

TITLE NINE – SUPPLEMENTAL REGULATIONS

CHAPTER 1187 Special Provisions.

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CROSS REFERENCES

Power to Grant Variances – See P. & Z. 1137

1187.01 Performance Requirements; Enforcement.

A. Requirements.

No land or building in any district shall be used or occupied in any manner so as to create any:

Dangerous,

Injurious,

Noxious or

Otherwise objectionable element or condition

So as to adversely affect the surrounding area or adjoining premises,

Provided that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following requirements:

1. Fire hazards.
Any activity involving the use or storage of chemicals, or flammable or explosive materials shall be protected by

Adequate fire-fighting and fire-suppression equipment and by

Such safety devices as are normally used in the handling of any such material.

Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
2. Radioactivity or electrical disturbance.
No activity shall emit

Dangerous radioactivity, at any point, or

Electrical disturbance adversely affecting the operation, at any point, of any equipment

Other than that of the creator of such disturbance.
3. Noise.
Noise which is objectionable, as determined by the Board of Zoning Appeals, due to:

Beat,

Frequency, or

Volume,

Shall be muffled or otherwise controlled.

Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

The following table shall be used to determine the maximum noise level permitted (see Table 1187.01.01):

Table 1187.01.01

<u>Octave Band Cycles Per Second</u>	<u>Along Residential District Boundaries Maximum Permitted Sound Level in Decibels</u>	<u>Along All "B" and "M" District Boundaries Maximum Permitted Sound Level in Decimals</u>
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1,200	46	33
1,200 to 2,400	40	47
Above 2,400	34	41

4. Vibration.
No excessive vibration shall be permitted which is discernible without instruments on an adjoining lot or property.

Blasting shall meet the requirements of the Ohio Department of Natural Resources.

5. Smoke.
Smoke shall not be emitted with a density greater than No. 1 on the Ringlemann Chart as issued by the U.S. Bureau of Mines

Except for a blow-off period of ten minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.

6. Odors.
No odors shall be permitted which are offensive or which produce a public nuisance or hazard.

7. Air pollution.
No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to:

Animals,

Health,

Vegetation or

Other property, or

Which can cause excessive soiling, or

Is in violation of any state or federal laws or regulations.

8. Glare.

No direct or reflected glare shall be permitted which is visible from any property outside an "M" District or from any public street, road or highway.

9. Erosion.

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

10. Water pollution.

No pollution of surface or ground water shall be permitted which is harmful to:

Animals,

Persons,

Vegetation or

Other property, or

Is in violation of any state or federal laws or regulations.

B. Enforcement Provisions.

1. All uses, existing on the effective date of this Zoning Ordinance (Ord. 10-63, passed February 10, 1964) or any amendment thereto, shall conform to these performance requirements within one (1) year.
2. An extension of up to six (6) months may be granted by the Board of Zoning Appeals (BZA).
3. The Zoning Administrator may refer any proposed use which is likely to violate performance requirements to the Board of Zoning Appeals or review.

1187.02 Manufactures Homes.

Manufactured homes shall not be used outside a permitted manufactured home park to provide living quarters or space for the conduct of business.

1187.03 Parking and Storage of Certain Vehicles.

(See Chapter 1183 Off-Street Parking and Loading)

Automobile vehicles, recreational vehicles, or boat trailers and/or boats:

- A. Without current license plates:
 - 1. Shall be parked or stored in a completely enclosed building.
- B. With current license plates:
 - 1. May be stored in the rear yard,
 - 2. Shall be no closer than ten (10') feet from any living neighborhood building.

1187.04 Private Swimming Pools.

Any private swimming pool, shall be allowed in any "A", "S", or "R" District, only as an accessory use, and shall comply with the following requirements:

- A. Any private, permanent swimming pool shall be allowed in any "A", "S", or "R" District, only as an accessory use and shall comply with the following requirements:
 - 1. Location Requirement.
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - b. It may not be located closer than ten (10') feet to any property line of the property on which it is located. This location includes any:
 - i. Walks, or
 - ii. Paved areas, or
 - iii. Accessory structures adjacent thereto.
 - c. No swimming pool, permanent or portable, shall be placed under overhead wires.
 - 2. The swimming pool area shall be fenced.
 - a. The swimming pool may meet the fencing requirements if it

is four (4') feet or greater in height,

- i. If the top of the steps is gated and locked or
- ii. The deck is gated and locked

To prevent uncontrolled access by individuals.

In this case, fence around the property is not required.

- b. If a property owner desires, a pool owner shall be allowed to install a fence up to six (6') feet in height and will be exempt from fence height requirements provided:
 - i. The fence is installed within thirty (30) days of the pool construction, and
 - ii. The fence is removed when the pool is removed.

Failure to comply with Sections (i) and (ii) above will cause the fence to be in violation of existing fence height regulations of this Ordinance.

B. Portable swimming pools allowed are:

- 1. A diameter of less than twelve (12') feet and
- 2. An area of less than one hundred fifteen (115) square feet, and
- 3. A maximum depth of eighteen (18") inches (this does not include a farm pond, lakes or open tanks not included within a completely enclosed building).

