

ZONING RESOLUTION

Prepared for the

TOWNSHIP OF BOKES CREEK, LOGAN COUNTY, OHIO

By:

The Township Zoning Commission

with the assistance of

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PREAMBLE

BOKESCREEK TOWNSHIP ZONING RESOLUTION

A RESOLUTION OF BOKESCREEK TOWNSHIP, LOGAN COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, AND FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE: DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING ORDERLY DEVELOPMENT OF THE 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 RIGHT-OF-WAYS: PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND, PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATING OFFICERS AS PROVIDED HEREINAFTER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, AND FOR THE REPEAL BE IT ORDAINED BY THE TRUSTEES OF BOKESCREEK TOWNSHIP, LOGAN COUNTY, OHIO:

THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF BOKESCREEK TOWNSHIP, 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 Township of Bokescreek, Logan County, Ohio".

Section 101 Use of land or buildings for agricultural purposes not affected

The use of land or buildings for agricultural purposes is not affected by this Resolution and no zoning certificate 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 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, ordinances or resolutions, 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 Repeal of Conflicting 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 ESTABLISHMENT OF DISTRICTS

Section 200 District Types

The township is hereby divided into three districts as follows: Rural district, low density residential district and heavy manufacturing district.

Section 210 Rural District (U-1)

The intention of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residence and public and quasipublic purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a plat under the county subdivision regulations. It is further the attempt of the rural district to discourage the scattering of residential subdivisions and commercial and industrial development. Some residential, commercial, and industrial development may be permitted as conditional uses under Section 601 and as planned unit development under Article VI. On-site water and sewer facilities are permitted, provided such facilities comply with the county health regulations.

Section 220 Low Density Residential District (R-1)

The purpose of the low density residential district is to provide land for single-family housing units not to exceed four families per acre. Mobile housing units and multi-family housing units are permitted only under the planned unit development approach. Commercial and industrial development is prohibited. Group or central water and sewer facilities are required if more than one residence is planned on less than 40,000 square feet. (See official schedule of district regulations)

Section 290 Heavy Manufacturing District (M-2)

The purpose of the heavy manufacturing district is to provide land for major manufacturing, processing, storage, warehousing, research, and testing establishments which require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as a conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety, and general well-being of the community and other manufacturing establishments in the district. Residential development is prohibited. Light manufacturing or industrial uses are permitted as conditional uses. Commercial and industrial development may be introduced under the planned unit development approach. Central water and sewer facilities are required.

ARTICLE III PROVISION FOR OFFICIAL ZONING MAP

Section 300 Official Zoning Map

The districts established in Section 200 of this resolution are shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this resolution.

Section 310 Identification of the Official Zoning Map

The official zoning map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the township clerk, under the following words; "This is to certify that this is the Official Zoning Map referred to in Section 300 of the Zoning Resolution of the Township of Bokescreek, Logan County, Ohio," together with the date of the adoption of this resolution.

Section 320 Recording changes in the Official Zoning Map

If in accordance with the provisions of this resolution and Chapter 519, Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Township Trustees with an entry on the Official Zoning Map indicating the resolution number, if any, and the date of adoption.

Section 330 Replacement of the Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may by resolution adopt a new Official Zoning Map which shall supersede the prior official zoning map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Township Clerk, under the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Zoning Resolution of the Township of Bokescreek, Logan County, Ohio.

Section 340 Preserving Records

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 350 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply.

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, 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 said 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 zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- (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 IV DISTRICT REGULATIONS

Section 400 Compliance with Regulations

The regulations set by the resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Except as hereinafter provided:

(1) No building, structure, or land shall hereafter 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. All buildings or land relating to agriculture uses are exempted.

(2) No building or other structure shall hereafter be erected or altered

- (a) To exceed the height or bulk,
- (b) To accommodate or house a greater number of families
- (c) To occupy a greater percentage of lot area, and
- (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces

Than herein required; or in any other manner contrary to the provisions of this resolution

(3) No yard or lot existing at the time of passage of this resolution shall be reduced in 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 established by this resolution.

Section 410 Schedule of District Regulations Adopted

District regulations shall be set forth in the official Schedule of District Regulations, hereby adopted by reference, and declared to be a part of this resolution, and in Article V of this resolution, entitled "Supplementary District Regulations."

Section 420 Identification of the schedule of District Regulations

The Official Schedule of District Regulations shall be identified by the signature of t the Chairman of the Board of Township Trustees attested by the Township Clerk, under the following words: "This is to

certify that this is the Official Schedule of District Regulations referred to in Section 410 and Article IV of the Zoning Resolution of the Township of Bokescreek, Logan County, Ohio," together with the date of the adoption or amendment of this resolution

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ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS

Section 500 Permitted Conditional Uses

The conditional uses shall conform to all requirements of this resolution, including additional standards set forth in Sections 501 to 504, inclusive, before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

Section 501 Required Plans

A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this resolution.

