

Section 402-3 AREA AND YARD REQUIREMENTS

- A. Minimum Lot Area: There shall be a Minimum lot area of 2 acres for a commercial use except as may be required by the Health Department of Ohio EPA for installation of an on-site sewage system. In the case of a commercial site, written approval from the applicable County or State authority for the installation of an on-site sewage system shall be required prior to the issuance of a Zoning certificate.
- B. Minimum Lot Frontage– 250 feet.
- C. Minimum Lot Width – 250 feet.
- D. Required Landscaping and Buffer Zones -- The following buffers are to be constructed and permanently maintained on any lot other than an established dwelling.
  - 1. Front Yard – Adjacent to the right-of-way and running the entire frontage of the parcel shall be constructed a landscaped strip twenty (20) feet in width.
  - 2. Side Yard– Running the length of the side yard and twenty-five (25) feet in width, a landscaped buffer shall be maintained adjacent to any residential zoned land.
  - 3. Rear Yard-- Running the length of the rear yard and twenty-five (25) feet in width, a landscaped buffer shall be maintained adjacent to any residential zoned land.
- E. Minimum Setback From Right-of-Way - 80 feet. The required front yard may be used for parking except for a landscaped strip 20 feet in width adjacent to the right-of-way and running the entire frontage of the parcel.
- F. Minimum Side Yard Width - 25 feet; except as provided in Section 402.3 J. below.
- G. Minimum Rear Yard Depth - 50 feet, except as provided in Section 402.3 J. below.
- H. Maximum Height - 40 feet.
- I. Maximum Lot Cover - 40 percent
- J. Yards Adjoining a Residential District - Where a B-1 District adjoins a residential district, the adjoining rear or side yard shall be 100 feet. The full area abutting the residential district to a depth of 50 feet, shall be landscaped and maintained minimizes any undesirable effects on adjacent residential areas. The balance of the yard shall be used for open space or parking.

Section 402-4 SUPPLEMENTARY REGULATIONS

- A. Operations - All production, maintenance, manufacturing, service, and repair operations of businesses as described in Section 402.2.A and Section 402.2.B shall be conducted wholly within enclosed buildings, or enclosed by a wall, fence, or landscaping of such nature and height as to conceal completely all operations thereof and all materials therein from an observer's view, if that observer is standing at the grade level.
- B. Site Plan Review - No zoning certificate shall be issued for any use in the B-1 District until site plans have been reviewed and approved by the Township according to the procedures and requirements of Section 305. The Township may seek assistance from appropriate experts, with costs of the review to be borne by the applicant, as they feel are necessary to insure compliance with these regulations. The Township shall supply the applicant with an estimate of such review costs prior to their occurrence.
- C. Outdoor Storage
  - 1. Run-off - Outdoor storage of equipment, raw materials, parts and finished products shall be arranged so that no noxious run-off from outdoor storage areas is allowed to leave the site. Noxious run-off from these areas shall be detained on the site so as to insure that watercourses

will not be contaminated. Appropriate holding tanks, basins or other structures shall be provided for this purpose. All surface-holding areas should not be visible from adjoining zoning districts or from adjoining right-of-. Surface holding areas shall be specifically designed to prevent any leaching.

2. Screening - Outdoor storage areas shall be totally screened from view from all public right-of-ways and from all adjacent residential districts by landscaping, walls, fences or topography. Outdoor storage shall not occur in any front yard.

D. Refuse Storage

All outdoor refuse storage areas shall be screened from view from adjacent properties. All refuse shall be stored in rodent-proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents or other pests and shall comply with applicable laws and regulations.

E. Flood Hazard Areas

Areas within the Flood Plain District are also subject to the requirements of Section 405 of this Resolution.

**Section 403 B-2 HIGHWAY SERVICE BUSINESS DISTRICT**

Section 403-1 Purpose

The purpose of this district is to provide for Commercial establishments offering accommodations and services to local as well as through automobile and truck traffic. This district should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility.

Section 403-2 PERMITTED USES

- a) Signs - as regulated by Article VI, Section 601.1 of this Resolution.
- b) The following uses subject to subsection 802.123:
  1. Garage and automotive repair shops.
  2. Truck Terminals
  3. Towing and storage businesses.
  4. Gasoline Plazas(filling stations)
  5. Accessory uses clearly incidental to the uses permitted on the same premises.

Section 403-3 CONDITIONALLY PERMITTED USES

The Zoning Board of Appeals may issue Conditional Zoning Certificates for uses listed herein subject to article VIII.

- a) The following uses subject to subsection 802.123
  1. Motels
  2. Restaurants and eating places.
  3. Sports Complex
- b) These conditional permitted uses should be subject to public water and sewer only.
- c) Uses comparable to those as set forth in Section 403.2 above but not specifically provided for may be permitted subject to procedures and criteria in article VIII. 1001.9

