

## **ARTICLE 6 – GENERAL PROVISIONS**

### **6.01 Supplementary Regulations**

#### **A. Permitted Uses**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the District provisions established by these regulations for the Districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into these regulations.

#### **B. Permitted Height Exceptions**

Except as specifically stated in other parts of these regulations no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein.

No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building nor shall such structure be used for any purpose other than a use incidental to the main use of the building, except that radio, television, and wireless aerials or masts may be erected to any height.

#### **C. Corner Lot**

Corner lots in all districts, except the area comprising the former R-3A District, are required to have the minimum front yard requirements, as indicated in that district, facing both streets, but not less than forty-five (45) feet on either street.

**D. Zoning Certificate**

No zoning certificate shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary sewage disposal facilities for the use requested in the zoning certificate. No zoning certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to the highway until the owner of such property has secured a road opening permit from the State Highway Department, the County Engineer, or the proper Township Official, (whichever authority has jurisdiction) for permission to install a culvert of the proper size and specifications required by said State Highway Department, County Engineer, or proper local Township Official whichever authority has jurisdiction) and completed proper installation of such culvert.

No zoning certificate shall be granted to build any structure closer than thirty (30) feet from top of bank to any Township or County ditch within the confines of the unincorporated area of the Township.

**E. Sewage and Water Facilities**

Where central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be one and one-half (1 1/2) acre, unless a larger area is required by this Resolution and/or the responsible Health Authority.

**F. Essential Services**

Essential services as defined by Article 14 of this Resolution, shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio (it being the intention hereof to exempt such essential services from the application of this Resolution).

**G. Construction**

Nothing contained in this Resolution shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this Resolution, provided that foundations have been put in place before said effective date of this Resolution and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

**H. Principal Building**

No more than one dwelling shall be permitted on any lot unless otherwise specifically stated in this Resolution, and every dwelling shall be located on a lot having required frontage on a public street.

**I. Substandard Lots**

Any previously recorded lot, not meeting minimum area requirements, shall have a front setback from the public right-of-way; and side and rear lot line setbacks that are as close as possible to the corresponding setbacks on other lots on the same street in close proximity to the lot in question while still allowing the lot in question to remain a buildable lot; and the same standard shall apply to corner lots as regards the setback on all streets. Said lot shall be used for single-family dwellings only.

**J. Lots, Yards, and Open Space**

Any lot area determined as necessary for the purpose of providing a side yard, rear yard, front yard, or other open space required by this Resolution, shall not, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

**K. Projections into Yard Areas**

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt-courses, cornices and ornamental features projecting not to exceed twelve (12) inches. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards. An open un-enclosed porch or paved terrace may project into the front yard for a distance not to exceed ten (10) feet.

**L. Sight-Vision Triangle**

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the

established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

**M. Dwelling Other Than a Main Structure**

No residential structure shall be erected upon a lot with another dwelling, except as otherwise provided in this Resolution.

**N. Basement Use for Residential Purposes**

A basement shall not be used for residence purposes.

**O. Accessory Buildings**

An accessory building attached to the principal building on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of these regulations applicable to the principal building. An accessory residential building which is not a part of the main building shall not be located closer than fifteen (15) feet from the main building and shall be located entirely to the rear of the main building and shall not be located closer than five (5) feet from the rear and side lot lines. The foundation area of an accessory building will not exceed 450 square feet. One accessory building shall be permitted per lot, not including any free-standing garage that has been approved.

**P. Temporary Buildings**

A temporary building or structure for use incidental to construction work may be utilized in any of the zone districts herein established, however, such temporary building or structure shall be removed upon the completion or abandonment of the construction work, but not to exceed one (1) year from start of construction unless the construction is on-going in a major subdivision with multiple phases. In a major subdivision with multiple phases, the temporary building or structure will be removed within six (6) months of commencement of the last phase.

**Q. Approval of Plats**

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum requirements set forth in the various districts of this Resolution.

**R. Inconsistencies**

In the event any of the requirements of regulatory provisions of this Resolution are found to be inconsistent, one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

**S. Prohibited Uses**

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matters, or water carried wastes.

**T. Regulation of Agricultural Uses**

Any person seeking a change in use or construction, alteration, erecting, reconstructing, enlarging, or structurally altering any building or structure to a use or structure incidental to a use which is exempt from regulation by operation of the Ohio Revised Code shall file with the Zoning Inspector an Affidavit/Application for exemption. Said application shall detail the use or purpose of the construction, alteration, erecting, reconstruction, enlarging, or structurally altering any building or structure which qualifies for exemption under the statutes and within thirty (30) days the Zoning Inspector shall certify the exemption or deny said exemption requested. An Applicant for Exemption may appeal any denial to the Board of Zoning Appeals.

A Township Zoning Resolution, or an amendment to such Resolution, may, in any platted subdivision approved under O.R.C. §§711.05, 711.09, 711.10 or in any area consisting of fifteen or more lots approved under O.R.C. § 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, regulate:

1. Agricultural uses on lots of one acre or less;

2. Buildings or structures incident to the use of the land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines; height and size;
3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under O.R.C. § 4503.06. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to O.R.C. § 519.19.

**U. Trailers and Trailer Parks**

No trailers or mobile homes shall be used for living quarters, and no trailer or mobile home parks shall be permitted within the Township.

**V. Abandoned and Junk Vehicles and Heavy Machinery**

No unregistered and inoperable or abandoned junk motor vehicle or other abandoned heavy machinery shall be permitted to be on any property within the Township unless such vehicle is completely enclosed within a building or garage.

**W. Snowmobiles, Motorcycles or Similar**

The operation of snowmobiles, motorcycles, trail cycles, all terrain vehicles, or similar vehicles, when conducted as a business such as by renting such vehicles, charging a fee for the operation of such vehicles on privately, publicly or governmentally owned property, holding competitions of such vehicles, and/or inviting spectators to view operation of such vehicles with or without charging a fee shall be deemed a nuisance and shall be prohibited in all districts.

**X. Concrete Driveways**

A zoning permit shall be obtained at the applicable fee for the installation of all concrete driveways on dedicated Township roadways within the Township, and the final approval of the driveways shall be the responsibility of the Service Director/Highway Superintendent.

