

SECTION VI. GENERAL REQUIREMENT

(Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988,)

- 6.01 Rights of Way. All streets, roads, and railroad rights-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such street, road or railroad right-of-way.
- 6.02 Prohibited Uses. The following uses shall be deemed to constitute a nuisance and shall not be permitted in any district:
- A. Dismantling or distilling of bones, fat or glue; glue; glue or gelatin manufacturing.
 - B. Manufacturing or storing explosives, gunpowder, or fireworks, except that storing of explosives may be permitted in I-2 Districts under certificate granted by the Department of Industrial Relations, State of Ohio, in accordance with Sections 3743.01 to 3743.26 of the Revised Code of Ohio.
 - C. Dumping, storing, burying, reducing, disposing of or allowing to remain the following: garbage, refuse, rubbish, offal, or dead animals, and any other organic or inorganic debris, including but not limited to the debris which results or remains from the destruction by fire of a building or by deliberate demolition, except such as result from the normal use of premises, unless such dumping is done at a place zoned for such specific purpose.
 - D. Slaughter houses.
 - E. The maintenance of any premises or permitting the use of any premises for the operation of two or more motor vehicles, as defined in Section 4501.11 of the Revised Code of Ohio, which are participating in an attempt to out-distance each other over a selected course, intending hereby to include as a nuisance the racing of motor vehicles in any form, which practices are known by way of illustration rather than exclusion as drag racing, stock car racing and go-cart racing.
 - F. At no time shall anyone park unlicensed or inoperable vehicles or shall any landowner let an unlicensed or inoperable vehicle remain on land in any district other than those zoned for auto wrecking. The only exceptions to this section will be in the case of service stations engaged in towing and storing vehicles pending action by responsible parties, repair garages performing repairs, and dealers holding vehicles for resale. The above-mentioned exceptions must perform their services on the property normally used for their businesses. Any dismantling or reducing to scrap of vehicles shall take place only in a wrecking yard. (Adopted June 3, 2014 by Resolution 2014-66, effective July 3, 2014).
 - G. Dumping for the purposes of disposal in Painesville Township of hazardous and/or toxic substances. The EPA definition of hazardous and/or toxic substances shall apply.
 - H. Gambling, as defined in Ohio Revised Code Chapter 2915, in any district except for a licensed bingo operator holding a current license from the State of Ohio under Chapter 2915 of the Ohio Revised Code. Additional prohibited activities include business activities the primary purpose of which is the promotion of sweepstakes and/or prize winning activities, including, but not limited to, internet sweepstakes or cellular phone sweepstakes operations. Additional prohibitions include the promotion or use of video, mechanical, computer, electronic, or other machines which permit users to engage in games which mimic recognized gambling activities such as tic tac toe, blackjack, poker, slot machine, keno or other games normally associated with gambling activities and for which prizes may be awarded. This prohibition does not apply to any lottery or gambling sponsored by the State of Ohio or other governmental agency, or gambling engaged in by 501(C)(3) organizations in compliance with the provisions of the Ohio Revised Code. (Adopted January 3, 2012 by Resolution 2012-04, effective February 3, 2012).
 - I. Discharge of a firearm in any district. This shall not apply to the discharge of a firearm on a farm or other agricultural parcel of land containing five acres or more, if the discharge is for the protection or furtherance of the farm or agricultural use, and is not recreational, random or practice firing. This prohibition shall not apply to licensed hunters, in season, who are observing all laws related to their license. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