Section 403-4 AREA AND YARD REQUIREMENTS

- A. Minimum Lot Area: There shall be a Minimum lot area of 2 acres for a commercial use except as may be required by the Health Department of Ohio EPA for installation of an on-site sewage system. In the case of a commercial site, written approval from the applicable County or State authority for the installation of an on-site sewage system shall be required prior to the issuance of a Zoning certificate.
- B. Minimum Lot Frontage– 250 feet.
- C. Minimum Lot Width – 250 feet.
- D. Required Landscaping and Buffer Zones -- The following buffers are to be constructed and permanently maintained on any lot other than an established dwelling.
  - 1. Front Yard – Adjacent to the right-of-way and running the entire frontage of the parcel shall be constructed a landscaped strip twenty (20) feet in width.
  - 2. Side Yard – Running the length of the side yard and twenty-five (25) feet in width, a landscaped buffer shall be maintained adjacent to any residential zoned land.
  - 3. Rear Yard -- Running the length of the rear yard and twenty-five (25) feet in width, a landscaped buffer shall be maintained adjacent to any residential zoned land.
- E. Minimum Setback From Right-of-Way - 80 feet. The required front yard may be used for parking except for a landscaped strip 20 feet in width adjacent to the right-of-way and running the entire frontage of the parcel.
- F. Minimum Side Yard Width - 25 feet; except as provided in Section 402.3 J. below.
- G. Minimum Rear Yard Depth - 50 feet, except as provided in Section 402.3 J. below.
- H. Maximum Height - 40 feet.
- I. Maximum Lot Cover - 40 percent
- J. Yards Adjoining a Residential District - Where a B-2 District adjoins a residential district, the adjoining rear or side yard shall be 100 feet. The full area abutting the residential district to a depth of 50 feet, shall be landscaped and maintained minimizes any undesirable effects on adjacent residential areas. The balance of the yard shall be used for open space or parking.

Section 403-5 BUILDING SETBACK and HEIGHT REGULATION

- a) Minimum Front Setback Depth - - fifty (50) feet.
- b) Minimum Side Setback Width - - twenty-five (25) feet, except where the side yard is adjacent to a residential district, a minimum of seventy-five (75) feet is then required.
- c) Minimum Rear Setback Depth - - twenty- five (25) feet.
- d) Height Regulations - - no building shall exceed thirty-five (35) feet in height.
- e) Parking and loading requirements are regulated by Article VII of this Resolution.

Section 403-6 SITE PLAN REVIEW AND CONFORMANCE

All uses permitted and conditionally permitted in the B-2 district shall be issued zoning certificates. only after review and approval of the site plans by the Zoning Commission or Board of Appeals according to procedures and requirements of Section 305.

**Section 403A B-3 INTERCHANGE COMMERCIAL DISTRICT**

Section 403A-1 PURPOSE

The Township recognizes that the Interstate 71 - State Route 83 interchange area is a principal access point to the community and that the vacant land in this immediate area is a strategic resource for the Township. It is the intent of the Township that this area be zoned for significant, high visibility commercial uses which will reflect positively on the image of the community and generate substantial jobs for the community and tax revenues for the Township, the schools, and the county. The B-3 Interchange Commercial District is established to further these objectives, to provide for uses which accommodate travelers, particularly retail shoppers, on Interstate 71 and to provide locations for other commercial uses which particularly benefit from the high visibility and regional accessibility offered by the Interstate. The B-3 District is further intended to minimize interference with other traffic on the Township's roads by encouraging traffic using the B-3 zone to enter and exit it by the most direct route to and from Interstate 71.

Section 403A-2 PERMITTED USES

The following uses are permitted in a B-3 Interchange Commercial District:

- (a) A retail factory outlet mall consisting of a planned and integrated grouping of stores (including any restaurants or food courts within the grouping) with the total square footage of ground floor area within the walls of these stores to total at least 150,000 square feet and to total no more than 500,000 square feet.

Section 403A-3 DISTRICT SIZE

- (a) Minimum Size. The minimum size of a B-3 Interchange Commercial District shall be 40 acres.
- (b) Definition. A B-3 Interchange Commercial District shall be defined as that area which is within a single parcel of land or within several adjacent and contiguous parcels which are zoned as a B-3 Interchange Commercial District.

Section 403A-4 LOT REQUIREMENTS

- (a) Between the time the B-3 designation is applied to the land and the time when a site plan is approved as provided under this Zoning Resolution, lot requirements are as follows:
  - 1) Minimum Lot Area: 40 acres
  - 2) Minimum Lot Width at the Building Line: 800 feet.
  - 3) Minimum Lot Frontage: 70 feet.
- (b) After a site plan is approved according to the procedures and requirements of this zoning resolution and during the period when such a site plan is in effect, lot requirements are as follows:
  - 1) Minimum Lot Area: 40 acres
  - 2) Minimum Lot Width at the Building Line and Minimum Frontage: 800 feet.
  - 3) Minimum Lot Frontage: 70 feet.
  - 4) Lot Coverage by Building: No more than 35 percent.

Section 403A-5 YARD REQUIREMENTS

- (a) Minimum Front, Rear and Side Yard: The minimum front, rear, and side yard depth shall be 25 feet. In any event, however, all parking areas must be at least 25 feet from any adjacent property line and any highway, street, or road, and all buildings must be at least 75 feet from any adjacent residential property line and any highway, street, or road.

Section 403A-6 BUILDING HEIGHT

The maximum building height shall be 40 feet, though identification signs and structures may exceed 40 feet and are governed by Section 404.7.