Section 502 Expiration

A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six months for any reason.

Section 503 Existing Violations

No permit shall be issued for a conditional use for a property where there is an existing violation of this resolution.

Section 504 Standards applicable to All Conditional Uses

The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature of height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair its value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties, by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.

Section 518 Disabled Vehicles

The parking of a disabled vehicle within any district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

Section 520 Special Provisions for Residential Uses

The regulations applicable to residential uses shall be supplemented by the provisions of Sections 521 to 522 inclusive.

Section 521 Determining Minimum Floor Area for Housing Units

The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas and basements are to be excluded.

Section 522 Conversion of Dwellings to More Units.

In the U-1 district, a residence may be converted to accommodate an increased number of dwelling units provided:

- (1) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- (2) The lot area per family shall equal the lot area requirements for new structures in that district.

(3) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

Section 523 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 one and one-half feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any commercial or 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 may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any 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 feet in height and maintained in good condition with a gate and lock.

Section 525 Setback Requirements for Corner Buildings

On a corner lot the main building and its accessory structures shall be required to set back the same distance from all road right-of-way lines as required for the front set back in the district in which such structures are located.

Section 530 Special Provisions for Commercial and Industrial Uses

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance requirements in Sections 531 to 540, inclusive.

Section 531 Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression 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 532 Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Section 533 Noise

Noise which is objectionable as determined by the board due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 534 Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 535 Smoke

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.

Section 536 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 537 Air Pollution

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

Section 538 Glare

No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any public highway.

Section 539 Erosion

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

Section 540 Water Pollution

Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.

Section 541 Mineral, Clay, Sand and Gravel Extraction, Storage and Processing

The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 542 to 546, inclusive.

Section 542 Distance from Residential Areas

Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.

Section 543 Filing of Location Map

The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.

Section 544 Information on Operation

The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.

Section 545 Restoration of Mined Area

The operator shall file with the board of zoning appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage course, or other improvements contemplated.

Section 546 Performance Bond

The operator shall file with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan.

The rate, per acre of property to be mined, of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the zoning inspector that the restoration is complete and in compliance with the restoration plan.

Section 547 Enforcement Provision

The zoning inspector or board of zoning appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 548 Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standards measurement procedures published by the American Standards Association, Inc., New York, N. Y., the Manufacturing Chemists' Association, Inc., Washington, D. C., and the United States Bureau of Mines.

Section 550 Supplementary District Regulations

Supplementary regulations apply to several districts and are set forth in Sections 551 to 560, inclusive.

Section 551 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts

Nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the zoning inspector is provided. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall for fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 20 feet of an intersection.

Section 552 Exceptions to Height Regulations

The height limitations contained in the Official Schedule of District Regulations, Section 410, 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.

Section 553 Architectural Projections

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

Section 554 Visibility at Intersections in Residential Districts

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

Section 555 Fences, Walls, and Hedges

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.

Section 556 Erection of More than One Principal Structure on a Lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this resolution are met.

Section 557 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

Section 558 Effective Screening of Junk Storage and Sales

Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

Section 559 Temporary Buildings

Temporary buildings, including mobile homes, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period the 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 special permit authorized by the board of zoning appeals.

Section 560 Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incident to permitted or conditional uses in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. Walls or fences shall be a minimum of four feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than 10 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting may be substituted.

Section 561 Telecommunication Towers

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Bokescreek Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in an area zoned "R-1" District; 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 Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, and The Ohio Building Basic Code).
- 2) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- 3) 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.
- 4) 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.

- 5) 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 of 900 feet.
- 6) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 900 feet.
- 7) 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 of 900 feet.
- 8) 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.
- 9) The applicant shall notify the Zoning Inspector within 30 Days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.
- 10) 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.
- 11) No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- 12) 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 Bokescreek Township Zoning Inspector. 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.
- 13) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will 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.
- 14) 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 fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.

Section 562 Performance Bond

- 1) For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 561 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
- 2) The Bokescreek Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 561 or the abandonment or discontinuance of the use of a tower.

ARTICLE VI PLANNED UNIT DEVELOPMENT

Section 600 Purpose of Planned Unit Development

Planned development of land may be permitted in any district to encourage and provide a means for effectuating a more desirable physical development pattern than would be possible through the strict application of the density and dimensional requirements of this resolution.

