

SECTION 7 GENERAL REQUIREMENTS

(Amended July 20, 1992, effective August 20, 1992)

(Revised effective July 17, 1996)(effective July 6, 2005) (effective 7/18/2007) (Revised 7/11/2012)

7.1 **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.

7.2 **PUBLIC UTILITIES AND RAILROADS:** This Resolution shall not apply to public utilities or railroads except as set forth in Sections 14.12, 15 and 16 governing construction of any tower owned or used by a public utility for the provision of cellular telephone communications service in any district zoned for residential use.

7.3 **NON-RESTRICTED HEIGHT:** There shall be no restriction of the height of church spires, belfries, clocktowers, radio and television towers, 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.

7.4 **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 purposes other than is permitted in the use district in which the building or land is located.

7.5 **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 or any other open space requirement of or for any other building or structure.

7.6 **MOVING OR REMOVAL OF BUILDING OR DIVISION OF LAND:** In the event conveyance is made of a part of a premises, and as a result of same, any building or structure located upon said premises remaining of 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.

7.7 **CONFORMITY REQUIRED:** In the event two (2) or more buildings or structures are located on a single parcel which will be divided in such a way as to create two (2) or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure 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.

7.8 CORNER LOT SETBACK LINE: The front setback line on a corner lot shall be in accordance with the road or street on which the building faces. The side yard clearance from the side street shall in no event be less than fifty (50) feet from the right-of-way sideline of the road or eighty (80) feet from the center of the traveled portion of the road, whichever is greater. (Effective 7/18/07)

7.9 No building shall be erected unless the same fronts, and has access to, a duly dedicated, accepted road or street, unless the road, at the time this Resolution becomes effective, is an established private road or a subsequent extension thereof.

7.10 Recreational vehicles shall not be deemed to constitute a dwelling, or a part of a dwelling, and shall not be used for residential purposes in any district.

7.11 WASTE MATERIALS: Waste materials shall not be discharged onto or into the ground or onto or into a body of water or stream unless treated or controlled so the solid substances shall not exceed the amount permitted and shall be in compliance with any regulations by the current federal, state, county, or controlling agencies. (Effective July 6, 2005)

7.12 PERFORMANCE STANDARDS

1. All uses in LeRoy Township shall conform to the performance standards in this section. The purpose of such standards is to permit potential industrial nuisances to be measured, factually and objectively, to ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination, and to protect industries from arbitrary exclusion or persecution based solely on nuisance production,
 - A. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat imperceptible from any point along the property line.
 - B. Vibration. Industrial operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Transportation facilities or temporary construction are excluded from this restriction.
 - C. Light. Exterior lighting, except for overhead street lighting and warning, emergency, or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and

walkways or into any residential area. The installation or erection of any lighting which may be confused with warning signals, emergency signals, or traffic signals shall be prohibited.

D. Smoke emissions

a. No person shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density to obscure an observer's vision to a degree in excess of 20 percent opacity.

b. Emissions from fireplaces used for non-commercial or recreational purposes shall be exempt.

c. This section shall not apply to emissions during the buildup or a new fire, cleaning of fires, soot blowing, start-up, any process modification or adjustment or occasional cleaning of control equipment, the shade or appearance of which is not darker than an equivalent opacity so as to obscure an observer's view to a degree not greater than forty (40) percent for a period or periods aggregating no more than three (30 minutes in any one (1) hour.

d. This section does not apply to fugitive dust

E. Odor emissions. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source to result in noxious odors to produce a public nuisance or hazard beyond the lot lines of the source.

F. Particle emission. No particles of fly ash shall exceed two-tenths (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.

G. Fugitive Dust is defined by Ohio EPA. The land owner and/or operator of operations that create fugitive dust shall be in compliance with all applicable regulations including but not limited to OEPA regulations and they shall obtain all required permits from all regulatory agencies.

H. Hazardous materials. If the proposed users or tenants of the project are known to use and/or store hazardous materials (including hazardous wastes) on-site, the project shall be designed to comply with all fire and building codes for the hazardous materials used and adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.

I. Electromagnetic interference. No use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public

health, safety, and welfare including but not limited to interference with radio, telephone, or television reception from off the premises where the activity is conducted.

- J. Noise. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured accordingly to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound-level meter. Impulsive type noises shall be subject to the prescribed performance standards, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured; for the purpose of this Resolution shall be those noises which cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.