Section 403A-7 SIGNS IN INTERCHANGE COMMERCIAL DISTRICT

One identification sign or structure larger than 150 square feet per side (exclusive of pole, accessories, and supports) at the primary Interchange Commercial District, and one other such sign or structure not larger than 1200 square feet per side (exclusive of pole, accessories, and supports) may be erected to provide identification of the retail factory outlet mall to travelers on Interstate 71. The identification sign or structure at the primary entrance to the retail factory outlet mall shall not exceed 30 feet in height. The sign or structure providing identification of the retail factory outlet mall to travelers on Interstate 71 shall not exceed 80 feet in height. The identification sign or structure at the primary entrance to the retail factory outlet mall shall be at least 25 feet from the street right-of-way. The identification sign or structure identifying the retail factory outlet mall to travelers on Interstate 71 shall be at least 25 feet from the street right-of-way.

No other free-standing identification signs are permitted for such retail factory outlet mall.

In addition to these signs or structures, the tenants of the retail factory outlet mall may make use of wall signs on the facade of the mall building, and the retail factory outlet mall may feature one silo like structure, constructed of non-combustible materials, not to exceed 60 feet in height.

Section 403A-8 BUFFER AND LANDSCAPING REQUIREMENTS

- (a) A strip at least 25 feet wide adjacent to the entrance drive to the retail factory outlet mall shall be landscaped and shall act as a buffer. On the north side, this strip shall include a 3-foot mound with plantings.
- (b) Where the rear or side yard of a building within the B-3 district is adjacent to a residential district, such yard shall include landscaping.

Section 403A-9 OFF-STREET PARKING REQUIREMENTS

Off-street parking spaces shall be provided in an amount not less than as set forth in this section.

(a) Definition

- 1) "Gross Leaseable Area (GLA)" means the total floor area designed for the use of a tenant or occupant.
- 2) "Parking space" means an area not less than 162 square feet (9 ft. x 18 ft.) in area, exclusive of access drives and aisles.

(b) Number of Parking Spaces

Five parking spaces are required for each 1,000 square feet of gross leasable area (GLA).

The off-street parking facilities described above shall be provided outside the public right-of-way and on the same lot as is occupied by the retail mall. In addition to the parking spaces provided above, the retail mall shall provide space for loading or unloading off the streets and highways, outside the public right-of-way and on the same lot as is occupied by the retail mall. Access to truck loading and unloading spaces shall be provided in a way that will not interfere with public convenience.

Section 403A-10 SITE PLAN REVIEW

No zoning certificate shall be issued for any use in the B-3 District until site plans have been reviewed and approved by the Township according to the procedures and requirements of Section 305. The township may seek assistance from appropriate experts, with costs of the review to be borne by the applicant, as they feel are necessary to insure compliance with these regulations. The Township shall supply the applicant with an estimate of such review costs prior to their incurrence.

**Section 403B B-4 LIMITED SERVICE DISTRICT**

Section 403B-1 PURPOSE

The purpose of this district is to provide for Commercial establishment offering accommodations and service to local, as well as, through automobile and truck traffic..

Section 403B-2 PERMITTED USES

- A. Signs – as regulated by Article VI, Section 601.1 of this Resolution.
- B. The following uses subject to Subsection 802.123:
  - a. Motels and/or Hotels
  - b. Restaurants
  - c. Indoor Theaters
  - d. Accessory Uses
  - e. Parking and Loading According to Article VII

Section 403B-3 Conditionally Permitted Uses

The Zoning Board of Appeals may issue Conditional Zoning Certificates for the uses listed herein subject to Article VIII.

- A. The following uses Subsections 802.123:
  - a. Sports facility
  - b. Grocery
  - c. Retail
  - d. Medical clinic
  - e. Automobile Related Services, Excluding storage of gas and junk yards
  - f. Banking institutions
- B. Uses comparable to those as set forth in Section 402B-2 above but not specifically provided for may be permitted subject to procedures and criteria in Article X.

Section 403B-4 Area and Yard Requirements

- A. Minimum Lot Area: Commercial Lot Size will be determined by building, parking lot, and buffer size.

- B. Required Landscaping and Buffer Zone – The following buffers are to be constructed and properly maintained on any lot other than an established dwelling.
  - a. Front Yard – Adjacent to the right-of-way and running the entire frontage of the parcel shall be constructed landscaped strip twenty (20) feet in width.
  - b. Side yard – Running the length of the side yard and twenty (20) feet in depth, a landscaped buffer shall be maintained to any residential zoned land.
  - c. Rear Yard - Running the length of the rear yard and twenty (20) feet in depth, a landscaped buffer shall be maintained to any residential zoned land.

Section 403B-5 Building Setback and Height Regulations.

- A. Minimum Front Setback – Fifty (50) Feet.
- B. Minimum Rear Setback Width – Twenty-Five (25) feet.
- C. Minimum Rear Setback Depth – Twenty-Five (25) feet.
- D. Height Regulations – No building shall exceed forty (40) feet in height.
- E. Parking and Loading requirements – Regulated by Article VII of this resolution.

Section 403B-6 Site Plan Review and Conformance

All uses permitted and conditionally permitted in the B-4 district shall be issued zoning certificates. Only after review and approval of the site plans by the Zoning Commission of Board of Appeals according to the procedures and requirements of Section 305.

