

**Leroy Township Zoning Regulations**  
**SECTION 14**  
**CONDITIONAL USE PERMIT**

(Amended July 20, 1992, effective August 20, 1992) (Revise Effective 12/7/05)  
(Revised effective 4/6/06) (Revised effective 5/2/2012) (Revised 6/23/17)  
(Revised August 8, 2018)

**14.1 PURPOSE:** It is recognized that an increasing number of new kinds of land uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to locations, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under this amendment shall follow the procedures and requirements set forth in the following sections.

**14.2 CONTENTS OF APPLICATION OF CONDITIONAL USE PERMIT:** An application for a Conditional Use Permit shall be filed with the Secretary of the Board of Zoning Appeals on a form provided by the Zoning Inspector by at least one owner or lessee or their duly authorized agents of property of which such conditional use is proposed. At a minimum, the application shall contain the following information.

- A. Name, address and telephone number of the applicant.
- B. Legal description of the property and the name(s) of the owner(s) of record.
- C. Description of existing use.
- D. Zoning District.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area(s), traffic access and internal traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility of the proposed use to the Comprehensive Plan.

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**14.3 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES:** In addition to the specific requirements for conditionally permitted uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Comprehensive Plan and/or Zoning Resolution.
- B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous to the general welfare of the community.
- G. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
- H. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.

**14.4 PROCEDURE**

- A. Upon receipt of the application and fee by the Secretary of the Board of Zoning Appeals, a public hearing shall be scheduled and held in accordance with the Ohio Revised Code. (Effective 4/6/06)
- B. Notice shall be given by the Secretary of the Board of Zoning Appeals to the applicants and owners of all contiguous property in accordance with the Ohio Revised Code. (Effective 4/6/06)

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- C. Notice of the hearing for all interested parties shall be published in one (1) or more newspapers of general circulation in the County in accordance with the Ohio Revised Code.
- D. Upon the hearing, any person may appear in person or be represented by an attorney. The manner in which the hearing is conducted shall be in accordance with the rules and procedures adopted by the Board of Zoning Appeals.

**14.5** **ISSUANCE OF PERMIT:** In the event the decision of the Board of Zoning Appeals is favorable to the applicant, a Conditional Use Permit shall be issued which clearly states all the conditions and covenants to which said permit is subject. The permit shall be signed by the Chair of the Board of Zoning appeals. A copy of the permit shall be conveyed to the applicant, the Township Fire Chief, the Township Zoning Inspector, the Township Board of Trustees and the Township Zoning Commission. (Effective 4/6/06)

**14.6** **FEE:**

- A. The party applying to the Board of Zoning Appeals shall deposit with the Zoning Inspector a fee in accordance with a fee schedule adopted by the Board of Township Trustees. Said fee is to cover expenses of notice and transmission of papers incident to application for a Conditional Use Permit. If a verbatim record is desired by the applicant, he shall furnish a court reporter and bear the expense of typing said report.
- B. A fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees may be required as one of the conditions of a Conditional Use Permit.

**14.7** **ENFORCEMENT:** The Leroy Township Zoning Inspector shall enforce compliance with all conditions as set forth in the permit.

**14.8** **REVOCACTION:** The Zoning Inspector, upon recommendation of the Chief of the Leroy Township Fire Department and the Lake County Sheriff shall suspend Conditional Use Permits for the applicant's failure to conform to any of the conditions of its issuance or for failure to comply with any applicable sections of this Resolution.

**14.9** **PENALTY:** Whosoever violates the provisions of this section shall, in addition to other remedies as provided by law, be subject to the penalties as provided in Section 5 of this Resolution.

**14.10** **PERMIT RENEWAL:** As one of the conditions of the issuance of a Conditional Use Permit, the Board of Zoning Appeals shall require a renewal application on a form prescribed by the Board of Township Trustees, to be filed with said Board of Zoning Appeals by the applicant no less than once every five (5) years and no more than once a year. The Permit shall be renewed by the Board of Zoning Appeals without public hearing, in the year due and the appropriate fee has been paid, unless the Board of Zoning Appeals

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has reasonable grounds to believe that the applicant has not complied with the conditions upon which the Permit was issued, abandoned its use, or there has been a change of conditions that make the intended use compatible with the observance of and conformity to, this Resolution.

