

SECTION 580
Supplemental District Regulations

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580.1 AGRICULTURAL USES.

Consistent with the requirements of ORC § 519.21, a township shall have the authority to regulate agricultural uses in any area consisting of a platted subdivision approved under ORC §§ 711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under ORC § 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, agriculture shall be regulated as follows:

- A. On lots of one (1) acre or less, no agriculture use shall be permitted except for vegetable gardening, flower growing, and keeping and growing of trees, vines and bushes. No agricultural building or structure shall be constructed on the lot, except for one roadside stand as permitted in Section B.2.
- B. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be permitted. Such building or structure shall comply with the following:
 - 1. All buildings and structures shall comply with the setback regulations set forth in the district in which the building or structure is located, except as otherwise specified below for roadside stands and buildings housing animals.
 - 2. Roadside stands on lots less than five (5) acres where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, shall be regulated as follows:
 - a. Each farm shall be permitted only one roadside stand or market located on the farm property.
 - b. The area of the roadside stands shall not exceed 200 square feet.
 - c. The maximum height of the roadside stand shall be 10 feet.
 - d. The roadside stand shall be located a minimum of 30 feet from any side lot line or right-of-way line.

- e. Signs advertising the roadside stand shall comply with the regulations set forth in Section 510.
 - f. Adequate parking shall be provided in such a way so as not to create a public safety hazard.
 - g. The roadside stand shall be removed at the conclusion of the farm’s seasonal sales and stored in an enclosed building or placed in the rear yard.
- C. The keeping of animals on lots greater than one (1) acre but not greater than five (5) acres shall comply with the following regulations:
- 1. Except for agricultural uses, only domestic animals kept for the use of the occupant shall be permitted under the provisions of this section.
 - 2. All permitted animals, whether harbored for agricultural or any other purpose, shall be properly housed, and all such buildings and other confinement areas shall comply with the following regulations:
 - a. Such building and other confinement areas shall be kept in sanitary conditions so as not to be offensive to neighboring property.
 - b. The location of buildings, yards and all other confinements shall be located on a lot in compliance with the standards set forth in Table 580.1C, based on the type of animal housed:

Table 580.1C

	Fowl	Horses, Alpaca, Llama	Hogs and mink
1) Minimum lot size	1 acre	2 acres	3 acres
2) Setback from street right-of-way	60 feet	60 feet	100 feet
3) Setback from side or rear lot line abutting a residential lot	100 feet	100 feet	300 feet
4) Setback from waterbody or water well	N/A	N/A	100 feet

- D. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this Resolution.
- E. This section confers no power on any Township Zoning Commission, Township Trustees, or Board of Zoning Appeals to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located.

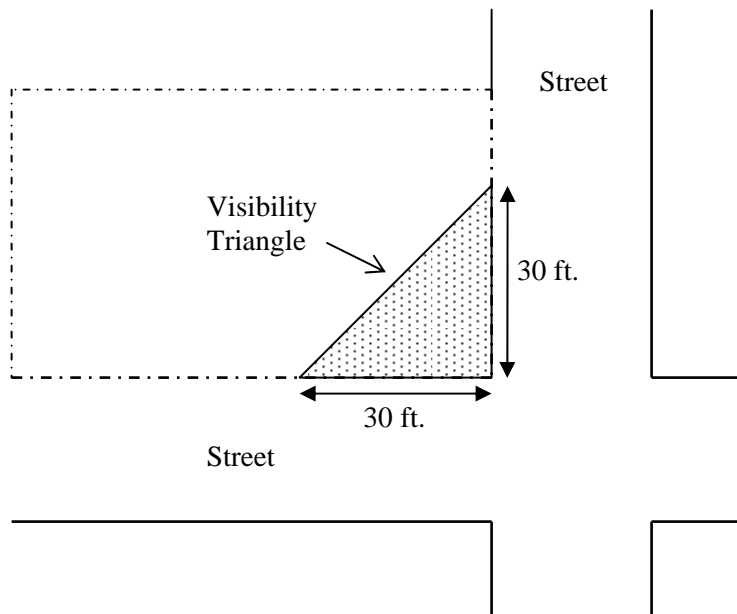
580.2 PERMITTED HEIGHT EXCEPTIONS.