Section 601 Permitted Uses

Only those uses permitted or conditionally permitted in each district or interpreted to be included under Sections 200 to 290, inclusive, the Official Schedule of District Regulations, Section 410, of this resolution may be proposed for development under the planned development approach. Compatible residential, commercial, industrial, public and quasipublic uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals, and general welfare, and provided further that in a residential-commercial-industrial or residential-commercial development the amount of land devoted to commercial and/or industrial usage shall not exceed 50 percent of the total land area of the development. A variety of housing types is encouraged by permitting an increased number of families per acre and by allowing reductions in lot dimensions, yards, building setbacks, and area requirements.

Section 602 General Requirements

The gross area of the tract to be developed under the planned unit development approach shall comprise not less than 10 acres. The minimum lot size shall not be less than 70 percent of the lot area per family or use required in the district in which it would otherwise be located. A minimum of 10 percent of the land developed in a planned unit development project shall be reserved for open space and similar uses. Lot widths and required yards may be reduced to 80 percent of the requirement of this resolution.

Section 604 Residential Lot Location

Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five town-house units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous townhouse units is encouraged.

Section 605 Diversification of Lot Sizes

A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space provided the overall density of the project area is not increased and provided further the net residential area per family is not reduced below the minimum requirements of Section 602.

Section 606 Reduction of Planned Unit Development Area

The minimum tract size to be developed under the planned unit development may be reduced 50 percent where the proposed development is to contain only residential, commercial, or industrial development, not a mixture of uses.

Section 607 Height Requirements

For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, Section 410, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one foot in addition to the side and rear yard required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 608 Commercial Planned Unit Development Requirements

Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to

be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design, and planting.

Section 609 Commercial Projects, Side Yards and Rear Yards

Side yards of 30 feet and a rear yard of 40 feet shall be required if the project is to be located adjacent to any residential district or planned residential unit development.

Section 610 Arrangement of Commercial Uses

The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided. However, off-street parking and loading areas shall not be permitted within 15 feet of a residential district. All areas designated for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 611 Industrial Planned Unit Development Requirements

Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 612 Industrial Project

Project side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 613 Arrangement of Industrial Uses

The location and arrangement of structures, parking, access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided.

Section 614 Procedure to Secure Approval of Planned Unit Development

The procedure in Sections 615 to 621, inclusive, shall be met before approval to develop land under the planned unit development is granted by the zoning commission and the board of zoning appeals.

Section 615 Preliminary Development Plan

Three copies of a preliminary development plan shall be submitted to the zoning commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

- (1) Proposed location and size of the planned development;
- (2) Proposed land uses, population densities, and building intensities;
- (3) Proposed parks, playgrounds, school sites, and other open spaces;
- (4) Relation to existing and future land use in surrounding area;
- (5) Proposed provision of water, sanitary sewers, and surface drainage;
- (6) Proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way;
- (7) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;

- (8) Proposed schedule of site development, and;
- (9) Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five years.

Section 616 Preliminary Plan Review

The zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The zoning commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a detailed development plan.

Section 617 Detailed Development Plan

The detailed development plan shall be submitted in five copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect:

- (1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;
- (2) A detailed development plan which shall be in conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan; the approximate location and size of lots; the approximate location and proposed density of dwelling units; nonresidential building intensity; and land use considered suitable for adjacent properties;
- (3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking areas, population density and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other resolutions governing developments;
- (4) Engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage, street improvements; and nature and extent of earth work required for site preparation and development;
- (5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;
- (6) Preliminary building plans, including floor plans and exterior elevations;
- (7) Landscaping plans, and
- (8) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 618 Basis of Approval

The zoning commission may recommend that the board of zoning appeals after a public hearing approve the detailed development plan, provided the zoning commission finds that the facts submitted with the application and presented, at the hearings establish that:

- (1) The proposed development can be completed within five years of the date of approval.

- (2) Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development;
- (4) Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;
- (5) Any exception from standard district requirements is warranted by the design and amenities incorporated in the detailed development plans, in accord with the planned unit development and the adopted policy of the zoning commission and the Board of Township Trustees.
- (6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (7) The planned unit development is in general conformance with the comprehensive plan of the Township; and
- (8) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

Section 619 Action of the Zoning Commission and Board of Zoning Appeals

The Zoning Commission shall deny the detailed development plan if from the facts presented the zoning commission is unable to make the necessary findings. The zoning commission shall certify to the board of zoning appeals the approval, approval with specific amendments, or disapproval of the detailed development plan within 30 days of the date of submission of said plan. If the board of zoning appeals finds that the proposed planned unit development is consistent with the intent and purpose of this resolution after a public hearing, it may authorize the zoning inspector to issue a zoning certificate permitting the planned unit development.

