

Leesburg Township Union County, Ohio


202308090005564 8/9/2023
Pages:85 F:\$20.00 9:39 AM
Karen J. Rittle T20230004135
Union County Recorder DOC:ZON RES

Zoning Resolution - Amendment

Adopted: July 10, 2023

TABLE OF CONTENTS

	PREAMBLE		1
	ARTICLE I	TITLE, INTERPRETATION AND ENACTMENT	1
	Section 100	Title	
	Section 101	Use of Land or Buildings for Agricultural Purposes Not Affected	
	Section 110	Provisions of Resolution Declared to be the Minimum Requirements	
	Section 120	Separability Clause	
	Section 130	Replacement of Existing Resolutions, Effective Date	
	ARTICLE II	DEFINITIONS	3
	ARTICLE III	ENFORCEMENT	24
	Section 300	Zoning Permits Required	
	Section 301	Contents of Application For Zoning Permit	
	Section 302	Approval of Zoning Permit	
	Section 303	Submission to Director of Transportation	
	Section 304	Expiration of Zoning Permit	
	Section 310	Certificate of Occupancy	
	Section 311	Temporary Certificate of Occupancy	
	Section 312	Record of Zoning Permits and Certificates of Occupancy	
	Section 320	Failure to Obtain a Zoning Permit or Certificate of Occupancy	
	Section 330	Construction and Use To Be As Provided In Applications, Plans, Permits, and Certificates	
	Section 340	Complaints Regarding Violations	
	Section 350	Penalties for Violation	
	Section 360	Schedule of Fees, Charges, and Expenses	
	ARTICLE IV	NON-CONFORMITIES	28
	Section 400	Intent	
	Section 410	Incompatibility of Non-Conformities	
	Section 420	Avoidance of Undue Hardship	
	Section 430	Single Non-Conforming Lots of Record	
	Section 431	Non-Conforming Lots of Record in Combination	
	Section 440	Non-Conforming Uses of Land	
	Section 450	Non-Conforming Structures	
	Section 456	Non-Conforming Uses of Structures or of Structures and Land in Combination	

Section	470	Repairs and Maintenance
Section	480	Uses Under Conditional Use Provisions Not Non-Conforming Uses

ARTICLE	V	ADMINISTRATION	32
----------------	----------	-----------------------	-----------

Section	500	Office of Zoning Inspector Created
Section	501	Duties of the Zoning Inspector
Section	510	Proceedings of Zoning Commission
Section	511	Duties of Zoning Commission
Section	512	Establishment and Duties of Zoning Secretary
Section	520	Board of Zoning Appeals Created
Section	521	Proceedings of the Board of Zoning Appeals
Section	522	Duties of the Board of Zoning Appeals
Section	530	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal
Section	540	Procedure and Requirements for Appeals and Variances
Section	541	Appeals
Section	542	Stay of Proceedings
Section	543	Variances
Section	544	Application and Standards for Variances
Section	545	Supplementary Conditions and Safeguards
Section	546	Public Hearing by the Board of Zoning Appeals
Section	547	Notice of Public Hearing in Newspaper
Section	548	Notice to Parties in Interest
Section	549	Action by Board of Zoning Appeals
Section	560	Procedure and Requirements For Approval of Conditional Use Permits
Section	561	General
Section	562	Contents of Application for Conditional Use Permit
Section	563	General Standards Applicable to all Conditional Uses
Section	565	Supplementary Conditions and Safeguards
Section	566	Procedure for Hearing, Notice
Section	567	Action by the Board of Zoning Appeals
Section	568	Expiration of Conditional Use Permit

ARTICLE	VI	AMENDMENT	39
----------------	-----------	------------------	-----------

Section	600	Procedure for Amendment or District Changes
Section	601	General
Section	602	Initiation of Zoning Amendments
Section	603	Contents of Application
Section	604	Transmittal to Zoning Commission
Section	605	Public Hearing By Zoning Commission
Section	606	Transmittal to Regional Planning Commission

Section	607	Submission to Director of Transportation	
Section	608	Recommendation by Zoning Commission	
Section	609	Public Hearing by Township Trustees	
Section	610	Notice of Public Hearing in Newspaper	
Section	611	Action by Township Trustees	
Section	612	Effective Date and Referendum	
ARTICLE	VII	PROVISIONS FOR OFFICIAL ZONING MAP	42
Section	700	Official Zoning Map	
Section	710	Identification of the Official Zoning Map	
Section	720	Interpretation of District Boundaries	
ARTICLE	VIII	ESTABLISHMENT AND PURPOSE OF DISTRICTS	43
Section	800	Intent	
Section	810	Rural District (U-1)	
Section	811	Low Density Residential District (R-1)	
Section	813	Local Business District (B-2)	
Section	815	Light Manufacturing District (M-1)	
ARTICLE	IX	DISTRICT REGULATIONS	44
Section	900	Compliance with Regulations	
Section	910	Official Schedule of District Regulations Adopted	
ARTICLE	X	SUPPLEMENTARY DISTRICT REGULATIONS	48
Section	1000	General	
Section	1001	Conversion of Dwellings to More Units	
Section	1002	Private Swimming Pools	
Section	1003	Community or Club Swimming Pools	
Section	1004	Temporary Structures	
Section	1005	Parking and Storage of Certain Vehicles	
Section	1006	Required Trash Areas	
Section	1010	Supplemental Yard and Height Regulations	
Section	1011	Setback Requirements for Corner Buildings	
Section	1012	Visibility at Intersections	
Section	1014	Yard Requirements for Multi-Family Dwellings	
Section	1015	Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts	
Section	1016	Architectural Projections	
Section	1017	Exceptions to Height Regulations	
Section	1020	Special Provisions for Commercial and Industrial Uses	
Section	1021	Fire Hazards	
Section	1022	Electrical Disturbance	
Section	1023	Noise	
Section	1024	Water Pollution	

Section 1025 Mining, Mineral, Sand and Gravel Extraction;
Storage and Processing

Section 1026 Distance from Residential Areas

Section 1027 Filing of Location Map

Section 1028 Information on Operation

Section 1029 Restoration of Mined Area

Section 1030 Performance Bond

Section 1031 Enforcement Provisions

Section 1032 Measurement Procedures

Section 1033 Telecommunications Towers

Section 1034 Ponds

Section 1036 General Conditions for Adult Entertainment Use

Section 1037 Wind Power Generating Facilities

Section 1038 Solar Energy Systems

Section 1040 Garage, Porch, Yard or Similar Sales

Section 1045 Junk Storage and/or Sales of Junk

Section 1050 Junk

Section 1055 Mobile Trailers Prohibited for Business, Storage, and
Sign Purposes

Section 1060 Adequate Drainage Outlet and Acceptable Soils

Section 1065 General Conditions for Medical Marijuana Entities

Section 1070 Agritourism

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS 66

Section 1100 General Requirements

Section 1110 Parking Space Dimensions

Section 1111 Loading Space Requirements and Dimensions

Section 1112 Paving

Section 1113 Drainage

Section 1114 Maintenance

Section 1115 Lightning

Section 1116 Location of Parking Spaces

Section 1117 Screening and Landscaping

Section 1119 Minimum Distance and setbacks

Section 1120 Joint Use

Section 1121 Wheel Blocks

Section 1122 Width of Driveway Aisle

Section 1130 Parking Space Requirements

Section 1131 General Interpretations

ARTICLE XII SIGNS 69

Section 1200 Intent

Section 1201 Governmental Signs Excluded

Section 1202 General Requirements for all Signs and Districts

Section	1203	Measurement of Sign Area	
Section	1210	Signs Permitted in all Districts not Requiring a Permit	
Section	1211	Signs Permitted in any District Requiring a Permit	
Section	1212	Billboards	
Section	1220	Temporary Signs	
Section	1221	Political Signs	
Section	1240	Sign Setback Requirements	
Section	1243	Setbacks for Public and Quasipublic Signs	
Section	1244	Special Yard Provisions	
Section	1260	Violations	
ARTICLE XIII		MOBILE HOME PARKS – MOBILE HOMES INDIVIDUALLY	72
Section	1300	Intent	
Section	1341	Mobile Homes Individually	
SIGNATURE BLOCKS			73

PREAMBLE

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

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF LEESBURG, UNION 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 Leesburg, Union County, Ohio."

Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected. In adopting this Resolution, the Township recognizes the restrictions on its zoning authority in ORC 519.21 *Powers not conferred on township zoning commission by chapter*. ORC 519.21 is a statute, created and maintained by the State, which limits the authority of townships and establishes what is commonly referred to as the "agriculture exemption". How ORC 519.21 impacts this Resolution is described herein.

This Resolution does not affect the use of any land for agricultural purposes, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure. (Residential dwellings do require a permit however.) The Township does, however, assert its authority to adopt zoning regulations to the full extent allowed by law.

There are two conditions where the agriculture exemption does not apply. 1) In any platted subdivision; and, 2) In any area consisting of fifteen or more lots approved under ORC 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road. When either of these two conditions exist, the requirements of this Resolution apply to:

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

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

Section 120 Separability Clause. Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 Replacement of Existing Resolutions, Effective Date. All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II DEFINITIONS

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

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

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

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

1. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."
3. **Adult Material.** Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."

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

Agriculture. "Agriculture" as defined in Ohio Revised Code 519.01, includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agritourism related definitions:

- a) **Agricultural Production.** Has the same meaning as defined in ORC 929.01 as amended, from time to time. Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and

marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

- b) Agritourism. An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
- c) Agritourism Provider. A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
- d) Farm. As used in relation to Agritourism, a Farm is land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

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

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

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

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

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

Building, Accessory. A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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

Building Line. See setback line.

Building, Manufactured. A manufactured building has the following features or characteristics: It is (1) mass produced in a factory; (2) designed and constructed for transportation to site with or without a chassis for installation and use when connected to required utilities; (3) either an independent, individual factory erected building or a module with two or more sides erected at the factory., for combination with other elements to form a building on the site.

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

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

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

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

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

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

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

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

Common Access Driveway. A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the Union County Engineer and for which Union County and Leesburg Township accept no responsibility or liability for maintenance and dispute resolution, either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads.

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

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

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

Corner Lot. See Lot Types.

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

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

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

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

Dwelling, Single-Family. A dwelling (except a mobile home or manufactured home not permanently sited) consisting of single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Multi-Family. A dwelling consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.

Dwelling, Industrialized Unit. Pursuant to ORC 3781.06 (C) (3), "industrialized unit" means 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 unit installs 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 home as defined herein or a mobile home as defined herein.

Dwelling, Manufactured Home. Pursuant to ORC 3781.06 (C) (4), "manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Dwelling, Manufactured Home (Permanently Sited). Pursuant to ORC 3781.06 (C) (6), "permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities. "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the Ohio Department of Commerce pursuant to ORC 4781, to which a manufactured home may be affixed; and,
- b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet; and,
- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering; and,
- d) The structure was manufactured after January 1, 1995; and,
- e) The structure is not located in a manufactured home park as defined herein.

Dwelling, Mobile Home. Pursuant to ORC 4501.01 (O), "mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than

thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined herein or as an industrialized unit as defined herein.

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

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

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

Family. One or more individuals related by blood, marriage, or adoption, or not more than five individuals who are not so related, living together as a single housekeeping unit in a dwelling, and maintaining and using the same and certain other housekeeping facilities in common.

Financial Assurance. Reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

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

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

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

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

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

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

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

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, 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, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials.

Junk Yard. "Junk Yard" means an establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right-of-way of a highway or street.

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

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

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

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

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

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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

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

Lot, Minimum Area of. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or road.

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

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

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

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

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

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

Medical marijuana related definitions.

- a) **Cultivate.** Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.

- b) **Cultivator.** Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) **Dispensary.** Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) **Dispense.** Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) **Manufacture.** Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) **Marihuana.** Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) **Marijuana.** Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) **Medical Marijuana.** Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- i) **Medical Marijuana Entity.** Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- j) **Medical Marijuana Processor.** Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) **Testing Laboratory.** Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

Recreational Vehicle. A vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

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

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

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

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

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

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

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

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

Setback Line, Front. Determined from the edge of the road right-of-way.

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

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

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

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

1. **Sign, On-Premises.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises (Billboards).** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located. Such signs are not permitted in any zoning district.
3. **Sign Illuminated.** Any sign illuminated by electricity, gas or other artificial light including reflection or phosphorescent light.
4. **Sign, Lighting Device.** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, Ground.** Means a display sign supported by uprights or braces in or upon the ground surface.
6. **Sign, Marquee.** Means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
7. **Sign, Pole.** Means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

8. **Sign, Projecting.** Means a display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.
9. **Sign, Roof.** Means a display sign which is erected, constructed, and maintained above the roof of the building.
10. **Sign, Temporary.** Means a display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
11. **Sign, Wall.** Means a display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

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

Solar Energy Related Definitions:

- a) **Accessory Solar Energy.** A solar collection system consisting of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- b) **Clear Fall Zone (Solar Energy).** An area surrounding a ground/pole mounted or other structure mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the primary lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the lot and will not intrude onto a neighboring property.
- c) **Community Solar.** Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system. For the purposes of this Resolution, "Community Solar" is considered to be a "Principal Solar Energy Production Facility".
- d) **Principal Solar Energy Production Facility.** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. These production facilities primarily produce electricity to be used

off-site. Principal solar energy production facilities consist of one or more roof/building mounted, ground/pole mounted, or other structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Examples include "Small Solar Facility" and "Community Solar Facility" as defined by statute or herein.

- e) **Small Solar Facility.** Pursuant to ORC 519.213 (A) (2), "Small Solar Facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than 50 MW.
- f) **Solar Energy Equipment.** Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and/or foundation used for or intended to be used for the collection of solar energy.
- g) **Solar Photovoltaic (PV).** The technology that uses a semiconductor to convert light directly into electricity.

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

Storage Facility. A structure which is partially opened or fully enclosed in which animals, chattels, or property are stored or kept.

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

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

Subdivision.

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the

sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or

- 2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

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

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

Swimming Pool. A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.

1. **Private.** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. **Community.** Operated with a charge for admission; a primary use.

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

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

Through Lot. See Lot Types.

Toxic or Hazardous Material. Means any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose,

a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

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

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

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

Travel Trailer. A non-self propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code.

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

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

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

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

Vicinity Map. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

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

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

Wind Power Generating Facility (WPGF). All necessary devices that together convert wind energy into electricity, including the rotor, nacelle generator, Wind Power Generating Facility (WPGF) tower, electrical components, WPGF foundation, transformer, substation, and electrical cabling from the WPGF tower to the substation.

Wind Power Generating Facility (WPGF) Applicant. The entity or person who submits to the Township Zoning Inspector an application for the siting of any Wind Power Generating Facility.

Wind Power Generating Facility (WPGF) Contract. The agreement between the WPGF Applicant and the landowner(s).

Wind Power Generating Facility (WPGF) Operator. The entity responsible for the day-to-day operation and maintenance of the Wind Power Generator Facility (WPGF), including any third party subcontractors.

