

# ZONING RESOLUTION

Stokes Township, Avondale Allotments

11/21/2011

DRAFT

For Stokes Township Zoning Commission Review

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## PREAMBLE

A RESOLUTION OF AVONDALE, TOWNSHIP OF STOKES, LOGAN COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISION OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO. ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF STOKES, LOGAN COUNTY, OHIO.

## ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

**Section 100 Title.** This Resolution shall be known and may be cited to as the "Zoning Resolution of the *Avondale, Stokes Township*, Logan County, Ohio."

**Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected.** The uses of land or buildings for agricultural purposes are not affected by this Resolution and no zoning permit shall be required for any such building or structure or use of land. Residential dwellings do require a permit however.

**Section 110 Provisions of Resolution Declared to be the Minimum Requirements.** In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.

**Section 120 Separability Clause.** Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the

validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 130 Replacement of Existing Resolutions, Effective Date.**

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

## ARTICLE II DEFINITIONS

**Interpretation of Terms or Words:** For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

**Terms not defined.** Where terms not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context applies.

**Access Management.** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

**Accessory Use or Structure.** A use or structure (such as a garage) on the same lot with, and of a nature customarily incidental and subordinate to, the *building or primary structure*.

**Acre.** A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

**Adult Entertainment Facilities.** A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult

materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”

3. **Adult Material.** Any of the following, whether new or used:
  - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
  - b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
  - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”
4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

**Agriculture.** "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Airport.** A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft including specifically a paved strip on which airplanes land and take-off. A airport shall not be construed to be a private landing field as defined herein.

**Alley.** Any public way or thoroughfare less than twenty (20) feet in width, which has been dedicated to the public or public use.

**Alterations, Structural.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Animal Feed Lot.** A paved animal feeding or holding area or other lot, pen, yard, or other feeding or holding area where grass or other suitable vegetative cover is not maintained.

**Apartment.** A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

**Automotive Repair.** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting, and steam cleaning of vehicles.

**Automotive Service Station.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel are stored and dispensed from fixed equipment into fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

**Automotive Vehicle.** A vehicle which is designed and manufactured to be self-propelling or self moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, tractors, and motorcycles.

**Aviation Field (Private).** Any privately owned and operated F.A.A. (Federal Aviation Administration) approved runway, landing area or other facility designed, used, or intended to be used for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage facilities and tie-down areas, hangars and other necessary buildings and open spaces.

**Basement.** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

**Bed and Breakfast Facilities.** Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.

**Breezeway.** A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

**Building.** Any structure designed or intended for the support, enclosure shelter, or protection of persons, animals, chattels, or property.

**Building, Accessory.** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. The accessory building may be partially opened or fully enclosed in which animals, chattels, or property are stored or kept.

**Building, Principal also Principal Structure.** A building in which the use is the main or principal use of the lot on which said building is situated. In any residential district, the Principal Building shall be the residential home/structure on the lot on which said building is situated.

**Building, Height.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**Building Line.** See setback line.

**Building, Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business, Convenience-Type Retail.** Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

**Business, Drive-in.** Any business, structure, or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle.

**Business, Service.** Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

**Business, Shopping-Type Retail.** A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and services, and clothing shops.

**Camp Operator.** The operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

**Campsite User.** A person who enters into a campsite use agreement with the camp operator for the use of a campsite at a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

**Campground, Commercial or Private.** An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

**Cemetery.** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

**Channel.** A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

**Chassis.** The steel undercarriage, supporting framework to which a dwelling is permanently attached.

**Child Day Care.** Care provided for any part of the twenty-four hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included.

**Clinic.** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

**Club.** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal, or recreational purpose primarily for the exclusive use of members and their guests.

**Combined Park-Camp.** Any tract of land upon which a combination of five (5) or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is subdivided for lease or other contract of the individual lots is a combined park-camp if a combination of five (5) or more recreational vehicles or portable camping units are placed on it for recreation or vacation purposes. Combined park-camp does not include any tract of land used solely as a temporary park-camp or solely as a manufactured home park.

**Commercial Recreation Establishment.** Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

**Common Access Driveway.** A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the Logan County Engineer and for which Logan County and the Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Township Board of Zoning Appeals.

**Community Facilities.** Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments.

**Comprehensive Development Plan.** A plan or any portion thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use.** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

**Conditional Use Permit.** A permit issued by the Zoning Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Construction Trailer.** A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. **A construction trailer shall not be used as a residential dwelling.**

**Corner Lot.** See Lot Types.

**Deed Restriction.** A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

**Density.** A unit of measurement; the number of dwelling units per acre of land.

1. **Gross Density.** The number of dwelling units per acre of the total land to be developed.
2. **Net Density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Dependent recreational vehicle.** A recreational vehicle other than a self-contained recreational vehicle. Dependent recreational vehicle includes a park model.

**Detached.** Not connected in any manner by walls or other structural supports.

**Dwelling.** Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**Dwelling Unit.** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**Dwelling, Single-Family.** A single dwelling unit only, separated from other dwelling units by open space. Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code [ORC 519.212] definition of permanently-sited manufactured housing, as follows:

**Permanently-Sited Manufactured Housing must:**

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl spare foundation or full. foundation), and connected to appropriate utilities;
- d. Excluding any additions, have a width of at least twenty two (22) feet and a length of at least twenty two (22) feet, as manufactured;
- e. Have a total living area of one thousand two hundred (1,200) square feet in a U-1 or R-1 District, eight hundred (800) square feet in an R-2 District, six hundred and seventy five (675) square feet in a R-3 District, excluding garages, porches, basements, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six (6) inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i. And, is not located in a manufactured home park as defined by ORC 3733.01.
- j. Permanently sited manufactured housing having a HUD tag is to be considered stick built.

**Dwelling, Multi-Family.** A dwelling, except (Housing) Manufactured, consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**Dwelling, Manufactured Home.** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal Construction and Safety Standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. This category does not include the sub-assembly methods of construction known as pre-fab or pre-cut, in which cases some portion of the preparation or sub-assembly may be done at the factor but not erected at the foundation site.

- (a) **Modular Unit.** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.
- (b) **Sectional Unit.** A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

**Dwelling, Mobile Home.** A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty five (35) feet in length, which when erected on site is three hundred and twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

- (a) **Mobile Home, Double-Wide or Triple-Wide:** A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- (b) **Mobile Home, Expandable.** A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.
- (c) **Industrialized Unit.** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit," includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.