**Y. Private Garage – Attached or Unattached**

A private garage, attached or unattached, shall not have an area of over nine hundred (900) square feet. Limit - one (1) unattached garage per lot. An unattached garage shall not be located closer than fifteen (15) feet from the main building. If any portion thereof is located to the side of the main building, a fifteen (15) feet side lot line must be maintained. If located fifteen (15) feet to the rear of the main building, it shall not be located closer than five (5) feet from the rear or side lot line. No unattached garage shall be located further forward than the closest forward structural corner of the main building. The maximum overall height for an unattached garage shall not exceed twenty-five (25) feet.

1. On lots containing up to and including five (5) acres, excluding road right-of-way, a private unattached garage shall not have an area of over nine-hundred (900) square feet.
2. On lots exceeding five (5) acres, excluding the road right-of-way, a private unattached garage shall not have an area of over eighteen-hundred (1,800) square feet.

**Z. Notice of Proposed Zoning Change**

Upon filing of an application to change the zoning of a parcel or the application for conditional zoning, the Township shall, within five (5) days of filing the application post a sign made available by the Township at a location approved by the Zoning Inspector that shall remain upon the parcel until the public hearing(s) of said application are concluded. Said sign shall be two (2) feet high by four (4) feet wide and be clearly visible from the roadway. The sign shall contain the following language.

Notice: An application has been filed that could affect the zoning of this property. For further information, contact the Copley Township Zoning Inspector.

The failure to permit the posting of this notice as required herein shall invalidate the zoning application. The same application may be reconsidered by the appropriate board upon posting.

**AA. Home Occupations**

These regulations ensure the preservation of the Township's residential neighborhoods and the quiet enjoyment of their residents and provide, under the police powers, for the regulation of home occupations so as to ensure that the limited non-residential uses in residential premises are compatible with the residential character of their surroundings.

Home Occupations shall be permitted accessory uses in certain residential districts, and shall be certified by the Zoning Inspector upon the Zoning Inspector finding that:

1. Such use is an activity, profession, occupation, service, craft or revenue enhancing hobby, but excluding compensated auto repair, which is clearly incidental and subordinate to the use of the premises for dwelling purposes, and is conducted entirely within conforming non-agricultural structures located upon the premises without any adverse effect on the surrounding neighborhood.
2. The aggregate floor area devoted to such accessory use does not exceed an area equal to fifty percent (50%) of the gross floor area of the dwelling, as defined in Article 14.
3. Signage which denotes the home occupation does not exceed one (1) square foot, and is not illuminated.
4. The use includes no outside storage of any kind related to the use, that no window displays or other display of products be visible from abutting properties or the street.
5. Sales of commodities at the premises be limited to commodities produced at the premises.
6. Not more than one (1) person, not a bona-fide resident of the household, be employed at the premises at one time in such home occupation.
7. Such accessory use occupies any portion of any principal or accessory structure except any garage(s) which will be maintained for their primary use of housing up to two vehicles.

8. Such use does not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes, such as excessive traffic, as determined by the Zoning Inspector.
9. Such use complies with O.R.C. § 3734 *et. seq.* regarding hazardous waste.
10. Such use does not permit the inclusion of a street address in any direct and or mass mailing, newspaper, radio, or television advertisement.

**BB. Fences**

Fences shall not be constructed exceeding six (6) feet in height. No fence shall be located closer than ten (10) feet from any public right-of-way.

**CC. Swimming Pools**

Swimming pools shall be located entirely to the rear of the main building and shall not be located closer than fifteen (15) feet from the rear and side lot lines.

**DD. Temporary Outside Sales, Activities and Accessory Structures**

Temporary outside sales or other activities involving accessory structures or other display items shall be permitted in all commercial districts, as well as for commercial uses within a PDD District, and shall be certified through the issuance of a Zoning Certificate by the Zoning Inspector upon verification of the following:

1. When the proposed temporary outside sales or other activities involving accessory structures or other display items is incidental and subordinate to the primary use that has been previously approved and certified through site plan review.
2. When the proposed temporary outside sales or other activities involving accessory structures or other display items is conducted entirely on property that said primary use occupies.
3. When the proposed temporary outside sales or other activities involving accessory structures or other display items does not create a nuisance by reason of noise, odor, dust, vibration, fumes,

smoke, electrical interference, or other causes, such as excessive traffic.

4. When the proposed temporary outside sales or other activities involving accessory structures or other display items generates retail sales of commodities that are found to be for sale on the inside of the primary structure, or when the proposed temporary outside sales or other activities involving accessory structures or other display items are being used as a community awareness, educational, non-profit sponsored event.
5. Once the proposed temporary outside sales or other activities involving accessory structures or other display items ceases all commodities and/or miscellaneous items temporarily stored outside will be removed.
6. Once the applicant has received if required, permits from Summit County Building Standards and the Copley Township Fire Department.

Temporary Outside Sales or other activities involving accessory structures or other display items shall be limited to a period not to exceed ten (10) days, with not more than four (4) such events, within any twelve (12) month period.

**EE. Drive or Unobstructed Access Easement**

The construction of drives or unobstructed access easements is permitted in any district.

**EXCEPTION:** Where a minor lot split is done wherein each lot so created has direct access frontage to a public or private roadway as defined in Article 14.

**FF. Residential Deck**

A residential deck may be constructed ten (10) feet into the required rear yard setback regardless of residential district classification. A residential deck must meet the required side yard setback.

**GG. Solar Panels**

1. Solar panels mounted on primary structures are considered to be appurtenances and subject to applicable restrictions in each zoning district: residential, business, and industrial. The amount of solar panels to be installed shall serve the needs of the structures located on the parcel.
2. Solar panels must be installed in accordance with the manufacturer's design and operation standards as well as all local, county, state, and federal guidelines.
3. Free-standing solar panels are considered to be accessory uses, subject to accessory use zoning & building permit requirements in each zoning district, however they shall not be counted as contributing to the total square footage of accessory uses/structures. Transmission and power lines shall be placed underground.

**HH. Outdoor Furnaces**

Not to be confused with wood-burning stoves and fireplaces, outdoor furnaces are generally installed outside, sometimes within a small insulated shed, some distance from the home for the primary purpose of the combustion of solid fuel (wood or corn) to heat interior space or water.

Outdoor furnaces are permitted accessory to residential uses in the R-LD and R-MD zoning districts and must also comply with county, state or federal agency guidelines. The Township recommends installation by a qualified professional and strict adherence to manufacturer's instructions.