Wind Power Generating Facility (WPGF) Owner. The entity or entities with an equity interest in the Wind Power Generating Facility (WPGF) including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the WPGF (unless the property owner has an equity interest in the WPGF) or if any person holding a security interest in the WPGF solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WPGF at the earliest practicable date.

Wind Power Generating Facility's (WPGF's) Project. The collection of Wind Power Generating Facilities (WPGF) and substation(s) as specified in the site approval application pursuant to Section 1037 of this Township Zoning Resolution.

Wind Power Generating Facility (WPGF) Substation. This apparatus connects the electrical collection system of the Wind Power Generating Facility (WPGF) and allows electricity to flow into the grid along the transmission lines.

Wind Power Generating Facility (WPGF) Tower. The support structure to which the nacelle and rotor are attached.

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

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

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

Zoning Certificate. A document issued by the Zoning 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. 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 III ENFORCEMENT

Section 300 Zoning Permits Required. No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Said permit shall be obtained before any county permits are obtained. Zoning permits shall be issued only in conformity with the provisions of this Resolution and Section 1055 unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution.

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

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

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

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

Section 304 Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning 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 zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six months increments, not to exceed one and one-half (1.5) years.

Section 310 Certificate of Occupancy. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both, or part thereof thereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

Section 311 Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section 312 Record of Zoning Permits and Certificates of Occupancy. The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

Section 320 Failure to Obtain a Zoning Permit or Certificate of Occupancy
Failure to obtain a zoning permit or certificate occupancy all be a violation of this Resolution and punishable under Section 350 of this Resolution.

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

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

Section 350 Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a minor misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five-hundred (\$500) dollars and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of jurisdiction in Union County by the legal representative of the township, in the name of the township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

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

ARTICLE IV NON-CONFORMITIES

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

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

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

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

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

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

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

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an Act of God, it may after approval by the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two (2) months of the time of destruction.

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

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

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

1. No existing, structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution; but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of the structure, or structure and land in combination is discontinued or abandoned for more than (2) years (except when government access impedes access to the premises), the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

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

Section 480 Uses Under Conditional Use Provisions Not Non-Conforming Uses. Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE V ADMINISTRATION

Section 500 Office of Zoning 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 Trustees may direct.

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

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

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

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

1. Initiate proposed amendments to this Resolution;
3. Review all proposed amendments to this Resolution.

Section 512 Establishment and Duties of Zoning Secretary. The Board of Township Trustees shall appoint a Zoning Secretary whose duty is to assist in the administration of this Resolution, confirm information in applications, process all notices required under this Resolution, record the minutes of the Zoning Commission and Board of Zoning Appeals, assist the zoning inspector, and perform other duties relating to this Resolution as the Township Trustees may direct. The Township Clerk may be named to this position.

Section 520 Board of Zoning Appeals Created. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected.

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

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

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

Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

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

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

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

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in special cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-

conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

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

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

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

ARTICLE VI AMENDMENT

Section 600 Procedure for Amendment or District Changes. This resolution may be amended utilizing the procedures specified in Sections 601-612, inclusive if this resolution.

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

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

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

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

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

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

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

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

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

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

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

Section 609 Public Hearing by Township Trustees. Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Section 610 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 609 shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. This shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 611 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 609, the Township Trustees shall either adopt or deny the recommendation of the Zoning Board, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, it must do so by a unanimous vote.

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

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map.

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

Section 710 Identification of the Official Zoning Map.

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

Section 720 Interpretation of District Boundaries.

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

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- 2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
- 4) If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent.

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

Section 810 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 quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under Union County's Subdivision Regulations.

Some residential, commercial, and industrial development may be permitted as conditional uses under Section 560. On-site water and sewer facilities are permitted, provided such facilities comply with the County Health Department's Regulations.

Section 811 Low Density Residential District (R-1).

The purpose of the low-density residential district is to provide land for single-family dwelling units not to exceed four dwellings per acre with a central sewage system. If a central sewage system is not available, then the minimum lot size shall be 65,400 square feet exclusive of road right-of-way. This district shall also include land that is subdivided which requires a major plat under Union County's Subdivision Regulations. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 813 Local Business District (B-2).

The purpose of the local business district is to provide land for small convenience-type retail and personal service establishments and service businesses offering convenience-type goods and services for the daily needs of the people in the general area.

Section 815 Light Manufacturing District (M-1).

The purpose of the M-1 light manufacturing district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate mostly within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

ARTICLE IX DISTRICT REGULATIONS

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

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

Section 910 Official Schedule of District Regulations Adopted. District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 10 of this Resolution, "Supplementary District Regulations."

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

<u>Zoning Districts</u> (Symbols as used on the Official Zoning Map)	<u>Permitted Uses</u> (Accessory Uses and essential services are included)	<u>Conditional Uses</u> (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)
1	2	3
U-1 RURAL	Agriculture; Very low density residential; Animal hospital; Clinic; Home occupation; Non-commercial recreation; Public; Wind Power Generating Facilities (WPGF) pending compliance with Section 1037.	Kennel; Public service facility; Service business; Mineral extraction; Food processing; Light & heavy manufacturing; Junk storage & sales; Commercial recreation; Mobile homes individually; Quasi-public uses; Agritourism; Medical Marijuana Cultivator.
R-1 LOW DENSITY RESIDENTIAL	Single-family dwellings; Home occupation; Public; Permanent foundation sited manufactured dwelling; Modular & sectional units; Wind Power Generating Facilities (WPGF) pending compliance with Section 1037.	Personal services; Service business; Multi-family dwellings; Mobile home individually; Telecommunication towers; Quasi-public uses; Agritourism
B-2 LOCAL BUSINESS	Convenience-type retail; Personal services; Offices; Service business; Eating & drinking establishments; Commercial recreation; Single-family dwellings*; Public; Farm implement sales & service.	Public service facility; Mobile homes individually; Adult Entertainment; Quasi-public uses; Agritourism
M-1 LIGHT MANUFACTURING	Light manufacturing & directly related offices & retail sales; Public uses; Service business; Farm implement sales & service.	Wholesale & warehousing; Storage facilities; Transport terminals; Public service facility; Very low density residential*; Mobile homes individually; Quasi-public uses; Agritourism; Medical Marijuana Cultivator; Medical Marijuana Processor.

	MINIMUM LOT SIZE		FRONT AGE	MAXIMUM % OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT		MINIMUM YARD DIMENSIONS (ft.)			
	With sewage on-site treatment	With group or central sewage treatment	Minimum			Principal and Accessory Buildings	Sq. ft.	# of Stories	# of Feet	Front	Side Yards
			Width/ Feet	One side yard	Sum of side yards						
	4	5	6	7	8	9	10	11	12	13	14
U-1	65,400	----- 10,800	150* 80	25	1,200**	2.5	35	50	20	40	40
R-1	65,400	----- 10,800 2,700 (multi)	150* 80 60	25	1,200** 600 (multi)	2.5	35	35	20	40	40
B-2	65,400	----- none	150* 60	50	none**	3	40	30	none ***	none ***	30***
M-1	80,000	-----	200*	50	none**	4	50	80	20***	50***	50

	ACCESSORY BUILDINGS (ft.)			MINIMUM MANDATORY OFF-STREET PARKING SPACE (One unit for each)	MINIMUM MANDATORY OFF-STREET LOADING SPACE	SIGNS PERMITTED	OTHER PROVISIONS AND REQUIREMENTS (Supplementary regulations prohibitions, notes etc.)
	Maximum Height	Minimum Distance to Lot Line					
	15	Side 16	Rear 17				
U-1	20	5	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	*Avg. depth shall not exceed 3 times the avg. width. **1,200 square feet for mobile dwelling; Use of land or buildings for agricultural purposes are 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.
R-1	15	5	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	*Avg. depth shall not exceed 3 times the avg. width. **1,200 square feet for mobile dwelling.
B-2	15	0	0	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*Avg. depth shall not exceed 3 times the avg. width. **For residential, refer to R-1 regs. ***Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
M-1	25	10	20	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*Avg. depth shall not exceed 3 times the avg. width. **For residential, refer to R-1 regs. ***Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General.

