental to the peace and tranquility of those residing in the area, or to the overall property values. Buffer zones and landscaping are key elements in achieving this goal.

**ADOPTION OF A COMPREHENSIVE DEVELOPMENT PLAN**

The Zoning Commission shall adopt a Comprehensive Development Plan (CDP) upon the application of the owner(s) of the acreage of the district. Such CDP shall be adopted at any regular or special meeting, but only after review and recommendation of Summit County Planning and publication of a notice of the consideration of same in a newspaper of general circulation in the

## **ARTICLE 16.00**

Township and upon written notice being provided by regular mail to each owner of record within the district, at its tax address, at least ten (10) days prior to the meeting at which the plan is to be considered, and shall include the following:

- A. Boundaries of the district.
- B. Thoroughfare plans for the proposed collector streets and abutting highways.
- C. Allocation of residential and commercial uses by specifying the number of units permitted within a residential area, and the areas designated for commercial use. Buffer areas between residential and commercial areas shall be shown.
- D. Identification of all easements and right-of-ways necessary to the extension of public and private utilities.

### **APPLICATION FOR ADOPTION FOR A CDP**

An application for adoption of a CDP shall identify the applicants by name, and in the case of an application by the owner(s)/developers of the property within the district, shall identify the gross acreage owned by each and shall contain the signatures of each owner(s) whose acreage constitutes all or part of the majority of the gross acreage, and further shall include the following:

- A. Identification of each property; its area and ownership.
- B. Topography mapped at intervals of not less than ten (10) feet.
- C. Existing easements and right-of-ways.
- D. Identification of all natural features including existing water courses.
- E. Soil types and conditions.

### **CHANGES TO THE GENERAL PLAN**

No change in or deviation from the approved general plan (CDP) shall be made without the prior review and recommendation by the Zoning Commission and approval of the Board of Trustees.

\*\*\*Renumbered July 14, 2001 - Formerly Article 24.00

## **ARTICLE 17.00\*\***

### **WIRELESS TELECOMMUNICATIONS FACILITY**

A wireless telecommunications facility may be permitted as a conditional use in a residential, commercial or industrial district. In order to be considered for review, the applicant must demonstrate that a newly-constructed tower is necessary in that opportunities for collocation on an existing tower are not feasible. Collocation is highly encouraged. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the Zoning Department. Any applicant for construction of a new tower must demonstrate that none of these locations are available for use. If there is an existing tower in the area, the applicant must show evidence that a request for such use was made and subsequently denied. Also, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the Township on reciprocal terms and was not accepted. The applicant shall accommodate the needs of public safety and emergency services when locating radio equipment on existing towers. The following steps must also be taken for the application to be considered for review in this category:

- A. The applicant shall present documentation that the tower is designed in accordance with the standards established in the Use Regulations section of this ordinance for wireless telecommunications towers.
- B. The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.
- C. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
- D. The applicant shall demonstrate that the telecommunications facility must be located where it is proposed in order to service the applicant's service area. If the facility includes a tower, there shall be an explanation of why other nearby structures, if any, cannot be used to support the antenna.
- E. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

The facility must meet electromagnetic emissions standards established by the FCC.

### **INTENT**

Wireless telecommunications facilities are permitted as conditional uses in a variety of zoning districts contingent upon a number of specific conditions and requirements being met. These criteria are in place in an attempt to minimize an adverse health, safety, public welfare or visual impact through buffering, siting, design and construction, and reducing the need for new towers.

**SECTION 1 - GENERAL**

The items listed below apply to all wireless telecommunications facilities independent of the zoning district in which they are to be located. These general standards are to be supplemented with the provisions for the particular applications specified in Sections 2 and 3 which follow:

- A. A plot plan including all building uses within 500 feet shall be required at a scale not less than one inch is equal to 100 feet.
- B. The location of the tower and equipment building shall comply with all natural resource protection standards established in this ordinance, including flood plain, wetlands and steep slope regulations.
- C. A security fence eight feet in height with barbed wire around the top shall completely surround the tower, equipment building and any guy wires. Each structure must be separately fenced.
- D. Buffer planting shall be located around the perimeter of the security fence as follows:
  - 1. An evergreen screen shall be planted that consists of wither a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
  - 2. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- E. A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design, proof of compliance with nationally accepted structural standards and the number and types of antennas it can accommodate.
- F. A soil report prepared by a licensed professional engineer complying with the standards of Appendix I: Geotechnical Investigations, ANSI>EIA 222-E, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- G. An antennae may not be located on a building or structure that is listed on an historic register, or is an historic district, unless the Zoning Inspector has approved same.
- H. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- I. No advertising is permitted anywhere on the facility.
- J. If at any time after initial use, the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. The facility's owner/operator will be contacted and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the conditional use permit will expire on the 181st day.
- K. The tower shall not be artificially lighted except (a) to assure safety or as required by the FAA, and/or (b) to permit security lighting.

- L. Warning signs shall be posted around the facility with an emergency telephone number of who to contact in the event of an emergency.
- M. The facility owner/operator shall present a maintenance plan in which they will be responsible for the upkeep of the site.
- N. A permanent easement to the tower site must be provided thereby maintaining access regardless of other developments that may take place on the site.
- O. A Conditional Use Permit must be approved by the Coventry Board of Zoning Appeals. Collocated antennas, antennas attached to existing structures or building and EXISTING towers located in residential districts are permitted uses and shall not be subjected to the conditional use permit process.

**SECTION 2 - NONRESIDENTIAL DISTRICTS**

**A. SOLE USE ON A LOT:**

A wireless telecommunications facility is conditionally PERMITTED as a sole use on a lot subject to the following:

- 1. Minimum lot size: (subject to the minimum lot size allowable for the district).
- 2. Minimum yard requirements:

Tower: The minimum distance to unoccupied structures shall be equal to the height of the tower; the minimum distance to a residential lot line shall be 300 feet.

Equipment Building: (subject to the minimum setbacks/yard requirements for the district)

- 3. Maximum Height:

Tower: 200 feet (includes antenna)

Equipment Building: (subject to the maximum building height for the district)

- 4. Maximum size of equipment building:  
750 square feet

**B. COMBINED WITH ANOTHER USE:**

A wireless telecommunications facility is conditionally permitted on a property with an existing use subject to the following conditions:

- 1. The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider.
- 2. The cellular telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- 3. Minimum area:  
The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer planting. If the title

to the land on which the wireless telecommunications facility is located is conveyed to the owner of the telecommunications facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.

4. Minimum yard requirements:

Tower: The minimum distance to nearby structures is equal to the height of the tower; the minimum distance to residential lot lines shall be 300 feet.

Equipment Building: Shall comply with the minimum setback requirements for the primary lot.

5. Access:

The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

6. Maximum Height:

Tower: 200 feet (included antenna)

Equipment building: (subject to the maximum building height for the district)

7. Maximum size of equipment building:

750 square feet

C. COMBINED WITH AN EXISTING STRUCTURE:

Where possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

1. Maximum Height

Twenty (20) feet or 20% of the building height above the existing building or structure, whichever is greater.

2. If the applicant proposes to locate the telecommunications equipment (NOT THE TOWER) in a separate building, excepting towers located on rooftops, the building shall comply with the following:

- a. The minimum setback requirements for the subject zoning district.
- b. An eight (8) foot high security fence with barbed wire on top shall surround the building.
- c. A buffer yard shall be planted in accordance with Section 1(D).
- d. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principle use.

3. Elevations of existing and proposed structures showing width, depth, height of the telecommunications facility and the statistical use data on the antenna and support structure shall be presented.

**SECTION 3 - RESIDENTIAL DISTRICTS**

## ARTICLE 17.00

Wireless telecommunications facilities are not permitted in residential districts, excepting such facilities are conditionally permitted on any property containing an institutional use (e.g., church, municipal, government utility) located in a residential district subject to the following conditions:

### A. GENERAL:

The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance. This shall apply to B, C, D, and E below.

Collocation is highly encouraged. The applicant must demonstrate that there is no other space available whether on an existing tower or structure in the service area. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the Zoning Department. Any applicant for construction of a new tower must demonstrate that none of these locations are available for us. If there is an existing tower in the area, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the Township on reciprocal terms and was not accepted.

### B. COMBINED WITH A NONRESIDENTIAL USE:

An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility agricultural building, and a building or structure owned by a utility. The following conditions shall be met:

1. Maximum Height: Twenty (20) feet above the existing building or structure.
2. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:
  - a. The building shall comply with the minimum setback requirements for the subject zoning district.
  - b. The equipment building should not exceed 750 square feet, or the maximum square footage allowable for an "accessory" structure.
  - c. An eight (8) foot high security fence with barbed wire on top shall surround the building.
  - d. A buffer yard shall be planted in accordance with Section 1(D).
  - e. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.

### C. LOCATED ON A NONRESIDENTIAL PROPERTY:

A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use in the district, including, but not limited to, a church, municipal or government building, facility or structure, agricultural use and a utility use, subject to the following conditions:

1. The tower shall be set back from any property line abutting a residential lot distance

that is equal to the height of the tower.

2. Maximum height:

Tower: 200 height

Equipment Building: (subject to the maximum building height for the district)

3. The equipment building should not exceed 750 square feet.
4. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
5. Required setback distances must be maintained.

D. LOCATED IN OPEN SPACE:

A wireless telecommunications facility is conditionally permitted on the land that has been established as permanent open space, or a park subject to the following conditions:

1. The open space shall be owned by the municipality, county or state government, a homeowners association, or a private, nonprofit conservation organization.

2. Maximum Height:

Tower: 200 feet

Equipment Building: (subject to the maximum building height for the district).