**Dwelling, Stick-built.** A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.

## STATEMENT OF INTENT FOR DWELLING (HOUSING), MANUFACTURED DEFINITION

Because terms for manufactured housing such as those listed in the above definition titled Dwelling, (Housing) Manufactured tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in

assembly line style at the factory, from those stick-built dwellings (see definition of Stick-built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

This category does not include the sub-assembly methods of construction known as pre-fab or pre-cut, in which cases some portion of the preparation or sub-assembly may be done at the factory but not erected until at the foundation site.

**Dwelling, Rooming House (Boarding House, Lodging House Dormitory).**

A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Easement.** Authorization by a property owner for the use by another, and for specified purpose, of any designated part of his property.

**Essential Services.** The erection, construction, alteration or maintenance, by public utilities, municipal or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities, municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Family.** One or more related persons occupying a single dwelling unit.

**Farm.** A farm is an area of land on which at least \$2,500 gross sales from agriculture products was produced and thus must meet the following Current Agricultural Use Value (CAUV) standards: All farms larger than ten (10) acres qualify for CAUV if they have been devoted exclusively to "commercial" agricultural use for the past three (3) years. Farms smaller than ten (10) acres are eligible if the average yearly gross farm income for the past three (3) years is at least \$2,500 from "commercial" agricultural production. See Section 5713.30(A) of the Ohio Revised Code for further explanation.

**Farm Market.** A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator.

**Fence.** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.

**Flood or Flooding.** A general or temporary condition of partial or complete inundation of normally dry land areas from any of the following: the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides that are proximately caused by flooding as defined in this section and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. In addition, a flood or flooding can included the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of some nature, such as a flash flood, by an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in this section.

**Flood Plain.** That land, including the flood fringe and the floodway subject to inundation by the regional flood. This also includes any area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.

**Flood, Regional.** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**Floodway.** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe.** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor Area of a Residential Building.** The sum of the gross horizontal area or the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**Floor Area of a Non-Residential Building (To be used in calculating parking requirements).** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, and rooms.

**Floor Area, Livable.** The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

**Floor Area, Useable.** Measurement of usable floor area shall be the sum of the horizontal areas of the several areas of the building, measured from the interior faces of the exterior walls.

**Food Processing.** The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries, meat processing plants and similar activities.

**Foundation, Permanent.** Permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling may be affixed.

**Gasoline Service Station.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

**Hazardous Wastes.** Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

**Home Occupation.** An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, nor exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution. No home occupation shall be conducted in any accessory building.

**Junk.** "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials.

**Junk Yard.** "Junk Yard" means an establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include

scrap metal processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right-of-way of a highway or street.

**Kennel.** Any lot or premise on which dogs, cats, or other household pets are boarded, bred or exchanged for monetary compensation.

**Lake.** A body of fresh water of considerable size, surrounded by land.

**Litter.** Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.

**Loading Space, Off-Street.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Lot.** For purposes of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provides such yards and other open spaces are herein required. Such lot shall have frontage on an improved public street or road, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
4. In no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Resolution.

**Lot Coverage.** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot Frontage.** The front of a lot shall be construed to be the portion at the street or road right-of-way line, except for lakefront properties, where the portion of the lot along the water shall be considered the frontage. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section. (Also, see Lot Measurements, Width.)

**Lot, Minimum Area of.** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or road (See the Official Schedule of District Regulations).

**Lot Measurements.** A lot shall conform to the following:

1. **Depth.** No lot containing ten (10) acres or less shall have an average depth that is more than four (4) times its width measured at the road right-of-way line. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.
2. **Width.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. (Also, see Lot Frontage.). For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eighty (80%) percent of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.

**Lot of Record.** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types.** Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot.** A lot with only one frontage on a street.
3. **Through Lot.** A lot other than a corner lot with frontage on more than one street or road. Through lots abutting two streets or roads may be referred to as double frontage lots.
4. **Reversed Frontage Lot.** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Manufactured or Mobile Home Park.** Any tract of land upon which three (3) or more manufactured or mobile homes uses for habitation are located, either free of charge or for

revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and on which the individual lots are not for rent or rented, but are for sale or sold for the purpose of locating manufactured or mobile homes is not a manufactured home park unless three (3) or more manufactured or mobile homes used for habitation are located upon any one (1) individual lot. “Manufactured home park” does not include any tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp.

**Manufacturing, Heavy.** Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

**Manufacturing, Light.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operate and store within enclosed structures; and generate little industrial traffic and no major nuisances.

**Mineral Extraction.** Any mining, quarrying or processing of limestone, clay, sand and gravel, natural gas, oil, or other mineral resources.

**Mining, Commercial Quarries, Sand and Gravel Pits.** Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources. Also referred to as mineral extraction.

**Mobile Home.** A building unit or assembly of closed construction that is fabricated in an off-site facility, that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or as an industrialized unit.

**Motel or Hotel.** A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located. Also, see transient lodging.

**Motor Vehicle Salvage Facility.** Any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

**Nonconforming Use of Land and Buildings.** The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolution.

**Non-Conformities.** A building, structure, or use of land existing at the enactment of this resolution and which does not conform to the regulation of the district or zone in which it is situated.

**Noxious Weeds.** Any type or species that have been included on the official list of noxious plants for the State of Ohio which includes the following: Wild Mustard, Musk Thistle (Nodding Thistle), Oxeye Daisy, Canada Thistle, Poison Hemlock, Wild Carrot (Queen Annes Lace), Purple Loosestrife, Wild Parsnip, Mile-a-Minute Weed, Russian Thistle, Cressleaf Groundsel, Shattercane, Johnsongrass, and Grapevines (abandoned). Noxious weeds possess one or more of the following attributes: aggressive competition with cultivated plants, toxicity to livestock, natural habitat degradation, threat to public health, safety, or navigation.

**Nuisance.** A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, debris, or weeds and tall grass measuring over twelve (12) inches.

**Nursery, Nursing Home.** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, (Greenhouse) Tree and Plant.** A place where young trees or other plants are raised for transplanting and/or for sale.