Outdoor furnaces shall be located on minimum five (5) acre lots to be used during the established burning season, in compliance with the following:

1. Outdoor furnaces installed after January 1, 2010 must be EPA Phase II Program Qualified Models, or better.
2. Outdoor furnaces may be located only in the rear yard.
3. Minimum setback to all property lines shall be one hundred fifty (150) feet.
4. If located within one-hundred (100) feet of any residence not served by the furnace, the stack height must be adjusted to minimize smoke encroaching onto neighboring properties at human-occupied levels by elevating the stack height above the height of the roof of the nearest residential property.
5. Only natural wood or the manufacturer's listed fuels may be burned in any outdoor furnace. Burning of any and all other materials is prohibited, including but not limited to plastics, naphtha, leaves, trash, rubbish, garbage, construction materials, treated wood, yard waste, green wood, pallets, etc.
6. The maximum height for the furnace and/or enclosure shall not exceed 15 feet, measured from the average grade at the base of the furnace to the top, not including the stack.
7. The property owner is required to obtain all required Township permits for an accessory use and applicable permits through Summit County Department of Building Standards. (Note: the square footage of the furnace shall not be calculated into the total square footage allowed for accessory uses.)
8. Operation of outdoor furnaces is permitted during the established burning season, from September 15 through April 30.

## **6.02 SATELITE DISH & ANTENNAE REGULATIONS**

The following regulations apply to all antennae, except for Wireless Telecommunication Facilities as defined in Section 6.03 of this Resolution.

### **A. Purpose and Intent**

This Section is intended to comply with federal law, policies and guidelines. This Section is also intended to comply with federal policies and guidelines in that it does not differentiate among types of antennae.

This Section is also intended to comply with the policies and guidelines and of state and federal laws including the Federal Telecommunications Act of 1996, as amended, in that it does not intend to impair the installation, maintenance, or use of antennae. However, this section is also intended to preserve the Township's right to reasonably restrict placement of antennae in order to preserve historic districts, including without limitations the consideration of aesthetic issues other than historic considerations such as the relative height of structures and trees, views, preservation of residential areas, property value.

This Section is also intended to comply with state and federal law to the degree permitted and intended to comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, which recommends against:

"Introducing new construction onto the building site that is visually incompatible in terms of size, scale, design, materials, color and texture or which destroys historic relationships on the site." According to Federal Regulation 36 CFR 800.5 (a) (1), the installation of an antenna is considered to alter, either directly or indirectly, any of the characteristics of a historic property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feelings, or association, diminishing the integrity of the property's historic features.

**B. Public Health, Safety and Welfare Objectives**

The Copley Township Trustees intend to protect the public health, safety and welfare of the citizens of the Township from potential hazards and damage to property values and/or community character associated with the installation and maintenance of antennae within the Township. The restrictions and standards herein are intended to assure that all antennae installations are adequately constructed and located so as to minimize potential detrimental effects associated with such installations.

**1. Antennae shall be permitted as follows:**

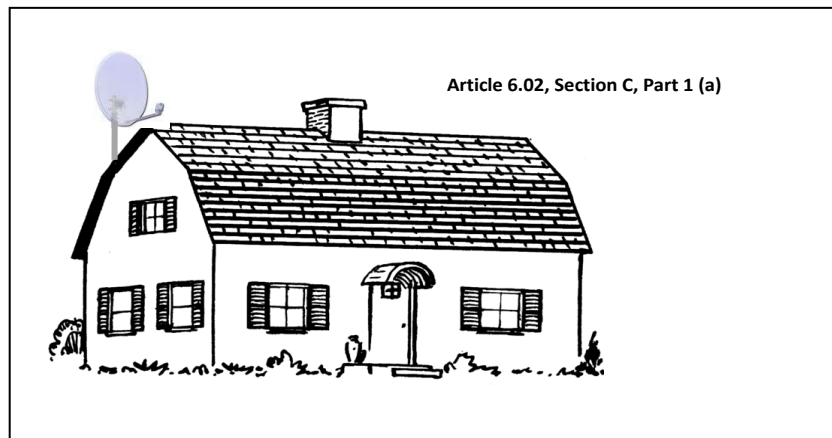
- a. One (1) private non-commercial antenna, including satellite receiving dishes of one meter or less and antennae designed to receive television broadcast signals, shall be permitted for each single-family dwelling unit.**

- b. One private non-commercial antenna serving a specific structure type, whether reception or transmission, is permitted per multiple-family building.
  - c. Two private non-commercial antenna serving a specific structure type, whether reception or transmission, is permitted per commercial use, whether freestanding or part of a multi-use building.
  - d. Antennae for the purpose of receiving RF signals and for amateur or “ham radio” transmitting are permitted in all districts.
2. Any antenna which does not fit into the above antennae types shall require a Conditional Use Permit.

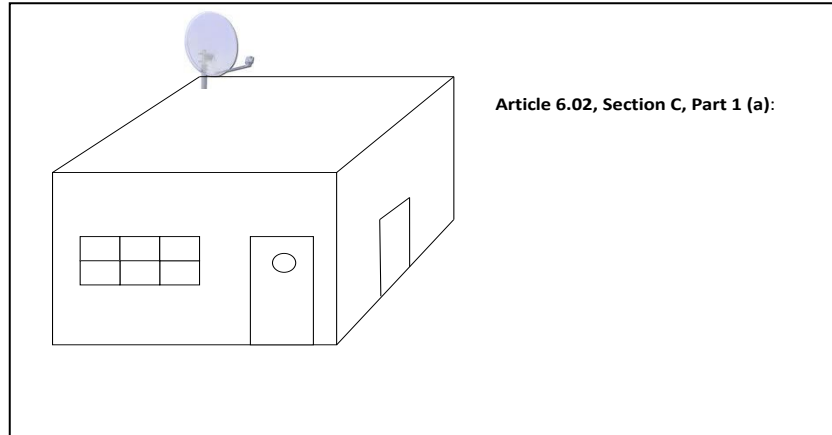
**C. Size and Location Restrictions**

All antennae shall be mounted on or anchored to the principle structure unless there is no practical placement location as determined by the Zoning Inspector.

