

Section 500.00 PROCEDURES AND STANDARDS FOR CONDITIONAL ZONING CERTIFICATES

Section 500.01 Purpose

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health and safety of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permitted in a specific district with respect to such considerations as location, design, size, and method of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional zoning certificates shall conform to the procedures and requirements of Sections 500.02 to 500.10 and all other applicable standards of this Resolution.

Section 500.02 Application Procedures

All applications for a Conditional Zoning Certificate shall be submitted to the Zoning Inspector in compliance with the provisions of Section 302.00.

Section 500.03 Supplementary Conditions and Safeguards

In granting approval for any conditional use, the Board of Zoning Appeals may also impose such additional conditions and safeguards as deemed necessary for the protection of individual property rights and for ensuring that the intent and objectives of this Resolution will be observed. Any violation of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution.

Section 500.04 Expiration of a Conditional Zoning Certificate

A Conditional Zoning Certificate shall be deemed to authorize only one particular conditional use, and said certificate shall automatically be deemed in violation of this Resolution if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the certificate was issued, or if for any reason such use shall cease for more than two (2) years.

Section 500.05 Terms and Assignment

- A. Conditional Zoning Certificates are assigned only to the property specified on the application and may not be assigned to another property.
- B. Modifications to the terms under which a Conditional Zoning Certificate is granted shall require resubmission and shall constitute a new review by the Board of Zoning Appeals, subject to the provisions of Section 500.02.

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- Section 500.10** **Standards for Conditional Uses with the Exception of Home Based Businesses**

A. General Standards for All Conditional Uses with the Exception of Home Based Businesses

The Board of Zoning Appeals (BZA) shall review the particular facts and circumstances of each proposed use in terms of the following general standards. If all general standards are not met, the BZA cannot approve the request. The Applicant must reapply to the BZA and pay the fee for a new application. The BZA must find that the proposed use:

1. Is a conditional use that is established under the provisions of Section 400.00 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Mantua Township Comprehensive Land Use Plan of current adoption and the Mantua Township Zoning Resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not be detrimental to land values in the general vicinity or in the community as a whole, giving due regard to the nature and condition of all neighboring land and building uses.
6. Will be served adequately by essential public facilities and services, including, but not limited to, fire and police protection, sanitary sewers, where available, storm sewers, schools, and roads; or that the appropriate governmental agencies will be able to provide adequately any such facilities and services.
7. Will not create excessive additional requirements at public cost for public facilities and services and not be detrimental to the economic welfare of the township.
8. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons and property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
9. Will have vehicular approaches designed so as not to interfere with pedestrian and vehicular traffic on surrounding public and private roads.
10. Will not result in the destruction, loss or damage of natural, scenic or historic features of the township and local ecosystem.
11. Will be in compliance with Portage County Subdivision Regulations, County Board of Health Standards, and County Building Code and all other applicable federal, state, and local regulations.

B. Specific Standards for Conditional Uses with the Exception of Home Based Businesses

The following are the specific conditional use criteria and standards for the uses conditionally permitted in this Resolution as provided for in Section 400.00. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these standards.

In addition to the general standards as specified in Section 500.10.A, conditional uses shall meet the following standards as specified in Section 400.00 for that particular use and district:

1. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
2. Loud speakers that cause a hazard or annoyance shall not be permitted.
3. Recreational facilities shall be provided as deemed necessary.
4. There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
5. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets; no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street or two (2) local or collector streets.
6. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
7. Structures and activities should have primary access to a collector or arterial street.
8. Such developments should have primary access to arterial streets or be located at intersections of arterial and/or collector streets.
9. Such developments should be located adjacent to nonresidential uses such as churches, parks, or industrial or commercial uses.
10. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into adjacent areas.
11. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of shared parking facilities.
12. All permitted installations/facilities shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or the township in general.
13. The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties.
14. Fences of wrought iron, stone or wood are encouraged.
15. Signs shall be in keeping with the character of the adjacent environment.
16. Portable structures, sheds, yard barns, kennels, or any accessory out buildings should be unobtrusive and compatible with existing structures and neighboring properties.

17. New buildings and structures or alterations to existing buildings and structures should relate to the original design standards of existing properties surrounding the new structure. Building height, width, mass and proportion affect the degree of compatibility and harmony between the old and the new.
18. Landscaping, parking, utility or service areas, driveways, walkways, and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces, and the overall environment.
19. Such uses should be located on an arterial street, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
20. Truck parking areas, maneuvering lanes and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for storage of trucks and trailers.
21. Such development should be located on an arterial street.
22. Such uses shall not be conducted closer than two hundred (200) feet from any residential district and no closer than one hundred (100) feet from any structure used for human occupancy in any other district.
23. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table.
24. Residences shall have garages to house at least two (2) motor vehicles per unit.
25. All structures and activity areas shall be located at least thirty (30) feet from all property lines.
26. All contract activity and storage of equipment and materials shall be within a fully enclosed building.
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500.10B.35. Adult Entertainment Uses: Bookstores or Adult Video Stores, Adult Cabarets, Adult Motion Picture Theaters

- a. The proposed use shall not be contrary to the public interest or be injurious to nearby properties.
- b. The proposed use shall not enlarge or encourage the development of a blighting influence.
- c. The establishment of an additional regulated use in the areas shall not be contrary to any program of neighborhood conservation.
- d. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established within one thousand (1000) feet of any residential district or residential use.
- e. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established within one thousand (1000) feet of any school, church, park or library, or any other adult bookstore, adult video store, adult cabaret or adult motion picture theater.
- f. 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.
- g. No adult bookstore, adult video store, adult cabaret, or adult motion picture theater shall be established in the same building with another adult bookstore, adult video store, adult cabaret or adult motion picture theater.

500.10B.36. Animal Hospitals, Veterinary Offices and Clinics

- a. The proposed use shall be located in a building having adequate soundproofing and odor control.
- b. Screening shall be provided on each side of the parking area that abuts or faces a residential lot.
- c. There shall be no facilities for the boarding of animals except to allow overnight lodging only for those animals receiving medical attention.
- d. Such facilities shall be located at least one hundred (100) feet from all property lines.
- e. Any outdoor animal run or breeding area shall be enclosed by an opaque fence of six (6) feet in height.
- f. Premises shall be kept in a neat and sanitary manner by the daily removal of dead animals and the use of sprays and disinfectants to prevent an accumulation of flies, the spread of disease or offensive odor.
- g. Applicant shall demonstrate a working plan to prevent or alleviate any noise and odor problems emanating from the animals that may be staying overnight.
- h. Such facilities must meet all applicable licensing requirements of the state and

county.