**Offices.** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

**Open Space.** An area substantially open to the sky which may be on the same with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts and other recreational facilities that the zoning commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

**Orchards.** An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit therefrom.

**Original Tract.** A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

**Outdoor Recreation Area, Public or Private.** Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.

**Parcel.** An individual lot held under common ownership.

**Parking Space, Off-street.** For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Permanent Foundation.** Permanent masonry, concrete, or locally approved footing or foundation, to which a dwelling may be affixed.

**Permanently-Sited Manufactured Housing.** See Dwelling, Single Family.

**Permitted Use.** A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

**Personal Services.** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch and clock repair, barber shops, beauty shops, and similar activities.

**Planned Unit Development (PUD).** A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.

**Pond.** Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Definition for ponds includes retention basins designed to permanently hold water. This definition would not apply to detention basins designed for short-term water containment. This would not include landscape water features less than one hundred and fifty (150) square feet.

**Pools, Swimming (Private).** Any structure that contains water over twenty four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, on-ground, and portable swimming pools.

**Pool Barrier.** A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

**Portable camping units.** Dependent recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, or vacation purposes.

**Printing and Publishing.** Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

**Public Facilities.** Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

**Public Service Facility.** The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plants or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewerage service and other similar public service structures or facilities whether publicly or privately owned; but excluding sanitary landfills.

**Public Utility.** The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewerage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

**Public Uses.** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, public service facilities and public parking.

**Public Way.** An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street, walk, bicycle path; or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.

**Quasi-Public Use.** Churches and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Recreation, Commercial.** Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, tourist attractions, etc.

**Recreation, Non-Commercial.** Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

**Recreation camp.** Any tract of land upon which five (5) or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five (5) or more portable camping units are placed on it for recreation or vacation. A recreation camp does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

**Recreational Vehicle.** A vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home, buses and tents or similar equipment that provides living or sleeping quarters. **A recreational vehicle shall not be used as a permanent residence or residential dwelling and must have a current license.**

**Recreational Vehicle Park.** A parcel of land upon which two (2) or more recreational vehicles sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Recreational Vehicle Site.** A plot of ground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

**Refuse.** Refuse shall mean combustible and noncombustible waste materials.

**Religious, Cultural, and Fraternal Activity.** A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

**Research, Development and Testing.** Establishments, structures, facilities and areas devoted to research, product development and scientific testing whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation to the conduct of research, development and testing concerning: automotive, vehicular and other forms of transportation; engines, power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

**Right-of-Way.** A strip of land taken or dedicated as use for a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment (such as grade separation, landscaped areas, viaducts, and bridges).

**Roof, Mean Height.** The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle of less than or equal to ten (10) degrees.

**Rubbish/Trash.** Combustible and noncombustible waste materials; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, discarded food items, and other similar materials.

**Salvage Motor Vehicle.** Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.

**Sanitary Landfill.** A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

**Seat.** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

**Screening.** To provide privacy of adjoining uses, including masonry walls, solid preservative treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants.

**Semitrailer/Sealand Containers.** A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own

weight or that of its load, or both, rests upon and is carried by another vehicle. **A semitrailer shall not be used for storage, advertising, business, and residential use.**

**Setback Line.** A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

**Setback Line, Front.** Determined from the edge of the road right-of-way, or the water's edge for lakefront properties.

**Sewers, Central or Group.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site.** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Sidewalk.** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign.** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Sign, On-Premises.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises (Billboards).** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located. Billboards are considered off-premises signs.
3. **Sign Illuminated.** Any sign illuminated by electricity, gas or other artificial light including reflection or phosphorescent light.
4. **Sign, Lighting Device.** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, Ground.** A display sign supported by uprights or braces in or upon the ground surface.

6. **Sign, Marquee.** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
7. **Sign, Pole.** Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. **Sign, Political.** A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.
9. **Sign, Portable.** A sign which is designed to be easily movable.
10. **Sign, Projecting.** A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.
11. **Sign, Roof.** A display sign which is erected, constructed, and maintained above the roof of the building.
12. **Sign, Temporary.** A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
13. **Sign, Wall.** A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

**Service Station.** Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, for accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

**Solid Wastes.** Such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and also, and other substances which are not harmful to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

**Stick-built.** A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.

**Story.** That part of a building between the surface of a floor and the ceiling immediately above.

**Structure.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards, covered boat slips and seawalls.

**Subdivision.**

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or
- 2) The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

**Subdivision, Minor.** A subdivision approved by the Logan County Engineer's Office and the Regional Planning Commission's designated representative which does not require a plat and which is in conformance with the provisions of Section 329 and Section 803 of the Logan County Subdivision Regulations.

**Supply Yards.** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pool.** A pool, pond, lake, or open tank containing at least twenty four (24) inches of water at any point and maintained by the owner or manager. Farm ponds and State owned water (i.e. Indian Lake) are exempt from this definition.

1. **Private.** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a

community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

2. **Community.** Operated with a charge for admission; a primary use.

**Telecommunication Tower.** Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

1. It is constructed on or after October 31, 1996;
2. It is owned or principally used by a public utility engaged in the provision of telecommunication services;
3. It is a free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

**Thoroughfare, Controlled or Limited Access.** A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

**Thoroughfare, Major or Secondary.** An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Logan County Engineer, or a County or other road designated as a secondary thoroughfare.

**Through Lot.** See Lot Types.

**Toxic or Hazardous Material.** Any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

**Transient Lodgings.** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, and bed and breakfast facility.

**Transport Terminals.** Any business, structure, or premise which primarily receives or distributes goods.

**Transportation, Director of.** The Director of the Ohio Department of Transportation.

**Travel Trailer.** A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary and shall not be used as a residential dwelling.

**Use.** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Use, Temporary.** A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

**Variance.** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Vehicle, Accessory. Boats, Personal Watercraft , All –Terrain Vehicles, Snowmobiles, Enclosed Trailers, Golf Carts**

**Very Low Density Residential.** Single-family dwellings and/or farm housing units and isolated residential developments not requiring a major plat under Logan County's Subdivision Regulations.

**Veterinary Animal Hospital or Clinic.** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include over-night accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Vicinity Map.** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or

landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Walkway.** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of the road or not.

**Wholesale and Warehouse.** Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**Wind Project.** The following definitions shall apply to wind projects.

