

ARTICLE VI
CONDITONAL ZONING CERTIFICATE

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601 PURPOSE

The purpose of this Article is to establish standards and procedures for regulating uses which have the potential to be made compatible with the districts in which they are listed as conditional uses but which, due to the nature of their operation, appearance or other characteristics, require individual review and control of their design, intensity, configuration and impacts upon the district and the community in order to ensure such compatibility and preservation of the district and the community.

602 CONDITIONAL USES GENERALLY

- A. Conditional uses which may be considered for approval are those uses which are identified in this Resolution as conditional uses for the respective district. A use listed as a conditional use shall not be permitted by right. The identification of a use as a conditional use in a district shall not establish or imply any rights for approval of the use for any lot, nor shall the approval of a conditional use on a lot establish or imply any rights for approval of the same use on any other lot. Listing as a conditional use shall afford the opportunity to submit an application for a conditional use which may be approved or denied on the basis of the provisions of this Resolution.
- B. The Board of Zoning Appeals may issue conditional zoning certificates as set forth in this Resolution. However, no certificate shall be issued unless reasonable conditions are established which will insure harmony of land uses and will not adversely affect the health, safety and morals of persons who now reside or use or who may reside or use that land within the reasonable futures in the general area in which the proposed use is to be located.
- C. In order to accomplish these objectives, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operations, intensity of use, generations of traffic and traffic movements, concentration of population,

processes and equipment employed, amount and kind of public facilities and services required, together with many other factors. Uses possessing these particularly unique characteristics are designed as conditional uses. Such use may be authorized by the issuance of conditional zoning certificates with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

D. ¹Conditional Use for Government Projects

1. Conditional use may be established for a government sponsored project on a temporary basis on land that is leased by the government or agent thereof, such as a contractor or supplier.
2. Due to the scope and magnitude of a government sponsored project such as highway expansion, water or sewer projects this conditional use provision has been established.
3. A conditional use for a government project may be issued in any of the zoning districts in Westfield Township.
4. The intent of this provision is:
 - a. To provide safe travel on area roads to the normal traffic patterns
 - b. To maximize the efficiency of the project, and
 - c. To allow oversight of project areas by the Board of Zoning Appeals
5. Project areas include but are not limited to:
 - a. Staging
 - b. Storage
 - c. Refuse areas
 - d. Support areas to the main project and/or
 - e. The construction of processing plants built for the purpose of supplying the project.
6. Each project area shall require an application and will be reviewed independently by the Board of Zoning Appeals.
7. These conditional uses shall only be temporary. As used in this rule, "temporary" shall be defined as the time necessary to complete the project but not to exceed four (4) years. If necessary, an extension may be applied for through the Board of Zoning Appeals.
8. Upon project completion or after the termination of the temporary use, all structures, utilities, materials and refuse shall be removed by the

¹ Added 12-15-2006

applicant unless they meet the zoning requirements of the district, the lease agreement with the owner and the rules of the Board.

9. The area of land used shall be reclaimed to its original condition unless the lease agreement with the owner states otherwise and in accordance with the Westfield Township Zoning Resolution.

603 PROCEDURE

Any application for a conditional zoning certificate for any structure or use listed as a conditional use under this Resolution shall be submitted and reviewed in accordance with the following procedures.

- A. **Application Submitted to Board of Zoning Appeals.** Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose.
- B. **Data Required in Application.** Every application shall be accompanied by the following information and data:
 1. Special form supplied by the Zoning Inspector filled out in full by the applicant.
 2. Site plan review application as required by Section 807.E
 3. A statement with supporting evidence regarding the required findings specified in Sections 605 and 606 below.
 4. Such other information required by the Zoning Inspector or the Board of Zoning Appeals to determine compliance of the proposed use with the provisions of this Resolution.
- C. **Review by Board of Zoning Appeals.** The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the conditions established in this Resolution. The Board may seek assistance from appropriate sources and any cost of which shall be borne by the applicant.
- D. **Public Hearing.** After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing. The Board shall notify the owners of property adjacent to and across the street from the subject lot of the public hearing.
- E. **Board Action.** The Board of Zoning Appeals shall within 45 days after conclusion of the public hearing take one of the following actions:
 1. Approve the proposed conditional use and authorize the Zoning Inspector to issue the zoning certificate. In granting approval, the Board may prescribe appropriate conditions and safeguards in conformance with the intent and purposes of this Resolution for the protections of nearby property and the public health, safety and morals. Conditions may include, but are not limited to:

- a. Specific requirements for the layout, construction and maintenance of the site including but not limited to the locations of the uses, structures, driveways and parking areas and the maintenance and periodic replacement of fences, landscape material and other features.
 - b. Requirements for periodic inspection of the premises or for the inspection or submittal of records regarding its operation to determine compliance with the approval.
 - c. Requirements for inspection or testing and for payment of the costs thereof deemed necessary to ensure that certain serious impacts or hazards do not occur.
 - d. Specific prohibitions against certain activities, times of operations or other circumstances which may be commonly associated with such use and which are not acceptable within the terms of the approval.
2. **Deny** the proposed conditional use and specify the reason(s) for disapproval.
- F. **Re-application.** No application for a conditional zoning certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals.
- G. **Time Limit.** A conditional zoning certificate for a use permitted under these regulations may be issued for a specified time limit. After the time limit has elapsed, a new conditional zoning certificate shall be required may be issued provided that the Board of Zoning Appeals determines that the use has been and is being operated according to the specifications of the Zoning Resolution and the previous conditional zoning certificate, **IF** necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the conditional zoning certificate.
- H. **Termination.**² The conditional zoning certificate shall become void as the expiration of one (1) year after date of issuance unless the structure or alteration thereof is started and work is continuing at a reasonable rate.
- I. **Enforcement.**
1. If the Zoning Inspector finds that any provision of this Resolution relating to a conditional use is being violated or that any condition, safeguard or requirement of a conditional use approval is being violated or breached, the Zoning Inspector shall take action to enforce the provisions of the Resolution or the condition, safeguard or requirement of the conditional use approval as provided for violations of this Resolution.

² Amended 01-06-2006

2. If the Board of Zoning Appeals determines that revocation of the conditional use permit may be appropriate action in enforcement of the provisions of this Resolution or of any condition, safeguard or requirement of the Conditional use approval, then the Board shall set a date for a hearing regarding revocation. At least ten (10) days prior to the hearing, written notice shall be issued to the person responsible for the violation advising of the specific violation, and of the date, time and location of the hearing. The Board of Zoning Appeals shall conduct the hearing at the date and time established, shall consider the record, shall consider any evidence submitted by or on behalf of the holder of the zoning certificate and evidence submitted by the Zoning Inspector and shall determine the action to be taken. The Board of Zoning Appeals may take any of the following actions as determined appropriate to resolve the violation:
 - a. Order the action necessary to correct the violation
 - b. Revoke the approval of the conditional use
 - c. Amend the terms of the approval of the conditional use

604 BASIS OF DETERMINATION

The Board of Zoning Appeals shall establish that the general conditions and the specific conditions pertinent to each use outlined in the following sections shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Resolution will be observed.

605 GENERAL STANDARDS FOR ALL CONDITIONAL USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following general conditions and shall find adequate evidence showing that such use on the proposed location:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the land use and thoroughfare plan of current adoption.
- 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 not be detrimental to property in the immediate vicinity or to the community as a whole.

- E. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structure, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- F. Will be in compliance with State, County and Township regulations.
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

606 SPECIFIC AND SUPPLEMENTARY CONDITIONS

- A. **Specific Conditions.** The Board of Zoning Appeals shall review each proposed use in terms of the specific conditions listed for conditional uses in each district.
 - 1. *Reserved*
 - 2. All structures and activity areas except open parking areas shall be located at least 100 feet from all property lines.
 - 3. Loudspeakers and/or amplifiers which cause a hazard or annoyance to nearby residences shall not be permitted.
 - 4. All points of entrance or exit should be located no closer than 200 feet from the intersection of two (2) major thoroughfares; and/or no closer than 200 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
 - 5. *Reserved*
 - 6. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any road or highway; no lighting shall shine directly on adjacent properties.
 - 7. Elementary school structures should be located on a collector thoroughfare.
 - 8. Such developments should be located on major thoroughfares, at intersections of major and/or collector thoroughfares or on marginal access streets for major thoroughfares.
 - 9. Such developments should be located adjacent to nonresidential uses such as churches, parks or commercial district.
 - 10. Such uses shall not require uneconomical extensions of utility services at the expense of the community.

11. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into an area.
12. Such uses should be property landscaped to be harmonious with surrounding residential uses.
13. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or the community in general. A bond may be required to ensure that this provision will be met.
14. Any temporary structures must be indicated as such on site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.
15. All ingress and egress driveways shall be sufficiently separated from intersections to avoid traffic conflicts. Driveways shall be designed to provide adequate internal circulation and where necessary to provide sufficient storage space so that waiting vehicles will not extend into a public right-of-way or block circulation on the site.
16. Truck parking areas, maneuvering lanes and access way to public roads shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
17. The site shall not be used for the storage and/or overnight parking of vehicles other than storage of rental trailers and/or trucks.
18. Only retail uses which are customarily accessory or incidental to the principal recreational use shall be permitted as part of the park, recreational area or campground. Permitted retail uses are refreshment stands, souvenir stands, concession stands, park office and the limited sale of groceries when the customers are primarily the campers using the park. Buildings and signs for such retail uses shall not be arranged to attract customers from adjacent highways.
19. All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
20. **Reserved**
21. a. Gasoline filling stations shall conform to all setback requirements of the district in which they are permitted except that gasoline pump islands need not conform to the minimum building setback lines but shall be set back from all road right-of-way lines at least 50 feet.
 - b. Lubrication, washing and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as provided elsewhere herein.

- c. Lighting including permitted illuminated signs shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential district or hazard to traffic on any public thoroughfare.
 - d. Ingress and egress driveways shall be separated from the intersection of any two (2) road right-of-way lines by at least 40 feet and from property lines by at least 20 feet. A curb shall be installed where any service areas adjoin any road right-of-way lines except at driveway approaches.
 - e. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan. Such parking areas shall not be closer than 50 feet to any road right-of-way line.
22. The area proposed for a **cemetery** shall be used for cemetery purposes only and shall meet the following requirements;
- a. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. The term "Marker" to refer to name of deceased.
 - b. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - c. Minimum area required for a cemetery site is to be 40 acres.
 - d. Pavement width of driveways shall be at least 10 feet (10 feet per moving land.)
 - e. Driveways should be useable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
 - f. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Board of Zoning Appeals.
 - g. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
 - h. A grave site shall not be within 200 feet of an existing residence and in no case, shall a grave site be closer than 30 feet from an adjoining property line.
 - i. The Board of Zoning Appeals shall have the power to determine the need for amount of plant materials, walls or fences or any combination of these on any property line of land under consideration. The plans and specification for the overall site development shall include the proposed arrangement of such plantings and structures.
 - j. ***Reserved***

- k. Provisions shall be made for landscaping throughout the cemetery. Location of cemetery buildings and all other structures shall conform to front, side and rear yard minimum building setback lines of the particular district in which it is located.
- l. No grave sites shall be located within 80 feet of the right-of-way line of any publicly dedicated thoroughfare.
- m. The Board of Zoning Appeals may require financial guarantees by made that the cemetery will be developed as proposed on the plans approved by the Board. Guarantees shall be in a form approved by the Board and may be one of the following:
 - 1. A performance bond in the amount of \$25,000 for cemeteries of 40 acres. An additional \$5,000 shall be required for each 10 acres over 40 acres or for each 10 acres added at a later date. The amount of the bond will be reduced annually and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed by to the specifications of the plans approved by the Board.
 - 2. Other methods as might be worked out by the Board of Zoning Appeals, Township Trustees, developers and their legal advisors.
- n. The Board of Zoning Appeals may require that a trust fund of an amount set by the Board be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. The trust fund would be established before any burial spaces are sold or used and would be held and invested by a financial institution mutually agreed upon by the developers and the Board of Township Trustees. A percentage of the money from the sale of each burial space would be put into the maintenance trust fund. The percentage would be an amount set by the Board of Zoning Appeals. Interest yielded by the fund would be applied toward the maintenance of the cemetery grounds.

23. Reserved

24. The following regulations shall apply to **strip mining** for coal, gravel, sand, clay, limestone or sandstone deposits in Westfield Township:
- a. A permit must be issued by the Ohio Department of Natural Resources according to the procedures and requirements of Chapter 1514 of the Ohio Revised Code and the rules adopted pursuant thereto.
 - b. The applicant shall present to the zoning Inspector plans for reclamation of the land proposed to be mined. The reclamation plans shall have been approved by the Ohio Department of Natural Resources. The reclamation plan shall propose a future use to the site which is in accordance with the Westfield Township Zoning Resolution or other such

comprehensive plan currently in effect. The reclamation shall be completed before evacuation of the site by the applicant.