**14.11 ACCESSORY BUILDING:** A Conditional Use Permit shall be required for an accessory building to be used for the following purpose in an R district:

*Equipment storage where the actual work is not performed at the building site, but all materials and equipment are stored on the premises in an accessory building. Such use shall be subject to the following conditions set out below and to the general standards applicable to all conditional uses set out in this Section.*

- A. Parking of vehicles required for this use shall be landscaped to maintain residential appearance of the site. All loading and unloading and parking areas shall be subject to and follow Section 25 Parking and Section 26 Screening and Landscaping.
- B. Fire inspection as to conformance of all fire codes shall be performed annually by the Leroy Township Fire Department.
- C. No equipment or process shall be generated by the accessory building which creates noise, vibration, glare, odors, or any electrical interference which is offensive or detectable to the normal sense of any person off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.
- D. No signs will be permitted in conjunction with an accessory building use.
- E. A fee or fees in accordance with a fee schedule adopted by the Leroy Twp. Trustee is required.

**14.12 RESIDENTIAL DEVELOPMENTALLY DISABLED:** A Conditional Use Permit shall be required for residential facilities for the following purpose in an R district:

*Residential facilities for the developmentally disabled.*

Such use shall be subject to the following conditions set out below and to the general standards applicable to all conditional uses set out in this Section.

- A. Number of Occupants: No residential facility for the developmentally disabled shall house more than eight (8) occupants.

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- B. Minimum Lot Width:** No lot on which is located or erected a residential facility for the developmentally disabled shall have a frontage on a public road right-of-way of less than two hundred (200) feet.
- C. Set-back Building Lines:** No residential facility for the developmentally disabled shall be erected within fifty (50) feet of the right-of-way sideline for any road or street. If there is no established right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road. In any such space, there shall be no parking facilities, parking space or storage of materials or equipment of any kind. (Effective 12/7/05)
- D. Side Yards:** Any residential facility for the developmentally disabled shall have a side yard clearance of not less than twenty-five (25) feet.
- E. Rear Yards:** Any residential facility for the developmentally disabled shall have a rear yard clearance of not less than forty (40) feet.
- F. Maximum Height of Buildings:** No residential facility for the developmentally disabled shall be in excess of thirty five (35) feet in height as measured from finished grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, radio and television tower, chimney, water tower, elevator bulkhead, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building. (Effective 12/7/05)
- G. Minimum Size:** The minimum total floor space of living area for each person living in any residential facility for the developmentally disabled shall not be less than five hundred (500) square feet per inhabitant.
- H. Parking Facilities:** All residential facilities for the developmentally disabled shall provide, without charge, usable adjacent parking spaces off the road or street, outside of the public road right-of-way and outside the area between the building set-back line and the public road right-of-way, together with means of ingress and egress thereto of an area of not less than two hundred (200) square feet for each occupant of the residence.

**14.13 CONDITIONAL USE PERMIT FOR CHILD DAY CARE CENTERS:** Child Day Care Centers shall be a permitted use in all Districts when granted a Conditional Use Permit subject to this Section 14 and provided such centers shall retain the character and intent of the District in which they are located.

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**A. REQUIREMENTS:**

1. Lot size: Minimum of five (5) acres.
2. Frontage: Minimum of five hundred (500) feet.
3. Setbacks, side yard clearances, maximum height of buildings: Must comply with all requirements for residential facilities.
4. Parking: One (1) parking space per staff member shall be provided. Parking spaces off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment and of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area on the first floor. No parking space shall be permitted inside the building set-back area.
5. Loading and Unloading Zone: A loading and unloading zone shall be provided outside of all parking spaces so as not to restrict the flow of traffic.
6. Screening and Landscaping: see Section 26.