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

Section 1001 Conversion of Dwellings to More Units.

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

- 1) The yard dimensions, including minimum lot width still meet the yard dimensions required by the Zoning Regulations for new structures in that district in which the dwelling is located;
- 2) The lot area per family equals the lot area requirements for new structures in that district;
- 3) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

Section 1002 Private Swimming Pools.

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1.5) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (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 four (4) feet in height and maintained in good condition with a gate and lock.

Section 1003 Community or Club Swimming Pools.

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

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition.

Section 1004 Temporary Structures.

Temporary structures, such as a manufactured home or mobile home, an existing dwelling, mobile offices, or construction trailers, used in conjunction with construction work on a lot require a zoning permit. The Board of Zoning Appeals may authorize a conditional use for temporary structures, but such temporary structures shall be removed upon completion of the construction work or within 24 months upon issuance of a conditional use permit, whichever occurs first.

Section 1005 Parking and Storage of Certain Vehicles.

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

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

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be defined as meeting the following criteria: as one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways; three model years or older; extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission. This section shall not apply to properly licensed junkyards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code.

Section 1006 Required Trash Areas.

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

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

Section 1010 Supplemental Yard and Height Regulations.

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

Section 1011 Setback Requirements for Corner Buildings.

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

Section 1012 Visibility at Intersections.

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

Section 1014 Yard Requirements for Multi-Family Dwellings.

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

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

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

Section 1016 Architectural Projections.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to

which attached and shall not project into the required minimum front, side, or rear yard.

Section 1017 Exceptions to Height Regulations.

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

Section 1020 Special Provisions for Commercial and Industrial Uses.

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

Section 1021 Fire Hazards.

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

Section 1022 Electrical Disturbance.

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

Section 1023 Noise.

Noise is the general word for any loud, disagreeable, annoying, or deafening sound painful to the ear. Objectionable noise as determined by the Zoning Inspector which is due to volume or frequency shall be muffled or otherwise controlled. Disaster or fire sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 1024 Water Pollution.

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

Section 1025 Mining, 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 1026 and 1032 inclusive.

Section 1026 Distance from Residential Areas.

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

Section 1027 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 1028 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 1029 Restoration of Mined Area.

The operator may be required to 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.

Section 1030 Performance Bond.

The operator may be required to file with the Board of Township Trustees a bond, or other surety, payable to the township and conditioned upon the faithful performance of all requirements contained in the approved restoration plan. The bond or other surety shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

Section 1031 Enforcement Provisions.

The Zoning Inspector, prior to the issuance of a zoning permit, 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. The area being mined or that has been mined shall be posted with "No Trespassing" signs to discourage human injury to the general public.

Section 1032 Measurement Procedures.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency (EPA).

Section 1033 Telecommunications Towers.

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

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

- lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;
- 13) No advertising or illumination other than that required by law may be located on the structure or on the required screening;
 - 14) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and Leesburg 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;
 - 15) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures 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;
 - 16) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
 - 17) Lot shall be mowed and maintained to control weeds;
 - 18) Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1033 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; The Leesburg Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1033 or the abandonment or discontinuance of the tower.

Section 1034 Ponds.

Ponds shall be excavated as a permitted use provided the following standards are met (also, see definition of "ponds):

- 1) Union SWCD (Soil and Water Conservation District) must review the proposed construction site with the landowner. Test pits must be dug prior to design.
- 2) The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with the USDAS (United States Department of Agricultural Services) Engineering Field Manual for Conservation Practices. Tile on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.

- 3) Union SWCD or a Professional Engineer (P.E.) shall be responsible for designing the pond and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
- 4) The pond outlet must be designed so as not to encroach upon adjacent property.
- 5) Setback must be fifty (50) feet from the road right-of-way to the high water mark and thirty (30) feet from the high water mark to the side and rear lot lines.
- 6) The applicant shall place and maintain earth mounds or tree lines between the road right-of-way and the pond to serve as traffic barriers.
- 7) Three (3) acre minimum lot size.
- 8) Adequate Drainage Outlet and Acceptable Soils. Every building lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The Union SWCD shall determine the drainage outlet adequacy and the soils acceptability.
- 9) All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and sub-surface drainage.
- 10) All ponds shall be at least 1/4 (0.25) acre in size.
- 11) This applies to all zoning districts.
- 12) Stormwater retention ponds are exempt from Section 1034 "Ponds".

Section 1036 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the B-2 Local Business District only, and subject to conditions set forth in the Zoning Resolution Section 1036 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use, R-1.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or

semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within B-2 Business District.

Section 1037 Wind Power Generating Facilities. Pursuant to the Township Zoning Inspector and Township Trustees being duly notified of the person's intent to construct Wind Power Generating Facility (WPGF) in any area zoned for low-density residential use (U-1 Rural Undeveloped District and R-1 Low Density Residential District), public utilities, or other functionally equivalent providers may site a WPGF as a permitted use provided the following conditions of Section 1037 are met:

- 1.) **Applicability.** Section 1037 of this Township Zoning Resolution governs the siting of Wind Power Generating Facilities (WPGF) and substations that generate electricity to be sold to the wholesale or retail market.
- 2.) **Prohibition.** No Wind Power Generating Facilities (WPGF) or components thereof governed by Section 1037 of this Township Zoning Resolution shall be constructed, erected, installed, or located within this Township until prior siting approval has been obtained pursuant to this Township Zoning Resolution.
- 3.) **Siting Approval Application.** To obtain siting approval, the applicant must first submit a siting approval application to the Township Zoning Inspector and must contain the following information:
 - A. A Wind Power Generating Facility (WPGF) Project Summary including to the extent available the following items:
 - i. a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of WPGF, number of WPGF, and name plate generating capacity of each WPGF; the maximum height of the general location of the project.
 - ii. A description of the applicant, owner and operator, including their respective business structures.
 - B. The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owner(s), if known.
 - C. A site plan for the installation of WPGF showing the planned location of each WPGF tower, guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties and owner contact information), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

- D. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Resolution.
 - E. The applicant may make adjustments to the siting so long as such adjustments are limited to land parcels identified in the original application, and such adjustments comply with the conditions of Section 1037 herein.
 - F. Any other information normally required by the Township as part of its Zoning Resolution.
- 4.) **Design and Installation.**
- A. **Design Safety Certification.**
 - i. WPGF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
 - ii. Following the granting of siting approval under this Resolution, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WPGF, including substation, transformer, underground cabling or parts thereof and the access road, is within accepted professional standards, given local soil and climate conditions.
 - B. **Controls and Brakes.** All WPGF shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
 - C. **Electrical Components.** All electrical components of the WPGF shall conform to applicable local, state, and national codes, and relevant national and international standards (ie. ANSI and International Electrical Commission).
 - D. **Color.** Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
 - E. **Compliance with the Federal Aviation Administration.** The applicant for the WPGF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
 - F. **Warnings.**
 - i. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - ii. A reasonably visible warning sign stating contact phone number of operator in case of emergency.
 - iii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

G. Climb Prevention. All WPGF towers must be unclimbable by design or protected by anti-climbing devices.

H. Setbacks.

- i. All WPGF towers shall be set back at least five hundred (500) feet from any primary structure. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WPGF tower to the center of the WPGF tower foundation. In no case shall a WPGF tower be located closer to a primary structure than 1.25 times the WPGF tower height (to cover taller towers).
- ii. All WPGF towers shall be set back a distance of at least 1.25 times the WPGF tower height from public roads and public road right-of-ways, third party transmission lines, and communication towers.
- iii. All WPGF towers shall be set back a distance of at least 1.25 times the WPGF tower height from adjacent property lines. The affected adjacent property owners may waive this setback requirement by signing a contract with the WPGF.
- iv. The applicant does not need to obtain a variance from the Township upon execution of a contract with a WPGF by an adjacent property owner of the above setback requirements of Section 1037. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

I. Compliance with additional regulations. Nothing in this Resolution is intended to preempt other applicable state and federal laws and regulations.