- 25.³ Specific conditions pertaining to **recreation areas** which allow campgrounds:
- a. The 2005 Ohio Department of Health regulations of Recreational Vehicle Park, Recreation Camp, Combined Park-Camp and Temporary Park-Camp Rules, Ohio Administrative Code Chapter 3701-25 as amended or supplemented shall be the primary regulations for campgrounds in Westfield Township. Additional regulations on campgrounds by Westfield Township Zoning Resolution shall also apply.
 - b. All aspects of a campground shall comply with the Westfield Township Zoning Resolution, Medina County Subdivision Regulations, Medina County Building Code, Ohio Basic Building Code, Ohio Sanitary Code and Ohio Department of Health Regulations as amended or supplemented where applicable.
 - c. The recreational uses permitted will be only those specifically listed in the Conditional Use Certificate granted.
 - d. All permanent building structures and recreational vehicles shall be a minimum distance of twenty-five (25) feet from all property lines.
 - e. Lighting: O.D.H. 3701-25-69 regulations apply. Also, Westfield Township Zoning Resolution Article II, Section 205.G.
 - f. Amplified Sound: O.D.H. 3701-25-66. I and 3701-25-67. Also amplified sound, which causes a hazard or annoyance shall not be permitted between the hours of 11:00 p.m. to 8:00 a.m.
 - g. Parking: O.D.H. 3701-25-74.
 - h. Sites: O.D.H. 3701-25-56.
 - i. Signage: Westfield Township Zoning Resolution Article IV. Signage is established by the Board of Zoning Appeals as part of the Conditional Zoning Certificate.
 - j. Storage of recreational vehicles shall be permitted within a campground, either on campsites or within a central storage compound. The central storage compound shall provide for and maintain a 25-foot buffer.
 - k. Except for the campground owners or their employees, a recreational vehicle, cabin, cottage or tent shall not be used as a permanent

³ Amended in its entirety 09-02-2006

residence. Permanent residence would be a primary residence for a person or family.

- I. Accessory structures and uses shall be permitted with compliance from O.D.H. regulations and Westfield Township Zoning Resolution Article II, Section 205.A.

26. Specific conditions pertaining to **junkyards, salvage yards or impound lots.**

- a. They shall be totally surrounded with a non-transparent minimum 6-foot fence so as to obscure the contents from the ordinary view of citizens passing by.
- b. No salvage item shall be allowed to remain outside of the fence.
- c. All equipment pertaining to said operation must be contained within the perimeter of the fence.

27. Not more than two (2) commercial vehicles, two (2) commercial trailers, or two (2) commercial units may be parked at one time.

28. ***Reserved***

29. **Planned Developments**

- a. Purpose. The purpose of this section is to encourage wise use of the natural landscape and topography to promote the preservation of open space and natural areas and to provide a variety of residential opportunities in the township. This may be accomplished through use of land development techniques provided in this section which allow flexibility in arranging lots and building sites.
- b. Permitted Districts. A planned development may be approved as a conditional use in the **RR** and **SR** districts.
- c. Requirements, Standards and Guidelines:
 1. Density.
 - A. For purposes of calculating density of a planned development, any land which is open water, floodplain, wetland, existing public right-of-way or other land which is determined by the Board to be similarly unsuitable for construction of dwelling shall be excluded (subtracted) from the total area of the planned development.
 - B. In a planned development in the **RR** district, after exclusion of the land area described in subsection "A" above, the maximum number of dwelling units permitted on the remaining balance of the land area shall not exceed one unit per 2.5 acres.
 - C. In a planned development in the **SR** district, after exclusion of the land described in subsection "A" above, the maximum