**Accessory Structures.** Structures such as sheds, storage sheds, pool houses, unattached garages and barns.

**Anemometer.** An instrument that measures the force and direction of the wind.

**Clear Fall Zone.** An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

**Cowling.** A streamlined removable metal that encloses the turbines nacelle.

**Decibel.** A unit of relative loudness equal to ten times that common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero (0) for the least perceptible sound to one hundred thirty (130) for sound that causes pain.

**Nacelle:** A separate streamlined metal enclosure that sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

**Primary Structure.** For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

**Professional Engineer.** A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

**Megawatt (MW):** A unit of power, equal to one million watts.

**Small Wind Project:** Any wind project less than 5MW which includes the wind turbine generator and anemometer.

**Wind Power Turbine Owner.** The person or persons who owns the Wind Turbine structure.

**Wind Power Turbine Tower.** The support structure to which the turbine and rotor are attached.

**Wind Power Turbine Tower Height.** The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

**Yard.** A required open space other than a courtyard unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front.** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **Yard, Rear.** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building,
3. **Yard, Side.** A yard extending, from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zoning Certificate.** A document issued by the Zoning Officer authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

**Zoning Permit.** A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

## ARTICLE III ENFORCEMENT

**Section 300 Zoning Permits Required.** No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Officer. Said permit shall be obtained before any county permits are obtained. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Officer receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution. A permit for razing a building is also required.

**Section 301 Contents of Application for Zoning Permit.** The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within one and one-half (1.5) years. At a minimum, the application shall contain the following information.

1. Name, address, and telephone number of the applicant;
2. Legal description of the property (survey and/or deed);
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration;
7. Building heights
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

**Section 302 Approval of Zoning Permit.** Within thirty (30) days after the receipt or an application, the Zoning Officer shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Officer, after the Zoning Officer shall have marked, such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

**Section 303 Submission to Director of Transportation.** Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five hundred (500) feet from the point of intersection or said centerline with any public road or highway, the Zoning Officer shall give notice, by registered mail to the director of Transportation, that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Officer that he shall proceed to acquire the land needed, then the Zoning Officer shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Officer that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Officer shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

**Section 304 Expiration of Zoning Permit.** If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Officer; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six (6) months increments, not to exceed one and one-half (1.5) years.

**Section 312 Record of Zoning Permits.** The Zoning Officer shall maintain a record of all zoning permits and copies shall be furnished upon written request to any person.

**Section 320 Failure to Obtain a Zoning Permit.**

Failure to obtain a zoning permit or certificate occupancy all be a violation of this Resolution and punishable under Section 350 of this Resolution.

**Section 330 Construction and Use To Be As Provided In Applications, Plans, and Permits.** Zoning permits issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 350 of this Resolution.

**Section 335 Zoning Permit Required.** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning permit shall have been issued therefore by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this resolution.

**Section 336 Issuance of Zoning Permit.** No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning permit, and the permit shall be issued in conformity with the provisions of this resolution upon completion of the work.

**Section 340 Complaints Regarding Violations.** Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

**Section 350 Penalties for Violation.** Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a minor misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum fine allowable for minor misdemeanor offenses under Ohio Revised Code Section 2929.28(A)(b). and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of jurisdiction in Logan County by the legal representative of the Township, in the name of the Township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 360 Schedule of Fees, Charges, and Expenses.** The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, applications, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigation, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Township Trustees, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## ARTICLE IV NON-CONFORMITIES

**Section 400 Intent.** Within the districts established by this Resolution or future amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**Section 410 Incompatibility of Non-Conformities.** Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

**Section 420 Avoidance of Undue Hardship.** To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. Where a building is removed or destroyed, all debris must be cleared and removed from the premises within six (6) months.

**Section 430 Single Non-Conforming Lots of Record.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 540 through 549. However, if at some time a lot was created and

recorded that did not meet the minimum requirements in effect at the time of creation of the lot, then said lot shall not be built upon.

**Section 431 Non-Conforming Lots of Record in Combination.** If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

**Section 440 Non-Conforming Uses of Land.** Where, at the time of adoption of this Resolution lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided;

1. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming uses of land are discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

**Section 450 Non-Conforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an Act of God, it may after approval by the Board of Zoning

Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two (2) months of the time of destruction.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**Section 456 Non-Conforming Uses of Structures or of Structures and Land in**

**Combination.** If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing, structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution; but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of the structure, or structure and land in combination is discontinued or abandoned for more than eighteen (18) months (except when government access impedes access to the premises), the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

**Section 470 Repairs and Maintenance.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 480 Uses Under Conditional Use Provisions Not Non-Conforming Uses.**

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be a non-conforming use in such district, but shall without further action be considered a conforming use.

## ARTICLE V ADMINISTRATION

**Section 500 Office of Zoning Officer Created.** A Zoning Officer designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Trustees may direct.

**Section 501 Duties of the Zoning Officer.** For the purpose of this Resolution, the Zoning Officer shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and such similar administrative duties as are permissible under the law.

**Section 510 Proceedings for Zoning commission.** The Zoning commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Zoning commission may determine. All meetings shall be open to the public. The Zoning commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Zoning commission.

**Section 511 Duties of Zoning commission.** For the purposes of this Resolution the Zoning commission shall have the following duties:

1. Initiate proposed amendments to this Resolution;
2. Review all proposed amendments to this Resolution;
3. Review all planned unit developments (PUD's) and make recommendations to the Board of Zoning Appeals as provided in Article 13.

**Section 520 Board of Zoning Appeals Created.** A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be

a resident of the township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

**Section 521 Proceedings of the Board of Zoning Appeals.** The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

**Section 522 Duties of the Board of Zoning Appeals.** In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Officer from, whom the appeal is taken. A concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Officer;
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this Resolution.

**Section 530 Duties of Zoning Officer, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.** It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions

of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

**Section 540 Procedure and Requirements for Appeals and Variances.** Appeals and variances shall conform to the procedures and requirements of Section 541-549, inclusive, of this Resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

**Section 541 Appeals.** Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Officer and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Officer shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

**Section 542 Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Officer from whom the appeal is taken on the cause shown.