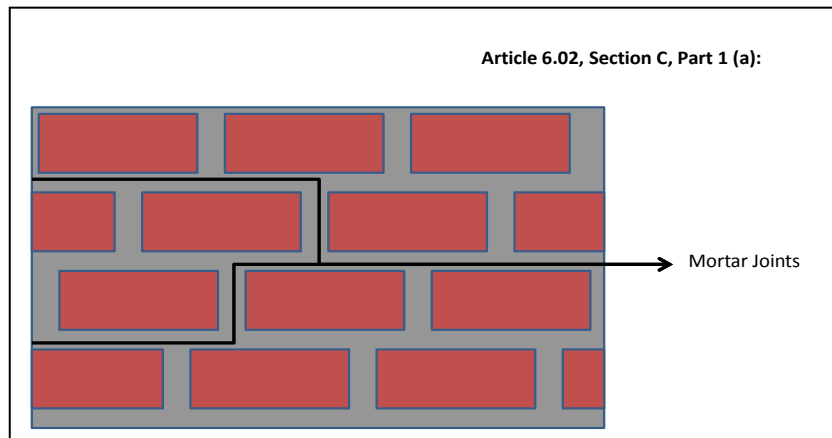
1. Satellite dishes less than one (1) meter in diameter and television broadcast antennae are exempt from a permit but have locational regulations:
- a. Mounted to a principle structure: each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure.



On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties. If affixed to the structure of buildings within the historic district, antennae and dishes must be installed to avoid damage to the building, such that if the antenna is removed, it shall not have permanently altered the structure.



When affixed to a masonry structure, antennae must be attached to the mortar joints, not to the face of the stone or brick.



- b. Free-standing mounted in the ground: the maximum length or diameter of any antenna, exclusive of structural supports, shall not exceed ten (10) feet.

## 2. Antennae Anchored to Principal Structure

All antennae shall be mounted or anchored to the principal structure unless there is no practical placement location as determined by the Zoning Inspector.

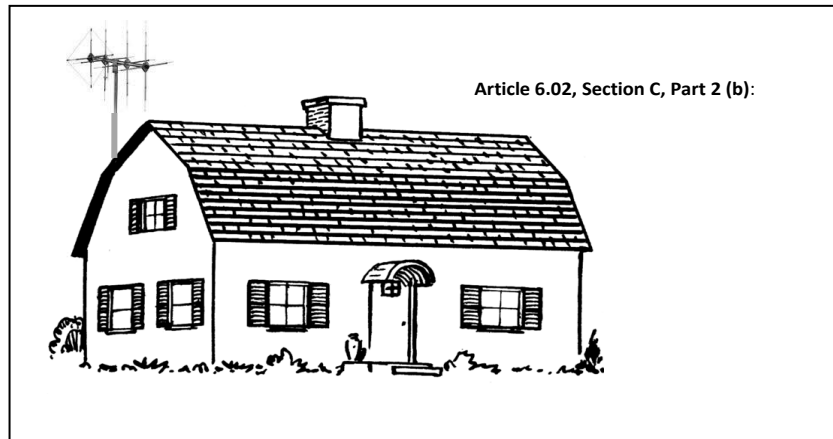
The following regulations shall apply to all antennae which are affixed to the main structure except as provided above on any parcel, including but not limited to roof mounted antennae and towers which are mounted in the ground and affixed to the main structure for support. Antennae mounted on or affixed to detached garages and other accessory structures are not permitted in the Township.

**a. Dimension**

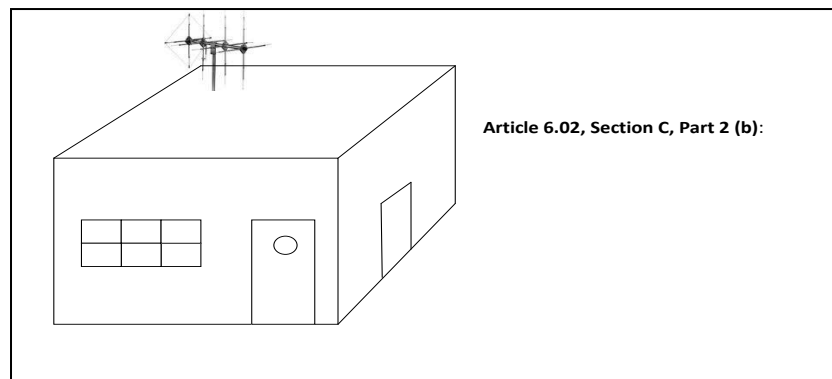
The maximum length or diameter of any antenna, exclusive of structural supports, shall not exceed ten (10) feet.

**b. Mounting**

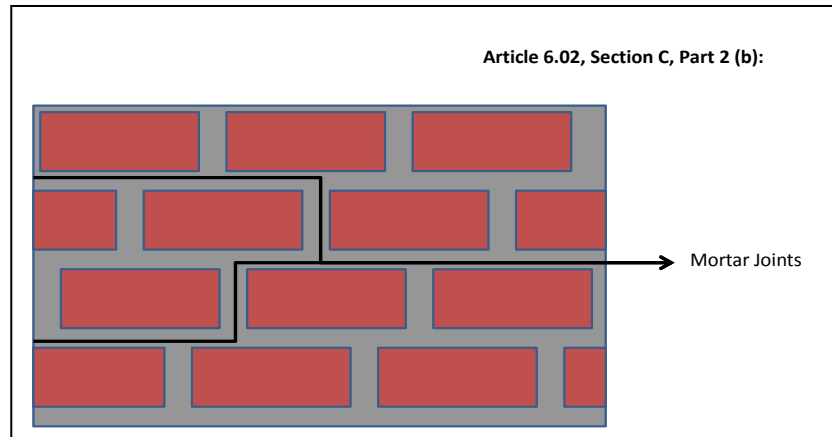
Each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure.



On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties.



If affixed to the structure of buildings within the historic district, antennae and dishes must be installed to avoid damage, such that if the antenna is removed, it shall not have permanently altered the structure. When affixed to a masonry structure, antennae must be attached to the mortar joints, not to the face of the stone or brick.



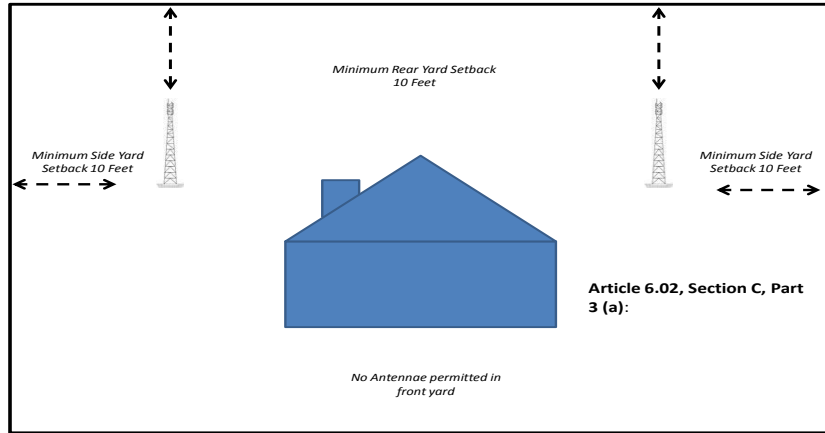
- c. No antennae including structural supports shall exceed forty (40) feet in height above average grade, or ten (10) feet above a roof line, whichever is taller.