**B. RESIDENTIAL FLOOR AREA:**

1. No living quarters or 24-hour occupancy to be permitted.
2. Kitchen Facilities: Separate from all classroom areas and to be regulated by Lake County Health Department, if provided.

**C. SAFETY/INSPECTION:**

1. Child Day Care Centers shall comply with the requirements of the National Fire Prevention Code and any amendments thereto and all other applicable safety codes. In addition, fire extinguishers, emergency lighting, exit way signs and other safety devices may be required as a condition of the issuance of a Conditional Use Permit. Smoke alarms in each room and hallway shall be required as a condition of the issuance of a Conditional Use Permit.
2. Inspection, for the purpose of fire safety, shall be conducted by the Leroy Township Fire Department prior to occupancy by residents and shall be conducted a minimum of two (2) times per year thereafter.

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3. A floor plan designating present location of exits and evacuation route shall be posted in each room in a conspicuous place.
4. An electronic fire, smoke, and carbon monoxide monitoring alert/call system, centrally monitored, shall be available at all times.
5. A driveway at least twelve (12) feet in width shall be required to provide access to the Child Day Care Center. The location and arrangement of the driveway are subject to prior approval by the Leroy Township Fire Department.
6. Owners shall display proof of such inspection and compliance in a conspicuous place and shall provide copies of such proof to the Leroy Township Zoning Inspector prior to the issuance of the Occupancy Permit and after each subsequent inspection.
7. All signs shall conform to zoning regulations permitting signs in R-2 Districts.

**14.14 CONDITIONAL USE PERMIT FOR ASSISTED LIVING HOMES.** Assisted Living Homes shall be a permitted use in an R District (Residential) when granted a Conditional Use Permit subject to Section 14 and provided such home shall retain the character and intent of the R-2 zoning district.

**A. DEFINITION:** An Assisted Living Home is defined as a residential home in which the owners and/or staff, for a fee, provide family-type housing, supervision, assistance and companionship for eight (8) or fewer retired, frail, elderly, adult residents requiring such services. These adult residents shall be individuals who are in need of assistance with Activities of Daily Living (ADL) and who cannot provide sufficient self-care due to age, physical limitation or frailty, and whose limited function does not require on-going medical management or nursing supervision.

**B. REQUIREMENTS**

1. Lot Size: Minimum of five (5) acres.
2. Frontage: Minimum of five hundred (500) feet.
3. Setbacks, side yard clearances, maximum height of buildings: Must comply with all requirements for residential facilities for the developmentally disabled contained in the Residential zoning district.

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4. Parking: Two (2) parking spaces per resident and one (1) parking space per staff member per shift shall be provided. All parking spaces must be off the road or street, outside of the road right-of-way and outside of any fire lane and/or driveway. Not less than two hundred (200) square feet of area shall be required for each such parking space.

**C. RESIDENTIAL FLOOR AREA**

1. Bedrooms:
  - a. Single person occupancy: A minimum of one hundred fifty (150) square feet.
  - b. Two-person occupancy: A minimum of two hundred twenty (220) square feet.
  - c. A minimum of ten (10) square feet of closet space within the bedroom area shall be provided for each resident and shall not be included in the bedroom square foot requirements.
2. Common Living Area: Two hundred fifty (250) square feet exclusive of halls and stairways.
3. Kitchen or Food Preparation Area: One hundred fifty (150) square feet exclusive of pantry. In the event that the number of residents of an Assisted Living Home exceeds five (5), then the requirement for the Kitchen or Food Preparation Area shall be those required for commercial kitchens as contained in the Regulations promulgated by the Lake County Health Department.
4. Bathroom: Minimum of one (1) full bath and two (2) one-half (½) baths.
5. Storage: Each residence shall have a minimum of one hundred (100) cubic feet of storage accessible to residents and staff.

**D. SAFETY/INSPECTION**

1. Assisted Living Homes shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes. In addition, fire extinguishers, emergency lighting, exit way signs and other safety devices may be required as a condition of the issuance of a Conditional Use Permit. Smoke alarms in each room and hallway shall be required as a condition of the issuance of a Conditional Use Permit.