**Section 543 Variances.** The Board of Zoning Appeals may authorize upon appeal in special cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

**Section 544 Application and Standards for Variances.** A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Officer and the Board of Zoning Appeals containing:

1. Name, address, and telephone number of applicants;
2. Legal description of property as obtained from the County Auditor or said deed;
3. Description or nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties, in the same district under the terms of this Resolution;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

**Section 545 Supplementary Conditions and Safeguards.** Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the District involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

**Section 546 Public Hearing by the Board of Zoning Appeals.** The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Officer or an applicant.

**Section 547 Notice of Public Hearing in Newspaper.** Before holding the public hearing required in Section 546, notice of such hearing shall be given in one newspaper of general circulation in the township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**Section 548 Notice to Parties in Interest.** Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. Parties of interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the property concerned. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547. The Chairman of the Zoning Commission shall be notified of all meetings of the Board of Zoning Appeals.

**Section 549 Action by Board of Zoning Appeals.** Within thirty (30) days after the public hearing required in Section 547, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

**Section 560 Procedure and Requirements for Approval of Conditional Use Permits.** Conditional uses shall conform to the procedures and requirements of Section 561-563, inclusive of this Resolution.

**Section 561 Conditional Uses/General.** It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size and method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Section 562-568, inclusive.

**Section 562 Contents of Application for Conditional Use Permit.** An application for a conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum the application shall contain the following information:

1. Name, address, and telephone number of the applicant;
2. Legal description of property as obtained by the County Auditor or said deed;
3. Description of existing use;

4. Current Zoning District;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

**Section 563 General Standards Applicable to all Conditional Uses.** The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

**Section 565 Supplementary Conditions and Safeguards.** In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this

Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

**Section 566 Procedure for Hearing, Notice.** Upon receipt of the application for a conditional use permit specified in Section 562 the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

**Section 567 Action by the Board of Zoning Appeals.** Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Officer to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

**Section 568 Expiration of Conditional Use Permit.** A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than eighteen (18) months.

**Section 569 Revocation.** A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed by the Board of Zoning Appeals.

## ARTICLE VI AMENDMENT

**Section 600 Procedure for Amendment or District Changes.** This resolution may be amended utilizing the procedures specified in Sections 601-611, inclusive if this resolution.

**Section 601 General.** Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

**Section 602 Initiation of Zoning Amendments.** Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning commission;
2. By adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

**Section 603 Contents of Application.** Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Section 700 shall contain at least the following information:

1. Name, address, and telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Officer may require;
7. A list of all property owners and their addresses who are within, contiguous to, and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

**Section 604 Transmittal to Zoning commission.** Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning

commission. The Zoning commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

**Section 605 Public Hearing by Zoning commission.** The Zoning commission shall set a public hearing date no less than twenty (20) days nor more than forty (40) days after the filing of the application. Notice of the public hearing must be published in an newspaper of general circulation at least ten (10) days before the hearing. In the case of a zoning amendment to property or parcels, the Zoning commission shall mail a notice of the public hearing by first class mail to all the owners adjacent to or across the road from the property affected by the proposed change.

**Section 606 Transmittal to Regional Planning Commission.** The Zoning commission must also provide the Regional Planning Commission with copies of the application and attachments, so that the Regional Planning Commission shall review the proposed change at their monthly Executive Committee meeting. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or approval with modifications.

**Section 607 Submission to Director of Transportation.** Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway the Zoning commission shall give notice, by registered mail or certified mail to the Director of Transportation. The Zoning commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

**Section 608 Recommendation by Zoning commission.** Within seventy (70) days from the receipt of the proposed amendment, and within thirty (30) days of their public hearing, the Zoning commission (after advertised public hearing and complying with all the requirements of Chapter 519.12 of the Ohio Revised Code), shall transmit its recommendation to the Township Trustees. The Zoning commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

**Section 609 Public Hearing by Township Trustees.** Upon receipt of the recommendation from the Zoning commission, the Township Trustees shall schedule a

public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning commission.

**Section 610 Notice of Public Hearing in Newspaper.** Notice of the public hearing required in Section 607 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. This shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

**Section 611 Action by Township Trustees.** Within twenty (20) days after the public hearing required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning commission, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning commission, it must do so by a majority vote.

**Section 612 Effective Date and Referendum.** Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Fiscal Officer a petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect. This shall comply with all of the requirements of Section 519.12 of the Ohio Revised Code.

## ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

### **Section 700 Official Zoning Map.**

The districts established in Article 8 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

### **Section 710 Identification of the Official Zoning Map.**

The Official Zoning Map shall be identified by the signature of the chairperson of the Board of Township Trustees and attested by the Township Fiscal Officer.

### **Section 720 Interpretation of District Boundaries.**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- 2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
- 4) If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

## ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

### **Section 800 Intent.**

The following zoning districts are hereby established for the Township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

**Section 812 Medium Density Residential District (R-2).** The purpose of the medium density residential district is to provide land for single housing units not to exceed four (4) families per acre. Multi-family housing units and mobile housing units are not permitted. Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

**Section 815 Local Business District (B-2).** The purpose of the local business district is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area. Residential development including mobile homes are prohibited. Group or central sewer facilities are required.

## ARTICLE IX DISTRICT REGULATIONS

**Section 900 Compliance with Regulations.** The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
  - a. to provide for greater height or bulk;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

**Section 910 Official Schedule of District Regulations Adopted.** District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 10 of this Resolution, "Supplementary District Regulations." Regulations for Mobile Home Parks shall be those specified in Article 13.