### 3. Free-Standing Antennae

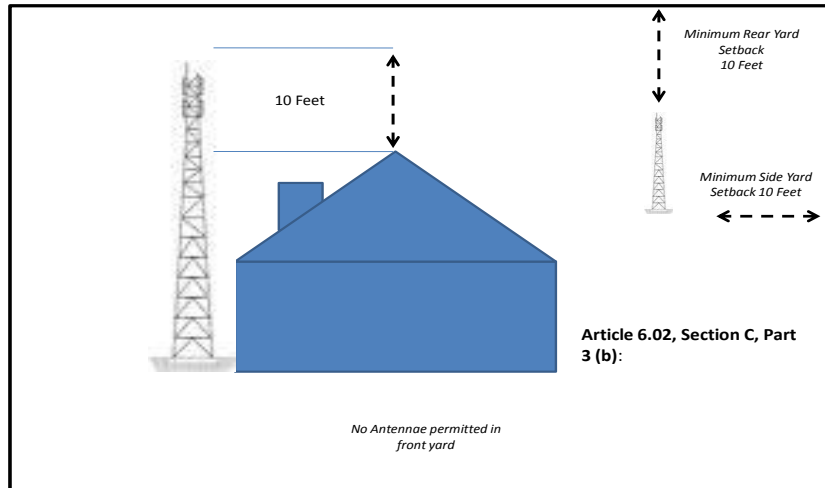
The Zoning Inspector shall determine whether a free-standing antenna is permissible because there is no practical location for an antenna to be mounted or anchored to the principle structure. The Zoning Inspector must consider other practical locations mounted or anchored to the principle structure before considering a free-standing location.

The following regulations shall apply to all free standing antennae, which are those antennae mounted in the ground, with or without guy wires.

- a. Freestanding antennae shall be constructed only in the rear yard between the side yard setbacks and no closer than ten (10) feet to any property line.



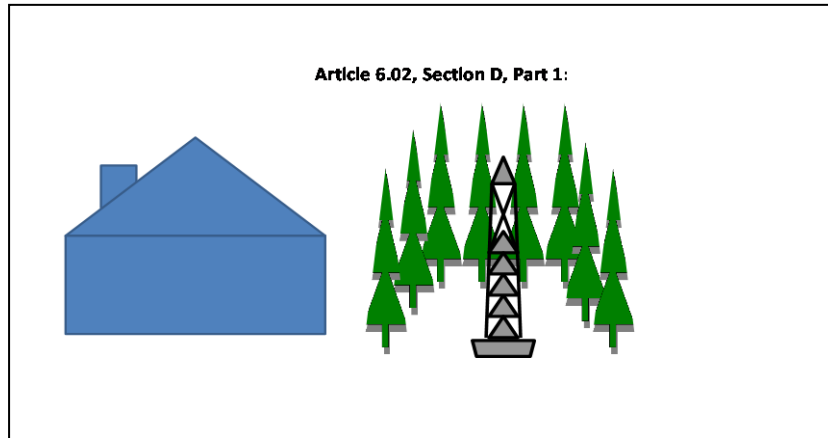
- b. Free standing antennae which are transmitting and receiving antennae shall not be higher than ten (10) feet above the roof line of the main structure.



- c. Free standing antennae which are receiving only, exclusive of supportive structure, shall not exceed a height of ten (10) feet, nor ten (10) square feet in area.

**D. Aesthetic and Screening Requirements**

1. All free standing antennae shall be substantially screened by evergreen trees or shrubbery of at least the height of the unit. Such screening may be open on one (1) side to facilitate reception.



2. The applicant shall demonstrate that the proposed location is such that during all seasons, no part of any ground mounted antennae structure will be visible to the neighbors and the general public from a point that is between the ground level and six (6) feet above ground level on surrounding property. This provision is satisfied by the installation of evergreen plantings, which shall screen the antennae at the time of installation.
3. Antennae shall be of a color compatible with the surrounding landscape and structures, provided such antennae above the roof line may be of the natural color of the antennae structure.
4. All installations shall exhibit architectural quality, coloration to blend with surroundings, and structural integrity. Experimental or temporary installations, inferior materials, and questionable stability are not permitted. In every case, the entire installation, including evergreen plantings, shall be compatible with the character of the surrounding area of the Township and shall have no adverse impact on the property, the neighborhood, or general public.

**E. Structural Safety Requirements**

The following structural safety requirements shall be applied to all antenna installations.

1. If guy wires are used, they shall be sufficiently visible to prevent accident or injury to any person.
2. Every antenna shall be constructed in accordance with the Ohio Basic Building Code, as amended, including the electrical provisions thereof and shall also comply with specifications of the manufacturer.

**F. Permit Required - Application Requirements**

All antennae, except for satellite receiving dishes of one (1) meter or less and antennae designed to receive television broadcast and signals, shall be considered accessory structures and may only be installed upon obtaining an Accessory Use permit from the Zoning Inspector.

For all antennae other than a satellite receiving dish of one (1) meter or less and antenna designed to receive television broadcast signals; the applicant must provide:

1. A plot plan showing proposed location and dish projection at extremes of the satellite band to be viewed.
2. Landscape plan showing existing and proposed vegetation for completely screening the installation from neighboring properties and adjacent streets.
3. A description of the use and purpose of the antenna, including whether it is receive-only, transmitting-only, or both.

**G. Impairment of Reception, Line of Sight and Technical Problems**

1. The above regulations are not intended to impair the reception of an acceptable quality signal for satellite viewing dishes of one meter or less or antennae designed to receive television broadcast signals and an alternative location or landscape plan shall be permitted when it is shown that they would result in such impairment.
2. The Zoning Inspector may recommend that the Board of Zoning Appeals approve alternate locations for an antenna which does not comply with this Zoning Resolution, provided that the applicant has proven that such antenna will be entirely inoperable

otherwise for any useful purpose, for reasons of “line of sight” or other technical reasons, or for reasons set forth in federal law or regulations.