- number of dwelling units permitted on the remaining balance of the land area shall not exceed one unit per 0.75 acres.
- D. The densities calculated as stated in subsections “A, B and C” above are only intended to calculate the maximum density which may be permitted by the Board. On the basis of findings relating to the location of the planned development, its surrounds, its design, its impact on nearby areas and other factors, the Board may permit the maximum density or may limit the density to a lower amount.
- E. The density of units on any single acre within a planned development shall not exceed one (1) unit per 0.75acre in the **RR** district and shall not exceed one (1) unit per 0.25 acre in the **SR** district unless the Board approves a higher density based on findings regarding setbacks of the units from roads and other properties, amenities provided and other factors consistent with the purpose and intent of the Resolution.
2. Minimum Area Required. The minimum area to be considered for a planned development shall be thirty (30) contiguous acres which are not crossed by public or private rights-of-way, easements, roads, rails or similar physical or legal barriers except that the Board may permit a planned development on not more than two (2) parcels of land which are proximate to one another but are not contiguous where proposed development of the properties meets the purpose and intent of the section and does not otherwise adversely affect the development and surrounding properties.
3. Lots and Yards.
- A. Lots created within a planned development shall only be recorded as part of a major subdivision according to the procedures and requirements of the Medina County Subdivision Regulations. The form of ownership of structures, pavement, private roads and land within a planned development shall be as approved by the Board and in compliance with the Medina County Subdivision Regulations.
- B. To the greatest extent feasible, vehicular access to lots shall be by means of new internal roads constructed within the planned development. No more than thirty percent (30%) of the frontage of the planned development on existing public roads shall be platted for purposes of lot frontages providing direct access to the existing public roads. Lot frontages platted onto the existing public roads shall at a minimum, comply with the lot

- frontage requirements of the residential district in which they are located.
- C. No part of an area of open water, wetland or flood plain shall be subdivided into private lots, except as approved by the Board in the development plan.
 - D. Setbacks from Existing Roads. Structure shall be set back from an existing public right-of-way not less than one hundred (100) feet in the RR district and not less than seventy-five (75) feet in the SR district. The minimum setback from any other boundary of a planned development shall be seventy-five (75) feet.
 - E. Setbacks from Proposed Roads. The minimum setback from a proposed public right-of-way or from the edge of pavement of a proposed private road shall be not less than thirty-five (35) feet.
 - F. The minimum separation between dwellings shall be twenty (20) feet.
 - G. An area at least twenty (20) feet in width paralleling the edges of all wetlands shall be preserved in its natural state. No building shall be constructed closer than thirty-five (35) feet to a wetland.
4. Uses. The permitted or conditional uses in a planned development shall be the same as permitted or conditional in the district in which the planned development is located provided that the specific uses are approved in conditional use approval of the planned development. Uses which are not approved in the original conditional use approval shall only be established subsequently by application for a conditional use and amendment of the development plan.
5. Open Space.
- A. A minimum of thirty percent (30%) of the land area of the planned development shall be designated as permanent open space.
 - B. No more than thirty percent (30%) of the required area of designated permanent open space may be open water, wetland, floodplain or otherwise undevelopable land.
 - C. All parts of the designated open space shall be preserved in their natural state or designed and improved for the use and enjoyment of residents of the development or for the general public or utilized for field crops or pasture of animals. Areas developed as community rooms, club pool or commercial pool, athletic facilities or other active recreation uses shall not be included in the calculation of open space. Storm water

management facilities; such as retention or detention ponds may be located in open space areas.

- D. The following uses shall **not** be included in the calculation of designated open space: required setbacks and minimum spacing between buildings, parking areas, project boundaries or roads, private yards within private lots; small, fragmented or isolated areas that have a dimension less than seventy-five (75) feet in any direction. The areas of private roads and public road rights-of-way, parking areas, access ways and driveways shall not be included in the calculation of designated open space except where the board of Zoning Appeals determines that these facilities are designed solely to provide access to and use of the open space.
 - E. Open space shall be protected from further subdivision and the ownership of open space and control of conservation easements shall be as approved by the board and established by means of legal documents approved and duly recorded. Ownership may be held by any entity approved by the Commission and may be a homeowner association, the Township, Medina County Park District, State of Ohio, a land trust or other entity, provided that it shall be demonstrated to the satisfaction of the Board that the proposed owner has or will have the capacity to preserve and maintain the land according to the provisions of this Resolution.
6. Special Application Requirement. In addition to the application requirements for a conditional zoning certificate set forth in this Article VI, an application for a planned unit development shall include:
- 1. The information required for site plan reviews in Section 807.2
 - 2. Names, addresses and phone numbers of the owner(s) of the property; applicant (if other than owner); and written authorization to represent the property if applicant is other than the owner.
 - 3. Names and addresses of all property owners adjacent to and across the road from the property development.
 - 4. A complete development plan illustrating:
 - A. All existing lot lines, easements and rights-of-way
 - B. Land uses and existing structures within 30 feet of the planned development
 - C. All proposed uses and number of dwelling units