- J. Commercial storage and distribution of propane and propane by-products in containers in excess of 10,000 gallon capacity. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 6.03 Non-Restricted Height: There shall be no restriction of the height of church spires, belfries, clock towers, radio and television towers (when used solely for receiving or transmitting for the benefit of the occupant of the property where located), flag poles, water and fire towers, chimneys, smokestacks, stage towers or scenery lofts, elevator bulkheads or other mechanical appurtenances where erected upon and as an integral part of a building. For purposes of this Resolution, satellite dish antennas are not considered as radio or television towers.
- 6.04 Conformation to Use District: No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the use district in which the building or land is located.
- 6.05 No Duplicate Calculation of Open Space: Space attributed to one building or structure which has been used to calculate side yard, rear yard, front yard or any other open space requirement shall not, by reason of change of ownership or otherwise, be used to calculate side yard, rear yard, front yard or any other open space requirement of or for any other building or structure.
- 6.06 Two Main Buildings on One Lot: A building conforming to this Resolution may be constructed to the side or rear of an existing building on a lot provided that each building is so located that the lot may be divided and the buildings on the resulting parcels, and the parcels themselves, will conform to the applicable requirements relating to frontage on a dedicated street or road, minimum lot area, front setback, side and rear yard clearance, and location of accessory buildings.
- 6.07 Moving or Removal of Building as Result of Division of Land: In the event conveyance is made of a part of premises and as a result of same, any building or structure located upon said premises remaining on the premises conveyed violates the requirements of this Resolution or is less in conformity with this Resolution than before such conveyance, then said building or structure shall be moved or altered in a manner as to make it and the premises conveyed with it conform to this Resolution. Or if the same cannot be done, said building or structure shall be removed entirely from said premises. No division of premises and conveyance of part thereof shall be made if such conveyance is of a building or structure surrounded by part of such premises and as a result of said division such conveyed premises and the building or structure thereon violates this Resolution either for the first time or to a greater extent than did said building or structure and the undivided original premises.
- 6.08 Maximum Conformity Required: In the event two or more buildings or structures are located on a single parcel which cannot be divided in such a way as to create two or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure maximum conformity of each of the resulting subdivisions thereof to the provisions of this Resolution; further provided, that if the parcel is not so divided, any buildings or structures upon said subdivision of said subdivided parcel shall be removed, or moved to such location on the said subdivided parcel as to conform to the provisions of this Resolution, unless there is first secured from the Board of Zoning Appeals, on appeal thereto, permission to make such division under the variance powers possessed by said Board.
- 6.09 Corner Lot Setback Line: The setback line on a corner lot shall be in accordance with the road or street on which the building faces. To the extent possible, the side yard clearance on the side street shall conform to the setback line for an inside lot on said road or street, but in no event shall the side yard clearance be less than twenty (20) feet from the right-of-way sideline of the road or fifty (50) feet from the center of the traveled portion of the road, whichever is greater.
- 6.10 No building shall be erected unless the same fronts upon a duly dedicated road or street, unless the road, at the time this Resolution becomes effective, is an established private road or a subsequent extension thereof.
- 6.11 Recreational vehicles shall not be deemed to constitute all or a part of a dwelling and shall not be used for residence purposes in any district.
- 6.12 Signs: All Districts - See Section 28.01-03.
- 6.13 Fences (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

- A. Fences shall be permitted in all districts. Fences shall be maintained in good condition with no advertising thereon.
 - B. There shall be no height restrictions on fences in Industrial Districts, except that a zoning permit is required prior to erection or construction of a fence in an Industrial District as set forth in Section (D), below.
 - C. Fences are subject to the following regulations:
 - 1. fences shall not be placed in the road right-of-way;
 - 2. fences in any Residential District shall not exceed six (6) feet in height;
 - 3. fences shall be permitted in front yards provided, however, no fences shall be erected closer than twenty (20) feet to the edge of the travelled portion of the road;
 - 4. fences in any Commercial District shall not exceed twelve (12) feet in height; however, fences/walls surrounding outdoor dining area and outdoor recreation areas shall not exceed a height of eight (8) feet; (Revised March 5, 2013 by Resolution 2013-14).
 - 5. barbed wire-topped fences and electric fences shall be permitted only in the rear yards of Commercial and Industrial Districts.
 - 6. Prohibited Fences: No person shall erect or maintain:
 - a. Any fence with a charged electrical current except as provided in 6.13(C)(5).
 - b. A razor wire fence.
 - c. A fence composed of or containing any of the following materials:
 - 1. chicken wire
 - 2. pallets
 - 3. barbed wire
 - D. The posts and all other supporting portions of the fence shall not exceed the maximum height of the fence by more than four (4) inches. The maximum height of the fence shall be measure from the finished grade as shown on the approved site plan or zoning permit application.
 - E. Line of Sight Safety Areas: A fence or wall shall not be located so as to adversely affect the vision of operators of motor vehicles driving on public streets or emerging from alleys or driveways intersecting public streets. A fence or structure at such an intersection shall not be erected or maintained more than thirty-six (36) inches higher than the pavement or curb level in any district (within the required setback lines) or within twenty (20) feet of the pavement line.
 - F. Fences shall not be erected, constructed, altered or relocated until an application has been filed and a permit issued by the zoning inspector. Applications for fence permits shall include a plot plan showing the location of the fence.
 - G. Any fence facing a residential or commercial use, or residential or commercial zoning district, shall be erected so that the finished or flat side of the fence faces the adjoining residential or commercial use or zone. No fence shall be erected which is unsightly or irregular in shape or design. Any application for a permit for a fence must contain a detailed drawing of the proposed fence and location. (Adopted by Resolution 2002-21, February 19, 2002.)
- 6.14 Outside Storage: Open storage of materials in any required front setback or side setback adjacent to a street is prohibited in all industrial districts. All other outside storage in industrial districts shall be located and screened so as not to be visible from any residential or recreational district . (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 6.15 Buffer Strips: Whenever this resolution requires a buffer strip between zoning classifications (e.g. residential and commercial/residential and industrial), it is the intent and purpose to provide for a year round screening of at least five feet in height which would obscure the view of the property from the adjacent residential or recreational property. The landscape plan for any required plan must be submitted with the zoning application for approval by the zoning inspector. Storm water retention or detention is permitted in a portion of the buffer area so long as the retention or detention area is screened from view and occupies a

maximum of 25% of the buffer area. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

6.16 Outdoor Lighting: All Districts

A. Exterior lighting of buildings and/or parking and driveway areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways.