<p align="center"><b><u>ZONING DISTRICTS</u></b></p> <p align="center">(Symbols as used on the Official Zoning Map)</p> <p align="center"><b>1</b></p>	<p align="center"><b><u>PERMITTED USES</u></b></p> <p align="center">(Accessory uses and essential services are included)</p> <p align="center"><b>2</b></p>	<p align="center"><b><u>CONDITIONAL USES</u></b></p> <p align="center">(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)</p> <p align="center"><b>3</b></p>	<p align="center"><b><u>PROHIBITED USES</u></b></p>
<p><b>R-2 MEDIUM DENSITY RESIDENTIAL</b></p>	<p>Single-family dwelling; Public &amp; Quasi-public use; Permanent foundation sited manufactured dwelling</p>	<p>Multi-family dwelling; Non-commercial recreation; Home occupation; Modular &amp; sectional units; Telecommunication towers. Manufactured or mobile home park; Animal Husbandry**  <b>** (Only applies in platted subdivisions or in areas of 15 or more lots approved under subdivision law that are contiguous (ORC 519.21 (B)(1-3)).</b></p>	<p>Personal services; Service business; Mobile homes individually; Manufactured or mobile home park; recreational vehicle park; Manufacture of storage of explosives; Dumping, burning, burying of refuse except burning in fireproof container, or refuse might result from use of dwelling places or places of business; Junk yards, automobile graveyards or other similar places for the collection automotive materials for junk salvage or storage; Dismantling of uses automobiles or machinery; Outside storage of building materials or machinery and similar items, Automobile painting, repairing or rebuilding; Tire retreading or recapping; monument works; manufacture of gas, paint or paint supplies and explosives.</p>
<p><b>B-2 LOCAL BUSINESS</b></p>	<p>Convenience type retail; Personal services; offices; public &amp; quasi-public uses.</p>	<p>Public service facility; Manufactured homes individually; Shopping type retail; Service station; eating and drinking establishments; commercial recreation; Kennels; Animal Husbandry  <b>** (Only applies in platted subdivisions or in areas of 15 or more lots approved under subdivision law that are contiguous (ORC 519.21 (B)(1-3)).</b></p>	<p>Same as stated under R-2.</p>

<b>ZONING DISTRICTS</b>  (Symbols as used on the Official Zoning Map)	<b>MINIMUM LOT SIZE</b>			<b>MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED</b> (Principal and Accessory Buildings)	<b>MINIMUM FLOOR AREA</b> (Square Feet)	<b>MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS</b>		<b>MINIMUM YARD DIMENSIONS</b> (feet)		
	(Square feet per household)		Frontage (Width) (Feet)			Stories	Feet	Front	Side	Rear
	With On-Site Sewage Treatment	With Group or Central Sewage Treatment								
<b>1</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>14</b>
<b>R-2 MEDIUM DENSITY RESIDENTIAL</b>	10,000	5,400	60	35%	800*	2	28	30	20	20
			60							
			100							
<b>B-2 LOCAL BUSINESS</b>	15,000	15,000	100	30%	none*	2	35	50	20	30
			100							

<b>ZONING DISTRICTS</b>  -  (Symbols as used on the Official Zoning Map)  <b>1</b>	<b>ACCESSORY BUILDINGS</b>			<b>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</b>  <b>18</b>	<b>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</b>  <b>19</b>	<b>SIGNS PERMITTED</b>  <b>20</b>	<b>OTHER PROVISIONS AND REQUIREMENTS</b> (Supplementary regulations, prohibitions, notes, etc.)  <b>21</b>
	Maximum Height (feet)  <b>15</b>	Minimum Distance In Feet To					
		Side lot line  <b>16</b>	Rear lot line  <b>17</b>				
<b>R-2 MEDIUM DENSITY RESIDENTIAL</b>	15	5	10	"	"	"	
<b>B-2 LOCAL BUSINESS</b>	15	0	0	"	"	"	*For residential, refer to R-1 regulations, **Non-residential use cannot be conducted closer than 40 feet from any residential lot.

## ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

### **Section 1000 General.**

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may frequently be encountered.

### **Section 1001 Conversion of Dwellings to More Units.**

A residence may be converted to accommodate an increased number of dwelling units provided:

- 1) The yard dimensions, including minimum lot width still meet the yard dimensions required by the Zoning Regulations for new structures in that district in which the dwelling is located;
- 2) The lot area per family equals the lot area requirements for new structures in that district;
- 3) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- 4) Conversion of structures to residential use shall not include garages or other accessory buildings in any district.

### **Section 1002 Private Swimming Pools.**

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It shall not be located closer than ten (10) feet to the property line of the property on which it is located.
- 3) The swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from adjacent properties. Said fence or wall shall be not less than six (6) feet in height and maintained in good condition with a gate and lock. Fences shall not be required on the lake side of pool provided the remaining three sides of pool or property are fenced to the water's edge.

### **Section 1003 Community or Club Swimming Pools.**

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

#### **Section 1004 Temporary Buildings.**

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Officer.

#### **Section 1005 Parking and Storage of Certain Vehicles.**

The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

- 1) The parking or storage, within any district, of automotive vehicles without current license plates, for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
- 2) The parking or storage, within any district, of a disabled automotive or accessory vehicle for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;
- 3) The parking or storage, within any district, of a junked, dismantled, or wrecked automotive or accessory vehicle or parts thereof which are in public view of any highway for a period of more than thirty (30) days shall be prohibited. After said thirty (30) days, junked, dismantled, or wrecked automotive or accessory vehicle or parts thereof shall be stored in an enclosed garage or other accessory building.
- 4) The parking or storage, within any district, of any recreational vehicle (RV), shall be in accordance with Section 1057, unless such vehicle is stored in an enclosed garage or other accessory building.

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be defined as meeting the following criteria: as one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways; three model years or older; extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission.

This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

**Section 1006 Required Trash Areas.**

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence a minimum of four (4) feet in height or one (1) foot higher than the receptacles therein if such area is not within an enclosed building or structure.

Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Officer shall be required.

**Section 1009 Fences Walls and Hedges.** Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed (3 ½) feet in height in all yards. Fences shall not contain an electric charge. Barbed wire shall be prohibited on any fence. No fence, wall, or hedge shall violate the sight distance requirements found in **Section 1012**. Fences shall be located within the applicant's property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicant's side on any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of (3) feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of (3) feet and (10) feet. No fences or hedges shall be constructed on any property line. Wire type farm fence shall not be permitted. Chain link, ornamental rail of various types not over three horizontal rails, wood weave with more open area than closed area to allow light passage, or similar fence may be used. A zoning permit is required from the Zoning Officer for the erection or installation of all fences and walls.

**Section 1010 Supplemental Yard and Height Regulations.**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

**Section 1011 Setback Requirements for Corner Buildings.**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**Section 1012 Visibility at Intersections.**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2.5) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

**Section 1014 Yard Requirements for Multi-Family Dwellings.**

Multifamily dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**Section 1015 Side, and Rear Yard Requirements for Non-Residential Uses**

**Abutting Residential Districts.** Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50%) percent of the requirement if acceptable landscaping or screening approved by the Zoning Officer is provided.