500.10B.37. **Bed and Breakfast Establishments**

- a. The number of bedrooms permitted in any residence for such purposes shall not exceed four (4) bedrooms.
- b. A lodger may only rent a room for fewer than fifteen (15) consecutive nights.
- c. Gift/retail shops and food services applicable to such use may only be provided for the sole enjoyment of the inn's patrons and their guests.
- d. One (1) additional parking space shall be required for each bedroom used for such purpose.
- e. There shall be no visible evidence of such use from the street or adjacent property.
- f. For the purposes of advertising, only one (1) sign, as regulated by Section 1000.00 is permitted.
- g. Social activities, such as weddings, receptions, luncheons, cocktail parties, or other similar functions are not permitted as a function of a bed and breakfast establishment.

500.10B.38. **Campgrounds**

The intent of these requirements is to permit recreational camping areas for temporary camping accommodations.

- a. Minimum Lot Size: Ten (10) acres.
- b. Maximum Campground Size: Three hundred fifty (350) campsites.
- c. Minimum Lot Frontage: One hundred twenty five (125) feet.
- d. Side and Rear Yard Setback: Campsites and campground facilities shall be located at least one hundred (100) feet from any lot line.
- e. Front Yard Setback: Campsites shall be located at least one hundred (100) feet from a public right-of-way.
- f. Density of Campsites: Density in the campground shall not exceed fifteen (15) campsites per acre of the developed portion of the campground, inclusive of service roads, restrooms and service buildings.
- g. Each campsite shall be provided a minimum of two thousand four hundred (2,400) square feet and be at least forty (40) feet wide and clearly defined.
- h. There shall be at least a sixteen (16) foot clearance between camping tents and vehicles.
- i. The campground shall be sufficiently wooded to provide adequate shade, screening and buffering from the public view. Campsites shall be screened from the public road right-of-way and from adjoining properties.
- j. Within a campsite, the areas to be used for parking as well as the placement of tents and camping vehicles shall not be located on land having more than 3% percent slope.

- k. The walking distance to service facilities providing restrooms shall not be more than three hundred fifty (350) feet from any campsite. Bathing facilities shall be centrally located within the campground.
- l. Noise levels shall comply with performance standards of Section 800.00. Loudspeakers and public address systems shall cease operations between 9:00 P.M. and 8:00 A.M., except for emergencies.
- m. Ancillary uses permitted include those incidental to the principal use such as: a camp store for sale of convenience foods, goods and camping supplies for campers, indoor laundry, community building with recreational amenities (such as ping pong, pool tables, television viewing and reading areas, video/electronic arcades), swimming facilities, fishing, boat rental, horse stables and riding areas, miniature golf, batting cages and other non-intensive recreational uses.
- n. Specific ancillary uses not permitted include: shooting ranges, outdoor movie theaters, amusement parks, golf driving ranges, use of off road motorized vehicles (such as ATV's), and other uses which may be incompatible with surrounding residential uses and character due to noise, lighting, safety or other similar negative impacts.
- o. Points of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads.
- p. Access roads and internal drives designed for two-way traffic shall be a minimum of twenty four (24) feet wide and for one-way traffic shall be a minimum of twenty (20) feet wide.
- q. Utility transmission lines shall be placed underground.
- r. No camper, tent, RV, etc., shall be occupied for a period greater than one hundred eighty (180) consecutive days.
- s. The owner or operator shall maintain a register containing a record of all occupants of campsites. Such register shall be available to the Zoning Inspector or any other authorized agent inspecting the campground. The daily register shall be preserved for a period of twelve (12) months. The register shall contain:
 - 1. The names and permanent addresses of all campsite occupants.
 - 2. The make, model and license number of the motorized vehicles.
 - 3. The dates of arrival and departure of the vehicle/camping unit and its occupants.
- t. Management must be available on the site twenty four (24) hours/day on all days the campground is open for business.
- u. One (1) single-family unit or one (1) two-family dwelling unit for the manager/owner and assistant manager or other employee of the campground may be permitted. One unit may include the registration office.
- v. Trash receptacles shall be provided throughout the campground and at campsites and must be designed to be resistant to tipping by wind and animals and shall have lids that fit tightly on the receptacle.

- w. Adequate sewage disposal, public toilet facilities, and an adequate supply of drinking water in compliance with all applicable State and County Health/Sanitary Codes shall be required. Applicant shall provide proof of compliance.
- x. Adequate street lighting shall be provided.
- y. The park shall be equipped with adequate fire extinguishing equipment as determined by the Fire Department.
- z. Campgrounds shall have clearly stated policies on the use of open fires and use of alcoholic beverages.

500.10B.39. Car Washes

- a. Such uses shall be located at the edge of the Commercial District whenever possible so as to avoid conflicts with pedestrians and so as to not limit the expansion of pedestrian oriented facilities.
- b. Such facilities are not to be used for storage of vehicles.
- c. Where applicable, all car washes shall also comply with regulations for auto fuel stations.
- d. Adequate on-site circulation patterns for autos and other motor vehicles waiting in line for service shall be provided so that there is no back up of vehicles in the road right-of-way.
- e. All mechanized washing, waxing, and drying of automobiles and other vehicles shall be within a building enclosed on at least two (2) sides.
- f. The entrance and exit for this property shall not face any abutting property zoned for residential use.
- g. Any areas for manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles shall not conflict with on-site circulation patterns.
- h. Adequate provision shall be made for the control of steam and other by-products of this use not normally present in the surrounding environment.
- i. For car wash systems employing high pressure spray:
 - 1. They shall be arranged so as to contain all spray within the car wash structure.
 - 2. Exit aprons shall be equipped with grate drains and pitched for a minimum of twenty (20) feet toward the car wash structure at a gradient of at least 1/4 inch per foot or an alternative acceptable to the Board of Zoning Appeals which would prevent water washing into the streets and creating hazards.
- j. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the Board of Zoning Appeals, the County Sanitary Engineer (where sewer is available) and the EPA, and the facilities shall conform to all sanitary and health codes and be designed so as not to detrimentally affect the sewer system.
- k. When adjacent to a residential use, a six (6) foot high fence of material approved by

the Board of Zoning Appeals shall be provided along the interior side and rear property line to protect the dwelling from light and noise and eliminate blowing debris.