5.) Operation.

A. Maintenance.

- i. The owner or operator of the WPGF shall furnish an operation and maintenance report to the Township on an annual basis.
- ii. Any physical modification to the WPGF that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under this Resolution. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third party certifying entity identified in this Resolution to determine whether the physical modification requires re-certification.

B. Interference.

- i. The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set forth in this Resolution. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the WPGF, the applicant shall take reasonable measures to mitigate

such anticipated interference. If, after construction of the WPGF, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take reasonable steps to respond to the complaint.

- ii. If, after construction of the WPGF, the owner or operator receives a written complaint related to interference with local broadcast residential television, the owner or operator shall take reasonable steps to respond to the complaint.

C. Coordination with Local Fire Department.

- i. The applicant, owner, or operator shall submit to the local Fire Department a copy of the site plan.
- ii. Upon request by the local Fire Department, the owner or operator shall cooperate with the local Fire Department to develop the Fire Department's emergency response plan.
- iii. Nothing in this Section of this Resolution shall alleviate the need to comply with all other applicable fire laws and regulations.
- iv. Upon request by the local Fire Department, the owner or operator shall on a yearly basis, participate in High Angle Rescue using the WPGF tower.

D. Materials Handling, Storage, and Disposal.

- i. All solid wastes related to the construction, operation, maintenance, and decommissioning of the WPGF shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal laws.
- ii. All hazardous materials related to the construction, operation, and maintenance of the WPGF shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

- 6.) **Noise Levels.** Noise levels from each WPGF unit of WPGF project shall be in compliance with applicable State of Ohio regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise regulations.
- 7.) **Birds.** A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of the WPGF will have a substantial adverse impact on birds.
- 8.) **Public Participation.** Nothing in the Section 1037 of this Resolution is meant to augment or diminish existing opportunities for public participation.
- 9.) **Liability Insurance.** The owner or operator of each WPGF tower shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence.
- 10.) **Decommissioning Plan.** Prior to receiving site approval under Section 1037 of this Resolution, the applicant, owner, and/or operator must formulate a

Decommissioning Plan to ensure that the WPGF project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provision describing the triggering events for decommissioning the WPGF project.
- B. Removal of structures, debris, access roads, and electrical cabling, including transmission lines below the soil surface, as specified in each individual WPGF contract with the landowner(s).
- C. Provisions for the restoration of the soil and vegetations.
- D. An estimate of the decommissioning costs certified by a Professional Engineer approved by the Leesburg Township Trustees.
- E. Financial Assurance, secured by the owner/operator, for the purpose of adequately performing the decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs plus anticipated inflation.
- F. Identification of and procedures for Township access to financial assurances.
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

11.) **Remedies.**

- A. The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this Resolution.
- B. Prior to implementation of the existing Township procedures for the adjudication of such default(s), the appropriate Township body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiation period, the existing Township Resolution provisions addressing the adjudication of such default(s) shall govern.
- C. If the Township determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing Township Resolution provisions addressing the resolution of such default(s) shall govern.

12.) **Expenses.** All reasonable expenses incurred by the Leesburg Township Trustees to review and certify the WPGF plan shall be paid by the applicant.

13.) **Schedule of Fees, Charges, and Expenses.** As stated in the Zoning Resolution of Leesburg Township, Union County, Ohio Section 360, any WPGF company will abide by the schedule of applicable fees, charges, and expenses set by the Township Trustees at the time of application, prior to any action taken.

Section 1038 Small Solar Energy Systems (Less Than 50 MW)

A. Accessory Solar Energy Systems

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. No accessory solar energy system shall have a production output of more than 50 kW.
2. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. An accessory solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.
4. Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located.
5. Roof/Building mounted accessory solar energy systems:
 - a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - b. May be mounted to a principal or accessory building.
 - c. The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
6. Ground/Polc mounted accessory solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least fifty (50) feet from the nearest property line, whichever is greater.
7. Other Structure mounted accessory solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.

- d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least fifty (50) feet from the nearest property line, whichever is greater.
8. Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
9. Accessory solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.
10. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Height of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any ground/pole mounted or other structure mounted solar energy system and "clear fall zone".
 - c. Proof of notice to the electric utility company, Soil and Water Conservation District (for drainage impact purposes), and County Health Department/District (for on-site sewage treatment impacts) regarding the proposal.

B. Principal Solar Energy Production Facilities

No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility as defined by the Ohio Revised Code, which is regulated by the Ohio Power Siting Board (50 MW or greater).

Principal Solar Energy Production Facilities are prohibited in any district.

Section 1040 Garage, Porch, Yard or Similar Sales

A resident may conduct a garage, porch, yard or similar type sale provided such sales do not exceed one per 30 day period. No sale shall exceed 3 consecutive days in length. Parking shall be provided by resident on resident's property. All items for sale or sold, the method of displaying those items, signs, and other materials relating to the sale shall be removed or stored in an enclosed building upon the conclusion of sale. Sale includes all transactions, in money, by exchange, or by any means whatsoever, by which title or possession, or both, of tangible personal property, is or is to be transferred.

Section 1045 Junk Storage and/or Sales of Junk. The outdoor accumulation, collection, and/or storage of junk (as defined herein and in Section 1050), which is in public view from any highway or adjoining residential structure, shall be prohibited in all zoning districts unless the provisions of the following are met: Junk storage and/or sales of junk shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or

fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening. Storage of junk shall not be located in any front or side yard.

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

Section 1055 Mobile Trailers Prohibited for Business, Storage, and Sign Purposes.

The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, or sign structure except as stated in Section 1004.

Section 1060 Adequate Drainage Outlet and Acceptable Soils. Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The "Union Soil and Water Conservation District," in writing, shall determine the drainage outlet adequacy and the soils acceptability. This statement along with a plot map of the drainage systems shall accompany the application for permit.

Furthermore, all construction (including construction of ponds and driveways) within the Township shall be accomplished in a manner consistent with maintenance and good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, proper drainage on subject property and adjacent or servient properties shall be maintained or restored at equal or greater capacity as determined by the Union Soil and Water Conservation District. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties. Pre-existing drainage tile draining adjoining properties shall be restored or re-routed when cut, crushed, or otherwise affected by any construction, excavation, or utility installation on any lot.

Section 1065 General Conditions for Medical Marijuana Entities.

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

1. **Not An Agricultural Use.** Medical marijuana is not considered an "agricultural" use pursuant to ORC 519.21 (E).
2. **Zoning Districts.** No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or

conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.