Section 620 Approval Period

The zoning certificate for a planned unit development shall be for a period of five years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the zoning commission and the board of zoning appeals find that such extension or modification is not in conflict with the public interest.

Section 621 Other Requirements

Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the zoning commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

ARTICLE VII MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

Section 700 Intent

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

Section 701 Approval Procedures

Mobile home parks shall be permitted only as a conditional use in the U-1 District and shall be developed according to the general standards and regulations stated and referenced in Article IV.

Section 702 General Standards for Mobile Home Parks

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed or expanded mobile home park in terms of the following standards and shall find adequate evidence showing that the 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 purposes of this Resolution;
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with the traffic on surrounding public streets or 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 five acres.

Section 705 Mobile Home Park Requirements

Mobile home parks shall be developed in accordance with the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733.02 and as amended.

Section 706 Minimum Floor Area

Individual mobile homes located within the park shall have a minimum floor area of nine hundred (900) square feet using accepted industry measurement standards.

Section 707 Mobile Homes Individually

The following requirements shall apply to mobile home dwellings that are placed upon an individual lot in any district:

1. Individual mobile homes shall have, using accepted industry measurement standards, a minimum area of nine hundred (900) square feet of floor area.
2. The mobile home's tongue(s), axle(s), and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and is in accordance with the County Auditor's current requirement for real estate tax purposes and which includes at least two tie-down rings.
3. The mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement. Skirting shall be constructed of vinyl, aluminum or other suitable material that is designed specifically for skirting.
4. The mobile home shall be landscaped with lawn and shrubbery within one hundred sixty (160) days after its placement.
5. The mobile home shall: (1) not be increased in floor area by any means of construction except with a unit specifically designed and constructed by the mobile home manufacturer; (2) not be covered with an additional roof structure.

6. The mobile home lot shall have an accessory structure thereon with minimum dimensions of 8x12 feet for storage purposes. It shall be located in the side or rear yard.

The Board of Zoning Appeals may set other conditions which it deems appropriate.

ARTICLE VIII SIGNS AND ADVERTISING

Section 800 Sign Defined and Regulated

Any device or display designated to inform or attract the attention of persons not on the premises on which the sign is located. No sign or advertising structure of any classification shall be permitted in any district except as provided in Sections 801 to 838, inclusive.

Section 801 Outdoor Advertising Structures Defined

Any outdoor display for the purpose of advertisement, notice, or announcement located apart from the premises or product referred to in the display.

Section 802 Measurement of 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 being advertising matter shall not be included in computation of surface area.

Section 803 General Provisions

Permits for all signs and outdoor advertising structures shall be granted by the zoning inspector in accordance with the requirements set forth in Sections 804 to 838, inclusive, except that no permit shall be required for any sign containing less than six square feet of advertising area or advertising the sale, rent or lease of the premises on which the sign is located.

Section 804 Location and Area of Advertising Signs

Signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property, except that the maximum size of such a sign in any residential district shall not exceed six square feet.

Section 805 Area of Announcement and Professional Signs

Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in area in a residential district and not more than six square feet in other districts.

Section 806 Signs for Public or Quasipublic Purposes

Bulletin boards and signs for a church, school, community, or other public or quasipublic institutional building shall be permitted, provided the area of such bulletin board or sign shall not exceed 15 square feet.

Section 808 Use of Building Walls for Signs

No building wall shall be used for display of advertising except that pertaining to the use carried on within such building or on adjacent land

Section 809 Temporary Signs

Temporary signs not exceeding in the aggregate 50 square feet, announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of 60 days, plus the construction period.

Section 810 Signs and Public Rights-of-Way

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 811 Government Flags and Insignia

Flags and insignia of any government except when displayed in connection with commercial promotion shall be permitted on any property.

Section 812 Signs Required by Governmental Bodies

Legal notices, identification, information, or directional signs erected or required by governmental bodies shall be permitted on any property.

Section 813 Electrically Illuminated Signs

All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the revisions of the National Electric Code (or the local code in effect.)

Section 814 Marking of Signs

All signs hereafter hung or erected shall be plainly marked with the name of the person, firm, or corporation hanging or erecting such signs.

Section 817 Maintenance of Signs

Should any sign be or become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the zoning inspector proceed at once to put such sign in a safe and secure condition or remove the sign.

Section 818 Signs Installed in Violation of Requirements

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution the zoning inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution.

Section 819 Signs in Industrial Districts

In an industrial district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed two feet measured from the face of the main building.