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2. Inspection, for the purpose of fire safety, shall be conducted by the Leroy Township Fire Department prior to occupancy by residents and shall be conducted a minimum of one (1) time per year thereafter.
3. A driveway at least twelve (12) feet in width shall be required to provide access to the Assisted Living Home. The location and arrangement of the driveway are subject to prior approval by the Leroy Township Fire Department.
4. Owners shall display proof of such inspection and compliance in a conspicuous place and shall provide copies of such proof to the Zoning Inspector prior to the issuance of the Occupancy Permit and after each subsequent inspection.
5. A floor plan designating present location of exits and evacuation route shall be posted in each room in a conspicuous place.
6. An electronic monitoring alert/call system, centrally monitored, shall be available in each bedroom and bathroom to enable residents to obtain assistance when needed.
7. All signs shall conform to zoning regulations permitting signs in R-2 Districts.
8. Alcohol or chemically dependent individuals/adults are prohibited in an Assisted Living Home.

**14.15 CABLE TELEVISION:** See Section 24

**14.16 (deleted 6/23/17)**

**14.17 CONDITIONAL USE PERMIT FOR TELECOMMUNICATION TOWER**

(Effective 10/3/02)

Construction of a Telecommunication Tower, structure or a collocation platform shall require a permit by the Zoning Board of Appeals.

**14.18 CONDITIONAL USE FOR BED AND BREAKFAST RESIDENCE**

(Effective 7/9/03) (Revised effective 3/21/05)

- A. A Bed and Breakfast Residence is an owner-occupied single-family dwelling with one to four guest rooms for hire in said dwelling.

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- B.** Maximum length of stay by each guest shall be not more than fifteen consecutive days nor more than sixty days per calendar year.
- C.** One off-street parking space per guest room plus two for the owner are required, located to the side or rear of the dwelling with screening. Space for service deliveries and refuse collection shall be provided with screening as provided in this resolution.
- D.** All signs shall conform to the requirements of Section 23 of this Leroy Township Zoning Resolution. (Effective 3/21/05)
- E.** The only meal to be provided to guests shall be breakfast and to be served only to guests taking lodging at the residence.
- F.** No residence shall be used for Bed and Breakfast purposes unless there are at least two exits to the outdoors from such premises. Each room utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional thirty square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using the Bed and Breakfast residence.
- G.** Each owner shall keep a guest log book that must include the names and dates of all persons staying at the Bed and Breakfast residence. Such guest log book shall be available for inspection by the Zoning Inspector during normal business hours.
- H.** It shall be unlawful for any person(s) to operate a Bed and Breakfast Residence without first filing an application for and obtaining a Conditional Use Permit from the Board of Zoning Appeals. Any holder of a Conditional Use Permit issued under this section shall apply to the Board of Zoning Appeals for the renewal of the permit once the first year and once every five (5) years thereafter. The application for renewal shall be filed at least thirty (30) days prior to the expiration of the permit. The fee for the Conditional Use Permit and yearly renewal permit shall be set by the Board of Trustees. (Effective 3/21/05)
- I.** Applicants for a permit to operate a Bed and Breakfast Residence shall submit a floor plan of the single-family dwelling unit, along with the application provided

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and required fee, illustrating that the proposed operation will comply with all provisions of the Zoning Resolution, Lake County Building Code, Lake County Health Department, and Leroy Township Fire Department, whether specified herein or not.

- J.** Upon approval of the application by the Board of Zoning Appeals, the Zoning Inspector shall issue the permit within ten days.
  
- K.** All Conditional Use Permits granted are subject to Section 5, Enforcement, of this Leroy Township Zoning Resolution. Non-compliance with any of the conditions of Conditional Use Permit and/or Section 5 of this Leroy Township Zoning Resolution will result in non-renewal of the Conditional Use Permit. (Effective 3/21/05)