- l. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt, or similar asphalt/concrete material.
- m. All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped in compliance with landscaping requirements of Section 700.00.
- n. Stacking space shall be required to accommodate not less than nine (9) automobiles waiting to be washed or four (4) waiting spaces per washing stall, whichever is greater. A space of twenty (20) feet by nine (9) feet shall be deemed adequate for such required space per vehicle.
- o. In addition, parking requirements for employees shall be provided as required by Section 900.00

500.10B.40. Cemeteries

- a. The site shall have direct access to a major thoroughfare that is adequate to serve the size of the facility proposed.
- b. Any new cemetery shall be located on a site containing not less than twenty five (25) acres.
- c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
- e. No burial plots or facilities are permitted within any flood hazard area.
- f. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder local traffic flow.
- g. Adequate off-street waiting space shall be provided for funeral processions so that vehicles do not back up in the street right-of-way.

500.10B.41. Churches, Temples and other Places of Worship

- a. These uses should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.
- b. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- c. The church building shall be set back from any adjacent residential property line a minimum of fifty (50) feet.

- d. Parking shall not be permitted within fifty (50) feet of any side or rear property line.

500.10B.42. Congregate Care, Assisted Living or Residential Care Facilities

- a. Any residential facility in which the operator provides personal services, except skilled nursing services, for seventeen (17) or more persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms.
- b. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- c. The site plan shall indicate parking, emergency entrances and exits, and other safety elements.
- d. Congregate care, assisted living or residential care facilities shall have a minimum lot size of 2 acres, providing all setbacks, landscaping and parking requirements can be met at that lot size.
- e. Ambulance and delivery areas are to be obscured from all residential property with a solid, ornamental masonry wall at least six (6) feet in height and set back fifty (50) feet from the property line.
- f. Outside areas for activities shall be fenced for the protection of the residents of the facility. Fencing height and design shall be approved by the Board of Zoning Appeals.

500.10B.43. Day Care Facilities for Children and Adults (Type A Child Day Care or Adult Group Home)

- a. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- b. Day care centers shall not provide overnight accommodations.
- c. A Type A Child Day Care Home may accommodate up to 12 children at any one time (see definition: Day Care, Child, Type A Day Care Home).
- d. A conditionally permitted Adult Group Home may accommodate from six (6) to sixteen (16 adults) at any one time.
- e. A drop-off/pick-up location that will not impede traffic on the site shall be provided to ensure the safety of the adults and children.
- f. Outside areas for activities shall be fenced for the protection of the adults and children. Fencing height and design shall be approved by the Board of Zoning Appeals.

500.10B.44. Extractive Industries

The removal of minerals from the land may be permitted if approved by a majority vote of the Zoning Board of Appeals and if the conditions listed below are complied with.

a. Exemptions

The following activities, to the extent specified herein, are exempt from the requirements of this section:

1. Excavation in conjunction with utility installation, which is to be back-filled.
2. Excavation in conjunction with road construction within the limits of the right-of-way when construction plans have been approved by either local, county, state, or federal authority.
3. Excavation which by nature is of limited duration: such as graves, septic tanks, swimming pools, etc.
4. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
5. Excavation for structures, parking areas, and rights-of-way, when lines and grade plans have been approved by the Zoning Inspector.
6. Landscaping of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
7. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers, and/or other governmental authorities.
8. Excavation in conjunction with drainage maintenance or improvements approved by either, local, county, state, or federal authorities.

b. Uses and Structures

1. The following uses and structures are permitted in conjunction with a mineral, or aggregate operation for material removed in situ, in accordance with these requirements:
 - a) Crushing, washing, and screening of mineral or aggregate material.
 - b) Stockpiling of mineral and aggregate materials and or earth products.
 - c) An office, shop and/or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment.
 - d) Sale of products produced from a mineral and aggregate extraction and processing operation.
 - e) One detached temporary dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman. (Note: To be removed upon close of operation).
 - f) Storage of running and operational equipment or machinery necessary for mineral or aggregates extraction or processing.
 - g) Storage of salvage vehicles and equipment for use to repair equipment for mineral and aggregates extraction and processing.
 - h) Storage of equipment or machinery and maintenance facilities related to

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mineral and aggregate resource extraction processing or transportation equipment.

- i) Structures designed and constructed exclusively for solid mineral extraction, storage or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at the expiration of the mining permit.
 - j) Mining through water.
 - k) Dewatering on a case by case basis.
2. The following uses and structures are not permitted:
 - a) Asphalt/concrete mixing or batch plants.
 - b) Sale or removal of topsoil (excess topsoil may only be sold or removed upon compliance with the requirements of Section 500.10.B44.)
 3. Signs subject to Section 1000.00.
- c. Procedures for Making Application
1. Applications shall be submitted per Section 300.02.
 2. Submit copies of the application materials submitted to the Ohio Department of Natural Resources, Division of Mineral Resource Management for a mining permit for the subject area.
 3. The cost of securing expert advice or studies shall be borne by the applicant.
- d. Conformance to the issued Conditional Use Certificate
1. An approved solid mineral and aggregate extraction conditional zoning certificate may be revoked per Ohio Revised Code, Section 519.14 (D).
 2. The Mantua Township Zoning Inspector shall be responsible for monitoring compliance with the Conditional Use Certificate requirements and the reclamation process.
 3. All facilities and structures shall meet all local, county and State of Ohio health, building, electrical, and other applicable codes.
 4. The use shall be considered abandoned if the Chief of Division of Mineral Resources Management issues an order declaring the mining area abandoned per Ohio Surface Mine Rules 1501:14-4-04.
- e. Development, Mitigation, Reclamation and Post-Mining Use Plans

Each application will include: detailed development and operation plans on how the applicant intends to develop the site, how the applicant intends to manage the operation, and how the applicant intends to reclaim and reuse the site. The following items must be included for review as part of the application:

1. Development Plan

The Development Plan includes a site plan that shows the location of physical site features and extractive and process features.