- A. No principal building shall be erected, altered, enlarged, moved or maintained to exceed the maximum height regulations established for each 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 up to 15 feet above the height limits set forth herein.
- B. No such structure shall have a total area greater than 25 percent of the roof area of the building or be used for any purpose other than a use incidental to the principal use of the building.

580.3 VISIBILITY AT INTERSECTIONS.

On every corner lot there shall be no material impairment to visibility between a height of two feet and eight feet above the natural grade, within a triangular area formed by the right-of-way lines of two intersecting streets and a line connecting them at two points, both 30 feet from the point of intersection of such right-of-way lines. Figure 580.3 illustrates the visibility triangle.

Figure 580.3 Visibility Triangle



580.4 TEMPORARY SALES AND SPECIAL EVENTS.

Temporary sales or community events, programs or festivals shall be permitted in association with a residential, commercial or institutional use in compliance with the following requirements.

- A. Garage or Yard Sales. Garage or yard sales shall be permitted on a residential lot, provided that such sale is conducted for a period not to exceed three consecutive days and no more than four times per calendar year.
- B. Special Events In Residential Districts. The Zoning Administrator shall review and act on an application for a public or institutional use in a residential district to conduct a temporary community event, fund-raiser or festival, provided that such event shall be limited to not more than three days, no more than three separate events per calendar year. Any such activity or festival that is intended to last for a period longer than three days shall be approved by the Board of Zoning Appeals as a conditional use according to the procedures set forth in Section 730.
- C. Temporary Retail Sales And Special Events In Commercial and Industrial Districts. In commercial and industrial districts, community events or festivals conducted by institutional uses and temporary outdoor retail sales may be permitted in compliance with the following regulations:
 - 1. No more than three separate events shall be conducted within a single calendar year.
 - 2. The Zoning Administrator shall review and act on an application for a temporary use permit for community events that are limited in duration to three (3) days or less, according to the procedures set forth in Section 710.12.
 - 3. The Board of Zoning Appeals shall review and act on an application for a temporary use permit, including a development plan, for any temporary outdoor retail sales according to the conditional use procedures set forth in Section 730.
- D. Activities On Public Property. A temporary outdoor special event may be conducted on publicly owned property, provided that the application for the event includes written consent from the property owner authorizing the operator of the temporary outdoor event to conduct such event on the property as proposed. Such temporary outdoor events shall not be conducted within a public street right-of-way, unless written authorization from the Township Trustees to utilize the public right-of-way is obtained.
- E. Signs. Any signs employed to promote temporary sales or special events shall comply with Section 510.

580.5 PONDS OR LAKES.

Public and private ponds and lakes containing over one and one-half feet of water depth shall be considered structures and shall require a zoning certificate prior to installation to determine compliance with the requirements of this Section.

- A. The high water mark on all sides of the pond or lake shall conform to all required setback lines established for the district in which it is located and shall not exceed 1/2 acre in area except to the extent when a larger area is necessary to permit construction of a required storm water management facility.
- B. Where embankments are utilized, the toe of the slope for said embankment shall be a minimum of 10 feet from any property line and/or 60 feet from the road right-of-way line.
- C. Ponds or lakes shall be at least 25 feet from the principal building.
- D. A zoning certificate shall be obtained prior to construction of a pond or lake. The applicant shall submit to the Zoning Administrator a copy of the proposed pond or lake plans and documentation that such pond or lake plan has been reviewed by the Summit County Soil and Water Conservation District.

580.6 DITCHES.

Wherever there is an established County or Township ditch on the property, no structure shall be erected closer than 30 feet to the center of the ditch line or one-half the established width of the ditch easement, whichever is greater.

580.7 GENERAL PERFORMANCE STANDARDS.

All uses and activities established after the effective date of this Resolution shall comply with the following standards:

- A. Noise. Fixed equipment sound levels shall not exceed sound pressure indicated in the following table. Sound pressure levels shall be measured with Sound Level Meter and/or Octave Band Analyzer in conformance with the American National Standards Institute (ANSI) Standard S1.4. Sound pressure levels shall be measured at the source property line or anywhere beyond the source property line, and need not be contiguous to the receiving property.