3. Fully Enclosed Buildings & Screening. Activities related to the use of property by medical marijuana cultivators, processors, and dispensaries shall take place within fully enclosed buildings. Such activities shall be completely screened and shall not be visible from any lot line. Additionally, outside storage is prohibited.
4. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.
5. Odor. In addition to Section 1020 Special Provisions for Commercial and Industrial Uses, odors traveling off-site and being detectable by a person with a normal sense of smell from a public place, the right-of-way, and other lots are prohibited.
6. Distance from Other Uses. Pursuant to ORC 3796, no medical marijuana cultivator, processor, or dispensary shall be located within five hundred (500) feet of the boundaries of a lot having situated on it a school, church, public library, public playground, or public park. The distance shall be measured as the shortest straight line from property line to property line.
7. Medical Marijuana Dispensaries Prohibited. No medical marijuana dispensaries shall be permitted within the unincorporated area of the township.
8. Applications. Any zoning application—including and not limited to a zoning certificate, zoning permit, variance application, conditional use application—shall include:
 - a. A scale map showing the lots involved in the request are in compliance with the requirements for Distance from Other Uses.
 - b. Proof of compliance with all security requirements in ORC 3796 and the rules and standards adopted thereunder.

Section 1070 Agritourism.

In addition to the procedure and requirement for approval of conditional use permits, as stated in Section 560, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval if the following conditions have been met:

I. Conditions

- A. Evidence that the farm on which the agritourism operation is proposed is ten (10) acres or more in area shall be provided. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- B. The educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the

- property, the surrounding agricultural community, and/or the relationship of the agritourism activity to agriculture in general shall be identified.
- C. A site plan of the property illustrating all structures to be used for agritourism activities, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property shall be submitted.
 - 1. The size and setback for any structure used primarily for agritourism activities shall be in conformance with the requirements of the applicable zoning district, listed in the Official Schedule of District Regulations.
 - D. Off-street parking in accordance with size requirements in Article XI Off-Street Parking and Loading Requirements shall be provided.
 - 1. Additionally, off-street parking adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.
 - E. Safe and adequate ingress and egress shall be maintained at all times.
 - F. The applicant shall provide data establishing the seasons and weeks of operation, and the hours of operation. The Conditional Use Permit shall clearly state these parameters.
 - G. Sales are limited to agricultural products meeting the criteria of products incident to the agricultural production and specific supporting products related to the agricultural tourism purpose. Examples include animal feed pellets and U-Pick containers.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII SIGNS

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

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

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

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

8. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
9. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

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

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

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

Section 1211 Signs Permitted in any District Requiring a Permit.

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

Section 1212 Billboards. No billboard or sign exceeding sixty-four (64) square feet total shall be permitted in any zoning district.

Section 1220 Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area on each side, announcing special public or institutional events, the erection of a

building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202 and have a minimum setback of ten (10) feet from the right-of-way line.

Section 1221 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting of the campaign material shall remove such material within two (2) weeks following Election Day.

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

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

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

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

ARTICLE XIII
MANUFACTURED AND/OR MOBILE HOME PARKS AND MANUFACTURED AND/OR MOBILE HOMES INDIVIDUALLY

Section 1300 Intent. It is the intent of this article to prohibit manufactured and/or mobile home parks and mobile home parks in Leesburg Township.

Section 1341 Manufactured Homes (Not Permanently Sited) and/or Mobile Homes Individually. The following requirements shall apply to manufactured homes (not permanently sited) and/or mobile home dwellings that are placed upon an individual lot in any district where conditionally permitted.

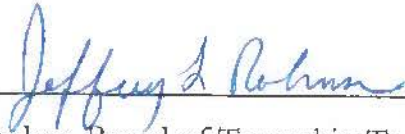
1. Individual manufactured homes (not permanently sited) and/or mobile homes shall have, using accepted industry measurement standards, a minimum area of twelve hundred (1,200) square feet of floor area.
2. The manufactured home (not permanently sited) and/or mobile home shall be placed upon a permanent concrete stand or foundation which provides at least two (2) tie-down rings.
3. The manufactured home (not permanently sited) and/or mobile home shall be skirted entirely enclosing the bottom section, within ninety (90) days after its placement.
4. The manufactured home (not permanently sited) and/or mobile home will be designed, constructed, 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.

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

This Resolution is hereby adopted on this 10th day of July 2023.