- a) Drawings to a legible scale showing the following physical features of the site:
 1. Existing elevation at a scale of ten (10) foot contours
 2. Location of wetlands and special flood hazard areas
 3. Boundaries of all soil types
 4. Location of all existing significant natural, geographical and/or unique features:
 - a. Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways
 - b. Mature woodlands
 - c. Endangered species and wildlife habitat areas
 - d. Significant natural amenities such as tree stands, ponds, ravines and stream channels
 - e. Historical, archaeological or cultural features
 - f. Aquifer recharge areas
 5. Grading and erosion control and surface drainage plan
 6. Existing utilities
 7. Function and height of existing structures
- b) Drawings to a legible scale showing the following extraction and processing features of the site:
 1. All areas to be mined
 2. All buildings for mining activity and related non-mining uses and activities, including the function and height of these buildings
 3. Power lines, underground utilities and easements, water supply lines, storm drainage lines and easements, sanitary sewers, and the treatment plant and distribution field if treatment occurs on site
 4. Roads, parking and loading areas, and entrances and exits to the site, indicating which portion of these are to be surfaced to retard dust and the type of surfacing.
 5. Railroad tracks and sidings
 6. Water bodies and channels to be removed, shifted and created

7. Signs and entrance markers, including elevation drawings of identification signs
8. Exterior lighting standards and poles
9. Fences, berms and landscaping provided for screening along the perimeter of the property
10. Proposed routes used by gravel hauling trucks on public roads
11. Probable location and expected maximum height of stockpiles of mined ores, sand, and gravel
12. Location of loading areas, tipples, and waiting areas for trucks and railroad cars in relation to the ore stockpiles
13. Location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores
14. Location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the reclamation plan.

2. Mitigation Plan

The Mitigation Plan includes a site plan, narrative and cross-section profiles that explain, illustrate and show mining procedures, practices, policies and methods.

- a) The site plan will show the intended phases of the mining operations to be carried out over all portions of the tract. Near-term phases will be mapped precisely and future phases will be mapped conceptually. The site plan will show generalized expected contours or elevations estimated for the floor of the pit when mining is completed for each phase of operation before reclamation is started. The applicant will also provide cross-section profiles, which show the anticipated depth of extraction and ground slopes when mining is completed but before reclamation is started.

The site plan and profiles will show:

1. The drainage from mined areas and stockpiles of materials
2. How erosion, sedimentation and non-point source pollution, contamination of the water table and nearby water bodies, streams and rivers is avoided
3. How turbidity of water bodies and nearby wetlands is avoided
4. How the mine operator will prevent changes in local water table levels
5. How increases in the rate of storm runoff will be accommodated on the site

- b) The narrative description explains the following:

1. What actions the operator will employ to reduce noise, dust, litter and

vibration

2. Where safety fencing and what type of fencing will be used, if required.
 3. Anticipated hours of operation
 4. Which portions of the site are to be reclaimed immediately after mining is completed within a period of one (1) year
 5. How the phased reclamation will conform to the approved site reclamation plan
 6. The estimated duration of the operation
 7. How stockpiles of ores on mined-out phases will be exhausted within one to three (1-3) years after mining them
3. Reclamation and Post-Mining Use Plan

The reclamation plan shows the interim restoration of the site prior to proposed permanent use of the site. The interim restoration plan is accompanied by a narrative that describes the range of possible post mining uses of the site. Ground contours, slopes and vegetation and other features on the site are designed to accommodate the proposed uses. A grading plan and landscape plan shall also be provided, which include:

- a) Detail for near-term first phases of site reclamation and conceptual detail for future phases
- b) A grading plan showing ten (10) foot contours, as finished contours for near-term reclamation and a generalized probable contours for much later phases of reclamation
- c) The final location and depth of mean high and low water pool or shorelines of lakes and streams
- d) Location of storm drainage channels, swales, conduits, and the location of easements to be dedicated for storm drainage and public utilities
- e) Locations of rights-of-way
- f) Requirements:
 1. Reclamation is required within one (1) year from the expiration date of a Conditional Use Certificate or the abandonment of the operation
 2. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Mineral Resource Management
 3. Applications for revisions submitted to the Division of Mineral Resource Management subsequent to the issuance of a Mantua Township Surface Mining or Strip Mining Certificate shall be presented to the Zoning Inspector
 4. The reclamation plan shall ensure that the area will support vegetation capable of self-regeneration and plant succession

5. Reclamation shall be progressive to prevent erosion
 6. All machinery and related equipment is to be removed
 7. The operator shall grade, contour, or terrace the final slopes to a slope angle sufficient to achieve soil stability and control landslides, erosion, and sedimentation. Slopes with a slope angle of fourteen (14) degrees or less shall be presumed sufficient.
 - a. Re-soiling shall occur in such a way that a diverse growth of vegetative cover can be raised and maintained. The cover will be capable of self-regeneration and plant succession.
 - b. Topsoil and subsoil will be removed and segregated in sufficient quantities so as to create soil depth and distributions as per the proposed plan for post-mining use.
 8. Soil amendments such as lime, fertilizer and mulch shall be used to promote seed germination and growth.
 9. Permanent planting shall be completed upon completion of any required grading or re-soiling except when these operations are completed in a season unsuitable for planting. In such a case, permanent planting shall be completed at the earliest possible time.
- f. Development Standards
1. Area, Yard, and Height Requirements
 - a) Project Area
 1. All land shall be contiguous and shall not be divided into segments by: 1) any limited access highway, or 2) any tract of land (other than streets or rights-of-way for pipelines or electric transmission lines).
 2. All boundaries will be clearly and permanently flagged at intervals no greater than two hundred fifty (250) feet.
 3. The BZA will make a determination as to whether processing must be performed on-site or off-site. At a minimum, the following guidelines must be considered:
 - a. Processing may be performed on-site if the parcel size is greater than twenty (20) acres and the mining duration is greater than four (4) years.
 - b. Impact of processing and/or trucking on existing residences
 - c. Overall impact on the township of truck traffic to haul material to off-site processing versus processing on-site, recognizing that processing off-site requires the same material to be hauled twice, once as raw material and the other as finished goods.
 - d. The BZA will make a determination as to whether processing and stockpiling materials not extracted in situ will be permitted.

b) Setbacks

1. The mineral and aggregate extraction operation shall have at least two hundred (200) feet of frontage on a road.
2. The extraction area shall meet the following minimum distances from:

a. Each side and rear lot line when lot edge is adjacent to:

1. Residential district - Two hundred fifty (250) feet, Condition 1
2. Commercial district - Seventy five (75) feet, Condition 2
3. Industrial district - Fifty (50) feet, Condition 2
4. Or contiguous to an existing mining operation – Zero (0) feet

Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line and is no closer than 100 feet from the Residential District line. (See Section 500.10.B.43.g.3).