**Section 1016 Architectural Projections.**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

**Section 1017 Exceptions to Height Regulations.**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard.

**Section 1020 Special Provisions for Commercial and Industrial Uses.**

No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 1021-1032, inclusive.

**Section 1021 Fire Hazards.**

Any activity involving the use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

**Section 1022 Electrical Disturbance.**

No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

**Section 1023 Storage of Toxic or Hazardous Materials.** Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency (EPA), in quantities greater than fifty five (55) gallons liquid or twenty five (25) pounds dry weight for any one material shall be prohibited.

**Section 1024 Odors.** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

**Section 1025 Water Pollution.**

Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency (EPA) shall be subject to corrective measures, requirements, and regulations as established by the Board of Health or the Ohio EPA.

**Section 1026 Air Pollution.** No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling.

**Section 1027 Erosion.** No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.

**Section 1035 Telecommunications Towers.**

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Township Trustees being duly notified of the person's intent to construct a telecommunications tower in any area zoned for residential use, public utilities, or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- 1) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).
- 2) Applicant is required to show cost of construction at this time;
- 3) The applicant shall provide proof of notification to contiguous property owners and those property owners directly across the street as required by ORC Section 519.211;
- 4) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;
- 5) All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;
- 6) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;
- 7) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;
- 8) Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;
- 9) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;
- 10) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.
- 11) The applicant shall notify the Zoning Officer within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;
- 12) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;
- 13) No advertising or illumination other than that required by law may be located on the structure or on the required screening;

- 14) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Township Zoning Officer. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;
- 15) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures shall comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;
- 16) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
- 17) Lot shall be mowed and maintained to control weeds;
- 18) Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1035 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

**Section 1036 Satellite Television Antennas.** A satellite television antenna is an antenna for the purpose of which is to receive television or radio signals from orbiting satellites. A satellite television antenna over three (3) feet in diameter shall not be located in any front yard nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within one hundred (100) feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings. Ground mounted satellite antennas in areas zoned residential shall not extend

more than fifteen (15) feet above the ground, twenty (20) feet in all other zones. The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to one hundred (100) miles per hour.

**Section 1037 Small Wind Projects Farms less than 5MW**

Wind Projects Farms of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Small Wind Projects Farms less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project farm less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Conditional Use in all Stokes Township Zoning Districts by the issuance of a Conditional Use Permit only if the following conditions are met (both as Permitted and Conditional Use):

- A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- B. Setbacks: the following shall apply in regards to setbacks.
  - 1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine shall need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs the turbine and associated structures would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any inhabited structures.
- C. Maintenance
  - 1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, tower, provide written notice of abandonment to the Zoning Officer. An unused wind turbine or small wind project farm may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine tower and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30)

days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

#### D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, 2., e. All units shall operate not more than 5 decibels above the established ambient decibel levels at property lines. This information shall be included in the engineering report described below in Section II of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property lines. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

#### E. Wiring and electrical apparatuses:

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

#### F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted on the turbine at five (5) feet above ground level tower and meet all other sign requirements in Article XII herein.

#### G. Building Permits:

1. All Small Wind Projects Farms and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.

### II. Permits

A. A permit shall be required before construction can commence on an individual wind turbine project system.

B. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

C. Applicant shall then provide the Township Zoning Officer with the following items and/or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An engineering report that shows:
  - a. The total size and height of the unit
  - b. If applicable, the total size and depth of the unit's foundation structure concrete mounting pad, as well as soil and bedrock data.
  - c. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
  - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
  - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
  - f. Ambient noise levels at property lines.
  - g. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines properties.
4. Evidence of established setbacks of 1.1 times the height of the wind turbine and "clear fall zone." with manufacturer's recommendation must be attached to the engineering report.
4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

**Section 1038 General Conditions for Adult Entertainment Use.**

Adult Entertainment Facilities are conditionally permitted within B-2 Business District only, and subject to conditions set forth in the Zoning Resolution Section 1038 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within B-2 Business District.

**Section 1045 Junk Storage and/or Sales of Junk.** The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1050), which is in public view from any highway or adjoining residential structure, shall be prohibited in all zoning districts.

**Section 1050 Junk.** No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk, and weeds or tall grass measuring over twelve (12) inches, shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

**Section 1051 Grass and Weed Control.** Noxious weeds and grass must be mowed regularly from March 1 to October 31 to prevent weeds/grass from exceeding twelve (12) inches in height or maturing to seed. Owners of properties that do not comply will receive a notice from the Township to cut or mow the weeds/grass within five (5) days. If the owner

fails to do this, the Township will hire a private contractor to do the work at the owner's expense.

**Section 1052 Garage, Porch, Yard, or Similar Type Sales.** A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed six (6) such events during a calendar year. If such sales exceed (6) such events during a calendar year, a zoning amendment or conditional use permit must be obtained for the operation of a local business. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

**Section 1055 Mobile Trailers Prohibited for Business, Storage, Residential and Sign Purposes.** The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, residential structure, or sign structure except as stated in Section 1004.

**Section 1056 Boat Slips and Docks.** Boat slips and docks shall not exceed fifteen (15) feet in overall height from the lowest level on which the building is located or placed to the maximum peak of the roof or deck railing. Boat slips and docks shall not be enclosed in any manner. All boat slips and docks shall be setback at least five (5) feet from all side lot lines.

**Section 1057 Recreational Vehicles.** No person shall stand or park a recreational vehicle, motor home, travel trailer, tent, bus or similar equipment for the purpose of providing living or sleeping quarters in any driveway or on any lot other than storage in a private garage, for more than a total of seven (7) days and no more than four (4) times in a calendar year (Jan 1st – Dec 31st). For stay periods exceeding 7 days, a zoning permit shall be required. Zoning permits shall be issued in increments up to seven (7) days. No more than two (2) permits shall be issued to any person during a calendar year (Jan 1st – Dec 31st). Only a property owner within Avondale allotments may store his/her own recreational vehicle on his/her property as long as it is not within the road right-of way and behind the front building line.

**Section 1058 Noise.** Noise which is objectionable as determined by the Board or Zoning Officer due to volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

**Section 1059 Erection of More than One Principal Building on a Lot.** The erection of more than one principal structure on any lot in any district shall be prohibited.