B. Lighting shall be directed and/or shielded downward or in such a manner as to prevent distraction and glare. Such lighting control measures shall be taken to avoid negative impacts of misdirected light upon persons on public or adjoining private properties. (Adopted April 21, 2015 by Resolution 2015-41, effective May 21, 2015)

6.17 Permit Requirements: Accessory uses, buildings or structures shall conform to the permit requirements outlined in Section XI of the Zoning Resolution. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)

Accessory Structures Not Requiring a Zoning Permit: The following uses do not require a Zoning Permit and shall be permitted to encroach within required yards, unless specifically provided for in this section.

1. Gardens, wood piles or landscape materials.
2. Uncovered patios and other paved areas.
3. Swimming pools, temporary.
4. Accessory structures of twenty-five (25) square feet or less.
5. Mail boxes and newspaper tubes.
6. Statuary, fountains or art objects.
7. Basketball hoops outside of the right-of-way and any temporary road or cul-de-sac easements.
8. Swing sets, trampolines and similar recreational equipment.
9. Flag poles.
10. Freestanding air conditioning or heating units or backup generators.
11. Bird baths.
12. Fire pits, outdoor fireplaces and grills.
13. Fences or walls which are 4' or less in height and incorporated as part of a landscaping bed, and are no closer to any property line than 6'. (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).

6.18 Temporary Structures (Adopted May 17, 2011 by Resolution, effective June 16, 2011)

1. Temporary Portable Storage Units, as defined in this Resolution, shall be subject to the following restrictions:
 - a. Not more than two (2) temporary outdoor storage units shall be per permitted per address in a calendar year.
 - b. Only one (1) temporary outdoor storage unit shall be stored on a property at any given time, for a period not to exceed 30 days.
 - c. No flammable or explosive materials may be stored in the temporary outdoor storage units.
 - d. No temporary outdoor storage units shall be used to store materials related to an off premises business or a home occupation.
 - e. Temporary outdoor storage units are prohibited from being placed within the right-of-way, in any temporary road or cul-de-sac easements, or on the front lawn of a property. Units must be kept in the driveway, or on a paved surface, at the furthest accessible point from the street, or as otherwise approved by the Zoning Inspector.
 - f. A Temporary Outdoor Storage Unit Permit shall be obtained from the Zoning Office prior to locating the unit on the property. A plot plan or survey shall be provided at the time of application, depicting the proposed location of the unit. A \$50 deposit is also required, which shall be forfeited if the unit is not removed within the specified time frame.

6.19 Donation Bins (Clothing Recycling Bins/Drop Boxes-Paper Recycling Bins)
(Adopted April 21, 2015 by Resolution 2015-41, effective May 21, 2015)

Definitions:

Clothing Donation Bins/Drop Boxes – A closed metal or wooden container having an opening through which new or used clothing, shoes, purses, belts and other wearing apparel can be deposited and stored until pickup by the authorized registrant.

Paper Recycling Bins – A closed metal container used to hold newspapers, catalogs, magazines, junk mail and other household paper including phone books and cardboard before they are transported to recycling centers. Recycling bins are designed to be easily recognizable and are generally marked with slogans promoting recycling on a green and yellow background.

Requirements:

1. Non-residential, commercial and community service premises devoted to non-profit purposes and/or religious organizations are permitted to have clothing donation bins/drop boxes and paper recycling bins.
2. The clothing and/or paper recycling bin(s) shall be located so as to not interfere with pedestrian and vehicular circulation, required setbacks, landscaping, parking or any other requirements that may be imposed as part of the plan approval for the premises and all bins shall be placed on a concrete or pavement surface.
3. The clothing donation bins/drop boxes shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for retrieval of the contents. Each bin shall not cover an area in excess of five (5) feet by five (5) feet nor be more than six (6) feet in height.
4. The paper recycling bins shall have either heavy plastic or metal lids so that they can be accessed easily by those depositing materials or retrieving the contents and which lids must remain closed when the contents are not being accessed. Each bin shall not be larger than six (6) feet by six (6) feet.
5. The clothing bins/drop boxes and/or paper recycling bins must be regularly emptied of their contents so that they do not overflow or have their contents strewn around the adjoining area. Articles intended for deposit in the receptacles which are strewn around the adjoining area shall constitute a zoning violation.
6. A zoning permit will be required for each clothing donation bin/drop box and paper recycling bin. The zoning certificate will only be granted when it is determined by the Zoning Inspector that:
 1. The bins(s) are for use by a duly registered non-profit organization,
 2. The proper type of bin is being used as described in this section,
 3. The bins are properly located on the site,
 4. A letter of permission from the property owner is submitted with the application,
 5. The name, address and phone number of the non-profit or religious organization is displayed prominently on each bin and
 6. No more than three (3) zoning certificates will be issued per parcel of property and no zoning certificate will be issued for containers proposed to be placed on an otherwise vacant parcel.
7. If any bin(s) are placed without a zoning permit or an inspection reveals that such bin(s) are not in compliance with this section, enforcement and penalties will take place as provided in the Resolution.