\*\*Renumbered July 14, 2001 - formerly Article 25.00

## **ARTICLE 18.00\*\***

### **FACILITIES FOR PARKING MOTOR VEHICLES**

#### **SECTION 18.01 REQUIRED PARKING FACILITIES**

No application for a Zoning Certificate shall be granted for any use unless the plot plan therefore shows the required off-street and outside the public right-of-way facilities for parking motor vehicles exclusive of access thereto, and excepting single and two-family dwellings, shall be smoothly graded and covered with a suitable surface, dust free and adequately drained, as are hereinafter provided:

- A. Every type of family dwelling unit, facilities for at least two (2) motor vehicles, each such space to be a minimum of ten by twenty (10 x 20) feet in size.
- B. Apartments, apartment houses, or multiple family dwellings, facilities are provided in Section 9.04.
- C. Churches and comparable buildings erected for religious worship, facilities for at least one (1) motor vehicle, two hundred (200) square feet in size, for each three (3) seats in the main building and a minimum parking area of not less than seven thousand five hundred (7,500) square feet.
- D. Bowling alleys, facilities for at least five (5) motor vehicles, each two hundred (200) square feet, for each alley.
- E. For every type of business permitted by Sections 10.01, 11.01, 12.01, and 13.01, except where food or drink is served for consumption on the premises, facilities for at least one (1) motor vehicle, each two hundred (200) square feet in size, for each one hundred-fifty (150) square feet of gross floor area or fraction thereof.
- F. Where food or drink is served for consumption on the premises, facilities for at least one (1) motor vehicle, each two hundred (200) square feet in size, for each fifty (50) square feet of gross floor area or fraction thereof, or one (1) space for each two (2) seats, whichever requires the greater number of parking facilities.
- G. Where food or drink is served for consumption on the premises as a drive-in facility only, there shall be a minimum area for parking of not less than ten thousand (10,000) square feet not to include buildings or structures nor driveways and inside seating facilities.
- H. For every type of commercial or industrial use permitted by Sections 14.01 and 16.01, facilities for at least one (1) motor vehicle, each two hundred (200) square feet in size, for each two (2) persons employed on the premises.

In addition thereto, adequate yard space shall be provided for commercial vehicles for waiting, loading, unloading, and turnaround in every case where the character of the use requires ingress and egress of such types of motor vehicles.

## ARTICLE 18.00

- I. For every type of business permitted by Sections 10.01(B-1), 11.01(B-2), 12.01(B-3), 13.01 (PDD) and 14.01 (C-1) off street parking and access drives thereto which are located in any of the required yard area must be accompanied by a ten (10) foot grass buffer strip between the street right-of-way line and parking area or access drive, or a ten (10) foot grass buffer strip between the property line and the parking area or access drive.
- J. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. Access along total road frontage of a property is prohibited. There shall be not more than two access ways abutting any one street. Such access ways shall be not less than twenty (20) feet in width at the property line (right-of-way), nor more than thirty (30) feet at the curb cut (edge-of-pavement) of the street.
- K. No parking area shall be permitted in a side yard setback or a rear yard setback if adjacent to a residentially zoned property.
- L. If the number of parking spaces required in the previous sub-sections cannot be met on the lot in which the use is conducted, such spaces may be provided on a premises located within the Zoning District and within five hundred (500) feet of the main entrance of the principal use. This parking area must be owned by or leased solely for use for the business deficient in parking space. This area must be clearly designated as parking for patrons of said use.

### **DEFERRED CONSTRUCTION OF REQUIRED PARKING SPACES**

- M. If the number of parking spaces required in 18.01(E) is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:
  - a. The total number of spaces initially constructed shall not be less than seventy (70) percent of the spaces required by 18.01(E).
  - b. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by 18.01(E). Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Resolution.
  - c. The Zoning Commission, upon re-evaluation of the projects parking needs, may at any time direct that some or all of the parking spaces identified in subsection (b) be constructed.
  - d. Any additional parking shall be provided concurrent to the approved development plan.

\*\*Renumbered July 14, 2001 - formerly Article 15.00

\* Amended April 8, 2001

## **ARTICLE 19.00\*\***

### **SIGNS**

#### **SECTION 19.01 CLASSIFICATION**

All signs are defined in the Article entitled "Definitions," hereinafter (Article 1.00).

#### **SECTION 19.02 SIGNS**

- A. All signs shall require a Zoning Certificate and payment of the fee applicable therefore.
- B. Each business building may have a permanent identification sign, which shall conform to the following requirements, and be governed by Chart "A" attached.
  - 1. Pole or monument signs shall be located no closer than 10 feet from the street right-of-way.
  - 2. All signs which are attached to the building must be flush mounted, shall not project above the roof line
  - 3. Signs painted directly on the, exterior surface of a wall, signs using bare bulb type lighting, illuminated signs with intermittent lighting or flashing effects, rotating signs and billboards or banner-type signs of any kind shall not be permitted.
  - 4. All signs shall be kept in good condition. Signs must be removed within 30 days of the time any tenant vacates a building or building space.
- C. Any illuminated sign shall be so arranged and shielded as not to interfere with the vision of persons using the streets or to create a nuisance in the vicinity thereof. All neon-type signs shall be erected or placed a minimum of ten (10) feet above ground.
- D. No sign, its pole, or any support shall project over the sidewalk or street unless specifically authorized by the Township Board of Zoning Appeals.
- E. Rotating flasher-type lights, blinker lights, or any other type of illuminated sign, regardless of color, that can in any way be confused with vehicle emergency lights or traffic regulation signals, are prohibited.
- F. Advertising in any form by searchlights, strings of unshielded lights, anchored balloons, or similar devices shall be deemed signs.
- G. Any non-conforming sign discontinued, terminated, or removed, for any reason whatsoever, for a period of thirty (30) days or more, or advertising a business no longer on the premises, shall not be replaced or restored by any type of non-conforming sign.
- H. No additional or new sign shall be placed, erected, or structurally altered on any building or structure, lot, or land which sign does not conform to the Use regulations existing on the effective date of this Resolution.

- I. Any sign or sign structure is prohibited which:
1. is structurally unsafe; or
  2. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or
  3. is not kept in good repair; or
  4. is capable of causing electrical shocks to persons likely to come in contact with it.

J. PORTABLE/TEMPORARY SIGNS

Portable or temporary signs which are defined as signs that are freestanding and not permanently or intended to be permanently attached or secured to either a building, structure or to the ground are not permitted, except as follows: Churches, schools and civic organizations may use signs of a temporary nature for a period not to exceed fourteen (14) days per calendar year. The Zoning Inspector shall have the right to designate placement of any such sign.

K. ELECTRONIC MESSAGE SIGNS\*\*

1. Definitions

Electronic Message Display Signs are signs that are capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Dissolve is a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Fade is a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame is a complete static display screen on an Electronic Message Display.

Frame Effect is a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

Transition is a visual effect used on an Electronic Message Display to change from one message to another.

2. Static Display Changed With No Transition:

Electronic message displays may be permitted in the Business-3 and Commercial Industrial District subject to the following requirements:

- a. Operational Limitations: Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, or any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

- b. Minimum Display Time: Each message on the sign must be displayed for a minimum of one minute.
  - c. The change of messages must be accomplished immediately.
3. Static Display with Fade or Dissolve Transitions
- Electronic message displays may be permitted in the Business-3 and Commercial Industrial District subject to obtaining a Conditional Use Approval from the Zoning Appeals Board with the following requirements:
- a. Operational Limitations: Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement or the appearance or optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
  - b. Minimum Display Time: Each Message on the sign must be displayed for a minimum of 30 seconds.

L. OTHER SIGNS

The following types of signs shall require a Zoning Certificate but no fee therefore:

- 1. A name plate indicating the occupant.
- 2. One sign, not exceeding two (2) square feet in area, may be erected or placed on a building, structure, lot, or land in any Use District, other than residential, where the purpose of such sign is in direct relation to and identifies a permitted Use therein.
- 3. One "For Sale" sign or "For Rent" sign, not exceeding eight (8) square feet in area, pertaining to the premises upon which displayed, may be erected or placed but shall be removed forthwith when such premises are sold or rented. Any sign permitted by this section erected on vacant lots or land shall not be placed within twenty (20) feet of the street right-of-way line or within twenty (20) feet of any adjacent side lot line.

\*Effective: 10/12/02 (A - I)

\*\*Effective: 10/8/05 (K)

**ARTICLE 19.00**

	<b>**ZONING CATEGORY</b>			
	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>C-1</b>
Pole Sign Permitted	No	No	Yes ONE PER PROPERTY	No (Note C) ***
Monument Sign(s) Permitted	Yes ONE PER PROPERTY	Yes ONE PER PROPERTY	Yes (Note a) ONE PER PROPERTY	Yes ONE PER PROPERTY
Max. Size Monument or Pole Sign Permitted	32 Ft <sup>2</sup>	32 Ft <sup>2</sup>	50 Ft <sup>2</sup> (Note c)	32 Ft <sup>2</sup>
Maximum Height	5 Ft	5 Ft	20 Ft (Note c)	5 Ft
Building Mounted Sign - Permitted	Yes	Yes	Yes	Yes
Maximum Size of building Mounted Signage	1 square ft. of sign per linear front foot  Not to exceed 32 Ft <sup>2</sup> for any individual business.  (Note b & d)	1 square ft. of sign per linear front foot  Not to exceed 32 Ft <sup>2</sup> for any individual business.  (Note b & d)	1½ square ft. of sign per linear front foot  Not to exceed 50 Ft <sup>2</sup> for any individual business.  (Note b & d)	1 square ft. of sign per linear front foot  Not to exceed 50 Ft <sup>2</sup> for any individual business.  (Note b & d)

**NOTES:**

- a. May be used in lieu of pole sign.
- b. Lineal front foot refers to the linear foot of width of the building face or individual unit tenant space as applicable to the sign being requested.
- c. For properties occupied by multiple business or buildings totaling over 10,000 Ft<sup>2</sup> on a parcel or parcels of common ownership the size of the sign may be increased over the 50 Ft<sup>2</sup> limit by 7.5 square feet per 1,000 square feet of building size in excess of 10,000 square feet, not to exceed a maximum allowance of 150 square feet. The height limit of 20 feet shall increase 1 foot per 1,000 square feet of building size over 10,000 square feet to a maximum height not to exceed 30 feet.
- d. The business may request to re-allocate the square footage allowable for a monument or pole sign to a building mounted sign. The reverse is not applicable.