### **6.03 WIRELESS TELECOMMUNICATION FACILITIES REGULATIONS**

#### **A. Purpose**

These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities. The regulations allow Wireless Telecommunication Facilities as a conditional use, or permitted accessory use, depending upon the circumstances under which, they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. §§ 151 et seq.), the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the interests of the Township in regulating Wireless Telecommunication Facilities in accordance with the provisions of O.R.C. §519.211 for the following reasons:

1. To protect property values and provide for orderly development within the Township;
2. To insure that adequate telecommunication services are available within the Township;
3. To protect the visual character for residents and wireless users of the Township, including, but not limited to, its residential character, unobstructed open spaces, and trees and other vegetation;
4. To maintain the historic character of certain portions of the historic central portion of the Township for the potential of visual blight caused by Towers and related facilities;
5. To protect residential properties, parks, and open spaces from the potential adverse effects of Towers and related Facilities;
6. To promote Co-location of Wireless Telecommunications Facilities in order to minimize the potential adverse effects of additional single-provider Towers in the Township;

7. To provide for and protect the health, safety and general welfare of the residents and visitors of the Township; and
8. To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Resolution.

**B. Definitions**

As used in this section:

1. **“Backhaul Provider”** - The entity that will provide for the transmission of network data over an alternative wireless route when the normal route is unavailable or overtaxed.
2. **“Co-location”** - Use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.
3. **“Lattice”** - A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.
4. **“Monopole”** - A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
5. **“Personal Wireless Services”** - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).
6. **“Technically Suitable”** - The location of a Wireless Telecommunication Antenna(e) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna(e) has been licensed by the Federal Communications Board (FCC) to operate without a significant loss or lack of communication capability within developed areas of the Township.
7. **“Telecommunication(s)”** - The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term “Personal Wireless Services.”
8. **“Wireless Telecommunication Antenna”** or **“Antenna”** - The physical device through which electromagnetic, wireless

telecommunication signals authorized by the FCC are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

9. **“Wireless Telecommunication Equipment Shelter” or “Equipment Shelter”** - The structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.
10. **“Wireless Telecommunication Facility” or “Facility”** - A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services. This can include the antenna, tower or support structure, equipment and equipment building and any other materials used at the site.
11. **“Wireless Telecommunication Tower” or “Tower”** - Any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

**C. Applicability**

No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in areas zoned for residential use in the Township unless it is in compliance with the purposes and provisions of this Article.

**D. Use Regulations**

**1. Conditionally permitted use.**

**a. Antenna(e)**

The erection or construction of a Wireless Telecommunication Antenna(e) on an existing Wireless Telecommunication Tower may be permitted as an accessory use as a Co-location on such a Tower provided that all electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing Equipment Shelter or as such Shelter may be expanded.

Such use may be approved by the Township Board of Zoning Appeals upon submission of an application to the Township Zoning Inspector which meets all applicable regulations of this Article related to the placement, construction and operation of the Wireless Telecommunication Equipment and related Facilities associated with such Antenna(e).

**b. Towers**

A Wireless Telecommunication Tower may be permitted as a conditional use. Such use may be approved by the Township Board of Zoning Appeals upon submission of an application to the Township Zoning Inspector, provided the applicant demonstrates compliance with each of the following Co-location requirements in this Section, as well as all other applicable standards set forth in the Zoning Resolution:

**c. Co-location**

- i. An applicant for a permit to erect a Wireless Telecommunication Tower must demonstrate that there is no Technically Suitable space for the applicant's Antenna(e) and related Facilities reasonably available on an existing Tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every Tower, building or structure within five (5) miles of the proposed site that could support the proposed Antenna(e) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available or cannot reasonably be modified on an existing Tower, building or structure. If another existing Tower, building or structure is Technically Suitable, the applicant must demonstrate that it has requested to Co-locate on the existing Tower, building or structure and the Co-location request was rejected by the owner of the Tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Co-location, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for Co-location. If another Tower, building or structure is Technically Suitable, the applicant must

further show that it has offered to allow the owner of that other Tower, building or structure to Co-locate an Antenna(e) on another Tower, building or structure which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.

- ii. All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure and structure foundation that is designed to be buildable up to, but not including one hundred and seventy (170) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least three (3) Antenna platforms or Antenna arrays of equal loading capacity for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least three (3) separate users of the Facility. If an Equipment Shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for Equipment Shelter expansions to accommodate up to at least three (3) separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the Tower. Written documentation must be presented to the Township Zoning Inspector evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Co-location of another user of the Facility within thirty (30) days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the Township Zoning Inspector.

## **2. Permitted Accessory Use**

The installation of a Wireless Telecommunication Antenna(e) where the construction or erection of a Tower is not proposed by the applicant, shall be permitted as an accessory use on existing

non-residential buildings or structures in any of the zoning districts in the Township.

In addition, all Wireless Telecommunication Facilities shall not be located greater than ten (10) feet above the roofline of an existing non-residential building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure. Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building. To the extent the remaining standards of this Article are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(e) on an existing building or structure, such standards shall govern the installation.

#### **E. Submittal Requirements**

Applicants for conditionally permitted Wireless Telecommunication Facilities shall submit the following information:

##### **1. Survey of Existing Conditions**

A survey for the entire property shall be prepared by a surveyor licensed to practice in the State of Ohio. This survey shall indicate all observable physical features on the site and on property abutting the site, ownership of the property and of all property abutting the site, underground and overhead utilities, easements, deed restrictions, property line bearings and distances. Topography at two (2) foot intervals shall be shown for the entire property or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be used when contour intervals are impractical.

##### **2. Legal Description**

Legal description of the parent tract and leased parcel if applicable.

##### **3. Site Development Proposal**

A scaled site plan and specifications clearly indicating the location of all new and existing underground and overhead facilities. This shall include, but not be limited to, the proposed tower, antenna and associated buildings, uses and structures on the same and adjacent

properties, underground and overhead utilities, and exterior lighting. Adjacent roadways, proposed means of access, parking and other information deemed necessary by the Zoning Inspector for a review of the application shall also be shown.

**4. Setback Dimensions**

Setback dimensions shall show the distance between each property line and the closest point on the perimeter of the tower structure.

**5. Grading and Landscaping Plan**

A proposed site grading and landscape plan showing specific landscape materials, sizes and species proposed. Land contours shall be shown at two foot intervals and the surface drainage concept shall be indicated for the entire property, or within at least a one hundred fifty (150) foot radius of the tower, whichever is less. Spot elevations may be substituted where contour elevations are impractical.