Section 820 Area of Permanent Advertising Signs

The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest and parallel to the highway line. In the case of a corner lot, either frontage maybe used in determining maximum area of the sign.

Section 821 Free Standing Signs

Free-Standing signs not over 30 feet in height, having a maximum total sign area of 100 square feet per display area and located not closer than 10 feet to any highway right-of-way line and not closer than 30 feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

Section 822 Attachments to Wall Signs

Every wall sign projecting out from the face of the building shall be securely attached to the building wall, structure, or suitable metal posts located within the lot lines by iron or metal anchors, bolts, supports, chains, stranded cables, or steel rods. No such sign shall project into the highway right-of-way.

Section 823 Pole Signs

Pole signs of symbolical design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any highway; the maximum area of any face of such sign shall not exceed 30 square feet; and the pole support of the sign shall not be less than 50 feet from any lot in any residential district.

Section 824 Area of Business Advertising Signs

The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.

Section 825 Roof Signs

No sign shall be placed on the roof of any building.

Section 826 Political Signs

No political sign shall be posted in any place or in any manner that is destructive of public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following Election Day.

Section 827 Sign Setback Requirements

Except as provided in this resolution signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications in Sections 828 to 831 inclusive.

Section 828 Increased Setbacks

For every square foot by which such sign or outdoor advertising structure exceeds 50 square feet, the setback shall be increased by one-half foot but need not exceed 100 feet.

Section 829 Setbacks at the Intersection of Highways

At the intersection of any state, federal, or major local highway with a major or collector street, the setback of any sign or outdoor advertising structure shall not be less than 50 feet from the established right-of-way of each highway or street.

Section 830 Setbacks for Public and Quasipublic Signs

Real estate signs and bulletin boards for a church, school or any other public or quasi-public, religious or educational institution may be erected not less than 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 highway intersections.

Section 831 Special Yard Provisions

Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within 50 feet to a side or rear lot line in any residential district.

Section 832 Illumination

All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

Section 833 Subdivision Signs

Upon application to the zoning inspector, a permit may be issued as a conditional use in accordance with this resolution allowing a land-sales sign, provided that the sign shall not be illuminated; the sign shall be erected only upon the property for sale or being developed and shall be set back from the street or highway right-of-way at least one foot for each square foot of sign area; the sign shall not be in excess of 30 square feet; not more than one such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two such signs may be permitted in any single development; and a permit for the erection, construction or maintenance of said sign shall expire within one year.

Section 834 Sign Permits Required

A separate permit shall be required for the erection of signs regulated in this resolution, except that no permit shall be required for temporary real estate signs with an area of 12 square feet or less for the sale or lease of property and for small announcement signs with an area of less than four square feet. Announcement signs shall be removed by the person or persons responsible for posting same within 30 days after erection.

Section 835 Drawings and Specifications

Clear drawings and specifications shall be made of the proposed sign indicating the location, quality of material, full dimensions in figures, supports, manner of erecting, manner of fastening the sign to the structure, number, and the weight of the sign. Such plans to be made on blanks furnished by the zoning inspector, signed by the owner or tenant of property for which sign is to be used and by the erecting contractor.

Section 836 Signs Interfering With Traffic Control or Movement Prohibited

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information of a type that cannot be mistaken for traffic control devices. Every such prohibited sign, signal, marking, or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.

Section 837 Exemptions

Public notices by governmental bodies, traffic control signs and other official signs and notices are exempt from the provisions of this resolution.

ARTICLE IX NON-CONFORMING USES

Section 900 Intent

Within the districts established by this resolution or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use 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 amendment. It is the intent of this resolution to permit these non-conformities to continue until they are removed. 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 901 Incompatibility of Non-Conforming Uses

Non-conforming uses are declared by this resolution to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, 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 prohibited generally in the district involved.

Section 902 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 excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 903 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 the 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 these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action on the board of zoning appeals.

Section 904 Non-Conforming Lots of Record in Combination

If two or more lots or combinations 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 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 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 width or area below the requirements stated in this resolution.

Section 905 Non-Conforming Uses of Land

Where at the time of passage of this resolution lawful use of land exists which would not be permitted by the regulations imposed by this resolution, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such non-conforming use 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 use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this resolution.

(3) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, 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 non-conforming use of land.

Section 906 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, 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 any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this resolution.

(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 907 Non-Conforming Uses of Structures or of Structures and Premises in Combination

If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises 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 premises, may as a special exception be changed to another non-conforming use provided that the board of zoning appeals, either by general rule or by making findings in the specific case, 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 the 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 a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in 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 premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

Section 908 Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months 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. If a non-conforming structure or portion of a structure containing a non-conforming use become physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this resolution 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 909 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, other than a change through the board of zoning appeals action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

Section 1000 Office of Zoning Inspector Created

A zoning inspector designated by the Board of Township Trustees, shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. If the zoning inspector shall find that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this resolution to ensure compliance with or to prevent violation of its provisions.