\*\*Effective: 10/12/02

\*\*\*Effective: 10/8/05

## **ARTICLE 20.00\*\***

### **FENCES**

#### **SECTION 20.01 "VISION IMPAIRING" FENCE DEFINED**

The term "vision impairing" fence shall include any type fence, wall, grouping of bushes, plants, or trees, which impede or obscure the ability of pedestrians using the sidewalks or the ability of operators of motor vehicles using the streets to see oncoming objects from the opposite side of such fence.

#### **SECTION 20.02 PROHIBITION AGAINST**

No person shall construct, erect, maintain, or place on a corner lot in any Residence District any "vision impairing" fence in excess of four (4) feet in height above the established grade of the street or the natural grade of the land or within thirty (30) feet of the street right-of-way lines.

#### **SECTION 20.03 FENCE DEFINITION AND RESTRICTIONS**

An enclosing structure of approved material about a field or other space or about any object intended to prevent intrusion from without or straying from within.

Fences, walls, and hedges may be permitted in any required yard in any Use District or along the edge of any yard, provided that no fence, wall, or hedge between the front building line of the main structure and the road right-of-way shall be more than four (4) feet in height above grade. On parcels of land which have property lines that are water, no vision impairing fence exceeding four (4) feet in height may be placed on a side lot line between the rear building line of the main structure and the water.

Fences, walls, or hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade. Informal planting, however, may be higher than six (6) feet. Hedges and living fences shall be located so that future growth shall not extend over the lot line.

Any fence, wall, or hedge shall be well maintained and will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous to existing neighboring uses.

No sharp wire or points shall project from the top, either side, end, or bottom of any fence. No electrified fence or fence containing broken glass, barbed wire, or any other substance reasonably calculated to do bodily harm shall be permitted in any Use District without the express approval of the Township Board of Zoning Appeals.

\*\*Renumbered July 14, 2001 - formerly Article 17.00

## **ARTICLE 21.00\*\***

### **OUTDOOR SWIMMING POOLS**

#### **SECTION 21.01 PERMITS REQUIRED**

No person shall construct, on any lot or land, an outdoor swimming pool without first obtaining:

- A. A permit to do so from the Zoning Inspector;
- B. A permit to do so from the Summit County Building Department.

#### **SECTION 21.02 WALKWAYS AND FENCES**

All above ground or in ground pools shall be a minimum of 8 feet from any property line, and shall not be located in any front yard.\*\*

An unobstructed walk area not less than thirty-six (36) inches wide shall be provided to extend entirely around the pool.

All private swimming pools (residential) shall be completely enclosed by a fence. All fence openings or points of entry into the pool area enclosure shall be equipped with self closing and self latching gates equipped with a lock. The fence and gates shall not be less than four (4) feet six (6) inches and not over six (6) feet in height above the grade level.\*\*

Above ground pools with retractable ladder need not be enclosed by a fence.

#### **SECTION 21.03 PROCEDURE**

Applicant shall submit to the Zoning Inspector a plan or sketch of the lot or land area, including a legal description, showing existing buildings or structures thereon; abutting property and buildings or structures contiguous thereto; proposed location of pool and all pertinent dimensions thereof; distances to lot or land lines; type of fencing and details of water supply, water disposal; and electrical installations.

Upon issuance of such permit by the Zoning Inspector, applicant shall thereupon submit such permit to the Summit County Building Department, and comply with its requirements to obtain a permit and to construct such pool.

\*\*Renumbered July 14, 2001 - formerly Article 18.00

\*\*Amended January 9, 2005

## **ARTICLE 22.00\*\***

### **SPECIFIC PROVISIONS APPLICABLE TO THE EXCAVATION EXTRACTION, REMOVAL, OR STRIPPING OF TOPSOIL, SUBSOIL, GRAVEL, SAND, ETC., FROM LANDS**

#### **SECTION 22.01 PROHIBITION**

No person, directly or indirectly, shall excavate, extract, remove, or strip topsoil, subsoil, gravel, sand, etc., from any land in Coventry Township other than land situated or located in a "C" Commercial-Industrial Use District, unless such person obtains a Conditional Zoning Certificate to do so, issued pursuant to the following provisions.

#### **SECTION 22.02 APPLICATION FOR CONDITIONAL ZONING CERTIFICATE**

Any person desiring or intending, either to excavate, extract, remove, or strip topsoil, subsoil, gravel, sand, etc., from any land in a "C" Commercial Industrial District shall file a written application to do so with the Zoning Inspector, containing the following information:

- A. The correct name and address of applicant. If applicant is a partnership, the name and address of each partner. If applicant is a corporation, the name and address of its principal officers.
- B. An accurate description of land area involved, including a legal description.
- C. If applicant is not the owner of the land described, then the name and address of the owner must be stated, and such owner's written consent to the work proposed must be attached to such application.
- D. A general statement regarding the method to be employed and the type equipment or machinery, if any, involved therewith.
- E. The approximate dates within which the work will be commenced and completed.
- F. The type and character of reseeded or replanting proposed after such stripping, removal, etc.
- G. The approximate depth of the average topsoil or loam now existing upon such lands and the depth proposed to be removed and the depth to remain.
- H. The ultimate proposed use of the land after stripping, removal, etc.
- I. A statement that applicant will pay the reasonable cost of inspection, if any be required, during such operation.
- J. That applicant is capable of, and will furnish, a performance bond in the minimum amount of five hundred dollars (\$500.00) for each acre involved, or fraction thereof, if a Conditional Zoning Certificate is granted.

- K. Such other pertinent information as the Zoning Inspector may deem necessary in the public interest.

**SECTION 22.03 PROCEDURE UPON APPLICATION**

Upon any such application being filed, the Zoning Inspector shall, within seven (7) days, investigate statements contained in such application and refer such application, together with his findings, if any thereon, to the Township Board of Zoning Appeals.

Such Board shall promptly set a date for a hearing on said application and notify applicant of the date, time, and place thereof.

If, upon such hearing, such Board determines that the granting of an application will not adversely affect the public welfare, health, safety, and convenience, it shall grant a Conditional Zoning Certificate with such conditions relating to the method of stripping, removal, etc., amount of topsoil or loam to be left upon the land, the reseeded or replanting, the drainage or topography, the term thereof, and such other conditions in the public interest as the Board may deem necessary.

**SECTION 22.04 PROCEDURE UPON GRANTING CERTIFICATE**

Upon the granting of any such Conditional Zoning Certificate, the applicant shall, before commencing any work whatsoever thereunder, file a performance bond with the Zoning Inspector conditioned that the applicant will perform the terms and conditions imposed by the granting authority.

Such performance bond shall be in the amount of a minimum of five hundred dollars (\$500.00) for each acre involved, or fraction thereof, as the granting authority shall require, and be signed by the applicant and good and sufficient surety.

**SECTION 22.05 EXCEPTIONS**

The provisions hereof shall not be applicable to excavation, extraction, removal, or stripping of topsoil or subsoil incidental or necessary to the construction of a building or structure authorized to be built in any Use District, or to yard improvement, or agricultural occupation.

\*\*Renumbered July 14, 2001 - formerly Article 19.00

## **ARTICLE 23.00\*\*\*\***

### **GENERAL PROVISIONS**

#### **SECTION 23.01 HEIGHT LIMITATIONS**

The height limitations contained in Sections 6.02, 7.02, 8.02, 9.02, 10.02, 11.02, 12.02, 13.02, and 14.01-A.8 shall not apply to aerials, antennas, belfries, bulkheads, chimneys, church spires, elevators, farm buildings, fire towers, flag poles, monuments, radio towers, silos, smokestacks, television or water towers, nor to any building or structure, the plans for and erection of which has been approved by the Township Board of Zoning Appeals and a Conditional Zoning Certificate issued therefore

#### **SECTION 23.02 SHOWS, CARNIVALS, ETC.**

No professional show, exhibition, or performance, except aquatic, golf, or athletic, where admission in any form is charged, shall be permitted in any Use District unless the same is housed in a permanent building or structure erected for such purpose.

No circus, carnival, tent show, side show, artificial curiosity, etc., shall be permitted in any Use District unless a Conditional Zoning Certificate therefore be first obtained from the Township Board of Zoning Appeals.

#### **SECTION 23.03 MOVING BUILDINGS OR STRUCTURES**

No building or structure shall be moved from any lot or parcel of land to another lot or parcel of land unless such building or structure shall thereupon be made to conform to all the provisions of this Resolution relative to buildings or structures upon the lot or parcel of land to which so moved and shall be made to conform to the general character of the existing buildings in the neighborhood or better.

#### **SECTION 23.04 DETERMINING SIDE LINE OF STREET**

If there is no established right-of-way and the street right-of-way line is not readily ascertainable, such street right-of-way line shall be deemed to be twenty-five (25) feet from the ascertainable center line of such street.

#### **SECTION 23.05 VACATION OF STREET**

Whenever any street is vacated, the Zoning Use District adjoining each side thereof shall automatically be extended to the center line of the street.

**SECTION 23.06 WIDENING OR NARROWING STREET**

Whenever any street is widened or narrowed, the building line applicable thereto shall automatically be reduced or increased in proportion to the increase or decrease that takes place on that side of the street.

**SECTION 23.07 CONSTRUCTION SHEDS, ETC.**

Temporary accessory buildings or structures to be used for storage materials or construction purposes only, but not for dwelling purposes, may be placed upon a lot or land prior to and during construction of the main building or structure, but no closer than one-half (1/2) the distance from the building line to the street right-of-way line and shall be removed within 30 days after construction is commenced unless additional time be granted by the Zoning Inspector.