**Section 404 I-1 INDUSTRIAL DISTRICT**

Section 404-1 Permitted Uses

- a) The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, food, clothing, and vegetable products.
- b) Dairy and locker plant.
- c) Newspaper and blueprinting plant.
- d) Lumber Yard, including millwork.
- e) Contractor yards and storage facilities are permitted if all equipment, tools, and facilities are stored within a suitably enclosed building.
- f) Machine Shops.
- g) Manufacture of paper boxes.
- h) Warehouse and storage of food and goods.
- i) Motor freight terminal office.
- j) Public storage garages and yards.
- k) Manufacture, compounding, processing, and assembling of products such as:
  - 1. Bakery goods, candy, cosmetics, pharmaceuticals toiletries, and food products except the rendering or refining of fats and oils for non-human consumption.
  - 2. Musical instruments, toys and novelties.
  - 3. Electrical and electric appliances, instruments and devices, radios, televisions, phonographs, and household appliances
- l) Sexually Oriented Business (see Section 407)

Signs and billboard as regulated by Article VI Section 601.1.b of this Resolution.

Section 404-2 Conditionally Permitted Uses

The Zoning Board of Appeals may Issue Conditional Zoning Certificates for uses listed herein subject to Sections 801-1 and 801-2 of Article VIII and other Sections of Article VIII listed below:

- a) Public utility right-of-ways subject to Subsections 802.102 and 802.114.
- b) Temporary buildings for Uses incidental to construction work subject to Subsections 802.102, 802.111, and 802.112,
- c) Strip Mining and Gravel extraction operations subject to Subsections 802.107, 802.117, 802.119, 802.120, 802.121, and 802.126,
- d) Junk yards and auto graveyards subject to Subsections 802.114 and 802.116.

Section 404-3 Area Height Regulations

- a) Minimum Front Yard Depth -- One hundred (100) feet when adjacent to a residential district.
- b) Minimum Side Yard Width -- One hundred (100) feet on the side adjacent to the residential district
- c) Minimum Rear Yard Depth -- One hundred (100) feet.
- d) Height Regulations - As determined by the Township Trustees and the fire department, based on the capability of public and private fire- equipment.
- e) Off-Street Parking and Loading Regulations -- as regulated by Article VIII of this Resolution (Section 701).

Section 404-4 AREA AND YARD REQUIREMENTS

- A. Minimum Lot Area: There shall be a Minimum lot area of 2 acres for a commercial use except as may be required by the Health Department of Ohio EPA for installation of an on-site sewage system. In the case of a commercial site, written approval from the applicable County or State authority for the installation of an on-site sewage system shall be required prior to the issuance of a Zoning certificate.
- B. Minimum Lot Frontage– 250 feet.
- C. Minimum Lot Width – 250 feet.
- D. Required Landscaping and Buffer Zones -- The following buffers are to be constructed and permanently maintained on any lot other than an established dwelling.
  - 1. Front Yard – Adjacent to the right-of-way and running the entire frontage of the parcel shall be constructed a landscaped strip twenty (20) feet in width.
  - 2. Side Yard– Running the length of the side yard and twenty-five (25) feet in width, a landscaped buffer shall be maintained adjacent to any residential zoned land.
  - 3. Rear Yard -- Running the length of the rear yard and twenty-five (25) feet in width, a landscaped buffer shall be maintained adjacent to any residential zoned land.

Section 404-5 SITE PLAN REVIEW AND CONFORMANCE

All uses permitted and conditionally permitted in the I-1 district shall be issued zoning certificates only after review and approval of the site plans by the Zoning Commission or Board of Appeals according to procedures and requirements of Section 305.

**Section 405 M MULTI USE DISTRICT**

Use zone to contain both Industrial (I-1) (except Sexually Oriented Business), and Business (B-1 and B-2) zoning to be regulated by Section 402- 403, and 404.

Section 406 NATURAL HAZARDS DISTRICT (NH)

Section 406-1 General

Harrisville Township is adding an "overlay" Natural Hazards District (NH). The purpose of the NH District is to protect those areas in the Township which:

- (a) Are subject to Flooding.
- (b) Have organic or muck soils.

Controlled Use of these areas is required to protect human life, prevent or minimize material or economic losses, reduce the cost to the public for emergency and relief effects occasioned by unwise occupancy of flood areas, and affect development to sites which are capable of supporting the intended activity.

Section 406-2 Data Sources and District Map

The boundaries of the NH district are shown on a map titled Natural Hazards Zoning District Map (NH); source for the flood-prone areas are the Flood Hazard Boundary Maps 19, 20, 24, and 25, Medina County, Ohio U.S.A, Department of Housing and Urban Development April 15 1977, and the Soil Survey of Medina County, Ohio U.S.A., Soil Conservation service, November 1977.

The source of organic soil areas is the 1977 Soil Survey of Medina County. The NH map shows 100-year flood plains, within which may be organic soils.

Section 406-3 Overlay District

Due to the relationship of natural hazard area to physical features of the terrain rather than any artificial boundaries, the NH district consists of an "overlay" district and may occur in one or more of the zoning districts described in the zoning resolution. All land included in the NH district is subject to the requirements specified in the regulation in addition to the normal requirements of the zoning district in which said land is located. If a building site is partially within the NH zone, the NH regulations apply only for the portion of the site within the NH zone.

Section 406-4 Warning and Disclaimer of Liability

This regulation is designed to limit development in areas which have a potential for flooding or other natural hazards as indicated by scientific soil analysis, and does not imply that areas outside the district or land uses permitted within the district will be free from flooding damages or damages from other natural hazards.