**6. Antenna and Towers**

Plans, elevation drawings and material specifications for all proposed antenna towers and antennae.

**7. Buildings**

Building plans, elevation drawings and material specifications for all proposed buildings, structures, fences, walls and gates.

**8. Fences**

Shall include a plan and elevations drawn to scale together with a material specification for all security enclosures.

**9. Certification of Compliance**

A written certification from a registered professional engineer of compliance with all applicable federal, state, county or local laws including all provisions with this Article. Additionally, prior to final inspection by the Zoning Inspector, documented certification shall be submitted to the FCC, with a copy to the Township certifying that the wireless communication facility complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER).

## **10. Co-Location Statement**

A notarized statement by a registered professional engineer, hired by the applicant, that verifies that construction of the tower will accommodate co-location of additional antennas for future use and also states the ultimate height needed for the co-location capacity required.

## **11. Lease Agreement**

A copy of the proposed antenna tower site lease agreement including all easements and access rights.

## **12. Inventory**

- a. List of Applicant Locations: Each applicant for an antenna and/or tower shall provide to the Township Zoning Inspector an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one mile of the Border thereof, including specific information about the location, height, and design of each tower.
- b. Specification of Backhaul Providers: Identification of the entities providing the backhaul network for the tower(s) or antenna(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

## **13. Justification**

A description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower.

- a. Existing facilities not available. A demonstration that a Technically Suitable location is not reasonably available on an existing tower, building or structure.
- b. Co-location rejected. If another tower is Technically Suitable the applicant must show that the applicant has requested to co-locate and that the request was rejected by the owner of the tower, building or structure.

#### **14. Master Plan of Provider**

A description of the feasible locations of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.

#### **15. Radio Frequency (RF) Engineer Testimony**

Testimony shall be made by a radio frequency engineer at all required public hearings and he/she shall attest to the proposed Technically Suitable location and/or the engineering need for the tower height requested.

#### **F. Minimum Standards for Construction, Erection, Maintenance, and Removal**

Except as otherwise provided in this Section, all Wireless Telecommunication Facilities shall comply with the following standards:

##### **1. Spacing**

There shall be a separation of a minimum of one-quarter (1/4) mile between Wireless Telecommunication Towers, including a separation of at least one-quarter (1/4) mile from any such Tower located outside the Township's boundaries.

##### **2. Height**

All free-standing Wireless Telecommunication Towers, including Antennae and all appurtenances, shall be designed at the minimum functional height and shall generally not exceed the maximum height for buildings in the zoning district where the Tower is located by more than ten (10) feet. This maximum height standard may be modified upon a finding by the Township Board of Zoning Appeals that additional height is necessary to provide service to the geographical service area of the applicant, but any height modification allowed shall be less than one hundred fifty (150) feet above grade. The height of any Equipment Shelter shall not exceed fifteen (15) feet from the approved grade. The maximum height of any Wireless Telecommunication Antenna or Equipment Shelter, installed on an existing building or structure pursuant to Section 5 B hereof, shall be

no greater in height than ten (10) feet above the roof-line of the existing building or structure to which it is attached.

### **3. Setbacks**

All Wireless Telecommunication Towers shall be set back a minimum of 105% of the tower height, or the required minimum setback of the district in which it is located, whichever is greater, as measured from the center of the base of the Wireless Telecommunication Tower. In no event shall a Wireless Telecommunication Tower or Facility be located in front of the principal building on the lot, if any, or in front of the front yard setback line when no principal building is present on the lot.

### **4. Design**

- a. All Wireless Telecommunication Towers shall be of a Monopole design, as opposed to a Lattice design. No guy wired Towers shall be permitted. All wires and conduit servicing Antennas shall be located inside the Tower.
- b. All Wireless Telecommunication Facilities shall be subject to review by the Township Board of Zoning Appeals for the purpose of enhancing the compatibility of the Facilities with their surroundings. The color of a Wireless Telecommunication Tower and/or Antennas shall be as determined by the Board for the purpose of minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).
- c. The Wireless Telecommunication Antennas shall be of a panel design and mounted flush to the Tower, building or structure which elevates the Antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such Antennas or to mount them in such a fashion.

### **5. Landscaping**

A landscape buffer area of not less than fifteen (15) feet in depth shall be placed between the Wireless Telecommunication Facilities and the public rights-of-way and any adjacent properties from which there is a direct view of the Facilities, other than the Tower itself. Where the Facility abuts a residentially-zoned or used lot, a landscape buffer area of not less than twenty (20) feet in depth shall be placed between

the Facility and the residential lot. The landscape buffer area shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. In addition, a minimum of one (1) shade tree, three inches (3") in trunk width when planted, shall be planted a minimum of every fifty (50) feet within the landscape buffer area to screen the Facilities from the public rights-of-way and adjacent properties. The landscaping shall be continuously maintained and promptly restored, if necessary.

## **6. Engineering Report**

A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, county, and Township regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, Antenna (e), Equipment Shelter, and appurtenances, and shall certify that radio frequency emissions are in compliance with the regulations of the FCC.

## **7. Prospective Plans**

All applicants for construction or erection of Wireless Telecommunication Towers shall be required to submit a five (5) year written plan for use of the proposed telecommunications facility, including plans for additional development of the site and signal coverage within the geographic area.

## **8. Maintenance**

- a. The applicant shall submit a plan documenting how the Wireless Telecommunication Facility will be maintained on the site in an ongoing manner that meets industry standards.
- b. On each biennial anniversary of the issuance of the building permit for a Wireless Telecommunication Facility, or not more than ninety (90) days prior thereto, the owner/user shall submit to the Township a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the Facility with all governmental requirements including, but not limited to, the structural integrity and stability of any Towers or Antennas, electrical safety standards, and auxiliary power source safety standards.

## **9. Lighting Prohibited**

Except as required by law, a Wireless Telecommunication Antenna or Tower shall not be illuminated and lighting fixtures or signs shall not be attached to the Antenna or Tower. If lighting is required by FAA regulations, the most visually non-obtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.

## **10. Security**

- a. Climbing rungs or other apparatus designed to assist a person to climb a Wireless Telecommunication Tower shall be located on the Tower no lower than twenty (20) feet above grade.
- b. Other security measures for the Facility shall be determined by the Township Board of Zoning Appeals as is appropriate under the circumstances of the particular application.