**SECTION 23.08 AGRICULTURAL USE**

In a platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one or another, or some of which are contiguous to one another and adjacent to one side of the dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the agricultural use of such lands will be regulated as follows:

1. No agriculture use shall be permitted or recognized on any lot of one acre or less in size.
2. On lots greater than one acre but not greater than five (5) acres in size, building or structures incident to the use of the land for agricultural purposes shall be subject to all set back building lines, height restrictions and size restrictions of the use district in which the agricultural use is located.
3. Dairying and animal and poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres in size when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code.

After thirty-five (35) percent of the lots are so developed, any pre-existing dairying and animal and poultry husbandry use shall be considered a nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

**SECTION 23.09 OUTDOOR ADVERTISING**

Deleted effective November 28, 1998.

**SECTION 23.10 COMPUTING TIME**

The time within which an act is required by this Resolution to be done shall be computed by excluding the first and including the last day, except that the last day shall be excluded if it falls on Sunday or on a legal or national holiday.

**SECTION 23.11 INDEPENDENT SECTIONS**

Each Section of this Resolution is an independent Section and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other Section or part thereof.

**SECTION 23.12 PROHIBITED USES/STORAGE**

The following uses are prohibited in any Use District:

- A. The manufacture of acetylene gas, acids, ammonia, asbestos, asphalt, asphalt roofing, bleaching powder, brick except handicraft products, bronze powder, carbon black, caustic soda, chlorine, coke, creosote dye stuff, cement, emery cloth, enamel, excelsior, explosives, fertilizer, fibre, fireworks, flour milling, gelatin, glucose, glue, graphite, gypsum, lampblack, lime, linoleum, matches, oil, oilcloth, oiled rubber goods, paints, paper, potash, pulp, shellac, size, snuff, soap, soda ash, starch, tar, tar roofing, terra cotta or tile except handicraft products, turpentine, varnish, vinegar, washing compounds, yeast, etc.
- B. Automobile dismantling or wrecking yards, bag cleaning, boiler works, blast furnaces, cabin camps, coal yards of more than fifty (50) tons capacity except where coal is stored in dust-proof containers, cooperage works, dead animal processing works, garbage or offal reduction or dumping, distillation of bones, coal, or wood, enameling, japanning or lacquering except where incidental to a permitted use, fat rendering, forge plants, grease, lard or tallow refining, junk yards, junk, junk iron or rag bailing or storage, motor vehicle dump, nitrating processes, rock crushing, rolling mills, stock yards, sugar refining, sand blasting or cutting except where dust is controlled by effective devices, slaughterhouses, tanning, curing, or storage of raw hides or skins, trailers, trailer parks, mobile homes, bronze, copper, iron, or steel foundries, etc.
- C. No person in any Use District shall store, leave, or cause or permit the storing or leaving of any discarded or salvaged materials such as scrap or waste metals, used building materials, used lumber, used glass, paper, rags, rubber in any shape or form, cordage, barrels, containers or other salvable materials on any lot or land or premises, unless such items or materials are completely enclosed in a building or surrounded or stored within a fence or wall of sufficient height to block their appearance from public view and erected in conformity with Article 20.00 of the Coventry Township Zoning Resolution.

No such storage or leaving shall be permitted in any front or side yard area in any Use District.

Such storage or leaving shall not be permitted in violation of any applicable fire rules, regulations, restrictions, requirements, statutes, or orders of Coventry Township, Summit County, or the State of Ohio.

**SECTION 23.13 FILLING OPERATIONS**

1. No dumping of junk, bottles, glass, fly ash, scrap iron, industrial waste, wood, garbage, household trash, aluminum, tin or any other metal cans of any kind, chemicals in any form, or any items listed in Section 23.13 (A) and (B). However, the dumping or filling of fill dirt, gravel, stone, sand, concrete, brick, blocks, or any forms of construction materials will be permitted upon application for and the issuance of a filling permit obtained from the Coventry Township Zoning Inspector.
2. Each property owner, his agent, or assignee shall make application for the filling permit referred to in Section 23.13 (D-1). Proof of ownership, agency, assignment lease, option, or other evidence of interest in the land to be used for a private filling operation shall be produced at the time of application for a filling permit. The permit shall be subject to revocation by the Coventry Township Zoning Inspector for violation of any of the conditions set forth in this Article. The permit shall be subject to the fee as prescribed in Section 4.01 (V) of the Coventry Township Zoning Resolution.
3. All dumped or filled debris shall be covered with clean fill dirt once every forty-eight (48) hours or sooner if required for the health, safety, and welfare of the residents of Coventry Township. Such covering shall be enough fill dirt to keep all debris completely covered. Roadways entering and leaving the dumping or filling site shall be kept clear of all dirt and debris of every kind and nature whatsoever on a daily basis. Dumping or filling may only be done between the hours of 8:00 a.m. and 6:00 p.m. When a dumping or filling operation has been completed, grade level may not exceed the grade level of the contiguous properties. The area filled is to be graded level and seeded with grass within thirty (30) days of completion unless immediate construction is to be undertaken on the property.
4. The owner of the property for which the filling permit is issued shall bear all responsibility for the maintaining of these Regulations. All dumping and filling is to be done according to the existing rules and regulations of the Coventry Township Zoning Resolution, the Summit County Health Department, the Federal Environmental Protection Agency, the Ohio Environmental Protection Agency, the Ohio Revised Code, the Summit County Engineer, and any other applicable agencies of local, state, or federal governments.

**SECTION 23.14 UNLICENSED/INOPERABLE VEHICLES**

- A. No person shall park, store, or leave, or permit the parking or storing of any unlicensed motor vehicle or any vehicle in a wrecked, junk, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the Township unless the same is completely enclosed within a building.
- B. Individuals or auto wrecking companies are prohibited from burning cars.
- C. Piling of junk cars on top of one another is prohibited.
- D. It is required that all automobile towing and auto wrecking companies and junk yards erect

such a solid type fence as to hide junk and cars from view of the public. Such fence should be of a type as to control trespassing.

Auto towing companies must keep all vehicles for storage inside a fenced area. Such fence should meet the standards of the foregoing paragraph. The storage must be in a commercial or industrially zoned area.

- E. The rebuilding or dismantling of any automobile, truck, or other motor vehicle in an open yard is prohibited.
- F. The use of any type of truck, trailer or bus as an accessory building for storage is prohibited in all districts.
- G. Living in mobile homes, trailers, camping or travel trailers, truck campers or converted buses or any other mobile conveyance is prohibited.

**SECTION 23.15 BINGO**

Bingo will be permitted in all Use Districts, providing the building meets all existing Summit County and Ohio building codes for places of public gatherings, and providing a Conditional Zoning Certificate, therefore, be first obtained from the Township Board of Zoning Appeals. (See Article 3.00, Section 3.07, Application for Conditional Zoning Certificates.)

**SECTION 23.16 SATELLITE TELEVISION ANTENNAS**

Satellite television antennas are permitted as accessory structures in all zoning districts and shall be subject to any permits required for an accessory building.

A. **GROUND-MOUNTED AND TOWER-MOUNTED SATELLITE TELEVISION ANTENNAS**

Ground-mounted and tower-mounted satellite television antennas are permitted in all use districts. They shall be located in the side and rear yards primarily. If a usable satellite signal cannot be obtained from a side or rear yard location, a satellite television antenna may then be located in the front yard. The installer of the antenna shall provide evidence to the Zoning Inspector that a usable satellite signal cannot be obtained from a side yard or rear yard location.

Antennas located in a side yard or rear yard shall be at least five (5) feet from the nearest part of the main building on the same lot and at least five (5) feet from any rear or side property line. Antennas located in a front yard shall be at least five (5) feet from the nearest part of the main building on the same lot and at least twenty (20) feet from the street right-of-way line. Ground-mounted antennas shall not exceed fifteen (15) feet in height above the ground. Tower-mounted antennas shall not exceed the maximum height for that use district.

No tower-mounted antennas shall be permitted in any front yard. Except in commercial, industrial, or multi-family residential zones, ground-mounted antennas shall be designed and screened to reduce visual impact from surrounding properties at street level and from public streets.

B. ROOF-MOUNTED SATELLITE TELEVISION ANTENNAS

Roof-mounted satellite television antennas shall be permitted in commercial, industrial, and multifamily residential zones only. Roof-mounted antennas shall not extend more than ten (10) feet above the height limit established for the zone in which the structure is located.

C. GENERAL REQUIREMENTS

All antennas and the construction and installation thereof shall conform to applicable building code and electrical code regulations and requirements. Antennas shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner. Every antenna must be adequately grounded for protection against a direct strike of lightning.

A permit shall be required and shall be obtained from the Zoning Inspector.

**SECTION 23.17 PRIVATE SALES - FUND RAISING SALES - TEMPORARY SALES\***

**Business Properties (B-1, B-2, B-3)**

Flea markets, white elephant sales, sales on vacant lots, sales in parking areas of businesses, street corner vendors, door-to-door sales, or any type of outdoor sales shall be permitted in any Business District after first obtaining a Vendors Permit from the Township Zoning Inspector.

- A. Permits shall not exceed any seventy-two (72) hour period at a stated location and the permit must be displayed in plain view at the sale location. A written authorization of the property owner must be submitted before a vending permit is issued.
- B. Business sales permits shall not be issued more than four (4) sales at a location per year and are valid for the date and location as indicated on the permit.
- C. No signs advertising a sale may be posted on utility poles, township, county or state posts along highways, nor may be posted on any vacant structures or vacant lots.
- D. Sales must contain their stand, including merchandise and supplies, within an area no larger than twelve (12) by twelve (12) feet. All merchandise must be located on private property, and not be placed in any township, county, or state right-of-way. All merchandise must be removed after the sale.
- E. Businesses conducting going out of business sales may be issued a permit for a thirty (30) day period; this permit may be extended by the Board of Trustees after an inventory of merchandise yet to be sold is provided. This permit would entitle a "liquidator" to advertise with off premises signage within the Township, and further subject to sign regulations of the Coventry Township Zoning Code. Said signs shall not be located within fifty (50) feet of a sign advertising the same sale.
- F. Schools and churches permanently located and operating within the Township shall be exempt from the vendor's permit fee. Permits must be obtained and posted complying to all other regulations. Special fund raising sales by service clubs, fraternal organizations, non-profit organizations, or any other group or special interest club having all profits designated

to a school, school program or activity, church or church activity shall be exempt from the permit fee.