Larger floods may occur or flood heights may be increased by man-made or natural causes such as ice-jams and bridge openings restricted by debris. The resolution shall not create liability on the part of Harrisville Township or any officer or employee thereof for any flood or other damages that result from reliance on the Resolution or any administrative decision lawfully made thereunder.

Section 406-5 Specific Regulations Pertaining to Flood Prone Areas (FP)

All uses permitted and conditionally permitted in the conventional zoning district are permitted in the FP zone. Before issuance of a zoning certificate, it must be shown to the Zoning commission or Board of Appeals for Conditional certificates that:

- a) All building and structures shall be reasonably safe from flooding (from a flood of 100 year frequency) by having the first floor or basement, if there is to be a basement, elevation at least one foot above the level of such flood.
- b) No structures or uses shall adversely affect the efficiency or unduly restrict of capacity of the channels or flood-ways of any stream drainage ditch, or any other drainage facility or system.

- c) No materials, either organic or inorganic, shall be stored in either open storage or enclosed storage in such a manner as to present a hazard of pollution or contamination of stream waters in the case of flooding.
- d) No organic soils is present on the site that would present additional hazards to occupants of the site.

Section 406-6 Specific Regulations Pertaining to Organic Soil Areas

The only permitted uses in the organic soil areas shall be open space uses such as agriculture and recreation, which involve no substantial buildings for human occupancy.

**Section 407 SEXUALLY ORIENTED BUSINESS**

Section 407-1 Preamble

Based on the findings of the Township Zoning Commission and the Board of Township Trustees regarding the adverse secondary effects of Sexually Oriented Businesses, it is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety and welfare and/or for the public convenience, comfort, prosperity, and general welfare of the citizens of the Township as appropriate and authorized by law, and to establish reasonable and uniform regulations regarding sexually oriented businesses to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

Section 407-2 Findings

Based on evidence concerning the adverse secondary effect of Sexually Oriented Businesses on communities presented in hearings and in reports made available to the Harrisville Township Board of Trustees, and on findings incorporated in the cases of *City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C. (2004), 541 U.S. 774*; *City of Los Angeles v. Alameda Books, Inc. (2002), 535 U.S. 425*; *City of ERIE V. Pap's A.M. (2000), 529 U.S. 277*; *Barnes V. Glen Theatre, Inc.(1991), 501 U.S. 560* ; *City of Renton v. Playtime Theatre, Inc.(1986), 475 U.S. 41*; *Arcara v. Cloud Books, Inc. (1986), 478 U.S.697*; *Lacobucci v. City of Newport, Ky (1986), 479 U.S. 92*; *Young v .American Mini Theatres (1976), 427 U.S. 50*; *California v. LaRue (1972), 409 U.S. 1091*; and *DLS, Inc. v. City of Chattanooga (6<sup>th</sup> Cir.,1997), 107 F.3d 403*; *East Brooks Books, Inc. v. City of Memphis (6<sup>th</sup> Cir., 1995), 48 F.3d 220*; *Harris v. Fitchville Township Trustees (N.D. Ohio, 2000), 99 F. Supp. 837*; *Bamon Corp. v. City of Dayton (S.D. Ohio, 1990), 730 F. Supp. 90, aff'd (6<sup>th</sup> Cir., 1991), 923 F.2d 470*; *Broadway Books V. Roberts (E.D. Tenn., 1986), 642 F. Supp. 486*; *Bright Lights, Inc. v. City of Newport (E.D. Ky. 1993), 830 F. Supp.378*; *Richland Bookmart v. Nichols (6<sup>th</sup> Cir. 1998), 137 F.3d 435* ;*Déjà vu v. Meto Government (6<sup>th</sup> Cir. 1999), 1999 U.S. App. LEXIS 535*; *Threesome Entertainment v. Strittmather (N.D. Ohio 1998), 4 F.Supp.2d 710*; *J.L. Spoons, Inc. v. City of Brunswick (N.D. Ohio 1999), 49 F. Supp.2d 1032*; *Triplet Grille, Inc. v. City of Akron (6<sup>th</sup> Cir. 1994), 40 F.3d 129*; *Nightclubs, Inc. v. City of Paducah (6<sup>th</sup> Cir. 2000), 202 F.3d 884*; *O'Connor v. City and County of Denver (10<sup>th</sup> Cir. 1990), 894 F.2d 1210*; *Déjà vu of Nashville, Inc. et al. v. Metropolitan Government of Nashville and Davidson County (6<sup>th</sup> Cir.2001), 2001 U.S. App. LEXIS 26007*; *State of Ohio ex rel. Rothal v. Smith (Ohio C.P. 2002), Summit C.P. No. CV 01094594*; *Z.J. Gifts D-2, L.L.C. v. City of Aurora (10<sup>th</sup> Cir.1998), 136 F.3d 683*; *Connection Distrib. Co. v. Reno (6<sup>th</sup> Cir. 1998), 154 F.3d 281*; *Sundance Assocs.v. Reno (10<sup>th</sup> Cir. 1998), 139 F.3d 804*; *American Library Association v. Reno (D.C. Cir. 1994), 33 F.3d 78*; *American Target Advertising Inc. v. Giani (10<sup>th</sup> Cir. 2000), 199 F.3d 1241*: as well as studies conducted in other cities including, but not

limited to, Cleveland, Ohio (1997); Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986 and 1992); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and the Harrisville Township' independent review of the same, the Harrisville Township Board of Trustees makes the following findings:

- 1) Sexually Oriented Businesses can cause or contribute significantly to increases in criminal activity in areas in which they are located or take place, thereby taxing law enforcement and public health services.
- 2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually Oriented Businesses are located.
- 3) Sexually Oriented Businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
- 4) Nude dancing and other similar conduct provided by Sexually Oriented Businesses encourages prostitution, increases the frequency of sexual assaults, attracts or encourages other related criminal activity, increases the public health and safety risks associated with Sexually Oriented Businesses and otherwise causes or contributes significantly to the adverse impacts and secondary effect of Sexually Oriented Businesses on the areas in which such businesses are located, or take place.
- 5) Sexually Oriented Businesses can cause or contribute significantly to deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability or quality of affordable housing for area residents, and reducing the value of property in such areas.
- 6) Sexually Oriented Businesses can undermine the stability of other established business and commercial uses in the areas in which Sexually Oriented Businesses are located or take place and cause or contribute significantly to the deterioration of such other business and commercial uses, thereby causing or contributing to a decline in such uses and an inhibition on business and commercial growth resulting in adverse impact on local government revenues and property values.
- 7) Sexually Oriented Businesses can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy the enjoyment and family atmosphere of persons using parks, playgrounds, forest preserves, and other public recreational areas, can interfere with or even destroy the spiritual experience of person attending church, synagogue, or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities.
- 8) The presence of Sexually Oriented Businesses is perceived by the public generally and by neighboring business owners and residents as an indication that the area in which such businesses occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration.

- 9) The exterior appearance, including signage, of Sexually Oriented Businesses can have an adverse impact on young people and students, can contribute to the decline in property values associated with Sexually Oriented Business activities, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which businesses are located or take place.
- 10) Sexual acts, including masturbation and oral and anal sex, occur at Sexually Oriented Businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in Sexually Oriented Businesses featuring live nude or seminude dancers constitute or may constitute the offense of “engaging in prostitution” under section 2907.25 of the Revised Code.
- 11) Offering and providing such booths and/or cubicles encourage such activities, which creates unhealthy conditions.
- 12) Persons frequent certain Sexually Oriented Businesses for the purpose of engaging in sex within the premises of those Sexually Oriented Businesses.
- 13) Certain employees of certain Sexually Oriented Businesses, including adult theaters and adult cabarets, engage in a higher incidence of certain type of illicit sexual behavior that employees of other businesses and establishments.
- 14) Numerous communicable diseases may be spread by activities occurring in Sexually Oriented Businesses including, but not limited to ,syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, campylobacter infections, shigella infections, chlamydia infections, myoplasmal infections, ureoplasmal infections, trichomoniasis, and chancroid.
- 15) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; and 253,448 through December 31, 1992.
- 16) A total of 10,255 AIDS cases had been reported in Ohio as of January, 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with HIV (4,213) and AIDS (3,756) in the state.
- 17) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
- 18) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- 19) The number of cases of early (less than one year) syphilis in the United States reported annually has risen: 33,613 cases were reported in 1982 and 45,200 cases were reported through November 1990.
- 20) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- 21) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- 22) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of Sexually Oriented Businesses.
- 23) Sanitary conditions in some Sexually Oriented Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- 24) Sexually Oriented Businesses lend themselves to ancillary unlawful and unhealthy activities that are uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.
- 25) Concentrations of multiple Sexually Oriented Businesses are associated with higher rates of prostitution, robbery assaults, and thefts in the surrounding neighborhood and dispersing Sexually Oriented Businesses cause a reduction in the adverse impact and secondary effects of such businesses.
- 26) The findings noted in Paragraphs 1 through 25 of this Section raise substantial governmental concerns.

- 27) The enactment of this zoning regulations will promote the general welfare, health, morals, and/or safety of the citizens of Harrisville Township.

Section 407-3 Definitions

- 1) Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated or slug operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.
- 2) Adult Book/Video Store: means a commercial establishment which, as a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rental, for any form of consideration, any of the following: books, magazines, newspapers, periodicals, other printer matter, photographs, films, motion pictures, video cassettes, DVDs, compact disk, slides, other video reproductions, or other visual representations which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.
- 3) Adult Hotel/Motel: means a hotel, motel or similar commercial establishment that:
  - a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions: or
  - b) Offers a sleeping room for rent for a period of time that is less than eight (8) hours; or
  - c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight (8) continuous hours.
- 4) Adult Motion Picture Theater: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”. This does not include materials that have been rated “G”, “PG”, “PG-13”, or “R” by the Motion Picture Association of America.
- 5) Adult Novelty Store: means a commercial establishment which, as a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rent instruments, devices, lingerie, leather goods or paraphernalia (other than medical and contraceptive devices) either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs or for use in connection with “specified sexual activities” or for sadomasochistic use or abuse of self or others.
- 6) Adult Only Live Entertainment Business: means a nightclub, bar restaurant or other commercial establishment which regularly features any of the following:
  - a) Persons who appear in a state of nudity or semi-nude; or
  - b) Exhibitions, dance routines, or gyrating choreography or any other live performance of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that is distinguished or characterized by the exposure of “specified anatomical areas” or by an emphasis upon exhibiting, depicting, simulating or displaying “specified sexual activities”, or
  - c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.
- 7) Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are

characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

- 8) Escort: means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person and who agrees or offers to appear in a state of nudity or who agrees or offers to privately model lingerie or privately perform a striptease for another person.
- 9) Escort Agency: means a person, business association, or other commercial establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 10) Cemetery: means land used or dedicated to be used for interment of human remains or cremated human remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, crematoriums, and necessary sales and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.
- 11) Massage Parlor: means a commercial establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession persons licensed by the state. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory use.
- 12) Nude Model Studio: means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for any form of consideration. Nude model studio shall not include any of the following:
  - a) Proprietary school licensed by the State of Ohio;
  - b) A college, junior college, or university supported entirely or in part by public taxation;
  - c) A private college or university which maintains and operations educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
  - d) An establishment in a structure that:
    - i) Has no sign visible for the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
    - ii) Where in order to participate in a class a student must enroll at least three days in advance of the class; and
    - iii) No more than one nude or semi-nude model is on the premises at any one time.
- 13) Nudity or State of Nudity: means the appearance or display of a specified anatomical area.
- 14) Semi-Nude or Semi-Nudity: means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- 15) Sexual Encounter Center: means a business or commercial establishment or enterprise that, as a significant or substantial portion of its business or as one of its principal business purposes, offers for any form of consideration any of the following:
  - a) Physical contact in the form or wrestling or tumbling between persons of the opposite sex;
  - b) Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 16) Sexually Oriented Business: means any one of the following:
  - a) Adult Arcade
  - b) Adult Book/Video Store
  - c) Adult Motel
  - d) Adult Motion Picture Theater
  - e) Adult Only Live Entertainment
  - f) Adult Theater
  - g) Escort Agency
  - h) Massage Parlor

- i) Nude Model Studio
  - j) Sexual Encounter Center
  - k) The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional persons licensed by the state engages in medically approved and recognized sexual therapy or other treatment
- 17) Specified Anatomical Areas: means a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a complete and fully opaque covering; or a female breast with less than a complete and fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- 18) Specified Sexual Activities: means any one or more of the following:
- a) Actual or simulated fondling or other touching of an erogenous zone of another, including without limitation, the thigh, genitalia, pubic area, buttocks, anus or female breast, whether covered or uncovered; or
  - b) Actual or simulated sex acts, normal or perverted, including, but not limited to, intercourse, fellatio, cunnilingus, oral copulation, sodomy, masturbation, bestiality, or the insertion, however slight, of any part of the body, or an instrument, apparatus, or other object into the vaginal or anal cavity of another; or
  - c) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
  - d) Human bodily functions of elimination, including, but not limited to defecation, ejaculation, or urination as part of or in connection with any of the activities set forth in (a), (b) and (c) above; or
  - e) Sadomasochistic practices including, but not limited to, flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

Section 407-4 Location

1. A Sexually Oriented Business may be located only in the Industrial (I-1) District and only in accordance with restrictions contained this Section.
2. Only one (1) Sexually Oriented Business shall be permitted in any one building, structure, or portion thereof and only one (1) Sexually Oriented Business shall be permitted per lot of record.
3. No Sexually Oriented Business shall be established or operated within 500 feet of any other Sexually Oriented Business. For purposes of this paragraph, the distance between any two Sexually Oriented Business shall be measured in a straight line, without regard to intervening structures or objects, from the closes exterior wall of the structure in which each business is located.
4. No Sexually Oriented Business shall be established or operated within 500 feet of a lot or record that contains any of the following:
  - a. A church, synagogue, mosque, temple or other building which is used primarily for religious worship or related religious activities;
  - b. A public or private educational facility that serves persons younger than eighteen (18) years of age, including but not limited to, nursery schools, preschools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - c. A day-care facility;
  - d. A public library or museum that regularly serves persons younger than eighteen (18) years of age
  - e. A public park or public recreational area that is under the ownership, control, operation, or management of the federal government, the State of Ohio, or any political sub division, agency, department, or authority thereof. "Public park" and "recreational area" include, but are not limited to, a park, playground, nature trails, swimming pool, athletic field, basketball court, tennis court, pedestrian/bicycle paths, wilderness areas, picnic areas, or other similar public land:

- f. Cemetery.
- g. Any lot zoned R1 and any lot used for residential purposes.
- h. For purposes of this section, measurement shall be made in a straight line, without regard to the intervening structure or objects, from the nearest portion of the building or structure used as the part of the premises where Sexually Oriented Business is conducted, to the nearest property line of the lot containing on or more of the foregoing.

Section 407-5 Restrictions

- 1) No advertisement, displays, or other promotional materials displaying or describing sexual activities or anatomical areas shall be shown or exhibited in any manner visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- 2) All building openings, entries, and windows shall be located, serviced, or covered in such a manner as to prevent viewing into the interior from any public or semi-public area, sidewalk, or roadway.
- 3) No screens, loudspeakers, or sound equipment shall be used for adult motion pictures that can be seen or discerned by the public from any public or semi-public area, sidewalk or roadway.
- 4) No merchandise or activities of a sexually oriented business shall be visible from a point outside the establishment.