Section 1001 Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit thereof, issued by the zoning inspector. No zoning permit shall be issued by the zoning inspector except in conformity with the provisions of this resolution unless he receives a written order from the board of zoning appeals in the form of an administrative review, conditional use, or variance as provided by this resolution.

Section 1002 Application for Zoning Permit

All applications for zoning permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this resolution. One copy of the plans shall be returned to the applicant by the zoning inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the zoning inspector.

Section 1003 Zoning Certificates 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 certificate shall have been issued thereof by the zoning inspector stating that the proposed use of the building or land conforms to the requirements of this resolution.

Section 1004 Zoning Certificates for a Non-Conforming Use Required

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a zoning certificate shall have been issued by the zoning inspector. The zoning certificate shall state specifically wherein the non-conforming use differs from the provisions of this resolution, provided that upon enactment or amendment of this resolution, owners or occupants of non-conforming uses or structures shall have six months to apply for zoning certificates. Failure to make such application within six months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this resolution.

Section 1005 Issuance of Zoning Certificates

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

Section 1006 Temporary Zoning Certificate

A temporary zoning certificate may be issued by the zoning inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary zoning certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

Section 1007 Record of Zoning Certificates

The zoning inspector shall maintain a record of all zoning certificates, and a copy shall be furnished upon request to any person.

Section 1008 Failure to Obtain a Zoning Certificate

Failure to obtain a zoning certificate shall be a violation of this resolution and punishable under Section 1025 of this resolution.

Section 1009 Expiration of Zoning Permit

If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the zoning inspector; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two and a half years of the date of issuance thereof, said permit shall expire and be cancelled by the zoning inspector, 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 building permit has been obtained.

Section 1010 Construction and Use to Be as Provided in Applications, Plans, Permits, and Zoning Certificates

Building permits or zoning certificates issued on the basis of plans and applications approved by the zoning inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this resolution and punishable as provided by Section 1025 hereof.

Section 1011 Issuance of Zoning Certificate for Projects Requiring Site Plan Review

The zoning inspector shall not issue a zoning certificate for any application requiring site plan review by the zoning commission and/or the board of zoning appeals, namely planned unit development (Article VI) and mobile home parks (Article VII), unless the site plan has been approved by the zoning commission and/or the board of zoning appeals.

Section 1012 Board of Zoning Appeals Established

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 unincorporated area of the township.

The Board of Township Trustees may appoint two alternate members to the Board of Appeals for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Appeals. An alternate member shall meet the same appointment criteria as a regular member. 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 1013 Proceedings of the Board of Zoning Appeals

The board of zoning appeals shall adopt rules necessary to the conduct of its affairs and 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 of zoning appeals 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 of zoning appeals 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 of zoning appeals.

Section 1014 Hearings; Appeals; Notice

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 governing body of the Township affected by any decision of the zoning inspector. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board of zoning appeals, by filing with the zoning inspector and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The zoning inspector shall forthwith transmit to the board of zoning appeals all papers constituting the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 1015 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning inspector 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 certificate, 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 inspector from whom the appeal is taken and on due cause shown.

Section 1016 Powers and Duties of the Board of Zoning Appeals

The board of zoning appeals shall have the powers and duties set forth in Sections 1017 to 1027, inclusive.

Section 1017 Administrative Review

The board of zoning appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of this resolution

Section 1018 Conditional Uses

The board of zoning appeals shall hear and decide only such conditional uses as the board of zoning appeals specifically authorized to pass on by the terms of this resolution; decide such questions as are involved in determining whether conditional uses should be granted; and grant conditional uses with such conditions and safeguards as are appropriate under this resolution, or deny conditional uses when not in harmony with the purpose and intent of this resolution. A conditional use shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a conditional use is submitted indicating the section of this resolution under which the conditional use is sought and stating the grounds on which it is requested.
- (2) Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which conditional use is sought, at the place of business of the Township Trustees and in one other public place at least 15 days prior to the public hearing;
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney;
- (4) The Board of Zoning Appeals shall make a finding that it is empowered under the section of this resolution described in the application to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest;
- (5) Before any conditional use shall be issued, the board of zoning appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements has been made concerning the following, where applicable:
 - (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
 - (c) Refuse and service areas, with particular attention to the items in (a) and (b) above;
 - (d) Utilities, with reference to locations, availability, and compatibility;
 - (e) Screening and buffering with reference to type, dimensions, and character
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space;
 - (h) General compatibility with adjacent properties and other property in the district.