**Section 1060 Portable Toilets.** No person or entity shall place or store a portable toilet for more than seventy-two (72) consecutive hours more than four (4) times during any calendar year with a zoning permit issued by the Township Zoning Officer. The placement of portable toilets at a construction site for the benefit of workers at the construction site is not subject to the permit requirement of this section.

**Section 1061 Accessory Buildings.** No Accessory Building or Structure (such as a garage) as defined in **Article II DEFINITIONS**, shall be built, constructed or placed on a lot unless such accessory building or structure is on the same lot or on an adjacent lot with and of a nature customarily incidental and subordinate to the **primary structure**, as defined in **Article VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS** and **Article IX DISTRICT REGULATIONS, R-2 MEDIUM DENSITY RESIDENTIAL AND B-2 SERVICE BUSINESS DISTRICT**.

**Section 1065 Cuts Through Drainage Tile.** In locations where the footer of new construction cuts through a drainage tile, this cut tile shall be replaced or repaired by the builder in order that proper drainage will be continued.

**Section 1066 Foundations.** No building between 0 and 100 square feet shall be erected or located except on a foundation of gravel, concrete or footings. No building greater than 100 square feet shall be erected or located except on a continuous foundation of concrete. Any building or structure 200 square feet and over shall have a footing installed and inspected in accordance with county building regulations.

## ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

### **Section 1100 General Requirements**

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50%) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

**Section 1110 Parking Space Dimensions.** A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this Resolution.

**Section 1111 Loading Space Requirements and Dimensions.** A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

**Section 1112 Paving.** The required number of parking and loading spaces as set forth in Sections 1111 and 1130, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

**Section 1113 Drainage.** All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**Section 1114 Maintenance.** The owner of property used for parking and/or loading shall maintain such area in good condition without holes free of all dust, trash, and other debris.

**Section 1115 Lighting.** Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

**Section 1116 Location of Parking Spaces.** The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for any apartments or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

**Section 1117 Screening and Landscaping.** Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptable designed fence, or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

**Section 1119 Minimum Distance and Setbacks.** No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit if located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road right-of-way.

**Section 1120 Joint Use.** Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Officer shall be filed with the application for a zoning permit.

**Section 1121 Wheel Blocks.** Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

**Section 1122 Width of Driveway Aisle.** Driveways serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17.5) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

**Section 1130 Parking Space Requirements.** For the purpose of this Resolution, the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Single family or two family dwelling.....	Two for each unit
Apartments, or multi-family dwellings.....	Two for each unit
Mobile homes.....	Two for each unit
Outdoor swimming pools, public or community or club.....	One for each 5 persons capacity plus one for each 4 seats or one for each 30 square feet of floor area used for seating purposes whichever is greater
Retail establishments.....	One for each 250 sq. ft. of floor area
Offices, public or professional, administrative or service buildings.....	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any district.....	One for each 300 sq. ft. of floor area
Churches.....	One for each 5 seats
All types of manufacturing, storage, and wholesale uses.....	one for every 2 employees on the largest shift for which the building is designed

**Section 1131 General Interpretations.** In the interpretation of this Article, the following rules shall govern.

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Officer.
2. Fractional numbers shall be increased to the next whole number.
3. When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Officer.

## ARTICLE XII SIGNS

**Section 1200 Intent.** The purpose of this Article is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the Township.

**Section 1201 Governmental Signs Excluded.** For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

**Section 1202 General Requirements for all Signs and Districts.** The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard of nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No sign shall be placed on the roof of any building;
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
6. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
7. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;
8. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning

Officer, proceed at once to put such sign in a safe and secure condition or remove the sign;

9. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

**Section 1203 Measurement of Sign Area.** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

**Section 1210 Signs Permitted in all Districts not Requiring a Permit.**

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area on each side, except in all residential districts where the area of the sign shall not be more than eight (8) square feet on each side;
2. Professional name plates not to exceed two (2) feet by three (3) feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

**Section 1211 Signs Permitted in any District Requiring a Permit.**

1. Signs or bulletin boards customarily incidental to places of worship, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

**Section 1220 Temporary Signs.** Temporary signs not exceeding thirty-two (32) square feet in area on each side, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period and then not to exceed the term of the zoning permit or completion of construction, whichever comes first. Such temporary signs shall conform to the general requirements listed in Section 1202 and have a minimum setback of ten (10) feet from the right-of-way line.

**Section 1221 Political Signs.** No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be placed in such a way to hinder traffic visibility (from any direction) and public safety.

**Section 1240 Sign Setback Requirements.** Except as modified in Sections 1243, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**Section 1241 Increased Setback.** For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

**Section 1243 Set-backs for Public and Quasipublic Signs.** Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution, and may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

**Section 1244 Special Yard Provisions.** On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

**Section 1250 Limitation.** For the purposes of this Resolution, wall signs and outdoor advertising off-premises (billboards) signs shall be prohibited in all districts.

**Section 1260 Violations.** In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

## ARTICLE XIII MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

**Section 1300 Intent.** It is the intent of this Article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured or mobile home parks if one is proposed.

**Section 1310 Approval Procedures.** Manufactured or mobile home parks shall be permitted only as a conditional use in the B-2 District and shall be developed in according to the general standards and regulations stated and referenced in Article 13.

**Section 1320 General Standards for Manufactured or Mobile Home Parks.** The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded manufactured or mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured or mobile home park development:

- 1) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 2) Will not be hazardous or detrimental to existing or future neighboring uses;
- 3) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- 4) Will be consistent with the intent and purpose of this Resolution;
- 5) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets and roads;
- 6) Will not result in the destruction, loss, or damage of natural features of major importance;
- 7) Minimum size of mobile home park shall not be less than seven (7) acres.

**Section 1330 Manufactured or Mobile Home Park Requirements.** Manufactured or mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733 and as amended.

**Section 1340 Minimum Floor Area.** Individual manufactured or mobile homes located within the park shall have a minimum floor area of eight hundred (800) square feet in the B-2 District using the accepted industry measurement standards.

**Section 1341 Mobile Homes Individually.** Mobile homes individually are prohibited in all districts.

This Resolution is hereby adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Chairman, Board of Township Trustees

\_\_\_\_\_  
Member, Board of Township Trustees

\_\_\_\_\_  
Member, Board of Township Trustees

\_\_\_\_\_  
Attest, Fiscal Officer Township Trustees