1187.05 Temporary Buildings.

Temporary buildings in conjunction with construction work only may be permitted in any district:

- A. During the period that the construction is in progress,
- B. Shall be removed upon completion of the construction work.
- C. Temporary buildings for public uses, as defined in Section 1131, shall be permitted provided:
 - 1. The district regulations shall be met and

2. Temporary building shall be removed once the temporary use has been completed.

(Ord. 10-63. Passed 2-10-64.)

1187.06 Satellite Dish Antenna Regulations.

Satellite Dish Antenna Systems shall mean dish-shaped antennas designed to receive microwave transmissions from satellites in earth's orbit, primarily for television broadcast signals, and be subject to the following requirements:

- A. Setbacks for all satellite dish installations shall be:
 - Minimum of ten (10') feet from any property lines,
 - Minimum of fifteen (15') feet from public right-of-ways and
 - Of a sufficient safe distance from all overhead and/or underground power lines, as determined by the Zoning Administrator.
- B. Ground-mounted satellite dishes installed in residential districts shall be limited to:
 1. Rear yard areas, or
 2. The rearward portion of the lot or parcel.
- C. Roof-mounted satellite dishes shall be limited to a maximum diameter of six (6') feet or less.
 1. Such installations shall be located on the rearward portion of the roof as viewed from the front yard.
 2. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes and meet all electrical code requirements.
- E. All satellite dish antenna systems shall be non-corrosive, designed, engineered and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- F. Maximum diameter of any satellite dish shall not exceed twelve (12') feet.

- G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed fifteen (15') feet.
- H. Placement of satellite dish antenna systems within any easement shall be prohibited.
- I. A permit shall be required prior to installation of any satellite dish antenna system.

Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Administrator's requirements, for the purpose of verification of each of the provisions of this Ordinance. (Ord. 50-89. Passed 8-7-89.)

1187.07 RADIO AND TELEVISION ANTENNA REGULATIONS.

Radio and television antenna systems shall mean antennas designed to transmit and/or receive radio and/or television transmission.

Radio and television antennas shall be permitted as an accessory use in all zone districts, and are subject to requirements as follows:

- A. Setbacks for all antenna system installations shall be

A minimum of five (5') feet from any property lines,

A minimum of fifteen (15') feet from public right-of-ways and of a sufficient safe distance from all overhead and/or underground power lines, as determined by the Zoning Administrator.

Placement of antenna systems within an easement shall be prohibited.

- B. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guide wires and antenna elements.
- C. Ground-mounted antenna systems in Residential and Commercial Districts shall not exceed a maximum overall height of sixty (60') feet.
 - 1. Maximum overall height for ground-mounted TV antenna systems shall not exceed fifteen (15') feet above the highest roof peak of the principal structure, or sixty (60') feet total, whichever is least.
 - 2. It is noted that amateur radio operators have specific and valid

reasons for exceeding the height limits established in this section.

The Board of Zoning Appeals should be sensitive in its review of amateur radio operator's height variance requests and should refer to Order PRB-1 of the Federal Communications Commission during such reviews.

- D. Roof-mounted antenna systems shall be
 - 1. Located on the rearward portion of the roof as viewed from the front yard.
 - 2. Limited to a maximum height of fifteen (15') feet above the highest roof peak.
 - 3. Roof installations shall be mounted in accordance with the manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes and meet all Electrical Code Requirements.
- F. All antenna systems shall be non-corrosive, designed, engineered and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. A permit shall be required prior to installation of any antenna system.

Installation instruments, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Administrator requirements, for the purpose of verification of each of the provisions of the Ordinance.

(Ord. 50-89. Passed 8-7-89.)

1187.08 WIND GENERATORS – LOW IMPACT REGULATIONS.

The following conditions shall be met for wind generators, low impact wind powered electric generators.

- A. The proposed wind powered electric generator shall be a distance of at least one hundred, twenty-five (125%) percent of the height of the total structure to any of the following:
 - 1. Property line.
 - 2. Off-site residence.

3. Building.
 4. Public or private right-of-way.
- B. Maximum tower height shall not exceed one hundred, fifty (150') feet.
 - C. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration (FAA).
 - D. The wind powered electric generator shall have a rated capacity of not more than one hundred (100kW) kilowatts.
 - E. The wind powered electric generator shall service only one (1) property.
 - F. The noise level measure at the property line(s) shall not exceed sixty (60) dBA.
 - G. All necessary village, county, state and federal permits shall be obtained.
 - H. The wind powered electric generator is permitted in "A-1" Agricultural District.

1187.09 WIND GENERATORS – HIGH IMPACT REGULATIONS.

The following conditions shall be met for wind generators, high impact wind powered electric generators.

- A. The proposed wind powered electric generator shall be a distance of at least one hundred, fifty (150%) percent of the height of the total structure to any of the following:
 1. Property line,
 2. Off-site residence,
 3. Building,
 4. Public or private road right-of-way.
- B. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration (FAA).
- C. The wind powered electric generator shall have a rated capacity of more than one hundred (100kW) kilowatts.

- D. The wind powered electric generator shall service only one (1) property.
- E. The noise level measured at the property line(s) shall not exceed sixty (60) dBA.
- F. All necessary village, county, state and federal permits shall be obtained.
- G. The wind powered electric generator is permitted in "A-1" Agricultural District.

1187.10 SOLAR PANEL REGULATIONS (Reserved).