Section 407-6 Supplemental Provisions

- 1. Severability: it is the specific intent of the Township that if any section, subsection, sentence, clause phrase, or portion of these regulations is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution as adopted. The township specifically declares that given the overall purpose and intent of this Resolution, it would have adopted the Resolution if such invalid provision had not been included or any illegal application had not been made.
- 2. Prevalence of Conforming Use: Any sexually oriented business which is lawfully and legally located and operating as a conforming use pursuant to the regulations set forth in this Resolution shall not be rendered a “non-conforming use” if a change in the zoning classification or use of any lot or structure would otherwise result in such sexually oriented business no longer being located legally and such business may continue as a conforming use.

# ARTICLE V NON-CONFORMING USES

## Section 501 Non-Conforming Use

### Section 501-1 Purpose

The purpose of this section is to provide for the eventual and equitable elimination of Uses that do not conform to the existing zoning, but which were in operation prior to the enactment of the Resolution.

### Section 501-2 Regulations

The lawful use of any building or land existing at the effective date of this Resolution may be continued although such use does not conform with the provisions of this Resolution, provided the following conditions are met:

- a) Alteration. A non-conforming building or structure may be altered improved or reconstructed, but not enlarged or extended, provided such work does not exceed in aggregate cost fifty (50) percent of the total replacement value of the building or structure.
- b) Extensions. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building or structure, which existed prior to the enactment of the Resolution, shall not be deemed the extension of such non-conforming use.
- c) Construction Approved Prior to Resolution. Nothing in this Resolution shall prohibit the completion or construction and use of a non-conforming building for which zoning certificate has been issued prior to the effective date of this resolution, provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.
- d) Displacement. No non-conforming use shall displace a conforming use.
- e) Discontinuance of Abandonment. Whenever a non-confirming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an Intention to legally abandon the non-conforming use, At the end of the two (2) year period of abandonment the non-conforming use shall be in conformity with the provisions of the Resolution.
- f) Restoration. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Act of God, subsequent to the date of this Resolution wherein the expense of such work does not exceed fifty (50) percent of the total replacement cost of the building or structure at the time such damage occurred.
- g) A non-comforming residential building or structure may be reconstructed, repaired, of rebuilt if destroyed by fire, collapse, explosion, or Act of God, subsequent to the date of this section, even if the expense of such work exceeds fifty (50) percent of the total replacement cost of the residential building or structure at the time such damage occurred.

# ARTICLE VI SIGN REGULATIONS

## Section 601 SIGN REGULATIONS

Section 601-1 Sign Regulations  
(For the appropriate fees, see Section (901-4-d))

- A. The following signs are permitted in any district and a zoning certificate shall not be required.
  - 1. One non-illuminated sign advertising the sale or lease of the lot or building not exceeding six (6) square feet In area on any lot.
  - 2. Signs appropriate to a public or semipublic building for the purpose of displaying the name and activities or services therein provided, not larger than a total of twenty (20) square feet And restricted to the premises.
  - 3. Signs incidental to legal process and necessary to the public welfare.
  - 4. No sign shall extend into any highway or street right of way.
  - 5. Signs not larger than ten (10) square feet in Area are permitted in any district when the Use of the sign is in direct relation to the use of the premises,
- B. The following signs are permitted only in a business or industrial district and a zoning certificate shall be required.
  - 1. Business signs may be fixed flat against the wall of buildings or may project not more than four (4) feet,
  - 2. Any illuminated business sign or billboard shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors,
  - 3. No business sign or billboard shall be erected closer than eighty (80) feet to any intersection with exception of those signs incidental to legal process and necessary to the public welfare or those signs attached to 4 building or structure and they must be placed go as not to obstruct the view or cause a traffic hazard.
  - 4. All business signs and billboards erected beyond 80 feet but within two hundred (200) feet of any intersection must be erected so as not to obstruct View or cause a traffic hazard.

# ARTICLE VII PARKING AND LOADING REGULATIONS

## Section 701 GENERAL REGULATIONS

- A. Off-Street Parking and Loading. In All districts, in connection with every building or part thereof hereafter created, off-street parking facilities shall be provided outside the public right of way and on the same lot as prescribed In Sections 701-1 and 702 of Article VII. Every building or structure used for Commercial or industrial surpusses shall provide space for loading or unloading off the street, outside the public right of way and on the same lot as the principal use or building.

### Section 701-1 Minimum Number of Off-Street Parking Spaces Required

- A. Parking Spaces. Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet (10 x 20) in area, exclusive of access drives And aisles.
- B. One-family dwelling -- one (1) parking space per dwelling unit.
- C. Business uses -- two (2) square feet of parking area for each square foot of floor space in the structure, exclusive of the basement or attic floor.
- D. Industrial establishments -- two (2) spaces per five (5) employees.
- E. Churches and school auditoriums -- one (1) parking space for each four- (4) seats in the auditorium, based on maximum seating capacity.

## Section 702 LOADING AND UNLOADING SPACES

- A. Off-street loading And unloading accessory parking areas shall provide spaces as follows:
1. Commercial uses,-- 480 square feet (12 x 40)
  2. Industrial uses - 720 square feet (12 x 60)
- B. Access to truck loading and Unloading spaces shall be provided directly from a public street or from any public right of way that will not interfere with public convenience.
- C. Loading space as required under this section shall be provided as area additional to off-street Parking spaces As required, and shall not be considered as supplying off-street parking space.