Section 1019 Variances; Conditions Governing Applications; Procedures

To authorize upon appeal in specific 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 the issuance of a variance. A variance from the terms of this resolution shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a variance is submitted demonstrating:

(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 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 the 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;

(2) Notice of public hearing shall be given as in Section 1019(2) of this resolution;

(3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;

(4) The board of zoning appeals shall make findings that the requirements of Section 1019(1) have been met by the applicant for a variance;

(5) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(6) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this resolution and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Section 1020 Supplementary Conditions and Safeguards May be Prescribed

In granting any 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 variance is granted, shall be deemed a violation of this resolution and punishable under Section 1025 of this resolution. Under no circumstances shall the board of zoning appeals grant a 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.

Section 1021 Board Has Powers of Zoning Inspector on Appeals; Reversing Decision of Zoning Inspector

In exercising the powers in Sections 1017 to 1020, inclusive, the board of zoning appeals may, so long as such action is in conformity with the terms of this resolution reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, 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

Section 1022 Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body 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 inspector, and that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the zoning inspector, and that recourse from the decisions of the board of zoning appeals shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of 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 Board of 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 1023 of this resolution.

Section 1023 Schedule of Fees, Charges, and Expenses

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, zoning certificates, appeals, and other matters pertaining to this resolution. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1024 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 inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

Section 1025 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 connection with grants of variances or conditional uses) shall constitute a 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 \$500.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day, such violation continues 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 violations.

ARTICLE XI AMENDMENTS

Section 1100 General Requirements

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution and after receipt of recommendation thereon from the zoning commission, and subject to the procedures provided by law amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. It shall be the duty of the zoning commission to submit its recommendations regarding all applications or proposals for amendments to the Board of Township Trustees.

Section 1101 Procedure for Change in Zoning Districts

Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the zoning commission, at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the zoning commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the zoning inspector, showing the property lines, streets, and existing and proposed zoning. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments initiated by the zoning commission shall be accompanied by its motion pertaining to such proposed amendment. The procedure for amendment of the zoning resolution shall follow the Ohio Revised Code, Chapter 519, Townships.

Section 1102 Application Fees

At the time that an application for a change of zoning districts is filed with the zoning commission, as provided herein, a fee of \$60.00 shall be paid to the zoning inspector, who shall deliver same to the Township Clerk, for investigation, legal notices, and other expenses incidental to the determination of the zoning change. Such sums so deposited shall be credited to the general fund of the township.

ARTICLE XII DEFINITIONS

Section 1200 Interpretation of Terms or Words

For the purposes 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 mandatory; the word "may" is permissive.
- (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".

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 principal use or structure.

Agriculture

"Agriculture" shall include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock, equine, and fur bearing 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, but excluding manufacturing; 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.

Alterations, Structural

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

Animal Hospital, Clinic, Kennel

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 and surgical attention. Facilities may be available for boarding animals overnight on the premises.

Building

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

Building, Principal

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

Building, Height

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the average 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.

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, Drive-in

Any business, structure, or premise which is designed primarily to service occupants of motor vehicles without the occupants having to leave the vehicle.

Business, Retail

The sale of goods, merchandise, and commodities for consumption or use by the purchaser.

Business, Convenience-Type Retail

A small retail business 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 and whose volume of business does not exceed \$250,000 per year.

Examples of convenience-type businesses are drug stores, food stores, barber shops.

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.

Conditional Use

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

Conditional Use Permit

A permit issued by the Board of Zoning Appeals to allow a use other than a permitted use to be established within the district.

Dwelling

Any building or structure (except a house trailer or mobile home as defined hereafter or in the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Single-Family

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 space foundation or full foundation), and connected to appropriate utilities;
- d. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet, as manufactured;
- e. Have a total living area of 1,000 square feet, excluding garages, porches, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 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.

Dwelling, Manufactured Home

A non self-propelled 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.

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 8 feet or more in width and more than 35 feet in length, which when erected on site is 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.

Dwelling, Multi-family

A dwelling consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling Unit

Space, within a dwelling, comprising living, 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, 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.

Eating and Drinking Establishment

An establishment offering food and drink for consumption either inside or outside the building or portion thereof.

Essential Services

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

Food Processing

The preparation, storage, or processing of food products. Examples of these activities include but are not limited to bakeries, dairies, canneries, and other similar businesses.

Gasoline Service Station.

Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a gasoline service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations. A gasoline service station is not a repair garage or a body shop.