**Residential Properties**

- A. Garage sales and yard sales shall not exceed a seventy-two (72) hour period and no more than three (3) sales may be conducted at a location per year. Residential sales are limited to personal items. No permit is required for a residential sale.
- B. All merchandise must be removed from yard areas after the seventy-two (72) hour period.

**SECTION 23.18 LIGHTING\*\***

All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners, as determined by the Zoning Inspector.

**SECTION 23.19 WELLS**

- A. Salt or deep water wells may be permitted as a Use in any District upon approval by the Township Board of Zoning Appeals and a Conditional Zoning Certificate issued therefore.
- B. Exploration of oil and/or gas and the operation of wells therefore may be done only in any "C" Commercial Industrial Zoned District, or in any other district where the applicant is the fee holder of all the property located in the drilling unit, and as permitted by the Division of Oil and Gas of the Ohio Department of Natural Resources. No well shall be drilled nearer than five hundred (500) feet to any inhabited private dwelling house or nearer than five hundred (500) feet from any public building which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. This does not apply to a building or structure which is incidental to agricultural use of the land on which it is located, unless such building is used as a private dwelling house or in the business of retail trade.
- C. Oil and/or gas wells and associated equipment located within five hundred (500) feet of an existing residence shall be effectively screened from such residence. Such screening shall consist of dense, evergreen shrubs placed so as to create a substantially opaque visual barrier between the well and the affected residence. A combination of evergreen shrubs and land forms such as earthen berms may also be used as a visual screen.
- D. Any driller or operator with a State of Ohio drilling permit to drill for and extract oil/gas from lands in the Township shall prior to drilling notify the Township Zoning Inspector in writing of all pertinent data such as the number and locations of all proposed wells, tank sites, and access roads and show proof of Ohio State Permit for such operation.
- E. Storage tanks, separators, and well installations shall be entirely enclosed by a six (6) foot high chain link type fence, plus three (3) strands of barbed wire above. Fences shall be kept in a good state of repair until the well is abandoned and the tanks taken out of service.

F. No more than two 210-barrel oil tanks shall be permitted at an oil and/or gas well site at any one time. All oil storage shall be in approved storage tanks. Tanks required for the storage of oil shall be considered an integral part of an oil well and shall, therefore, be subject to the minimum site and yard regulations specified for oil wells in Chapter 1501.9 of the Ohio Administrative Code.

G. ACCESS ROADS

Permanent, unobstructed access roads meeting the following requirements shall be approved between oil and/or gas wells and public roads:

1. PAVEMENT

Any portion of an oil and/or gas well access road within two hundred (200) feet of an existing residence and that portion of an access road within one hundred (100) feet of the public road from which access is derived shall be paved with gravel or slag and maintained in a dust free condition. All other portions of access roads shall be improved and maintained so as to be usable at all times of the year.

2. WIDTH

That portion of an oil and/or gas well access road within fifty (50) feet of the public road from which it derives access shall be a minimum of twenty-four (24) feet in width. All remaining portions of access roads shall be twelve (12) feet in width.

3. LOCATION

No oil and/or gas access road shall be located closer than forty (40) feet from the side or rear lot line of the lot upon which the well is located. No oil and/or gas well access road closer than thirty (30) feet from which such road is intersected by another road or driveway.

4. TURNAROUND AT WELL END

A turnaround area of a size adequate to accommodate the largest contemplated oil tank truck shall be provided at the well end of an oil and/or gas well access road.

H. During the time wells are in operation, a metal sign showing the street or road numbers as may be approved by the Zoning Inspector shall be installed on the access road gate so that the police, fire, and road departments may find the area when necessary.

1. The names, addresses, and telephone numbers of the persons responsible for the operation and maintenance of each well and tank site shall be given to the Zoning Inspector, who in turn shall advise the Police and Fire Departments.

2. Pits and/or containers for the storage of waste substances such as waste oil, frac water, brine, or acids used in connection with or resulting from drilling operations as approved by the State of Ohio are not considered integral parts of an oil and/or gas well for purposes of these regulations. All waste substances shall be removed from the oil and/or gas well site via tank truck along with all tanks for the storage of such substances and all pits shall be filled with soil and returned to original grade within thirty (30) days of the completion of drilling operations for such well and/or commencement of production there from, whichever comes first. All waste

substances shall be deposited at State approved dump sites.

3. Where access roads connect with Township roads, culvert and ditching shall be done under supervision of the Coventry Township Road Superintendent, who shall be notified before operations are started. The Road Supervisor's final inspection shall be made after completion of all such work.
4. When drilling any wells for oil/gas the drilling rig shall have a blow-out preventer in good working order attached to the drilling equipment to prevent oil or gas from blowing out of control and causing damage to surrounding areas.

I. LIGHTING

Lighting, when provided at an oil and/or gas well site, shall be erected and maintained so as not to shine directly on adjacent or nearby residences or public roads.

J. DIKES

Earthen dikes shall be provided around all oil well pumping units and storage tanks for the purpose of containing any oil spill resulting from a leaking pumping unit or ruptured tanks. Such dikes shall be of a height capable of containing all foreseeable leaks, but shall, in no event, be less than two (2) feet in height.

K. PERFORMANCE STANDARDS

The following performance standards shall apply to all oil and/or gas wells. Non-compliance with one or more of these standards shall be considered a violation of these Regulations.

1. NOISE

No oil and/or gas well shall emit noise which, when measured at the nearest residence not in the drilling unit as defined in Chapter 1501.9 of the Ohio Administrative Code, exceeds 45 (d)(B)(A). In addition, no oil and/or gas well shall emit intermittent or shrill noises which are perceptible at the nearest residence not in the drilling unit.

2. ODORS

No malodorous gas or matter shall be emitted by any oil and/or gas well which is discernible at any residence not in the drilling unit.

3. VIBRATIONS

Vibrations which are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by an oil and/or gas well.

L. SPECIAL HAULING PERMIT

(AN EXAMPLE OF ACTUAL SPECIAL HAULING PERMIT IN ITS ENTIRETY IS ON THE FOLLOWING PAGES 79 TO 80)

COVENTRY TOWNSHIP
68 PORTAGE LAKES DRIVE
AKRON, OHIO 44319

INS. BOND \$ \_\_\_\_\_ PERMIT NO. \_\_\_\_\_
BLDG. PERMIT NO. \_\_\_\_\_ FEE \$ \_\_\_\_\_
DATE ISSUED \_\_\_\_\_

SPECIAL HAULING PERMIT
(In Accordance with Section 4513.34 Ohio Revised Code)

TO WHOM IT MAY CONCERN:

(Name of Permittee) (Address) (Phone)

Subject to All Provisions, Conditions, and Restrictions, Printed or Written Below, or on the Reverse Side Hereof, Is Hereby Granted Permission to Haul or Move \_\_\_\_\_

(Describe object or objects to be moved. Give make and model of Shovel, Crane, or other Equipment)

\_\_\_\_\_ Weighing \_\_\_\_\_ Pounds
(Man. Shipping Weight)

BELONGING TO \_\_\_\_\_
(Owner) (Address)

FROM \_\_\_\_\_ TO \_\_\_\_\_
(Locate points at which haul begins and ends on County and Township Roads by distance to nearest town or State Route junction)

OVER THE FOLLOWING ROUTES: \_\_\_\_\_
(Give destination on each Route)

\_\_\_\_\_ Length of Haul on County and
Township Roads \_\_\_\_\_ Miles. (If Haul or Move is to be made in part over State
Highway or City or Village or Township Streets, Permission must be obtained from the State
Highway Department, City or Village, or Township Authorities.)

VEHICLE(S) TO BE USED \_\_\_\_\_
(Truck, truck and trailer, tractor and semi-trailer, etc.)

**ARTICLE 23.00**

License Number and State \_\_\_\_\_

Tractor or Truck Number \_\_\_\_\_

Trailer Number \_\_\_\_\_

Semi-Trailer Number \_\_\_\_\_

AXLE NO.	WT. ON AXLE EMPTY VEHICLE (LBS)	WT. ON AXLE OBJECT ONLY (LBS.)	TOTAL WT. ON AXLE, VEHICLE AND OBJECT	NO. OF WHEELS	PNEUMATIC TIRE SIZE AND WIDTH PER AXLE
1					
2					
3					
4					
5					
6					
7					
TOTAL					

AN AXLE INDICATES ALL WHEELS IN A STRAIGHT TRANSVERSE LINE

This permit is valid only for the date or dates stated above. A supplementary permit must be obtained for change of date or dates. No movement shall be made on Saturdays, Sundays, or Legal Holidays. Movement shall be made during Daylight Hours.

**GENERAL PROVISIONS**

1. The granting of this permit does not guarantee that the load described can be moved without damage to the pavement or structures although the permit is granted on the assumption that the load can be moved without damage, based on the best information available.
2. Permittee will be held liable for any damage caused by the movement. The Township assumes no responsibility for damage to the permittee's equipment or load being moved due to any such failure. The permittee agrees to compensate the Township for any damage to a roadway or road structure and also to hold the Township Road Superintendent and the Township Trustees harmless from all claims, damages, or proceedings of any kind and from all responsibility for personal injury or property damages (public or private) caused directly or indirectly as a result of the said vehicle(s) or object(s).
3. If requested, the applicant must file a bond and/or certificate of his liability insurance, showing that he has procured adequate bond and/or insurance to cover the provisions of

paragraph two.