Noise Source	Time	Residential	Business
Residential	7am-10pm	55 dBA	55 dBA
Residential	10pm-7am	50 dBA	50 dBA
Business	7am-10pm	55 dBA	60 dBA
Business	10pm-7am	50 dBA	50 dBA

- B. Vibrations. No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines with the exception of vibrations produced as a result of approved construction or demolition operations.
- C. Dust, Fumes, Vapors, and Gases.
1. No use shall cause the emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, animals, vegetation, and property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission.
- D. Odor. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. Any process that creates or emits any odor shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
- E. Heat. No use shall produce heat detectable without the aid of instruments beyond its lot lines.
- F. Glare. No use shall produce a strong, dazzling light or a reflection thereof beyond its lot lines.
- G. Storage and Water Disposal
1. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substances which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
 2. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, when stored outdoors shall be enclosed in containers that are adequate to eliminate such hazards.
- H. Floodway. Permitted uses in any district shall not encroach upon the relatively flat land adjoining watercourses of the Cuyahoga River, Tuscarawas River, Little Cuyahoga River, and Springfield Lake Outlet or other subregional watercourses and drainage areas, and subject to overflow there from. No construction, storage, or fill shall be permitted which would cause an increase in the height or velocity of floods, downstream damage of property, pollution or the watercourse, or health hazards on the premises. All development within defined flood prone areas shall be required to follow the criteria of the Summit County Flood Plain Regulations.

580.8 PROHIBITED USES.

- A. The following uses are prohibited from locating in any district within the Township.
1. Animal cemeteries;
 2. Commercial animal kennels;
 3. Commercial grain or fertilizer storage;
 4. Commercial incineration;
 5. Distillation of bones, fat rendering, glue manufacture;
 6. Gunpowder, explosives or fireworks, manufacture or storage;
 7. Incineration, reduction, storage or dumping of dead animals, garbage, trash or offal;
 8. Junkyards including used tire storage lots;
 9. Landfills;
 10. Open burning of trash, garbage, construction and demolition debris, or tires;
 11. Outdoor shooting ranges using firearms;
 12. Slaughterhouses, stockyards;
 13. Outdoor storing, dumping, or burning of toxic or hazardous wastes and/or chemicals;
 14. Storage buildings and/or structures created from a commercial, residential, and/or motor trailer in any residential district;
 15. Tanning, curing or storage of rawhides or skins;
 16. Trailer camps, tourist camps or cabin plot;
 17. Wild and/or dangerous animals and reptiles.
- B. Any other use not specifically listed in the district regulations as either a permitted principal or conditional use shall be a prohibited use in such zoning district and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Section 750, or upon the granting of a use variance in compliance with Section 740.

580.9 ADULT ORIENTED USE REGULATIONS.

- A. Purpose: Springfield Township has determined that permitting adult-oriented uses, as defined in this Section, in proximity to residential, institutional, and non-adult-oriented retail uses would have a detrimental effect on such adjacent uses. Therefore, in order to prevent potential deterioration in the Springfield Township's retail areas; avoid potential adverse impacts on residential and institutional uses, particularly those where children are present, and thereby protect the public health, safety and welfare, only the adult-oriented uses regulated in this Section, shall be permitted in the Township.
- B. Permitted Uses. For purposes of this Zoning Resolution, the following adult-oriented uses shall be permitted only in the I-2 Manufacturing and Storage District, subject to all requirements set forth in this Section, provided the establishment of such use does not create a blighting influence.
1. Adult media store. Any establishment that rents, sells, displays or allows viewing of media, for any compensation, and that meets any of the following three (3) tests, unless the store complies with the restrictions set forth in Subsection 580.9D5.
 - a. More than 10 percent of the gross public floor area is devoted to adult media.
 - b. More than 10 percent of the number of items in inventory consists of adult media.
 - c. It advertises or holds itself out in any forum as "X" rated, "adult", "sex" or otherwise is an adult-oriented use.
 2. Adult motion picture theater. Any motion picture theater that uses 20% or more of its total daily viewing time for presenting explicit sexual material or that advertises or holds itself out in any forum as or offers features described as "X" rated, "adult", or "sexually oriented".
 3. Adult only live entertainment business. Any establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
 - a. Entertainment or services that constitute adult entertainment or services as defined in this section; or
 - b. Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that constitute adult entertainment or services as defined in this section.
 4. Massage parlor. Any establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional persons licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments

where massage or similar manipulation of the human body is offered as an incidental or accessory use.