- D. General locations and types of all proposed sanitary sewer or septic systems, water lines or wells and storm drainage and retention systems; information regarding the availability and feasibility of the systems to support the proposed development
 - E. Boundaries of proposed permanent open space areas, dimensions, total land area and areas of segments (if any). (A survey documenting the exact boundaries and land area of the open space shall be required prior to final approval of the planned development.)
 - F. Any other information required by the Board during the course of review of the application to determine compliance with these regulations.
7. Special Procedures. The Board of Zoning Appeals may grant preliminary approval of a conditional zoning certificate for a planned development and withhold final approval pending receipt of written approval of the proposed utilities and storm water systems by the County Engineer and pending approval of the proposed subdivision (if any) by the County Planning Commission. The Board may require that the applicant submit such written approvals for consideration by the Board before granting final approval of the conditional zoning certificate.
30. ***Reserved***
31. Bed and Breakfast Inn.
- a. Shall be incidental and accessory to the dwelling which is the principal residence of the operator.
 - b. Maximum two (2) bedrooms shall be used for Bed and Breakfast guests
 - c. Shall comply with all applicable requirements for home occupation as provided in Section 205.E
 - d. A breakfast meal may be served but only to overnight guests.
32. Similar Use. An applicant may submit an application for a conditional use permit for a building or use which is not specifically listed as a permitted use or a conditional use in the district. The Board of Zoning Appeals shall determine if the proposed use is a “similar use” which shall be conditionally permitted in the district. In making the determination the Board shall consider the following:
- a. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district or of a conditional use or uses already existing in the district; whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district

- b. Whether the establishment of the use in the district will significantly alter the nature of the district
 - c. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district
 - d. Whether the use typically requires site conditions or features, building bulk or mass, parking or other requirements dissimilar from permitted uses and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks etc. of the district.
- ⁴33. Specific and Supplementary Conditions. Specific conditions pertaining to government sponsored construction projects:
- a. Must have direct access to main project work area, access by State maintained road or access to local roads as approved by the County or Township.
 - b. Processing plants must be a minimum of six hundred (600) feet from a neighboring residential dwelling.
 - c. Fencing shall be allowed not to exceed six (6) feet in height for the security and safety of project area and be approved as part of the conditional use permit.
 - d. One sign shall be permitted on the project site not to exceed thirty-two (32) square feet and six (6) feet in height. Signage ancillary to the temporary use shall be kept to a minimum, not impede safe travel on roadways and be approved as part of the conditional use permit.
 - e. Lighting shall be downcast and shielded so as not to shine onto adjoining properties or roadways.
 - f. Due to the nature of these conditional uses Article VI, Sections 605.A.B. shall not be considered in the review process by the Board of Zoning Appeals.
 - g. A copy of the lease agreement shall be submitted with the application to the Board. Personal, financial and other information not pertinent to this application shall be eliminated.
 - h. A performance guarantee shall be required by the lessee to insure reclamation of property as per the lease agreement and zoning requirements.

34. **Reserved**

⁴ Added 12-05-2006

- ⁵35. Solar Energy Commercial Installations
- a. Solar Energy Commercial Installations shall be considered the principal use.
 - b. Shall be conditionally permitted on parcel of ten (10) acres or more.
 - c. Shall comply with the front, side and rear yard setback requirements.
 - d. Shall have a minimum six (6) foot security fence surrounding the entire solar installation. Article II.205.B Exempt
 - e. Shall have a twenty (20) foot wide landscaped buffer the entire frontage outside the road right-of-way except for ingress and egress as required. Landscape buffer to block view of frontage fence line.
 - f. Side and rear yard landscape buffers a minimum of twenty (20) foot wide may be implemented as part of the site plan review.
 - g. Accessory buildings or structures as they apply to Article II.205.A
 - h. Signage as compliant with Article IV.406.A
 - i. Ingress, egress and off road parking as compliant with Article V

⁵ Added 10-20-2014