4. No vehicle(s) or object(s) in excess of the legal limits prescribed by law shall be permitted on the highways on Saturdays, Sundays, or Legal Holidays, and no movement shall be started that cannot be completed before sunset on Friday or the day preceding a holiday.
5. All vehicle(s) operating under this special highway permit shall be manned by two (2) or more operators or drivers. The permit shall be in the possession of the driver at all times during the process of transportation and will be shown on demand to any police officer, state highway patrolman, sheriff deputies, or employee of the Township.
6. No vehicle(s) or object(s) being transported under special highway permit shall be left parked on the roadway either day or night, except in case of an emergency, in which case adequate protection shall be provided for the traveling public. The vehicle(s) shall not be loaded or unloaded within the traveled limits of the highway without special permission from the Township Road Superintendent.
7. Movements under this special highway permit shall be made during daylight hours only and in such a manner as to impede to the least possible extent the normal highway traffic. Flagmen shall be furnished by the permittee to protect and direct traffic when necessary due to limited sight distance or other hazards.
8. All construction equipment and other machinery shall have attached thereto a plate showing the manufacturer's name and model.
9. In the case of non-compliance with the provisions of this permit, same shall immediately be considered void and the operator of the vehicle subject to arrest.
10. The operator of the vehicle must comply with all laws, rules, or regulations governing the movement of traffic over highways and streets.
11. The permission granted restricts the movement of the vehicle(s) or object(s) to the highways specified between the points designated, and within the time allotted.
12. The issuing of this permit is not to be construed as making mandatory the granting of other permits when at the discretion of the Township Road Superintendent the route specified is considered incapable of withstanding the burden that would be imposed or too narrow to safely accommodate normal traffic in conjunction with the proposed excess load.
13. A permit is void at any time road, weather, or traffic conditions make travel unsafe.
14. Reductions in legal weight posted on roadways or bridges must be obeyed.
15. A permit will not be issued for built-up loads that are divisible into legal loads.
16. Non-compliance with the general or special provisions of a permit, exceeding the weights or dimensions granted, or operating on dates or upon highways other than assigned, shall render the permit null and void and the operator of the vehicle subject to arrest, as provided in Chapter 5577 of the Ohio Revised Code.
17. This movement is subject to the following special provisions as attached hereto and made a part of this application and permit.

**SPECIAL PROVISIONS**

**ARTICLE 23.00**

1. Display clean red flags not less than sixteen (16) inches square and fastened to staffs of sufficient length so as to permit the flags to move freely of any obstructions, located as follows:
  - a. One at each end of the front bumper at the 45" angle.
  - b. One at each of the four corners of the vehicle or load, and if there is any part of the load wider, one at the widest point on either side.
2. Private escort vehicle to proceed five hundred (500) feet in advance of vehicle/load.
3. Private escort vehicle to follow five hundred (500) feet back of vehicle/load.
4. Police escort required to assist traffic control.
5. Oversize load signs must be attached to front and rear of vehicle/load.
6. Lead escort vehicle must be equipped with a height sensing device.
7. Movement is restricted to Tuesday, Wednesday, and Thursday between the hours of 9:00 a.m. and 3:00 p.m.
8. Movement is to be made between 9:00 a.m. and 3:00 p.m.
9. Driver of the escort vehicle is to act as flagman when needed.
10. Note limitations regarding holiday travel restrictions.
11. Move must be coordinated with the owners of all over head signs, signals, utilities, etc., which may obstruct safe, clear movement.
12. All movements shall be made at such speeds and in such manner as to cause a minimum of interference with other traffic and minimum impact stresses on structures and pavements. No movement is to exceed forty (40) miles per hour at any time, except upon that portion of a highway where the posted minimum speed is in excess of thirty-five (35) miles per hour. In this event, the maximum allowable speed is then five (5) miles per hour greater than the posted minimum speed for that highway.

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I, THE UNDERSIGNED, DO HEREBY SWEAR THAT I AM THE APPLICANT OR HIS/THEIR LEGALLY AUTHORIZED REPRESENTATIVE AND THAT THE STATEMENTS MADE IN THE FOREGOING APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
Signature of Applicant) (Date)

Dated at \_\_\_\_\_ Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
COVENTRY TOWNSHIP ROAD SUPERINTENDENT

\_\_\_\_\_  
COVENTRY TOWNSHIP TRUSTEE

**SECTION 23.20      OUTSIDE DINING\*\*\*\*\***

Must comply with General Requirements of Conditional Zoning Certificates per 3.06 and the following:

- A. Outside dining must be in conjunction with an operating restaurant use on the premises.
- B. The hours of operation of outdoor table service (or outdoor dining area) shall be limited to the hours of operation of the associated restaurant, or as determined by the Board of Zoning Appeals at time of Conditional Permit request.
- C. The outside occupancy capacity shall not exceed the indoor occupancy capacity. Restaurants with no inside seating may have a maximum of 24 outside seats. All outside seating areas must maintain a 10 foot setback to any adjacent property line.
- D. A site plan indicating size of outside dining area shall be submitted. The site plan shall include outdoor lighting, ingress and egress routes and general layout of the facility. In addition, the site plan shall indicate building dimensions including outdoor dining areas; seating arrangement and layout of tables, standing only areas, and other items listed in Items C through I. Identification of use groups and occupancy loads for the building (including outside dining) areas shall be determined by an architect registered in the State of Ohio and show on the plan together with the appropriate sections of the Ohio Building Code. The site plan will need to be reviewed by and approved by the Board of Zoning Appeals per Section 3.08 Site Plan review for Conditional Zoning Certificates. This site plan must also be approved by the local Fire Inspector.
- E. Barriers limiting movement of outside patrons within property boundaries shall be placed and indicated on required site plan.
- F. Proposed lighting shall be shown on the plan and shall be arranged so not to cause glare onto adjacent properties. All outside lighting shall be placed on the perimeter of the dining area and be directed toward the seating area.
- G. Speaker systems shall be noted on the plan. Speaker systems shall be for background music only and shall not be heard off premises. All outside speakers shall be placed on the perimeter of the dining area and be directed toward the seating area. No live entertainment shall be permitted in the outside area.
- H. Outside grilling/cooking is permitted and must be in compliance with all Health Department and Building Department regulations.
- I. Parking shall be in compliance with Article 18.00. Any parking located on adjacent lands shall be used only when adjacent business is not operating. This area must have adequate directional signage for patrons. This area may be used only by written authority of adjacent property owner which specifies number of spaces and duration of lease.
- J. Permit can be revoked anytime by the Board of Zoning Appeals for non compliance. A change in ownership, business name or operating manager shall require reapplication for a permit.

\*Amended October 14, 2000  
\*\*Amended April 8, 2001  
\*\*\*Renumbered July 14, 2001 - formerly Article 20.00  
\*\*\*\*Reformatted January 11, 2004  
\*\*\*\*\*Amended May 12, 2007

## **ARTICLE 24.00\*\***

### **NON-CONFORMING USES**

#### **SECTION 24.01 DEFINITION**

A non-conforming use of a building, structure, lot, or land is one that existed prior to the adoption of zoning and does not conform to and comply with the Use Regulations of the District in which such is located.

#### **SECTION 24.02 CONTINUANCE**

The use of any building, structure, lot, or land, as existing and lawful on the effective date of this Resolution, may be continued although such use does not conform with the Use Regulations of the District in which such is located.

#### **SECTION 24.03 ENLARGEMENT - EXTENSION - REMOVAL**

No such non-conforming use shall be enlarged or increased nor shall any non-conforming use be extended to occupy a greater area of a lot or land than that occupied on the effective date of this Resolution.

No such non-conforming use shall be moved, in whole or in part, to any other portion of the lot or land occupied by such non-conforming use on the effective date of this Resolution.

If any building or structure in which any non-conforming use is conducted or maintained is hereafter removed or torn down, the subsequent location and use of any building or structure shall be in full compliance with the Use Regulations for the District in which such is located.

No existing building or structure designed, arranged, intended, or devoted to a non-conforming use shall be enlarged, extended, or structurally altered unless such use is changed to use permitted in the District in which such is located.

#### **SECTION 24.04 DISCONTINUANCE**

If any non-conforming use is voluntarily discontinued for a period of two (2) years or more, any subsequent use of such building, structure, lot, or land shall, be in full compliance with the Use Regulations for the District in which such is located.

**SECTION 24.05      COMPLETION OR SUBSTITUTION**

Any partially completed building or structure, the lawful construction or reconstruction of which has been commenced on the effective date of this Resolution, may be completed and used but only for the purpose for which it was originally designed and intended unless, upon proper appeal, the Township Board of Zoning Appeals approves a substituted non-conforming use therefore.

**SECTION 24.06      RESTORATION**

Any non-conforming building or structure damaged in extent of more than fifty (50) percent of the value thereof, shall not be restored or thereafter used except in full compliance with the Use Regulations for the District in which such is located.

\*\*Renumbered July 14, 2001 - formerly Article 21.00

## **ARTICLE 25.00\*\***

### **REMEDIES AND PENALTIES**

#### **SECTION 25.01 REMEDIES AND PENALTIES**

In case any building or structure is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be, used in violation of Sections 519.01 et seq. Revised Code of Ohio, or in violation of any regulation or provision of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of Summit County, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to any other remedy provided by law or by this Zoning Resolution, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

#### **SECTION 25.02 VIOLATION OF ZONING REGULATION**

Whoever violates any section, regulation, or provision of this Zoning Resolution shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) for each such offense. Each day's continuance, during which such violation shall continue, shall be deemed to constitute a separate offense.