Chairman, Board of Township Trustees



Member, Board of Township Trustees

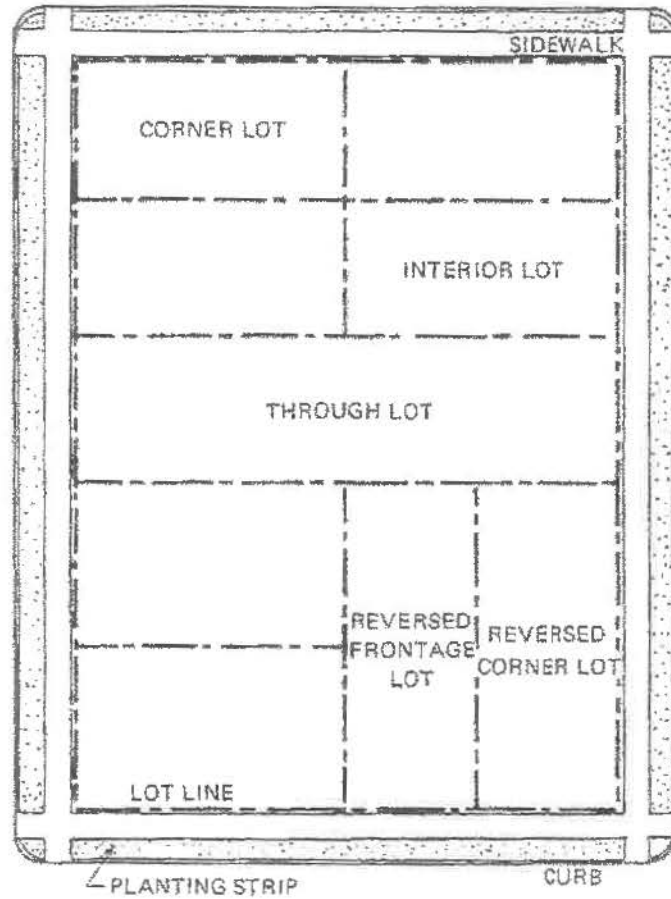


Member, Board of Township Trustees



Attest, Clerk Township Trustees

STREET



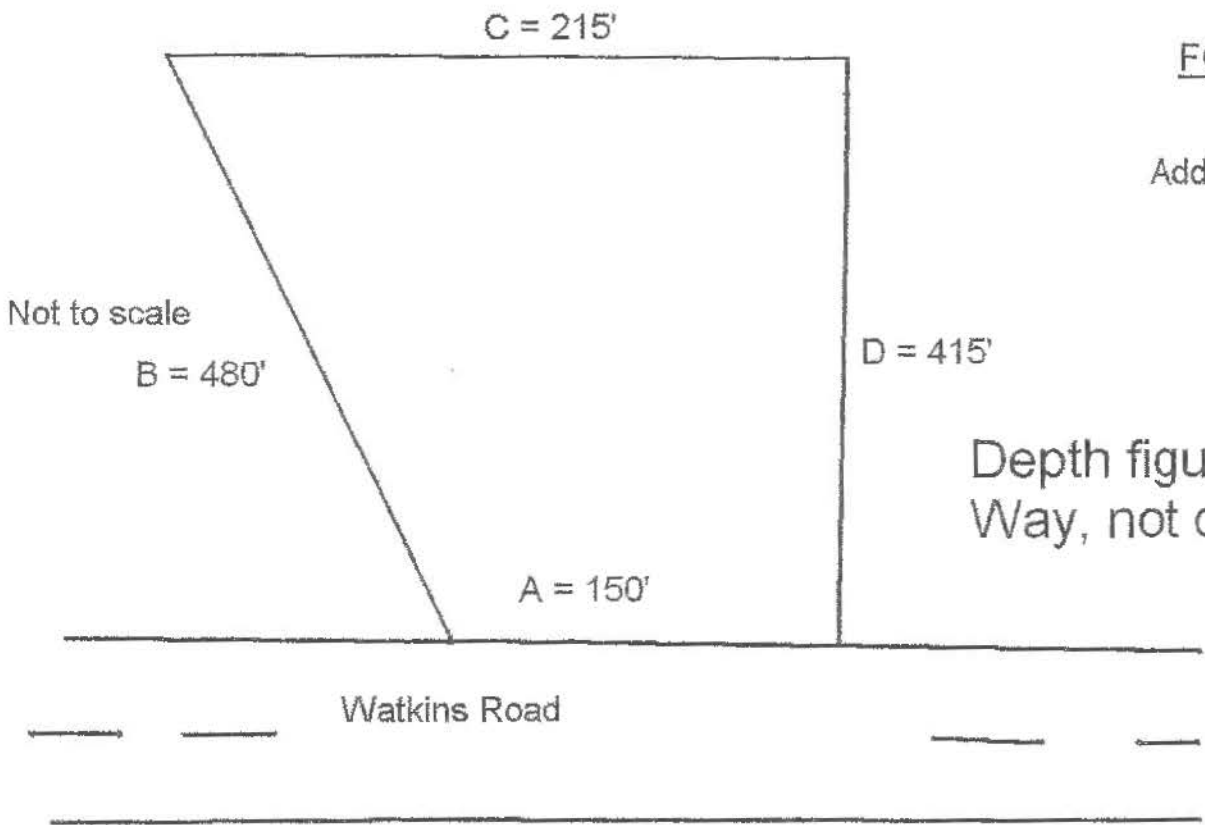
TYPES OF LOTS

FOR AVERAGE DEPTH

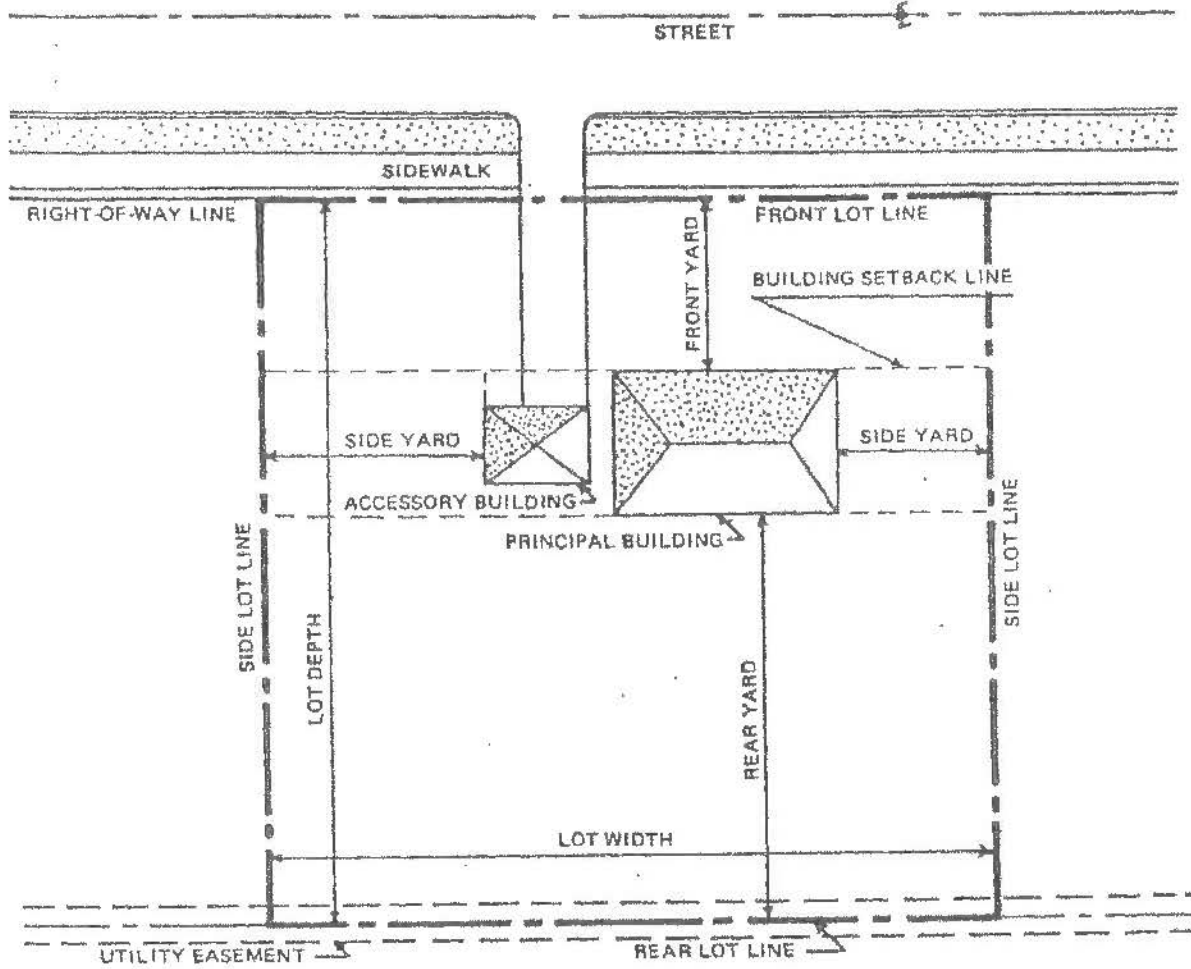
Add	480'	B
	<u>415'</u>	D
	$895' / 2 = 447.5$	