Condition 2 - the required berming and/or screening can be placed no closer than thirty (30) feet to the property line. (See Section 500.10.B.43.g.3)

b. From road right-of-way when lot edge is adjacent to:

1. Residential district - Two hundred fifty (250) feet, Condition 1
2. Commercial district - Two hundred (200) feet, Condition 2
3. Industrial district - Fifty (50) feet, Condition 1, or
- One hundred (100) feet, Condition 2
4. Or contiguous to an existing mining operation
- Fifty (50) feet, Condition 1, or
- One hundred (100) feet, Condition 2

Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line and is no closer than 100 feet from the Residential District line. (See Section 500.10.B.44.g.3).

Condition 2 - the required berming and/or screening can be placed no closer than thirty (30) feet to the road right-of-way. (See Section 500.10.B.44.g.3)

- c) Processing areas of mineral and aggregate materials shall be located so as to minimize noise emission and visual impact.
- d) Office, shop, parking and/or other accessory structures shall be located behind the berm.

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- e) Storage areas for operational or non-operational equipment for the production and/or processing of mineral and aggregate materials shall be located behind the berm.
- f) A detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman shall be at least fifty (50) feet from any property line.

2. Height

The maximum height of any structure, or security lighting, except mineral and aggregate processing and extraction structures shall be fifty (50) feet or less. This restriction will not apply to transmission or communication equipment.

3. Dewatering

- a) Dewatering may be permitted on a case by case determination by the Board of Zoning Appeals. At a minimum, the following must be taken into consideration in making that determination:
 - 1. The effect of an additional dewatering site when pre-existing permitted dewatering sites are located in the general vicinity
 - 2. See Section 500.10.B 44.g.1, Groundwater Contamination Prevention Measures and Hydrologic Determination Report
 - 3. The number, location and monitoring of observation wells
- b) If dewatering is permitted, observation wells will be used to indicate the extent of the decline of water levels and to prove the need for remedial action. These observation wells shall not be pumped or used for any purpose other than monitoring.

4. Truck Hauling and Access

- a) Not more than one entrance/exit is permitted, preferably located along a secondary road, which shall be located so as to avoid routing of vehicles to and from the mining operation over streets that primarily serve an abutting residential development. However, a temporary entrance/exit will be allowed if the primary entrance/exit is unusable due to conditions beyond the control of the mining operation. The use of the temporary entrance/exit shall be immediately discontinued once the primary entrance/exit is usable.
- b) A paved road from the entrance/exit to and from the area of operation shall be provided in order to minimize the deposit of dirt and gravel from all vehicles. This road construction shall be completed prior to the initial mining phase. Haul roads and cartways shall be graded and maintained to meet Ohio EPA standards for airborne particulate control.
- c) Trucks shall be covered or loaded to minimize spillage.

- d) All tires will be washed before entering public roads.
- e) Any spillage shall be removed periodically throughout the day from public roads and at the end of each business day.

g. Performance Standards

1. Groundwater Contamination Prevention Measures:

The operation shall be planned and conducted to:

- a) Minimize disturbance to the prevailing hydrologic balance in both the permit and adjacent areas
- b) Prevent material damage to the hydrologic balance outside the permit area
- c) Assure protection or replacement of water rights

The applicant will provide a description of the controls which will be utilized to assure compliance with water quality, erosion control, sedimentation control, storm water management, and other applicable hydrologic controls.

The use of monitoring wells will be used as one means to assure water quality levels and documented on a quarterly basis by an independent contractor.

Mineral and aggregate extraction operations, materials storage and use, site access, fueling procedures, drainage, restoration activities and restoration uses shall be controlled so as to minimize to every extent possible the contamination of groundwater. Excavation below existing groundwater shall only be permitted in locations where the post-mining use plan indicates a lake.

In addition, extraction operations are to seal all shafts, bore holes, wells, and other openings that are intercepted during mining in such a manner that migration of waters is minimized.

2. Hydrologic Determination Report requirements

The applicant will also provide a report attesting to the probable hydrologic consequences the proposed extraction operation will have on the subject site and the adjacent areas. If dewatering is not allowed, the report does not need to be prepared by a certified hydrologist. In either case, this report will include, but is not limited to providing the following information:

- a) The consequences of the proposed operation on the contents of dissolved and total suspended solids, total iron, total manganese, and pH
- b) Whether adverse impacts may occur to the hydrologic balance
- c) The impact the proposed operation will have on:
 - 1. Sediment yield from disturbed areas
 - 2. Flooding or stream flow alteration

3. Ground water and surface water availability

- d) The extent to which the proposed operations may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed extraction area or adjacent areas which is used for domestic, agricultural, industrial or other legitimate uses.

If contamination, diminution, or interruption may result, provide a description of alternative sources of water that could be developed to replace existing sources. This would include information on water availability and suitability of alternative water sources for existing pre-extraction uses and approved post-extraction land use.

3. Screening, Fencing, and Berm Requirements

All of the requirements must be in place before the commencement of the solid mineral and aggregate extraction operations, provided, however that berms may be built from appropriate materials from the site.

a) Screening

No grading, removal or disturbance of plant material shall be permitted within the setback except the area affected by the required screening from any lot line or road right-of-way. Adequate year-round screening with indigenous planting (for example, maple and pine trees) and perennial species with the ability of self generation shall be preserved or established, wherever possible, to screen the view of the site and all related equipment from any public road, residential area, and any existing noise-sensitive use located within one thousand (1000) feet of the site perimeter. The appropriate type of screening and buffering shall be determined by the Board of Zoning Appeals.

b) Fencing

Fencing shall be required to eliminate any safety hazards of the site for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the applicant and/or property owner.

c) Berms

Berms shall be constructed of overburden and topsoil but must be finished with topsoil excavated from the subject site and planted as soon as weather permits with ground cover to prevent erosion. Vegetative growth must be maintained at all times. The intent is to use the berms as a primary topsoil storage area.

d) Visual Effects

The line of sight from residential districts to quarries, pits, extraction and processing areas, structures and stockpiles, loading areas, access roads and other facilities shall be interrupted so as to reduce to the maximum extent practicable the visual intrusion of surrounding properties not owned or leased

by the owner or operator. The plan to be submitted with the application shall include line of sight and cross section studies demonstrating the manner in which the line of sight from surrounding properties, not owned or leased by the owner/operator, is to be interrupted. The type of visual screening and sequence in which it is to be done may be customized to suit each mining operation.