#### **SECTION 25.03 VIOLATION OF ZONING CERTIFICATE**

Whoever builds or constructs, in violation of any detailed statement of plans submitted and approved or in violation of the provisions of any Zoning Certificate or Conditional Zoning Certificate issued pursuant to the provisions of this Resolution, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) for each such offense. Each day's continuance shall be deemed to constitute a separate offense.\*\*\*

\*\*Renumbered July 14, 2001 - formerly Article 22.00

\*\*\*Amended: December 12, 2009

**ARTICLE 26.00**

**RESERVED FOR FUTURE USE**

## **ARTICLE 27.00**

### **RIPARIAN SETBACK DEVELOPMENT STANDARDS**

#### **SECTION 27.01 PUBLIC PURPOSE**

- A. Summit County adopted Ordinance No. 2002-154 (Countywide Riparian Ordinance) effective May 29, 2002. The purpose of Coventry Township adopting this model into the Coventry Township Zoning Resolution is to maintain local control over consideration of variance requests. This will benefit Coventry Township to be able to consider varying certain setback requirements, as a way for affected landowners to comply with the new Countywide Riparian Ordinance. It is in the best interest of Coventry Township to allow flexibility in the implementation of the new Countywide Riparian Ordinance, and to reduce the need for variance requests from the specific provisions of this Chapter, and thereby promote environmental quality.
- B. Since it is hereby determined that the system of streams within Coventry Township contribute to the health, safety and general welfare of the residents of Coventry Township. The purpose of these Riparian Setback Development Standards is to protect and preserve the water quality within streams of Coventry Township and to protect residents of Coventry Township from property loss and damage because of flooding and other impacts of the stream. These regulations shall control uses and development within a Riparian Setback that would impair the ability of the riparian area to:
1. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.
  2. Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
  3. Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams.
  4. Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants in runoff before they enter streams.
  5. Provide areas for natural meandering and lateral movement of stream channels.
  6. Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
  7. Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

8. Benefit Coventry Township economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of Coventry Township, the quality of life of the residents of Coventry Township and corresponding property values.
  9. Protect the health, safety, and welfare of the citizens of the Coventry Township.
- C. This Chapter has been adopted to protect these services of riparian areas by providing reasonable controls governing structures and uses in Riparian Setbacks.

**SECTION 27.02 COMPLIANCE, AND VIOLATIONS**

- A. No zoning approvals shall be issued by Coventry Township without full compliance with the terms of these provisions.
- B. In addition to the enforcement powers of the Township to enforce the provisions of this Zoning Resolution, these requirements may be enforced through civil or criminal proceedings brought by the County of Summit Prosecutor on behalf of the County of Summit.

**SECTION 27.03 DEFINITIONS**

1. **BEST MANAGEMENT PRACTICES (BMPs):** Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.
2. **DAMAGED OR DISEASED TREES:** Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.
3. **DEFINED CHANNEL:** A natural or man-made depression in the terrain, which is maintained and altered by the water and sediment, it carries.
4. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.
5. **FINAL PLAT:** A final tracing of all or a phase of a subdivision in and its complete survey information.
6. **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

## ARTICLE 27.00

7. **NATURAL SUCCESSION:** A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.
8. **NOXIOUS WEED:** Any plant defined as a “noxious weed and rank vegetation” in Section 521.10 in the Codified Ordinances of the County of Summit, Ohio.
9. **OHIO RAPID ASSESSMENT METHOD:** A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.
10. **100-YEAR FLOODPLAIN:** Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.
11. **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.
12. **POLLUTION:** Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.  
  
“POINT SOURCE” pollution is traceable to a discrete point or pipe.  
  
“NON-POINT SOURCE” pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.
13. **PRELIMINARY PLAN:** A drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.
14. **RIPARIAN AREA:** A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.
15. **RIPARIAN SETBACK:** The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within the County of Summit that fall within the area defined by the criteria set forth

in these regulations.

16. **SOIL AND WATER CONSERVATION DISTRICT (SWCD):** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.
17. **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
18. **STREAM:** A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.
19. **STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** The plan describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and stormwater runoff quality.
20. **STORMWATER QUALITY TREATMENT:** The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.
21. **VARIANCE (RIPARIAN SETBACK):** A modification of the enforcement of the Riparian Setback regulations which will not be contrary to the public interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of the regulation would result in undue hardship to the applicant.
22. **WATERCOURSE:** A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.
23. **WATERSHED:** An area of land that drains into a particular watercourse, usually divided by topography.
24. **WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**SECTION 27.04 ESTABLISHMENT OF A RIPARIAN SETBACK**

- A. Riparian Setbacks are established as provided in this Chapter.
- B. Streams addressed by these regulations are those which meet the definition of "stream" in Section 937.03 of this Chapter and appear are indicated on at least one of the following maps:
  1. USGS topographical map

- 2. Summit County Riparian Setback map
- 3. Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS
- C. Widths of setbacks are measured as horizontal map distance outward from the ordinary high water mark on each side of a stream, and are established as follows:
  - 1. A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
  - 2. A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
  - 3. A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
  - 4. A minimum of 50 feet on each side of all streams draining an area greater than 0.05square mile (32 acres) and up to 0.5 square mile (320 acres).
  - 5. A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
- D. The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.
- E. The following shall apply to the Riparian Setback:
  - 1. Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.
  - 2. Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:

<u>Average Percent Slope</u>	<u>Width of Setback</u>
15% - 20%	Add 25 feet
21%+ - 25%	Add 50 feet
> 25%	Add 100 feet

Average streambank slope is to be calculated using methodology outlined in the “Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release Number 55 (TR-55)” by USDA, NRCS.

- 3. Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:
  - a. A 50-foot setback extending beyond the outer boundary of Category 3 wetlands

- b. A 30-foot setback extending beyond the outer boundary of Category 2 wetlands
- c. No additional setback will be required adjacent to Category 1 wetlands
- 4. Wetlands shall be delineated by a qualified professional under guidelines established by the US Army Corps of Engineers and Ohio Environmental Protection Agency and the site delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.
- 5. The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by B through D of this section, and identifying this setback on all subdivisions, site plans, and/or zoning permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.
- 6. Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.
- 7. No approvals or permits shall be issued by the Coventry Township prior to delineation of the Riparian Setback in conformance with these regulations.
- 8. Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Summit.

**SECTION 27.05 USES PERMITTED IN THE RIPARIAN SETBACK**

- A. The following uses are permitted by right within the Riparian Setbacks without prior approval. Open space uses that are passive in character shall be permitted in the Riparian Setback including, but not limited to, those listed in 1 through 4 of this section. No use permitted under these regulations shall be construed as allowing trespass on privately held lands. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the Riparian Setback shall be preserved in its natural state.
  - 1. Recreational Activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.
  - 2. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater

than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

3. Revegetation and/or Reforestation. The revegetation and/or reforestation of the Riparian Setback shall be allowed without approval of the Summit SWCD. Species of shrubs and vines recommended for stabilizing flood prone areas along streams within the County of Summit are listed in the Appendix.
  4. The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlined in the Ohio Revised Code, Sections 6131.01 to 6131.64, 6133.01 to 6133.15, 6135.01 to 6135.27, and 6137.05.1.
- B. The following uses are permitted by right within the Riparian Setbacks with prior approval of the design.
1. Stream bank Stabilization/Erosion Control Measures. Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/ erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan (SWPPP or SW3P) by the Summit SWCD.
  2. Crossings. In reviewing plans for stream crossings, the Coventry Township may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary.
    - a. Limited crossings of designated streams through the Riparian Setback by vehicles, storm sewers, sewer and / or water lines, and public utility lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.
    - b. One driveway crossing per stream per tax parcel will be allowed for individual landowners.
    - c. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the County of Summit Engineer's design standards and as approved by the Summit County Planning Commission and approving township. If more than two crossings per 1,000 linear feet of stream center are required for these areas, the applicant must apply for a variance.
    - d. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback and shall mitigate any necessary disturbances.
  3. Placement of stormwater retention or detention facilities may be considered within the Riparian Setback if:

- a. Stormwater quality treatment that is consistent with current state standards is incorporated into the basin.
- b. The stormwater quality treatment basin is located at least 50 feet from the ordinary high water mark of the stream.

**SECTION 27.06 USES PROHIBITED IN THE RIPARIAN SETBACK**

The following uses are specifically prohibited within the Riparian Setback:

- A. Construction. There shall be no structures of any kind, except as permitted under these regulations.
- B. Dredging or Dumping. There shall be no drilling for petroleum or mineral products, mining activity, filling or dredging of soil, spoils, or any material—natural or man-made—except as permitted under these regulations.
- C. Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.
- D. Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.
- E. Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations. Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.
- F. Parking Lots. There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.
- G. New surface and/or subsurface sewage disposal or treatment area. Riparian Setbacks shall not be used for the disposal or treatment of sewage except for:
  - 1. Undeveloped parcels that have received site evaluation approval and / or permit approval prior to May 29, 2002.
  - 2. Dwellings served by disposal / treatment systems existing on May 29, 2002, when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and / or the Ohio Environmental Protection Agency. Existing failing systems that are located within the Riparian Setback can be upgraded with approval of the Summit County Health Department and / or the Ohio Environmental Protection Agency.

**SECTION 27.07 NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK**

- A. Structures and uses within the Riparian Setback, existing on May 29, 2002, that are not permitted under these regulations may be continued but shall not be expanded except as set forth below.
- B. If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage /destruction, at the property owners own risk.
- C. A residential structure or use within the Riparian Setback existing on May 29, 2002, may be expanded subject to the provisions of 1. through 3. below:
  - 1. The expansion conforms to existing zoning regulations.
  - 2. The expansion must not impact the stream channel or the 100-year flood plain.
  - 3. The expansion must not exceed an area of 15% of the footprint of existing structure or use that lies within the Riparian Setback. Expansions exceeding 15% of the total footprint within the Riparian Setback must be obtained through a variance from the Board of Zoning Appeals.
- D. Non-residential structure or use expansions will be permitted only through a variance from the Board of Zoning Appeals.