5. Adult Novelty Store. Any establishment offering goods for sale or rent and that meets any of the following tests:
 - a. The establishment offers for sale items from any two of the following categories: (a) adult media; (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.
 - b. More than five (5) percent of its stock-in-trade consists of sexually oriented toys or novelties.
 - c. More than five (5) percent of the total area of the building that is accessible to the public is devoted to the display of sexually oriented toys or novelties.

C. Definitions: To further determine whether the above facilities are adult-oriented uses, the following definitions shall apply.

1. Adult media and adult entertainment. Any media or entertainment intended to create sexual interest through sight, sound or touch, and;
 - a. Which media or entertainment is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, human bodily functions of elimination or sadomasochistic practices, or any other explicit sexual material as herein defined.
 - b. Which entertainment is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, human bodily functions of elimination, sadomasochistic practices, or any other explicit sexual material as herein defined.

This definition does not include movies that have been rated “G”, “PG”, “PG-13” or “R” by the Motion Picture Association.

2. Adult-oriented use. An inclusive term used to describe collectively: adult media store, adult only live entertainment business; adult motion picture theater; massage parlor; bath house and/or adult novelty store.
3. Bathhouse. An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy; this definition is not intended to apply to or affect the operation of hydrotherapy facilities by any person licensed by the State of Ohio Medical Board.
4. Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.

5. Explicit Sexual Material. Media characterized by sexual conduct that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
6. Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
7. Public display. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.
8. Sadomasochistic practices. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.
9. Sexual activity. Sexual conduct or sexual contact, or both.
10. Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
11. Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
12. Sexually oriented toys or novelties. Instruments, devices, or paraphernalia either designed as representatives of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
13. Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

D. Specifications and Restrictions.

1. One Use per Lot. Only one permitted adult-oriented use shall be permitted per lot.
2. Use to be Shielded from Public View. Adult-oriented uses authorized by this Section shall have entrances to the establishment shielded in such a manner that individuals outside the building are not able to see the entertainment area inside the building. Additionally, shielding shall not consist of a curtain alone, shall not obstruct any exist

sign or panic hardware for any exit, nor shall the shielding be constructed in such a way as to block any exit. All shielding shall be approved by the Fire Chief.

3. Location of Entertainment. All entertainment shall be conducted on a stage, or upon an open floor area such as a dance floor. While entertainment is being conducted, the entertainment area shall be separated from the areas occupied by customers or patrons.
4. Prohibition Of Minors. Minors shall not be permitted on the premises of a sexually oriented use and each sexually oriented use shall be posted with notice at the entrance stipulating that persons under 18 are not permitted inside.
5. Adult Media in Retail Stores. Any retail store that devotes more than ten percent (10%) of its gross public floor area or ten percent (10%) of the number of items in inventory to adult media shall be considered an adult media store and shall be restricted to the locations specified in Section 580.9E. unless the store complies with all of the requirements set forth below, in which case such store shall be treated for zoning purposes as a retail establishment otherwise permitted in a commercial or industrial district.
 - a. Adult media shall not constitute more than 33 percent of the number of items in inventory; and shall not occupy more than 33 percent of the store's gross public floor area.
 - b. All adult media shall be confined to a separate room or section of the store that is physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less.
 - c. Access to the room containing the adult media shall be through an opaque door that is located as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - d. The room containing the adult media shall be posted with notice at the entrance stipulating that persons under 18 are not permitted inside.
 - e. Access to the room containing the adult media shall be physically limited by electronic or other means to provide assurance that persons under age 18 will not easily gain entrance and that the general public will not accidentally enter such room or section.
 - f. Continuous video, window or mirror surveillance of the room containing the adult media shall be conducted by store personnel.

E. Location Requirements:

1. Adult-oriented uses shall be located in accordance with the following distance requirements:
 - a. A minimum of 1,000 feet from the boundaries of any lot containing a public library, private or public elementary or secondary school, day care center, pre-school, public park, recreation area or church or other place of worship or any other institution where children are present day or night;
 - b. A minimum of 500 feet from any residentially zoned parcel in Springfield Township or any adjacent community;
 - c. A minimum of 300 feet from the boundaries of any lot containing a non-adult-oriented retail use and from any parcel zoned for retail, business or commercial use in Springfield Township or any adjacent community; and
 - d. A minimum of 1,000 feet from any other adult-oriented use.
2. For the purposes of these regulations, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult-oriented use is conducted, to the nearest property line of the premises of a use set forth in Section 580.9E.1.