4. Airborne Particulate and Operational Nuisance

- a) Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, black smoke, noise, odors, or dust. It is recognized that the State of Ohio has expended extensive resources to ascertain acceptable environmental regulatory standards for the control of the aforementioned.
- b) All equipment shall be properly muffled to reduce excessive noise.
- c) Crushers and similar noise generating equipment may be located below ground level, bermed, muffled by stockpiles or physically soundproofed to reduce noise levels.
- d) Crushers and similar noise-generating equipment shall be located and situated to minimize noise intrusion onto other properties that are not used for mineral extraction. The following are ways to reduce noise levels from crushers and similar noise-generating equipment:
 1. Effective berm placement
 2. Stockpile/overburden placement
 3. Below ground level equipment placement
 4. Construction of wooden noise-muffling barriers

5. Blasting

Adjoining property owners shall be notified at least twenty four (24) hours prior to any blasting.

h. Hours of Operation

The applicant shall provide a schedule of the expected operating hours and shall be limited only to the following hours and days of the week:

1. Monday – Friday: 7:00 A.M. to 5:00 P.M.
2. Saturday: 8:00 A.M. to 1:00 P.M.

500.10B.45. Farm Related Businesses

- a. The farm related business must be located on a parcel of land at least twenty (20) acres in size and a portion of the parcel of land shall be actively involved in the Current Agricultural Use Value (CAUV) Program. The applicant shall provide proof of participation in the CAUV Program.

- b. The area of the farm related business used for structures, parking, storage, display, landscaping, etc. shall incorporate no more than two (2) acres of land. A drive serving the farm related business may be excluded from the calculation of the two (2) acres.
- c. The owner or occupant of the farm must be engaged in the farm related business.
- d. The use must be conducted within a completely enclosed building typical of farm buildings, except as stipulated in Item F below.
- e. Any building and/or parking area used for the farm related business must be located at least two hundred (200) feet from the dwelling and road right-of-way and three hundred (300) feet from any surrounding residential dwelling.
- f. Storage of supplies, materials or products shall be located within a completely enclosed building or if stored outdoors shall be completely screened from view.
- g. Signs shall be in accordance with the provisions of Section 1000.00.
- h. Parking shall be in accordance with the provisions of Section 900.00.
- i. Any number of farm related businesses may be permitted, provided that all of the conditions herein shall be met collectively, as if determined for a single use on the site. Some examples of farm related businesses (if suitably sized) include, but need not be limited to:
 - 1. Blacksmith shops
 - 2. Butcher shops
 - 3. Composting and other farm waste storage facilities
 - 4. Feed supply and fertilizer distributors
 - 5. Grain mills
 - 6. Processing of locally produced agricultural products
 - 7. Sales or repair of agricultural equipment
 - 8. Veterinary offices which primarily treat farm animals, stables and kennels
- j. Outdoor lighting shall be in compliance with Section 800.10.

500.10B.46. Flag Shaped Lots

- a. Lot must be a minimum of five (5) acres.
- b. Lot must have a minimum of one hundred (100) feet of continuous frontage.
- c. Lot may not become narrower than one hundred (100) feet at any point.
- d. The narrower portion of the lot (flag pole) can not exceed an overall length of nine hundred (900) feet from the road right-of-way.
- e. Lot must widen to a distance which is equal to or greater than the zoning district's minimum lot width requirement.

- f. The flag portion of the lot must be of sufficient area to accommodate a single-family residential dwelling and meet all of the district's setback requirements and this portion of the lot must equal or exceed the minimum acreage requirement of the zoning district.
- g. The front yard setback for the dwelling must be equal to or greater than the required setback of the district and is to be measured from the point where the lot widens to equal the district's minimum lot width requirement.
- h. The fire chief shall provide a letter that states that safe access for fire apparatus and emergency vehicles can be reasonably constructed and maintained to the portion of the lot which is suitable for a residential dwelling.

500.10B.47. Funeral Homes (not to include a Crematorium)

- a. The building shall be designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- b. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- c. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic. In addition, the plan shall show an off-street vehicle assembly area for funeral processions for at least ten (10) vehicles. This area shall be in addition to the required off-street parking requirements.

500.10B.48. Gasoline Sales and Auto Service

- a. All activities except for fueling and customer use of the air pump shall be conducted inside the building.
- b. If property fronts on two (2) or more streets, driveways shall be located as far from the street intersection as practical.
- b. All areas for vehicular traffic and parking shall be paved.
- c. No junk, inoperative or unlicensed vehicles shall be permitted to remain outdoors on property except in a completely screened storage area.
- d. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- e. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 900.00.
- f. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

- g. Lighting shall comply with lighting standards of Section 800.10 and shall be shielded to preclude light trespass. Recessed ceiling fixtures are preferred for canopies over fuel pumps.
- h. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on the site and within the neighborhood and other relevant factors such as neighborhood impacts.
- i. Any ancillary use to the principal use must be reviewed and approved by the Board of Zoning Appeals prior to any construction or reconstruction related to such use (such as fast food service in gas station).

500.10B.49. Conditionally Permitted Home Based Businesses

a. Purpose

The Township recognizes the desire and need of some citizens to use their residence for business activities in order to provide the opportunity to be more directly involved in raising children while earning a living, and/or to provide an alternative means to be financially solvent. It further recognizes that home based businesses can serve to nurture the development of new, innovative businesses, reduce vehicle trips, and serve as business incubators, thereby improving the local economy. The Township recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

b. Administration

Conditionally Permitted Home Based Businesses shall not be permitted until the Board of Zoning Appeals has approved said conditional zoning certificate.

c. Permitted Home Based Businesses

The following is a list of the types of home based businesses permitted under these regulations. It is recognized that this list is not totally inclusive. A determination of substantial similarity to Items 1 through 8 below, by the Board of Zoning Appeals will need to be made if the use or type of use is not listed:

1. Dentists, doctors, counselors, and psychologists
2. Personal services establishments, including barbershops, beauty salons, manicure and pedicure services, pet grooming, catering and chauffeuring services
3. Instructional services, including music, dance, art and craft classes, and tutoring
4. Studios for artists, sculptors, musicians, photographers and authors
5. Workrooms for tailoring, dressmaking, millinery, and crafting, including weaving, lapidary, jewelry making, cabinetry and woodworking
6. Repair services, including but not limited to: watches and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines (excluding ATV's, motorcycles, boats, jet skis and other such motorized vehicles)