## **11. Advertising Prohibited – Identification Required**

- a. No advertising sign(s) or devices shall be permitted anywhere on a Wireless Telecommunication Facility site.
- b. Each Wireless Telecommunication Facility site shall display, in a prominent location, a two (2) square foot sign stating the name of, and contact information for, the entity responsible for the maintenance of the Facility.

## **12. Outdoor Storage**

There shall be no outdoor storage of equipment or other items on the Wireless Telecommunication Facility site except during the Facility construction period and to supply temporary emergency power to the Facility only during a power outage.

## **13. Access to Facility**

The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the Facility shall be a minimum of twenty (20) feet in width with a minimum overhead clearance of sixteen (16) feet and shall be setback a minimum of twenty (20) feet from the

nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. There shall be off-street parking space on the Facility site sufficient to allow for maintenance vehicles. The entity responsible for the maintenance of the Facility, as identified in compliance with subsection 11 above, shall be responsible for maintenance of the access driveway and off-street parking.

#### **14. Accessory Equipment Shelter**

Only one (1) Equipment Shelter accessory to a Wireless Telecommunication Tower or Antenna, or the configuration of more than one (1) Equipment Shelter constructed to appear that there is only one (1) Equipment Shelter, shall be permitted on a lot. The size of an Equipment Shelter shall depend on the total number of separate entities having Antennas located at the Facility. The maximum total size of an Equipment Shelter for one (1) entity having Antennas at a Facility shall be two hundred fifty (250) square feet. The maximum cumulative size of Equipment Shelter(s) for two (2) entities having Antennas at a Facility shall be five hundred (500) square feet. The maximum cumulative total size of all Equipment Shelters for more than two (2) entities having Antennas at a Facility shall be seven hundred fifty (750) square feet. The maximum height of an Equipment Shelter shall not exceed fifteen (15) feet above the approved grade at the site for an Equipment Shelter with a pitched roof and a maximum height of ten (10) feet above the approved grade at the site for an Equipment Shelter with a flat roof. The roof and facade of the Equipment Shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a Wireless Telecommunication Facility.

Any Equipment Shelter located on the roof of an existing building shall comply with all applicable regulations pertaining to such a structure.

#### **15. Undergrounding of Utilities**

All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.

## **16. Time Limit for Commencement and Completion**

After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence and complete construction as required by law.

## **17. Abandonment and Removal of Facilities**

- a.** The applicant for the Wireless Telecommunication Facility shall be required as a condition of issuance of a Zoning permit to post a cash or surety bond acceptable to the Township Solicitor of not less than one hundred dollars (\$100.00) per vertical foot from grade of the Wireless Telecommunication Facility. If an access drive which is separate from an existing access drive on the property is required to be constructed for a Wireless Telecommunication Facility, the owner/operator of the Facility shall also be required as a condition of issuance of a zoning permit to post a cash or surety bond acceptable to the Township Solicitor of not less than thirty dollars (\$30.00) per linear foot of access drive. The bond(s) shall insure that an abandoned, obsolete or destroyed Wireless Telecommunication Facility and/or access drive shall be removed within one hundred eighty (180) days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the Facility.
- b.** The owner/user of the Wireless Telecommunication Facility shall, on no less than an annual basis from the date of issuance of the zoning permit, file a declaration with the Township Zoning Inspector as to the continuing operation of each of its Facilities within the Township.

- c. If at any time the use of the Wireless Telecommunication Facility is discontinued for one hundred eighty (180) consecutive days, the Facility shall be deemed abandoned. The Township Zoning Inspector shall notify the owner/user in writing and advise that the Facility must be reactivated within ninety (90) days or it must be dismantled and removed from the site and the site restored to a landscaped condition within that same ninety (90) day period, all at the cost of the owner/user. The owner/user shall have the right to appeal the Township Zoning Inspector's decision to require removal of an abandoned Facility to the Board of Zoning Appeals pursuant to the Zoning Resolution.

**G. Costs**

The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the Township Zoning Inspector or the Township Board of Zoning Appeals Board to perform any reviews required by the Codified Resolutions which are not covered by the fees set forth in this Section.

**H. Exemption of Certain Township Property**

Regardless of the provisions of this Section, a Wireless Telecommunication Facility used for Township services may be permitted on any property owned or controlled by the Township and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the Township Trustees.

**I. Variances**

The Board of Zoning Appeals may grant variances to provisions of this Article as applied to any Wireless Telecommunication Facility application pending before the Board of Zoning Appeals. The Board of Zoning Appeals shall make a determination on a proposed variance to any provisions of this Article based on the following criteria:

- 1. The Wireless Telecommunication Facility as proposed will be in keeping with the land use policies established by the Township Trustees.

2. The Facility as proposed will be in harmony with the general and specific purposes for which the Zoning Resolution and this Article were enacted and for which the regulations of the district in question were established.
3. The Facility as proposed will not create any public nuisance.
4. The Facility as proposed will not have a substantial or undue adverse impact upon adjacent property, the character or property values of the neighborhood or area, or the public peace, health, safety and general welfare.
5. The Facility as proposed will be constructed, arranged and operated so as not to excessively interfere with the use and development of neighboring property in accordance with the applicable district regulations.
6. The Facility as proposed will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection.
7. The Facility as proposed will not result in unnecessary destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
8. The Facility as proposed complies with all other standards imposed on it by this Article.

**6.04 ESTABLISHMENT AND LOCATION OF SEXUALLY ORIENTED BUSINESSES.**

- A. Sexually Oriented Businesses may be established and located only in accordance with the restrictions contained in (B) through (H) below.
- B. Sexually Oriented Businesses may be established and located only in the Industrial District.
- C. No Sexually Oriented Business may be established or located within 500 feet of:
  1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

2. A public or private educational facility that serves persons younger than eighteen (18) years of age, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, and secondary schools; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
  3. A structure devoted to a residential use, land zoned for residential use, or residential uses permitted pursuant to a conditional-use permit or as lawful prior non-conforming uses.
  4. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, miniature golf course, or other similar family recreation area, and other similarly used publicly-owned land within the Township under the control, operation, or management of the Township, a Board of Education, or some other public entity.
- D.** No Sexually Oriented Business may be established, operated or enlarged within 1,000 feet of another Sexually Oriented Business.
- E.** Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing another Sexually Oriented business may not be increased.
- F.** For the purpose of subsection “C” of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the premises of a use listed in subsection “B”.
- G.** For purposes of subsection “D” of this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the nearest property line of the lot on which each business is located.

- H. Lot, yard, setback and parking requirements for a Sexually Oriented Business are those specified for similar uses in the Zoning Resolution.