Floor Area, Usable

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

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 the 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, not exceeding four 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.

Junk

"Junk" means old scrap copper, brass, rope, 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 Storage and Sales)

"Junk Yard" means an establishment or place of business, which is maintained or operated 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 feet of the nearest edge of the right-of-way of a highway or street, and any site, location, or premise on which are kept two or more junk motor vehicles as defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.

Lot

For purposes of this Resolution, a lot is a parcel of land of a least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as are herein required, Such lot shall have frontage on an improved public street, (road) or on an approved private street, (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) A parcel of land described by metes and bounds.

However, in no case of diversion or combination shall any residential lot or parcel be created which does not meet the requirements of this resolution.

Lot Coverage

Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings 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 nearest the street (road). For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets (roads) shall be considered frontage, and yards shall be provided as indicated in Section 1294 of this Resolution.

Lot, Minimum Area of

The area of a right-of-way of any lot is computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot Measurements

Lot Frontage

The front of a lot shall be construed to be the portion at the street or road right-of-way line. 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 "Yards" in this section. Also, see Lot Measurements, Width.

Lot Measurements

A lot shall be measured as follows:

1. Depth. The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear. No lot shall have an average depth, which is more than three (3) times its average width.

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

Lot Types

Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

(1) A corner lot is defined as a lot located at the intersection of two or more streets (roads). 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 135 degrees.

(2) An interior lot is a lot other than a corner lot with only one frontage on a street (road).

(3) A through lot is a lot other than a corner lot with frontage on more than one street (road). Through lots abutting two streets may be referred to as double frontage lots.

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.

Manufacturing, Heavy

Manufacturing, processing, assembling, mining, storage, research, 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, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary to any large extent.

Manufacturing, Light

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

Mineral Extraction or Extractive Industry

Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Mobile Home Park

Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Nonconforming Use

A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

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 financial, charitable, philanthropic, or religious or educational nature are also included in this classification.

Personal Services

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

Parking Space, Off-Street (Road)

For the purpose of this Resolution, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street (road) or alley and maneuvering room. Required off-street parking areas for ten or more automobiles shall have individual spaces marked, and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all regulations of the county.

Planned Unit Development

An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles, and landscaping plans.

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 Service Facilities

Any facility or utility operated in the interest of the public, including electricity, gas, telephone, transportation, water, sewer, solid waste disposal, or any similar public service structure or land use, but excluding telecommunication towers.

Public Use

A public school, park, administrative, cultural, or recreational building, excluding public service facilities.

Quasipublic Use

Churches, colleges, hospitals, and other institutions of an educational religious, charitable, philanthropic, or non-profit nature are examples.

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, swimming pools, bowling alleys, 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, ball parks, etc.

Residence, Low Density

Land to be utilized for single-family housing units, including public housing, not to exceed four families per acre.

Residence, Medium Density

Land to be utilized for single and multi-family housing units including public and industrialized housing and permanent or mobile units, not to exceed eight families per acre.

Residence, Multi-family-or High density

Land to be used for housing structures having two or more dwelling units per structure including public and industrialized housing, not to exceed 16 families per acre.

Residence, Very Low Density

Very low density residential land use refers to farm housing units and isolated residential developments not requiring an official plat under the County's Subdivision Regulations.

Transport Terminals

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

Sewers, Central or Group

A publicly 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.

Story

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

Storage Facilities

Land, buildings, and structures devoted primarily to the storage of goods, equipment, and material.

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, billboards, and poster panels. Sidewalks are not considered as a structure.

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:

- a) It is constructed on or after October 31, 1996;
- b) It is owned or principally used by a public utility engaged in the provision of telecommunication services;

c) 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.

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. Examples include hotel, motel, and apartment hotel.

Use

The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance

A variance is a relocation of the term of the zoning resolution where such variance 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 Resolution would result in unnecessary and undue hardship. As used in the Resolution a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Wholesale and Warehousing

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.

Yard

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front

A yard extending between side lot lines across the front of a lot adjoining a public street (road). In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three feet and ten feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning inspector may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of all corner lots, a front yard of the required depth shall be provided on all frontages.

The minimum depth of required front yards shall be measured horizontally from the property line or right-of-way line to the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch.

Yard, Side

A yard extending from the rear line of the required front yard to the rear of the building, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street (road). In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot lines.

Yard, Rear

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Zoning Certificate

A document issued by the Zoning Inspector 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 (Building Permit)

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

ARTICLE XIII INTERPRETATION AND ENACTMENT

Section 1300 Provisions of Resolution Declared To Be 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, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 1301 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 1302 Repeal of Conflicting 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.