7. Assembly, packaging of goods for sale or distribution
 8. Retail sales of goods and services
- d. Prohibited Home Based Businesses
- The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area. Some of those listed are regulated in other sections:
1. Adult uses
 2. Restaurants, clubs, drinking establishments
 3. Motor vehicle repair shops
 4. Undertaking and funeral parlors
 5. Veterinary clinics, animal hospitals
 6. Uses stipulated in Section 605.00 Dangerous/Objectionable/Prohibited Uses
- e. Conditions and Operating Standards
1. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and there shall be no outdoor storage of materials of any kind connected with the Home Based Business.
 2. The basis of calculation for total area that may be used for the home based business is 25% of the gross floor area of the residential unit and 25% of the gross floor area in an accessory building on site.
 3. Any number of home based businesses per dwelling unit and its accessory buildings are permitted, provided that all of the conditions stipulated herein shall be complied with collectively, as if determined for a single use on the site.
 4. The total number of customer vehicles, at any one time, shall be limited to no more than two (2) vehicles.
 5. The home based business shall have no more than two (2) non-resident employees assigned to work on the premises at any one time. The number of non-resident employees working at locations other than the home based business is not limited.
 6. No more than one (1) commercial vehicle shall be parked outside the home based business; all other commercial vehicles must be parked within a completely enclosed building.
 7. There shall be no visible evidence of such use from the street or adjacent property, except one (1) unlighted sign, as regulated by Section 1000.00, is permitted with no other outward evidence of such use.
 8. No home based business may manufacture, store or sell toxic or hazardous materials.

500.10B.50. Institutions for Human Medical Care, such as Hospitals, Clinics, Mental Health Care Facilities and Nursing Homes

- a. The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- b. Unless a greater acreage is specified in the district requirements, the site shall be comprised of a minimum of two (2) acres exclusive of road right-of-way.
- c. All buildings shall have a one hundred (100) foot setback from any property line or road right-of-way.
- d. Ambulance and delivery areas are to be obscured from all surrounding residential properties with a solid, ornamental masonry wall at least six (6) feet in height to a maximum of eight (8) feet.
- e. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed.
- f. Parking for professional and outpatient buildings shall be calculated as separate uses. Only one-half (1/2) the total number of parking spaces within a gated or restricted physician parking lot shall be included in the parking calculation.

500.10B.51. Kennels for Properties Meeting the Criteria of Section 650.00.C

- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
- b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable off the lot, considering various wind conditions.
- c. The applicant shall submit a written statement showing the measures and practices to be used to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
- d. No dead animals shall be buried or cremated on the premises.

500.10B.52. Mini Storage Facilities

- a. Commercial activity shall be limited to the rental of storage units and incidental uses related to the business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
- b. Businesses shall be limited to “dead storage” defined as personal property left for a period of time.
- c. There shall be no storage of live animals or carcasses, explosives, radioactive or hazardous materials, or any other materials prohibited by county, state or federal statutes.
- d. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers situated on the property in compliance with Section 610.10.

- e. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the office building (limited to twenty (20) square feet for the business name) and at the entrance gate (limited to nine (9) square feet).
- f. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
- g. The following conditions apply to outdoor storage:
 - 1. Outdoor storage is limited to operable, non-commercial vehicles and watercraft, not to exceed twelve (12) feet in height.
 - 2. Parking spaces shall be no less than one hundred (100) feet from the rear of the rearmost building.
 - 3. Outdoor storage shall be set back from the side yard lines a distance no less than the storage building side yard set back.
- h. Applicant shall construct and maintain a screen along the property borders to completely screen the storage facility from view of surrounding properties. Such screening shall consist of trees and/or shrubs no less than six (6) feet in height, or fencing, comprised of material suitable to screen the view of the facility. The screening materials shall be located no closer than five (5) feet from the side and rear lot lines. The screening shall not impair vehicular visibility at ingress and egress points.
- i. A gated entrance may be constructed provided it does not exceed six (6) feet in height, and shall be located no closer to the road right-of-way than a distance equal to the minimum front yard setback.
- j. Off Street Parking
 - 1. One space for each ten (10) storage cubicles, equally distributed throughout the storage area shall be provided. This parking requirement can be met with the parking lanes as set forth in Section K below.
 - 2. One space shall be provided for every twenty five (25) storage cubicles at the office facility.
- k. On-Site Circulation
 - 1. All one-way driveways shall provide for one ten (10) foot parking lane and one (1) sixteen (16)-foot travel lane. Traffic direction and parking shall be designated by signage and painting.
 - 2. All two-way driveways shall provide for one (1) ten (10)-foot parking lane and two (2) thirteen (13)-foot travel lanes.
 - 3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

500.10B.53. Multi-Family Developments

- a. The floor area per dwelling unit shall be in compliance with the Zoning District's requirements.
- b. Parking shall not be located in the required front yard area and shall be located to the side or rear of buildings.
- c. There shall be a minimum distance of thirty-five (35) feet between each building.
- d. Maximum possible privacy for each apartment/condominium shall be provided through good design and the use of proper building materials and landscaping. Visual privacy shall be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
- e. Usable open space of 20% of the lot area exclusive of parking areas and drives shall be provided for the residents.
- f. The architectural design of multi-family units should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line, pattern and character.

500.10B.54. Parks and Recreation Facilities

- a. Outdoor intensive uses such as swimming pools, ball courts, tennis courts and playground equipment areas shall be not less than two hundred (200) feet from any residential property line not part of the development served and shall be screened from view from such residential property by landscaping and appropriate fencing materials. Accessory buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which it is located.
- b. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties and environmentally sensitive areas.
- c. Recreational uses and facilities shall be designed in a manner that will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots. There will be appropriate clear zones and surface around and beneath play apparatus and such other similar things as deemed appropriate or necessary.
- d. Security fencing, where required or desirable, shall be of a type that is compatible with the overall architecture, scale, and character of the recreation facility and the neighborhood which it serves.
- e. Outdoor lighting shall not cast any glare on adjacent residential properties, and shall comply with lighting standards of Section 800.10.
- f. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially any evening activities.
- g. It is desirable to connect parks and recreation areas to residential neighborhoods and other areas of high usage in design of recreational facilities.

500.10B.55. Professional Office Facilities

- a. A professional office facility, including, but not limited to the following types of uses: attorney, architect, accountant, engineer, insurance agency, real estate, tax preparation, and bookkeeping service.
- b. Parking spaces shall be provided as required in Section 900.00. The Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
- c. The design, location, and surface of the parking area shall be designed so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood. The parking area shall be located to the side or rear of the principal building.
- d. A sign, not exceeding four (4) square feet in area and mounted flush against the building, or one sign as regulated by Section 1000.00 is permitted.

500.10B.56. Public Service Facilities

- a. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- b. All permanent buildings shall be constructed and designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- c. No outdoor storage of vehicles or materials is permitted, unless completely screened from adjoining property owners and roadways. Screening and plantings are also required to buffer any structures other than buildings from adjacent residential uses.