FOR AVERAGE WIDTH

Add	150'	A
	<u>215'</u>	C
	$365' / 2 = 182.5$	



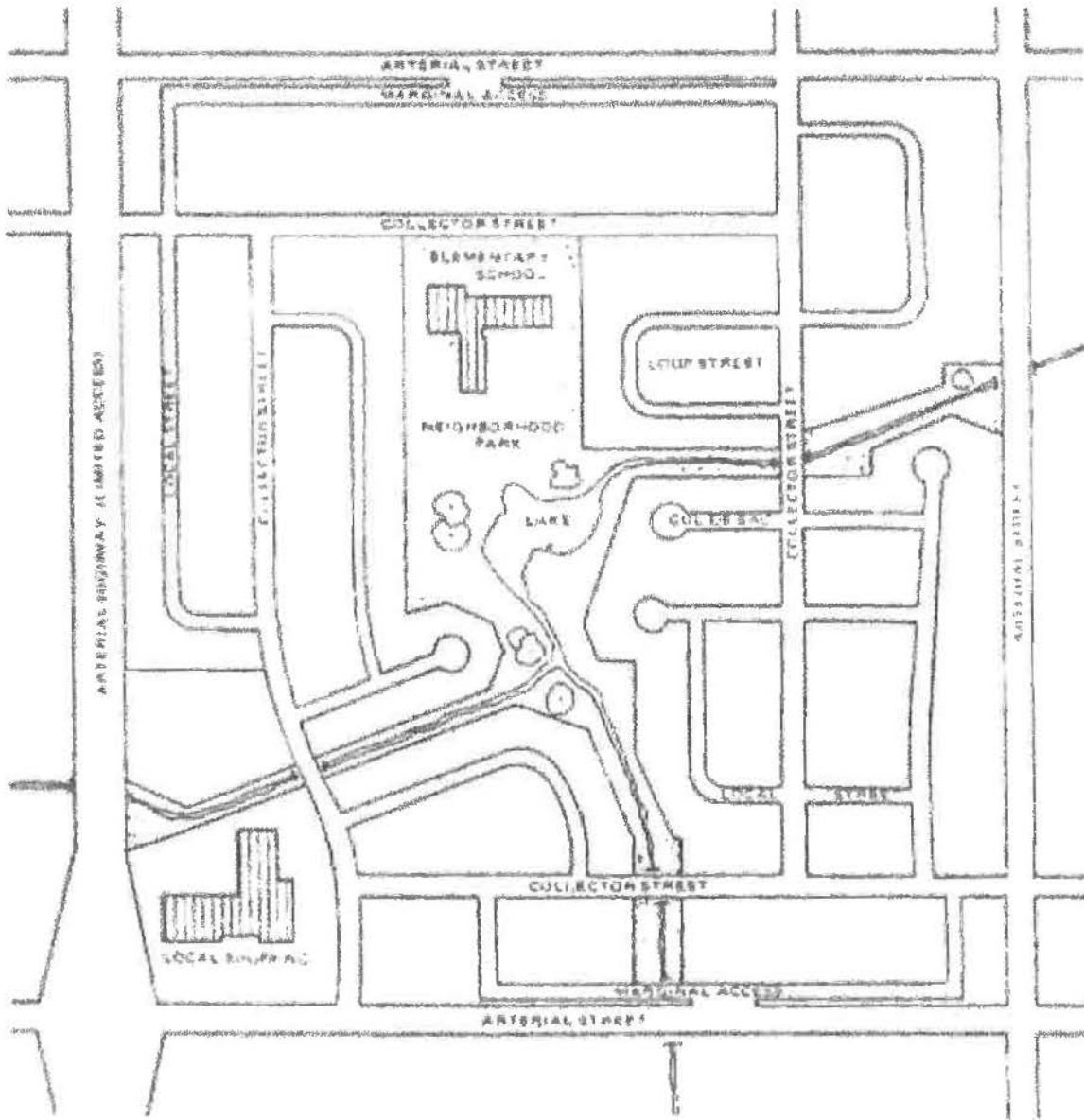
Depth figured from edge of Right of Way, not center of road.



LOT AREA= TOTAL HORIZONTAL AREA

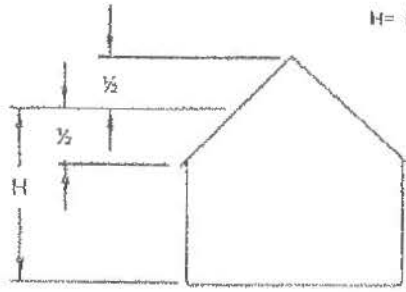
LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS



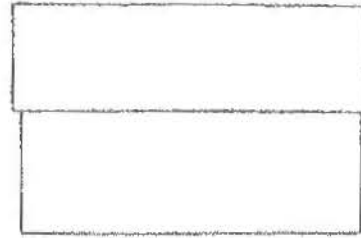
CLASSIFICATION OF THE THOROUGHFARE SYSTEM

H= HEIGHT OF BUILDING

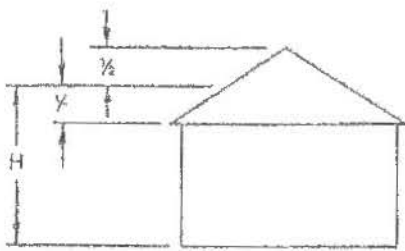


END VIEW

GABLE ROOF



SIDE VIEW

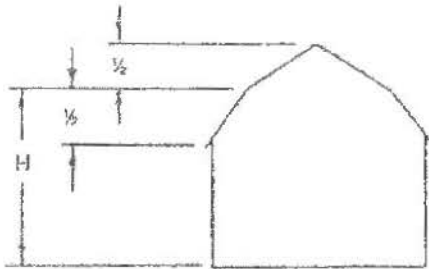


END VIEW

HIP ROOF

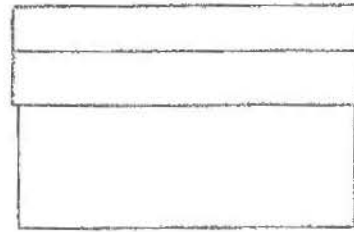


SIDE VIEW

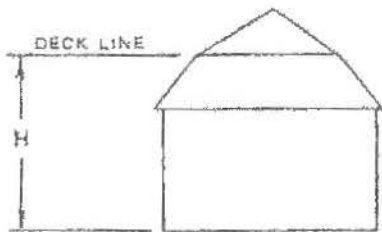


END VIEW

GAMBREL ROOF

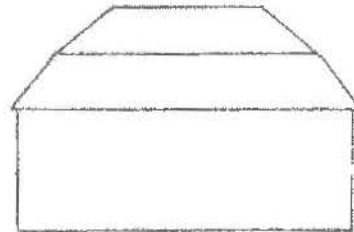


SIDE VIEW



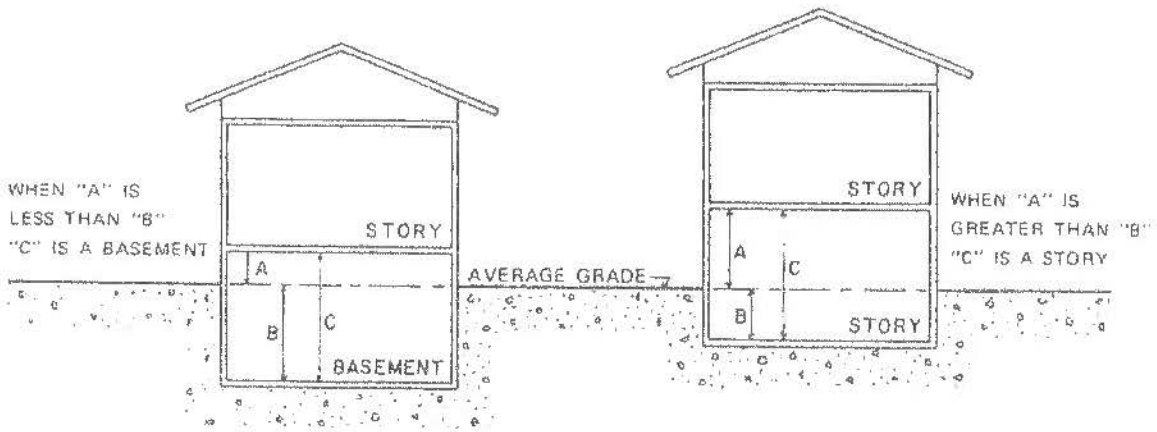
END VIEW

MANSARD ROOF

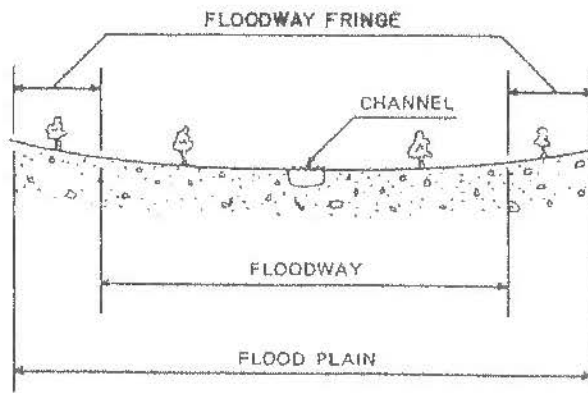


SIDE VIEW

ROOF TYPES AND BUILDING HEIGHT



BASEMENT & STORY



FLOOD PLAIN TERMS