**SECTION 27.08 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE**

- A. When an applicant disputes the boundary of the Riparian Setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Summit SWCD, with a copy to the Coventry Township Zoning Inspector, that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.
- B. The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Coventry Township Board of Zoning Appeals within a reasonable period of time not to exceed sixty days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.
- C. The Township Board of Zoning Appeals shall decide such boundary disputes. The party contesting the location of the Riparian Setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

**SECTION 27.09 VARIANCES WITHIN RIPARIAN SETBACK**

- A. Applications for variances to the provisions of this Chapter shall be submitted to the Coventry Township Board of Zoning Appeals.

## ARTICLE 27.00

- B. The Coventry Township Board of Zoning Appeals shall consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.
- C. Expansions of residential structures or uses exceeding 15% of the footprint area and expansions of all non-residential structures or uses are subject to provisions 1. through 4. below:
1. The expansion conforms to the existing zoning regulations.
  2. The expansion must not impact the stream channel or the 100-year floodplain.
  3. The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions, which could cause damage from flooding or streambank erosion to landowners in those areas. Non-residential applicants must complete a hydrologic study only as a process of the variance application.
  4. The expansion of a non-residential structure or use will not exceed 25% of the of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the Riparian Setback.
- D. Requests for variances for subdivisions will be considered for the following:
1. An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.
  2. A reduction of the setback width, not to exceed 10% of the prescribed Riparian Setback width.
- E. No variances shall be granted for expansion of the following structures or uses:
1. Facilities that use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.
  2. Facilities that use, store, distribute, or sell products that may contribute higher than acceptable concentrations of dissolved or particulate matter to stormwater runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.
- F. In reviewing whether to grant variances, the Coventry Township Board of Zoning Appeals shall consider the following:
1. The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in 937.09.A. through E. above.
  2. The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

3. The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.
4. Whether a front, side or rear yard setback zoning variance or similar variance should be considered to maintain the required Riparian Setback area.

**SECTION 27.10 INSPECTION OF RIPARIAN SETBACK**

- A. The Riparian Setback shall be inspected by the Summit SWCD:
  1. When a preliminary subdivision plat or other land development plan is submitted to the County of Summit.
  2. When a building or zoning permit is requested.
  3. Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.
- B. The Riparian Setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

**APPENDIX**

## Woody Plants Suitable for Riparian Areas

This list was assembled by Roger Gettig, The Holden Arboretum for Chagrin River Watershed Partners.

<b>Flood Tolerance*</b>		<b>Shade</b>	
<b><u>High Flood Tolerance</u></b>		<b><u>Tolerance**</u></b>	<b><u>Common Name</u></b>
<i>Aronia</i>	<i>arbutifolia</i>	3	Red chokeberry
<i>Aronia</i>	<i>melanocarpa</i>	3	Black chokeberry
<i>Cephalanthus</i>	<i>occidentalis</i>	5	Common buttonbush
<i>Clethra</i>	<i>alnifolia</i>	2	Summersweet clethra***
<i>Cornus</i>	<i>amomum</i>	4	Silky dogwood
<i>Cornus</i>	<i>stolonifera (sericea)</i>	5	Redosier dogwood
<i>Hamamelis</i>	<i>vernalis</i>	3	Vernal witchhazel ***
<i>Ilex</i>	<i>decidua</i>	3	Possumhaw ***
<i>Ilex</i>	<i>glabra</i>	2	Inkberry ***
<i>Ilex</i>	<i>verticillata</i>	3	Common winterberry
<i>Itea</i>	<i>virginica</i>	1	Virginia sweetspire ***
<i>Magnolia</i>	<i>virginiana</i>	2	Sweetbay magnolia ***
<i>Myrica</i>	<i>pensylvanica</i>	4	Northern bayberry
<i>Physocarpus</i>	<i>opulifolius</i>	4	Common ninebark
<i>Potentilla</i>	<i>fruticosa</i>	4	Bush cinquefoil
<i>Sambucus</i>	<i>canadensis</i>	1	American elderberry
<i>Salix</i>	<i>x cotteti</i>	5	“Bankers” willow ***
<i>Salix</i>	<i>exigua</i>	5	Sandbar willow
<i>Salix</i>	<i>purpurea</i>	5	“Streamco” willow ***
<i>Viburnum</i>	<i>cassinoides</i>	2	Witherod viburnum
<i>Parthenocissus</i>	<i>quinquefolia</i>	1	Virginia creeper (vine)
<b><u>Moderate Flood Tolerance*</u></b>			
<i>Calycanthus</i>	<i>floridus</i>	1	Common sweetshrub
<i>Hypericum</i>	<i>kalmianum</i>	5	Kalm St. Johnswort
<i>Viburnum</i>	<i>dentatum</i>	2	Arrowwood viburnum
<i>Xanthorhiza</i>	<i>simplicissima</i>	1	Yellowroot ***

**Intermediate Flood Tolerance\***

<i>Aesculus</i>	<i>parviflora</i>
<i>Aesculus</i>	<i>pavia</i>
<i>Cornus</i>	<i>racemosa</i>
<i>Lindera</i>	<i>benzoin</i>
<i>Rosa</i>	<i>setigera</i>
<i>Campsis</i>	<i>radicans</i>
<i>Lonicera</i>	<i>dioica</i>
<i>Corylus</i>	<i>americana</i>
<i>Diervilla</i>	<i>lonicera</i>
<i>Fothergilla</i>	<i>gardeni</i>
<i>Fothergilla</i>	<i>major</i>
<i>Hydrangea</i>	<i>arborescens</i>
<i>Hydrangea</i>	<i>quericifolia</i>
<i>Mahonia</i>	<i>aquifolium</i>
<i>Rosa</i>	<i>carolina</i>
<i>Rubus</i>	<i>odoratus</i>
<i>Vaccinium</i>	<i>stamineum</i>

**Shade Tolerance\*\***

2
2
2
1
4
3
2
2
1
1
1
1
1
1
4
1
2

**Common Name**

Bottlebush buckeye ***
Red buckeye ***
Gray dogwood
Common spicebush
Prairie rose
Trumpetcreeper (vine)
Limber honeysuckle (vine)
American filbert
Dwarf bushhoneysuckle
Dwarf fothergilla ***
Large fothergilla ***
Smooth hydrangea
Oakleaf hydrangea ***
Oregongrape holly ***
Carolina rose
Fragrant thimbleberry
Common deerberry

**Low Flood Tolerance**

<i>Arctostaphylos uva-ursi</i>	
<i>Cornus</i>	<i>rogusa</i>
<i>Corylus</i>	<i>americana</i>
<i>Diervilla</i>	<i>lonicera</i>
<i>Fothergilla</i>	<i>gardeni</i>
<i>Fothergilla</i>	<i>major</i>
<i>Hydrangea</i>	<i>arborescens</i>
<i>Hydrangea</i>	<i>quericifolia</i>
<i>Mahonia</i>	<i>aquifolium</i>
<i>Rosa</i>	<i>carolina</i>
<i>Rubus</i>	<i>odoratus</i>
<i>Symphoricarpos albus</i>	
<i>Vaccinium</i>	<i>stamineum</i>

4
1
2
1
1
1
1
1
1
4
1
1
1
2

Bearberry
Roundleaf dogwood
American filbert
Dwarf bushhoneysuckle
Dwarf fothergilla ***
Large fothergilla ***
Smooth hydrangea
Oakleaf hydrangea ***
Oregongrape holly ***
Carolina rose
Fragrant thimbleberry
Common snowberry
Common deerberry

**No Flood Tolerance**

<i>Amorpha</i>	<i>canescens</i>
<i>Ceanothus</i>	<i>americanus</i>
<i>Comptonia</i>	<i>peregrina</i>
<i>Dirca</i>	<i>palustris</i>
<i>Hypericum</i>	<i>frondosum</i>
<i>Juniperus</i>	<i>communis</i>
<i>Juniperus</i>	<i>horizontalis</i>
<i>Rhus</i>	<i>aromatica</i>
<i>Sambucus</i>	<i>pubens</i>
<i>Symphoricarpos albus</i>	

5
3
2
1
5
5
5
5
1
1

Leadplant ***
New Jersey tea
Sweetfern
Leatherwood
Golden St. Johnswort
Common juniper
Creeping juniper ***
Fragrant sumac
Scarlet elder
Common snowberry

**\*High Flood Tolerance:** Generally lowland wet species surviving when flooded or exposed to high water table more than 40% of the growing season.

**\*Moderate Flood Tolerance:** Generally lowland wet species surviving when flooded or exposed to high water table more than 30% of the growing season but less than 40%.

**\*Intermediate Flood Tolerance:** Generally lowland wet-mesic species surviving occasional inundation or elevated water table between 20% and 30% of the growing season.

**\*Low Flood Tolerance:** Generally upland mesic and mesic-dry species rarely inundated or exposed to an elevated water table for periods of short duration, between 5% and 20% of the growing season.

**\*No Flood Tolerance:** Generally upland dry species exhibiting immediate and rapid decline frequently culminating in death if inundated or exposed to elevated water table for more than 5% of the growing season.

**\*\*Shade Tolerance:** Shade tolerance means able to grow in a state of health and vigor beneath dense shade. In this ranking, shrubs and vines are ranked on a scale of 1 to 5, with 1 being very shade tolerant, and 5 being very shade intolerant.

Note:

1. The majority of plants listed are available on the local commercial market and do not displace native species.
2. The cultivated varieties ("cultivars") of the species listed above may also be used.
3. Primary information taken from Hightshoe, Gary, 1987. Native Trees, Shrubs, and vines for Urban and Rural America. Van Nostrand. NY, NY
4. For further assistance contact Roger Gettig, Landscape Consulting Program, The Holden Arboretum, or Steve Roloson, ODNR Scenic Rivers Program.

\*Added to Township Zoning Code January 11, 2004

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