500.10B.57. Rooming and Boarding Houses

- a. The number of bedrooms permitted in any residence for such purposes shall not exceed four (4) bedrooms.
- b. In no case shall there be more than four (4) guests and/or tenants living in a rooming house or boarding house.
- c. One (1) additional off-street parking space shall be required for each bedroom used for such purpose.
- d. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) sign as regulated by Section 1000.00.

500.10B.58. Schools and Educational Facilities

- a. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- b. Outdoor play/recreation areas may be required by the Board of Zoning Appeals to be fenced.

- c. The site and structure shall meet applicable state code requirements, including licensing requirements.
- d. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.

500.10B.59. Two-Family & Multi-Family Dwellings

- a. The floor area per dwelling unit shall be in compliance with the zoning district's requirements. See Section 404.04.
- b. In areas where sanitary sewer facilities are not available, approval and documentation from the Portage County Health Department shall be provided substantiating the ability of the private household sewage disposal system to accommodate the dwelling units.
- c. Off street parking requirements shall be met as per Section 900.00, without the addition of any parking spaces within a required yard.
- d. The dwelling unit shall be designed so that the appearance of the building remains that of a single-family residence. The units may either share a common entrance or use a separate entrance for each. If separate entrances are used, they should be located at the side or rear to maintain the same appearance of a single family residence.

500.10B.60. Wireless Telecommunication Service Facilities

According to the Federal Telecommunications Act of 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Township must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe. The Township may not deny a request to construct a facility on the grounds that the radio frequency emissions would be harmful to the environment or health of the residents if those emissions meet FCC standards.

a. Purpose

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996 and the interests of the Township in regulating wireless telecommunication facilities to minimize adverse impacts on health, safety, and public welfare, including visual impacts, through siting, design, construction, buffering, and reduction of the need for multiple tower locations.

b. Priority of Locations

A wireless telecommunication tower or facility may be located in the following areas

when conditions specified in this resolution are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:

1. First Priority: New wireless antennas shall co-locate on existing towers or on existing structures which have been constructed for other purposes such as, but not limited to: water towers, church steeples and chimneys.
 2. Second Priority: Priority for the use of public land for wireless telecommunication antennas and towers will be given to the following entities in order:
 - a) Mantua Township
 - b) Public safety agencies/departments including law enforcement, fire, and ambulance services
 - c) Other governmental agencies for uses that are not related to public safety
 - d) Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public
 3. Privately owned agricultural lands
 4. Privately owned property (non-agricultural)
- c. General Requirements for Telecommunications Tower Facilities
1. A proposed wireless telecommunication facility application shall comply with plan review requirements of this resolution including landscaping plans to screen the facility from adjoining uses.
 2. All wireless telecommunication facilities shall be designed to promote facility and site sharing.
 3. All applications for wireless telecommunication facilities shall, as part of the application and plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
 4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the township to cover the costs of the antenna or tower's removal, of no less than \$100.00 per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any applicant using another company's facility shall be required to provide its own financial guarantee to the Township to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
 5. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered in order to service the applicant's service area.

6. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
 7. As a condition of issuing a Conditional Zoning Certificate to construct and operate a new tower in the Township, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.
- d. Standards Applicable to All Wireless Telecommunication Tower Facilities
1. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
 2. All towers shall be monopole structures.
 3. An eight (8) foot high security fence shall enclose all appurtenant structures around the tower base.
 4. No tower shall exceed two hundred (200) feet in height above the finished grade and the tower shall be the minimum height necessary to accommodate the antenna.
 5. All towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration. (FAA)
 6. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
 7. No advertising is permitted anywhere on the facility, with the exception of identification signage.

8. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
 - a) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - b) Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted five (5) feet on center maximum.
 9. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or the Township in general.
 10. Access drives to any facility shall be maintained in a dust free condition.
 11. Loud speakers shall not be permitted to be located on the facility.
 12. “No Trespassing” signs shall be posted around the facility with a current and accurate telephone number of the responsible party to contact in the event of an emergency.
 13. Transmission and receiving equipment shall be stored inside a building constructed for that purpose.
 14. Equipment shelters or any other buildings or structures shall be located at least 15 feet from the base of the tower.
 15. The maximum size of the equipment shelter shall be three hundred (300) square feet, or if there is more than one user of the tower, seven hundred fifty (750) total square feet.
 16. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
 - a) The maximum height shall be twenty (20) feet or 20% of the building height above the existing structure, whichever is greater.
 - b) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to the building) the shelter shall comply with the following:
 1. The minimum setback requirements for the subject zoning district.
 2. A buffer shall be planted in accordance with Section 500.10.B.59.D.8.
 3. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
- e. Removal of Facilities

All towers, structures and equipment shall be removed by the owner of the tower or facility and the site restored to its original state within six (6) months following the date that the tower is no longer operational.

500.10B.61. Mulching Facility

1. No part of the facility is to be located within 300 feet of a residential zoning district or 200 feet of the property line of any residential dwelling unit (except a dwelling unit used as the residency of a caretaker or watchman for the facility), church, school, or child daycare facility. No areas where mulch materials are to be processed or stored are to be located closer than 100 feet to a neighboring property line.
2. The facility cannot grind material before 7 o'clock in the morning or after 5 o'clock in the evening Monday-Friday, with no grinding on Saturday, Sunday, or holidays. The facility cannot conduct sales before 7 o'clock in the morning or after 7 o'clock in the evening Monday-Saturday or before 8 o'clock in the morning or after 12 noon on Sunday, with no sales on holidays or from December through February.
3. The facility must be located on a site of at least 10 but no more than 15 acres. No material piles or windrows are to exceed 25 feet in height or have a base area greater than 60 feet in width on a 10-acre site; or exceed 35 feet in height or have a base area greater than 90 feet in width on a 15-acre site. All such piles and windrows must be maintained so as not to be unsightly and in accordance with Ohio EPA standards to minimize combustion and maintain a safe slope. The lengths of piles or windrows are to be as practicable, so long as emergency and fire equipment can adequately navigate the site.
4. No material piles or windrows are to be located within 75 feet of any natural watercourse, and a minimum of 50 foot of green space (vegetative area) must be maintained between any pile or windrow and any natural watercourse to prevent unfiltered runoff of organic material into the watercourse.
5. The facility operator must comply with all state and federal regulations applicable to such use.
6. A berm or vegetative buffer shall be required per Section 700, Landscaping and Screening.